



S.O.S.

‘SAVING OUR STATE’

**The Integrity Ireland Guide to dealing with Corruption,
Cronyism and Criminality in the Irish Justice System**

Version 1 - 2015

AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY

(Alternatively)

‘State of Shame’

Dealing with Tricksters, Thugs, Tyrants & Thieves
in the Irish Justice System



THE INTEGRITY IRELAND ‘S.O.S.’ GUIDE

Version 1 - 2015

ISBN: 978-1-906628-72-7

Published by CheckPoint Press, Ireland

www.checkpointpress.com



*CheckPoint
Press*

This guidebook belongs to:

Tel:

DISCLAIMER, ACKNOWLEDGEMENTS & COPYRIGHTS

Disclaimer: *This rudimentary 'S.O.S.' manual has been produced by Members of Integrity Ireland as a service to, and for the benefit of other Integrity Ireland Members and supporters in strict accordance with the declared Rules & Guidelines of the Integrity Ireland Community. It does not purport to be 'legal advice' other than in context of assisting untrained or misinformed litigants in their dealings with agents or agencies of the State (and/or with affiliates thereof) who are engaged in the misuse or abuse of authority and position - most notably those who operate under the remit of the Irish Justice System, particularly within the Government, An Garda Síochána, the legal profession and in the Irish Courts.*

Whilst all due care has been taken in compiling this Guide to ensure it is accurate at the time of publication, it remains the sole responsibility of the reader-user to ensure the accuracy and/or applicability of the information herein, and that the same is used or applied lawfully and appropriately. Neither Integrity Ireland nor any of its members (other than the individual end user) may be held responsible for the use, misuse, misunderstanding or inaccuracy of the information herein, and it is under this specific condition that this Guide is made publicly available.

Acknowledgements & Copyrights: *The materials herein have been collated from a variety of sources under the 'fair use' public copyright doctrine including Irish and EU Statutes; other publicly-accessible articles and records including the Citizens Information, Wikipedia and various State agency websites; and from quotes and articles in Irish newspapers. Other information has been supplied by insiders, whistleblowers and retirees in State agencies, and from the personal experiences of Integrity Ireland members & supporters. Gratitude is extended to all of those sources for their contributions. Thanks also to Village Magazine; The Journal.ie; Dr Finbarr Markey and Barrister Gary Fitzgerald for permission to quote their articles; to Barrister Kieron Wood for permission to use his glossary of legal terms; as well as to The National Land League; Peoples Internet Radio; Open Your Mind Radio; Reality Ireland; Indymedia; Tir na Saor; the Water Protest Movement; The Hub Ireland; Eviction Free Country; Right 2 Homes; Irish Media Alliance; independent TD's Clare Daly, Mick Wallace, Joan Collins and MEP Luke Flanagan, and many, many courageous others who are involved in the citizens rights movement, for their support and encouragement in compiling this Guide. Thanks also to columnist Shane Ross TD and reporters Susan Mitchell of the Sunday Business Post and to Justine McCarthy of the Sunday Times for their insightful and courageous reporting on the chronic failings in our justice system, as well as to those news columnists, reporters and social media activists of integrity who are willing to acknowledge, and speak the truth.*

Those parts of this publication which are already in the public domain are of course free from any secondary or implied copyright restrictions to the end user. The remaining text, including the Introduction, the preambles and the commentary in the various sections are copyrighted © to Stephen Manning and/or CheckPoint Press, and all normal rights are reserved. The various forms and templates throughout this Guide and contained in the Appendixes are for the use of the end user and may be copied and reused as needed.

As the various laws, rules and regulations are changed or amended, or as more contributions are submitted for incorporation into this Guide, it is anticipated that successive Volumes will be updated and republished. Readers are respectfully invited to send suggestions, amendments, corrections or any other contributions by email to: 'sos@integrityireland.ie'. Thank you.

© Copyright CheckPoint Press 2015

(With special thanks to Peter, James & John, to all our friends & supporters, and to the rest of the I-I gang)

INTEGRITY

“If you don't stand for something you will fall for anything.”

Gordon A. Eadie

“If not us, then who? If not now, then when?”

John E. Lewis

“A few people of integrity can go a long way.”

Bill Kauth

This Guide is dedicated to those who would see a better world for our children.

Table of Contents

I-I Mission Statement	7
Introduction	8
Using this Guide	16
Part 1: The Constitution, Crimes & Culpability	17
The Irish Constitution - A Summary	18
Selected Articles of the Irish Constitution	19
Civil or Criminal Offences - what's the difference?	24
Types of Criminal Offences - Summary, Indictable & Hybrid	25
Hybrid Offences - i.e. Indictable Offences which can be dealt with Summarily	26
Irish Crime Classification System	28
When Authority Figures Commit Crimes	30
Part 2: The Common Informer Legislation	39
Prosecuting by Common Informer - Overview & Procedure	40
The Petty Sessions (Ireland) Act 1861	42
Court Rules Pertaining to The Common Informer Procedure	46
Prosecute a Banker - An Article by Barrister Gary Fitzgerald	49
Part 3: Acts, Laws & Statutes	53
Law of the Republic of Ireland	54
Criminal Justice (Theft & Fraud Offences) Act 2001	57
Non-Fatal Offences Against the Person Act, 1997	61
Whistleblowing - The Obligation and Duty to Report	65
Criminal Justice (Public Order) Act, 1994	66
Ethics in Public Office Act, 1995	76
European Convention on Human Rights Act, 2003	77
Regarding The European Court of Human Rights	80
The Magna Carta - Precedent & Repeals	85
Legal Precedent/ Binding Precedent	86
Freedom of Information Act, 2014	88
The Universal Declaration of Human Rights	92
Part 4: Dealing With the Establishment	93
When They Ignore, Delay, Frustrate or Obstruct You	94
Civil Servant or Public Servant - What's the Difference?	95
Civil Service Code of Standards & Behaviour	96
Dealing with the Establishment by Phone	98
Corresponding with the Authorities by Letters and Emails	99
Using Postal Services	102
The Irish Government	105
Overview of the Irish Political System	106
Government Ministers, and emails	106
Code of Conduct for Members of Dáil Éireann	107
Structure of the Department of the Taoiseach (chart)	108
Structure of the Ministry for Justice (chart)	109
The Director of Public Prosecutions	110
Relationship between DPP and Ministry for Justice	114
An Garda Síochána	120
Garda Organisational Chart	121
Dealing with An Garda Síochána	122
Making a Statement or Lodging a Complaint	126
Optional Clauses for use in Garda Complaints	127
Garda Declaration of Professional Values & Ethical Standards	129
S.I. No. 214/2007 - Garda Síochána (Discipline) Regulations 2007	131
The Garda Síochána Victims Charter	134
Standard Advisory to Gardaí	137
The Garda Síochána Ombudsman Commission (GSOC)	138
Lawyer, Solicitor or Barrister - What's the Difference?	140
What are the Main Duties of a Barrister?	141
Solicitors - Core Values of the Profession	144
Irish Solicitors - The I-I Review	146

Making a Citizen’s Arrest	148
Power of Attorney	152
Taking Direct Action - A Summary	156
Invoice Template	158
Part 5: The Courts, Registrars & Judges	159
The Overriding Objective - Where Is It?	160
List of I-I Members’ Experiences in Irish Courts	162
The Irish Court System & Structure of The Irish Courts	164
Acting as a Lay Litigant	167
The Courts Service	169
Irish Judges & Registrars- Oath of Office	170
The Independence of the Judiciary	172
Contempt of Court	175
European Convention on Human Rights - Article 6 - The Right to a Fair Trial.....	178
Going Before the Court - Your Rights & Contempt	179
The Role of County Registrars	180
Amicus Curiae - Friend of the Court	183
The McKenzie Friend	184
The Recording of Proceedings - What’s the Law?	185
“Prohibiting Recording in Court: Another Arrow in our Quiver?” - An Article by Dr Finbar Markey	188
Rules Regarding the Clearing of a Court and the Prohibition of Reports	189
Disclosure, Discovery, and the Gary Doyle Order	190
The Small Claims Procedure	197
The ‘In Camera’ Rule and the Family Courts	199
Behind the Veil – A New Era Has Begun for Family Courts	200
Findings of the Judicial Appointments Review Committee	201
“Judges Aren’t Rotten - The Appointments System Is” - An Article by Shane Ross TD	203
A Summary of the Most Expensive Legal System in Europe	205
Judicial Council Imperative- Says Chief Justice	207
Association of Judges Ireland	208
Notable Quotes and Statements by Irish Judges and Registrars	209
Part 6: Glossary & Dictionary	213
English Legal Terms	214
Latin Legal Terms	228
Part 7: Letters to the Authorities	237
Selected Letters to Heads of Gardaí / Judiciary / Ministers / Taoiseach & President	238
Appendix I - Articles of Interest	265
“On Mahon and Irish Corruption” - an article by Village Magazine	265
“European Rights Body Warns of Corrupt Ireland” - an article by the Irish Examiner	269
The Psychology of Institutionalised Exploitation and Abuse	270
The Psychopath - The Mask of Sanity	272
Worth Considering	275
Words to the Wise	276
Appendix II - Forms & Templates.....	277
Form 15.3 Information for Common Informer procedure	
Form 15.1 Summons for Common Informer procedure	
Witness Summons for the District Court	
Notification of Submission of a Criminal Complaint	
Constitutional Grounds for Non-cooperation	
Letter of Authorisation	
Case Progress Record	
Constitutional Affirmation plus attachments etc.	
Legal Services Guarantee	
Court Hearing Report Form	
Compiling a Statement / Affidavit	
Statement of Delivery or Receipt	
Garda/Legal Interview Report	
Public Notification of a Criminal Complaint	
Appendix III - Joining Integrity Ireland.....	297
About Us	
General Rules & Guidelines for I-I Members	
J.U.S.T.I.C.E. Principles	
Application for Membership	
Seven-Minute Synopsis	
Short Complaint Form	
Breakdown of Complaint Categories	
Long Complaint Forms	
Format for Local I-I Meetings	
Attendance Record	
I-I Action Panel Setup	
Local Meeting Agenda	
Instructions for Facilitators - New Members	
Closing Comments (&) About the Author	

THE INTEGRITY IRELAND MISSION STATEMENT

“Encouraging openness, transparency and justice in the institutions of the Irish State, and serving as a support network for wronged citizens.”

(Long form)

1. To encourage openness, transparency and justice in the institutions of the Irish State, through the accurate and objective reporting of issues and events that run contrary to the principles of natural justice; that breach the Articles of the Irish Constitution; and/or violate the fundamental human rights of the citizen.
2. To serve as a moral and practical support network for wronged citizens, incorporating access to the combined knowledge of the membership, and to the facilities on the website.



www.integrityireland.ie

integrity ireland



www.integrityireland.ie



Citizens for Justice, Transparency and Accountability

..challenging corruption, cronyism, and criminal cover-ups..

Integrity Ireland is a citizens-driven network and support group set up to tackle corruption and malfeasance in this State, particularly within the legal profession and law enforcement – and their respective oversight bodies; the Law Society, the Garda Ombudsman and the Courts.

We deserve better than this Ireland!

One by one - together - we CAN make a difference!

Please check out the benefits of I-I membership online.

INTRODUCTION

It should be clear by now to everyone involved in the *Integrity Ireland* project that by-and-large, Irish State Institutions are wholly unfit for purpose.. unless of course, one accepts that ‘the purpose’ is to protect the establishment at the expense of the rest of us.

It is perhaps stating the obvious when we note that these institutions—albeit being utterly unfit to serve their mandates to the public—are actually quite efficient at frustrating any efforts in holding rogue authority figures to account. Those who head up these institutions have all the resources of the State at their disposal as well as the services of multiple layers of obedient bureaucrats who are well-versed in the practices of evasiveness, non-accountability, media spin, and protecting the powers that be at all costs. In this manner today’s generation has inherited a Civil and Public Service which reflects the morality of the current leadership. When that leadership comprises politicians and administrators of the lowest moral character who will not hesitate to lie, cheat or finagle their way to the top—regardless of the damage it is doing to the country—then clearly, these institutions are NOT to be trusted.

Anyone who has had a serious problem with institutions of the State; such as the much-maligned HSE, the Department of Education or An Garda Síochána (for example) quickly runs into a wall of obstructionism, denials and endless deferments designed to frustrate any efforts to get to the truth. We need only look at the decades-long Morris, Moriarty and Mahon Tribunals which cost the Irish taxpayer hundreds of millions in *unvouched* costs and expenses; the shocking Residential Institutions, Magdalene Laundries and symphysiotomy scandals; the systematic denial of justice, and the State-sponsored intimidation of individual abuse survivors; the targeting of Garda whistleblowers; the ongoing suppression by the Ministry of Justice of hundreds of legitimate complaints of serious Garda wrongdoing; and the farcical banking inquiries – to see how efficiently ‘the powers that be’ are, when protecting themselves in circumstances that are morally indefensible. This is an alarming situation which should be absolutely unacceptable in a so-called democratic republic, and it remains a matter of bewilderment to many outside professionals that the Irish people continue to put up with this, especially after so much sacrifice in the historical quest for sovereignty and freedom from oppression.

This endemic problem cannot be solved ‘from the bottom up’ because the problem is NOT in the lower ranks. Most people who enter State institutions are decent, hardworking and sincere at the time they begin their careers – but a system that is controlled by corrupt or compromised authorities cannot but reflect *their* particular skewed ‘values’ – which in turn demands compliance from subordinates if they are to prosper in that environment. Indeed, trying to maintain one’s moral integrity in these compromised conditions only ensures that there will be no meteoric rise to the top for any such earnest souls. *That* overprized experience is reserved for those who understand the dynamics of cronyism, and whose consciences have been dulled by the promise of promotion.

In such a manner, nepotism, bias and clandestine ‘favours’ done and received have greatly undermined the efficacy and purpose of an overblown public sector whose misguided concept of ‘service’ is rooted in an abject deference, as demanded by venal superiors. Rooted in a conscience-numbing ‘jobs-for-life’ culture where ‘professional standards’ are alarmingly inconsistent and where bonus payments are dished out gratuitously, it is little wonder that even the most junior of officials soon develops an inappropriate sense of cosy entitlement, and comes to see ‘service to the public’ as a nuisance and a distraction from their *real* day-to-day duties; which is to gratuitously serve and protect their superiors and thus protect their own wages, prospects and pensions. After decades of creeping disregard and contempt for the public, these are the so-called ‘values’ which underlie practically all of our State institutions. This includes

our so-called ‘statutory oversight bodies’—the various regulators, ombudsmen, tribunals and ‘special review panels’—whose Board members and adjudicators have been cherry-picked from a disturbingly shallow pool of well-connected operators who absolutely *know* which side their bread is buttered. Solemn proclamations by State agencies that these appointments are being made only after a ‘*robust, impartial and transparent interview process*’ are simply not credible. The same creeping malaise infests An Garda Síochána where senior management do not ‘rise through the ranks’ on merit, but instead, gain promotion based upon their political and social affiliations. This causes considerable dismay amongst dedicated ranking Gardaí as well as fuelling public disquiet that our so-called ‘*Guardians of the Peace*’ might occasionally struggle to distinguish who it is they are actually being paid to serve; the people, or a corrupt political establishment? Unfortunately, the same is also generally true of our judicial appointments system which is anything but ‘truly independent’ or ‘transparent’, functioning in effect as a gilt-edged platform of reward for compliant legal professionals who are already well-embedded in prevailing political circles. When it comes to positions of trust, power or authority it seems, it’s just more of the same old cronyism and nepotism at work—with all of the same old expected outcomes—and the higher we go of course, the greater the perceived risk of ethical and moral contamination.

CORRUPTION, CRONYISM & CRIMINAL COVER-UPS

Nobody is suggesting that corruption doesn’t exist in some form or another in every country on earth. However, what makes Ireland somewhat unique when it comes to domestic corruption in the 21st Century, is the breadth and depth of that corruption in such a young and supposedly ‘modern’ democracy, where so many agencies of the State prioritise (as an undeclared objective) the exploitation and deception of the public; the cover-up of systemic white-collar and political crime; and the protection of well-connected wrongdoers who profit abundantly, and repeatedly, at our collective expense. But this endemic duplicity didn’t become an established—even accepted—part of the socio-political culture overnight. It is the product of the coming-together of a number of elements which, although they may to some extent explain how our ‘land of saints and scholars’ has fallen so far, does not in any moral sense excuse the behaviour of those involved, nor release us from our collective moral duty to challenge, expose and confront those responsible.

Some of the elements which have contributed to this ‘perfect storm’ scenario are:

- Ireland’s tribal past and the ingrained urge to ‘look after’ one’s friends, relatives and supporters; an understandable, even admirable ethos - until, being done at others’ expense.
- The 700 years of British rule which set a colonial-style model of oppressive governance which is now being aped - to a certain extent - by those in positions of power.
- The inheritance of a fully-fledged State infrastructure from the British which was adopted more-or-less wholesale by the fledgling Irish State, but *without* the requisite expertise, experience or checks-and-balances required to function efficiently or truly democratically.
- The evolution of a massively-overblown and wasteful Public Service upon whose good will and support each successive Government depends; the culture of routine pay increases and lifelong entitlement that prevails amongst Civil & Public Service managers in particular; and the prevailing ethos of ‘protect the Minister and the establishment at all costs’ - regardless of how they are performing for the public.
- The historical deference of the State and its employees to other institutions or perceived ‘authorities’ (most notably the Catholic Church, and more recently the bankers, the senior bond holders, international corporations, the Troika et al) at the expense of the rights of ordinary citizens.

- The fact that most of the so-called ‘statutory oversight bodies’ / ombudsmen / tribunals of investigation / review panels or ‘official enquiries’ in operation today are staffed by ‘connected’ insiders who have a vested interest in protecting the status quo.

The resulting moral and systemic failures in Irish State institutions has been greatly compounded by the greed, arrogance and ruthless ambition of certain political leaders of the recent past and the attitudes of selfish entitlement of their supporters and cronies - many of whom have found themselves being casually promoted to lofty positions of prestige and power for which they were neither technically, nor morally qualified. Arguably, this is what lies at the heart of the problem in the Irish justice system today; too many compromised cronies, and not enough persons of courage, character and conviction who are willing and able for the task.

This is why *Integrity Ireland* was set up to tackle corruption ‘from the top down’ especially within An Garda Síochána, the legal profession and the Courts. Because if you *do* have a serious problem with another State institution, agency or individual, you will invariably find yourself dealing with the Gardaí, with lawyers and/or ultimately with the Courts. And if these particular institutions cannot be trusted then we are in a very serious predicament indeed. Because if our *lawmakers* become the *lawbreakers* – then arguably, there is no real ‘law’ anymore, and certainly no real justice for ordinary citizens. For those of us seeking legitimate relief in 21st Century Ireland, the so-called ‘Irish justice system’ has become a disturbing oxymoron – a hugely disappointing contradiction-in-terms which exists it seems, only to serve the interests of the favoured few at the great personal expense of the many. It is in effect one great big lie being foisted on a largely-unaware Irish public by well-connected, professional elites whose unworthy interests and ambitions remain dependent upon our ignorance, and upon the longstanding pretence that our legal system and our Courts are in fact something more than the contrived instruments of a so-called ‘legal profession’—sponsored chiefly by vested interests—that deals largely in exploitation and profiteering; the collective product of a deceptive propaganda, couched in deliberately obscure language, and wrapped in an oppressive medieval pageantry. Sadly, it has been no great surprise to discover that some of the worst examples of corruption, fraud and malfeasance occur amongst the higher ranks of An Garda Síochána, by State-sponsored ‘legal professionals’ and by the administrators and adjudicators in our Courts – in close competition of course with some of the more prominent representatives of the established political parties acting in collaboration with the so-called ‘privileged elites’.

The *Integrity Ireland* project is not the first attempt to do something about corruption in the Irish justice system, but it is probably fair to say that our recent combined anti-corruption campaigns have done more to unsettle errant authority figures than any previous efforts by ordinary citizens. Certain strengths and weaknesses in our campaigns are becoming evident as we try out various tactics, and we need to be alert as to what is effective, and what is not. For example, the recent submission of hundreds of serious complaints of Garda wrongdoing was reluctantly received by the Minister for Justice with a solemn public promise that ‘something’ would definitely be done about it. That ‘something’ now appears to be the typical Government response – that of endless denials, delays and deferments (in the guise of a so-called ‘Independent Review Mechanism’) which is clearly designed to exhaust complainants’ resolve. But now that we are organised as a group and are communicating freely with each other, the usual State tactics of sending out contrived generic ‘personal letters’ along with convoluted and dismissive referrals to other agencies is simply not cutting the mustard - at least, not any more. No doubt, urgent discussions are afoot in Ministerial Offices as to how to kick this particular can of worms down the road – at least until the next election – when it will of course become someone else’s embarrassing problem. After months of hollow excuses, prevarications and delays, it is clear that those who have so very reluctantly ‘assumed responsibility’ for this mess have absolutely no intention of dealing with matters in an open, honest and forthright manner – not unless they

are forced or embarrassed into doing so. And even then, any such ‘official response’ will no-doubt consist of some last-minute frantic attempt at ‘damage control’ where the *real* truth will again become the very first casualty. Meanwhile, as per usual in this wayward State of ours, justice for the ordinary citizen goes a-begging.

For compromised State agencies so heavily invested in suppressing evidence of their own wrongdoing the only remaining option is to string us along using all the resources at their disposal hoping that we will eventually tire of the chase. Firstly, they deny any wrongdoing and give us the proverbial run-around. Then, if we persist, they refer us to some other agency or State Department or, more disturbingly, use other indirect ‘solutions’ such as Garda harassment or intimidation to remind us of our ‘proper place’. Finally, if we continue, undeterred, to insist on some *proper* response, they simply go silent – leaving us wondering why our legitimate questions and complaints are being systematically suppressed and ignored? The key it seems is to keep us waiting, indefinitely, heaping delay upon frustrating delay as we vainly hope that ‘someone in authority’ will actually do the honourable thing. But then we return to the original question; why on earth would they do *that!*? For certainly there is no profit in it – at least not for them. After years and years of fruitless attempts trying to secure openness, transparency and accountability; and after so many ordinary citizens’ lives have been ruined by this systemic corruption, craven hypocrisy and lack of any proper accountability – surely we can all agree that it’s now time to try something different.

TACKLING ISSUES – BY TACKLING THE INDIVIDUAL TRANSGRESSORS

A man commits a crime. He gets caught. He is prosecuted and sentenced to jail. Everyone understands that he has done wrong. Even he understands that his actions were wrong and he has to pay a penalty. *The bad action needs to have a consequence for the person who acts wrongly.* And that’s why civilised societies have justice systems that penalise wrongdoing – otherwise we would have chaos, anarchy and injustice everywhere.

The problem we are facing in Ireland is that many of our authority figures, most noticeably senior Gardaí, lawyers and civil servants are engaging in routine criminal activity and are doing so with apparent impunity. It is a shocking ‘Catch 22’ situation when the custodians of our justice system are operating in effect as if they were a criminal organisation preying on ordinary citizens and abusing all of their statutory responsibilities. After a lifetime of mundane abuses of the law and the Constitution many of these individuals believe they are above the law – and who can blame them? Whether it be Garda Management, the Office of the DPP, or barristers and solicitors raking in unvouched fees hand-over-first on State projects; or any other number of consultants, State Board appointees or the favoured friends and relatives of senior politicians benefiting from ‘insider’ deals and appointments; the plain fact of the matter is that the public are getting very poor value indeed from Irish State institutions – and that is putting it mildly.

Unqualified Ministers-of-State and senior civil servants mask their incompetence by hiring expensive self-styled ‘consultants’ (at the taxpayers’ expense of course) whose main area of expertise seems to be finding new ways to fleece an unsuspecting public. Amidst stifled giggles, foreign experts struggle to find the words to describe the rampant incompetence and stupidity on display – not to mention the incoherent arrogance of State agents whose misplaced attitudes of privileged entitlement belong back in the dark ages. The recent voting machines; toll booths; water charges and Eircode fiascos all spring to mind. With all due respect to those who sincerely do their best in difficult circumstances; one wonders indeed what it costs the country to support legions of inept, arrogant and compromised State employees – who are not only NOT doing their jobs properly in the first place, but who are in many cases doing the very opposite of what they have been paid to do; namely, to serve and protect the Irish public and uphold the the law and the Constitution – and NOT to abjectly promote the corrupt agendas of amoral elites.

As for justice and the administration of justice? Well, there is a relatively simple premise which governs our Irish judicial system. The Constitution '*Bunreacht nah Eireann*' (literally, '*the Basic Law of Ireland*') is the prevailing legal document that sets out citizens' fundamental rights and how Ireland *should* be governed. The law (as interpreted and applied by the Government and the Courts) is supposed to be a literal, case-specific interpretation of the Constitution. Likewise, judges are supposedly, '*independent in their functions, subject only to the law and the Constitution.*' But what happens when judges for example do NOT abide by the law or the Constitution? What happens when they act in capricious and prejudiced ways? Can they be sacked for incompetence – for making unconstitutional or clearly unjust decisions? The sad answer is no—not at present—not unless two-thirds of the Oireachtas agrees to impeach them; something that hasn't yet happened in modern Ireland despite all the evidence of incompetence, corruption and even criminal activity by certain members of the judiciary.

With all due respect to the *best* of our judges it matters little apparently, that manifestly unjust decisions are being made on a routine basis in our Courts – in direct contravention of our Constitution and of all the principles of natural justice. A recent example was when one of our members *proved* in Court that Gardaí had conspired with the Office of the DPP to falsely arrest and detain him. Having spent many months and several thousand euros defending himself, this individual was rightfully astonished when the judge refused him any compensation whatsoever—not even his travelling expenses—and no-one from the State-sponsored opposition got even a token slap on the wrist.

Other routine examples include Court Hearings being held (illegally) in the absence of Plaintiffs; of Court files being improperly interfered with; of routine fraud and perjury going unpunished; of irascible judges barking orders at bewildered lay litigants; of litigants being forcibly removed for simply asserting their right to speak; and of Gardaí blocking the public's entry to supposedly 'public' Courtrooms. To add insult to injury, we then have certain judges overruling each other's legitimate Orders, publicly contradicting each other and sometimes even contradicting their *own* previous rulings and decisions – and all of this is being paid for by us, the gullible taxpayer! In short, there is very little to inspire confidence in our legal system as it stands. It is in the main unpredictable, inconsistent, chaotic and largely unmanageable – at least for ordinary citizens – who are justifiably losing faith in a so-called 'justice system' where certain judges operate *outside* of their jurisdiction and remit—often personally conflicted—and sometimes even in contravention of the Constitution itself. In this manner inept, errant or wayward judges can undermine and even subvert the Constitution at will – safe in the knowledge that they cannot be sacked, and safe in the knowledge that ultimately 'the system' will protect its own. This unsettling reality was recently demonstrated in the response of the current Minister for Justice upon receipt of a petition containing thousands of signatures requesting the impeachment of a District Court Judge. The petition was contemptuously returned by the Minister with the absurd and nonsensical declaration; "*I have no role to play in this matter.*"

So what happened to judges being 'subject to the law and the Constitution' then, and where are the checks and balances in this so-called 'justice system' – a system where 5 out of 6 judges are members of the ruling political party when appointed to the bench – by the Government - and where JAAB (*the Judicial Appointments Advisory Board*) has not held even ONE single judicial interview in over 11 years!?! We really have to ask ourselves again; who is being taken for fools here folks? Our judges are supposed to be the very *best* of us. They are supposed to be wise, judicious, fair and independent. They are there to protect us from abuses of the law and the Constitution - *not* to facilitate them. Unfortunately—and with all due respect to those few notable exceptions to this rule—this is exactly what is happening on a daily basis in many of our Courts, and you or I—or any other unsuspecting citizen—could be the next unwitting victim. But there IS something that we can do about this.

TAKING DIRECT ACTION

As we said before, it is pointless trying to tackle this problem from the bottom up, where you face layer after layer of frustrating bureaucracy and will likely never ever get to the real source of the problem. We need to go straight to the top – or at least, go straight to the source. And the source of any given problem is usually someone in authority who is abusing their power and position. The type of ‘someone’ who *could* effect positive change in the system if they really wanted to. Somehow, we have to convey the message to these people on a very *personal* level that it simply isn’t worth the trouble of NOT doing their jobs correctly – and it certainly isn’t going to be a pleasant or profitable experience for them if they continue to actively conspire to visit knowing injustices on ordinary, trusting citizens! You see, the main reason they act like this in the first place is because they profit from it either *directly* (via legal fees / bribes / ‘favours’ / brown envelopes etc), or *indirectly* through enhanced promotion prospects for example, because it is abundantly clear that the way to the top in compromised institutions is to be ruthlessly efficient at promoting that institution’s agenda - which in this case, is to reward the deception, abuse and exploitation of the public, and to punish any efforts at decency and truth (think of the treatment of the Garda whistleblowers). In this manner a whole cabal of career sociopaths have emerged at the top positions in Irish society and governance - and you can bet your bottom dollar that they are NOT going to give up those coveted positions out of any personal sense of shame. Sociopaths and psychopaths simply don’t ‘do’ guilt. They do greed, selfishness and exploitation of others, and can do so untroubled by any real sense of empathy for those they are exploiting.

Clearly, passively following *their* rules in submitting official complaints or taking legal action against the State isn’t working, and hundreds of I-I Members will testify painfully to that. Whether it be the Garda Ombudsman (GSOC); the complaints department at the Law Society; or trying to take a civil action for damages in the Courts, the experience of most I-I Members is that it is an exercise in pure futility and frustration. Even in those rare cases where a legitimate complainant manages to get an erring State body into Court and is ready to prove culpability in some serious wrongdoing, the State will fight the claim tooth-and-nail to the bitter end, regardless of the facts. Then, at the very last moment, and having dragged the complainants through years of unnecessary and often-painful litigation (at the taxpayer’s expense) State agencies enter into secret settlements with the complainants (again, at OUR expense) under the strict condition that those complainants do NOT disclose any of the details - thus ensuring that nobody in authority is ever held properly to account. It is an utterly disgraceful and even perverse scenario when errant authority figures can basically fund their own repeated misconduct at the taxpayers’ expense, knowing they will never personally be held to account for the awful damage and distress they are causing. In this manner, authority figures who have committed some appalling acts of negligence and malfeasance (whilst being paid by us) find themselves in this perennial ‘win-win’ situation, arrogantly defending their own wrongdoing using all of the resources of the State (at OUR expense again); and then, in the ultimate gesture of contempt, coercing everyone involved into silence by dipping again, into the public purse.

Clearly, expecting ‘the system’ to hold its own erring administrators properly to account is, quite frankly, a fool’s game and a colossal waste of our time and resources. What is needed is a direct and uncompromising approach that targets individual transgressors in some *effective* way that will seriously get their attention and encourage them to reform at the very least; something that will counteract a dysfunctional system populated in the main by compromised State agents who have scant respect for the public and who cannot be trusted to fulfil their mandates in an open, honest and transparent manner. The fact is that ALL citizens – including lawyers, Gardaí and Judges – are subject to the law. This leads us to an obvious question: If a Garda were to order another person to commit a crime – is that person obliged to obey that Garda? No, of course not! In fact, not only are we legally required to abide by the law of the land, but according to the *Reporting Obligations* of the *Criminal Justice Act 2011* we are obliged (under pain of serious

penalty) to report offences where, “*there is prima facie evidence of the commission of a relevant offence.*” In other words, if we know that a particular crime has been committed then technically speaking, we *should* immediately report that crime. All the more so perhaps when those committing the offence are the very people entrusted with the administration of justice. It might seem a bit odd at first to be reporting solicitors, senior civil servants and erring Gardaí to the Gardaí, but in circumstances where the respective ‘statutory authorities’ (the Law Society, the Garda Ombudsman and the Ministry for Justice for example) are actively complicit in covering up serious wrongdoing – and where the Irish Courts simply cannot be trusted to protect our rights in any consistent way – then the law-abiding citizen really has no other choice but to report matters to the Gardaí and have those complaints officially lodged on the Garda PULSE system. At least that way, there is some ‘official record’ of what is going on that can’t (or at least shouldn’t) mysteriously ‘disappear’ and, whether or not there is any subsequent proper investigation by Gardaí or the DPP, at least WE can make reference to these criminal reports when lodging information on the I-I HAFTA Database or on public forums, or, when taking any other actions in defence of our fundamental rights.

The recent use of private prosecutions in the District Court by members of the public is also proving to be an effective deterrent against abuses by rogue authorities, and is a facility enshrined in Common Law which should not be underestimated. In the abject failure of the Gardaí and the DPP in prosecuting blatant criminality amongst authority figures, it is refreshing to know that we can take the initiative - at no financial cost to ourselves - to initiate a criminal prosecution in the Courts. It is a very new concept for many of these repeat offenders in positions of power and authority; to hear they have been summoned to a public Court to answer for their sins and may even face a criminal conviction - despite their connections in high places! Likewise, the simple premise of absolutely refusing to be a party to any activities being engaged in by authority figures which appear to be unlawful or unconstitutional, places us back in the moral and constitutional position of authority over rogue agents of the State. So, each and every time you are wronged by an authority figure, you take direct action. You don’t just sit and moan about the situation – you take action! You lodge a formal complaint with the *head* of their institution (not their line manager); you also lodge a criminal complaint with An Garda Síochána and send a copy to the Garda Commissioner; you also take action in the District Court and, if appropriate, you also bill the individual for wasting *YOUR* precious time. We can’t guarantee that you will get full satisfaction every time, but we *can* guarantee that you will get their immediate attention – and that in itself is a big step forwards.

This has become a key strategy in our battle against endemic corruption, criminality and cover-ups by State agents; to tackle each and every instance of injustice visited upon our members, and target the individual transgressors with the full weight of the law, with the Articles of the Constitution and with the rules and regulations of the institution where they are employed. Exposure on social media is another tool that should not be underestimated, because it builds another public record. Whatever their rank or position, and whatever their own perceived sense of importance, the fact of the matter is that ALL Irish citizens are subject to the law and the Constitution – and clearly, some of these individuals need to be reminded of this quite urgently. No-one likes hearing that a public, criminal complaint has been lodged against them – especially those with an inflated sense of their own importance and perceived immunity from accountability – and maybe, just maybe, the knowledge that we are ready and willing to challenge and expose serious wrongdoing by senior authority figures, will help to draw their attention to their own solemnly-sworn obligations and responsibilities, and perhaps encourage them to be a touch more diligent and conscientious in their approach to their work? Alternatively, erring authorities face the prospect of public exposure and embarrassment as we publish the various complaints that have been lodged against them, and pursue with a relentless determination, our absolute fundamental right to justice.

There are seven main ways we intend to achieve this:

- By gathering information for the HAFTA Database so that individual I-I Members will be better informed as to the histories of erring authority figures.
- By putting I-I Members in personal contact with the victims of rogue authorities for the purposes of direct moral support and to provide first-hand witnesses in any subsequent legal actions or formal complaints.
- To lodge formal written criminal complaints with Garda HQ and the respective authorities ‘for the record’; and by publicly naming-and-shaming those authority figures who seriously breach the law or the Constitution, or who routinely abuse their positions in contravention of their respective Oaths of Office.
- By initiating criminal proceedings in our own names in the District Court, thus sidestepping the need to engage with ineffective State agencies and supposed ‘statutory oversight bodies’ and raising the prospect of criminal convictions being delivered on rogue authorities.
- By refusing, absolutely, to knowingly comply with - or be a party to - unlawful, criminal or unconstitutional activity - especially when instigated by the authorities.
- By billing rogue authority figures for the time, costs and stresses visited upon us.
- By maintaining our own unity, integrity and determination - thereby counteracting the unjust imbalances within ‘the system’ and promoting a genuine cultural change in the attitudes, morals and ethics of the public sector.

In addition to other anti-corruption tactics, such as attendance at Court Hearings, making citizens’ arrests, and the daring use of social media; this is how we hope to ensure more openness, transparency and accountability in Irish institutions and less routine injustice – by working together in *personally* confronting corruption, cronyism and criminal cover-ups in direct and courageous ways, and by ensuring that those responsible cannot continue to act with impunity and contempt for the public, for the law, and for our hard-won Constitution. A solemn Constitution to which they are each duty-bound, under oath, to protect, uphold and respect.

This modest Guide, and the *Integrity Ireland* movement, does NOT comprise, “..a wholesale, collateral attack on the establishment...” as has been stated in the mainstream media. Nor are we criticising the sincere efforts of those within the establishment who endeavour to maintain their personal integrity in morally-challenging circumstances. No, this Guide is just our first modest attempt to empower ordinary citizens to stand up against abuse and oppression - especially when that oppression is clearly unjust, immoral and even illegal.

It *IS* absolutely true to say however, that the *Integrity Ireland* movement is a direct and definitive ‘attack’ (per se) on the rampant *corruption* that exists within the Irish establishment today - and we will be making absolutely no apologies for that. Indeed, if any particular individual, agency or institution named in this Guide feels that they have been unjustly maligned or defamed in this publication (and notwithstanding our sincere undertakings to correct any factual errors herein), then that party should of course immediately issue proceedings ‘in the overall interests of truth, justice and transparency’ and we will gladly and willingly respond by producing the evidence and witnesses in support of our position in the open forum of OUR public Courts.

If you want to hear more about how we can help you, and how you can help others, please consider joining us at www.integrityireland.ie because..

“One by one – together – we CAN make a difference!”

Using this Guide

This Guide is our first attempt to produce information and guidelines that will help you to negotiate an often convoluted and confusing ‘justice system’ with some level of understanding. It is a work in progress that was born out of the experiences of other *Integrity Ireland* members who, in some cases, have experienced decades of frustration, abuse and exploitation at the hands of corrupt authority figures and errant legal professionals, and who want to ensure that others do not suffer the same experience. This principle lies at the heart of the *Integrity Ireland* ethos; that in helping others, that ultimately, we also help ourselves.

For legal reasons it needs to be emphasised that we do not claim to be offering ‘legal advice’ nor are we qualified to do so - other than as a result of the combined experiences of *Integrity Ireland* members who have freely offered to share their experiences and insights with others. What we *do* claim to be offering here is some intelligible method whereby lay litigants in particular can *begin* to understand the basics of dealing with law enforcement, lawyers and the Irish Courts - especially in adverse situations - so that you are not overly disadvantaged or subject to unfair exploitation by those who might capitalise on your lack of knowledge or understanding.

As we learn more about ‘the system’ and how it operates we will update this Guide and publish new versions - doing our best to ensure that only ‘key’ information is included and thereby keeping the Guide to a practical length. In the same vein however, we realise that this Guide is limited in its current form particularly when it comes to progressing lay-litigant’s cases through the Irish Courts. Such are the bewildering intricacies and perplexities of the various Courts processes (which are each different from each other) it would be impossible - in a Guide of this nature - to cover all the options and possibilities with some measure of coherence and clarity. Therefore we would always advise - if you can afford it - to seek out a trusted legal advisor who will undoubtedly be able to provide a far more comprehensive overview of the convolutions of our archaic Courts system, than the modest offerings contained in this Guide.

This Guide is produced in A4 format for ease of photocopying the various forms that are used by *Integrity Ireland* members as displayed in Appendixes II & III. These forms are free to use and can be copied and shared with others at will, and we would strongly advocate that these forms are put to immediate use, because the more of us that engage in the tactics of direct action - the sooner the authorities will realise that they cannot continue abusing their mandates to serve the people - at least, not without *some* consequences. We would ask however, that if you are *not* a fully signed-up active member of *Integrity Ireland* who has agreed to abide by our Terms & Guidelines, that you please remove the logo before using those forms. Better still, sign up with us using the application forms provided, and gain all of the advantages of full membership.

The remainder of the Guide is copyrighted to *CheckPoint Press* and we would ask that if you require further copies that you purchase new copies directly from us so that any modest profits generated can be recycled back into *Integrity Ireland* projects and support. Bulk or wholesale orders can be sourced at 30% discount by emailing ‘bookstore@checkpointpress.com’. Alternatively, you can purchase this Guide online from all the major retailers worldwide or by quoting the ISBN and title to your local bookstore: 978-1-906628-72-7: *The Integrity Ireland S.O.S. Guide, Version 1, 2015*. Discounted copies will also be made available to I-I Facilitators and Members, and to those who attend I-I meetings.

Finally, as you read through this Guide, please feel free to alert us as to any apparent errors or mistakes, or, feel free to suggest additional materials which can be incorporated into subsequent versions by emailing ‘sos@integrityireland.ie’. All original materials submitted to us will of course be credited to the respective author(s) upon request.

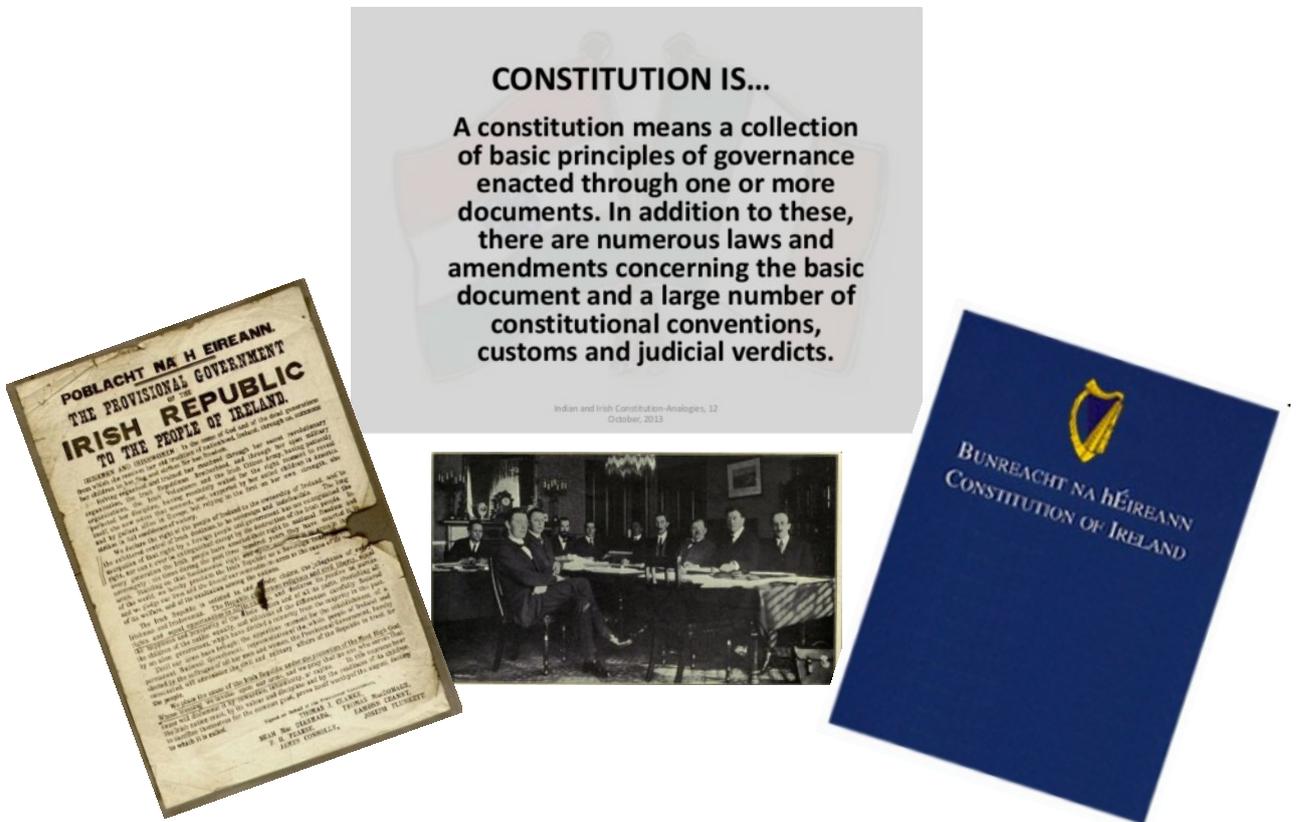
STM October 2015

PART

1

THE CONSTITUTION

CRIMES & CULPABILITY



The Irish Constitution - A Summary	18
Selected Articles of the Irish Constitution	19
Civil or Criminal Offences - what's the difference?	24
Types of Criminal Offences - Summary, Indictable & Hybrid	25
Hybrid Offences - i.e. Indictable Offences Which Can Be Dealt With Summarily	26
Irish Crime Classification System	28
When Authority Figures Commit Crimes	30

The Constitution - A Brief Summary

The Constitution of Ireland is the basic law of the State. It was adopted by plebiscite in 1937. It is the successor of the Constitution of Dáil Éireann (1919) and the Constitution of the Irish Free State (1922). The Constitution states that all legislative, executive and judicial powers of Government derive from the people. It sets out the form of government and defines the powers of the President, the two Houses of the Oireachtas and the Government. It also defines the structure and powers of the courts, sets out the fundamental rights of citizens and contains a number of directive principles of social policy for the general guidance of the Oireachtas. The Constitution may be amended only by referendum.

The Constitution outlines what are considered the fundamental rights of the citizen. The definition of rights in the Constitution covers five broad headings: personal rights, the family, education, private property and religion.

Personal Rights: the Constitution declares that all citizens are equal before the law; it guarantees to defend and vindicate the personal rights of citizens in its laws: it provides that there will be no deprivation of personal liberty except in accordance with law; it provides for the right to 'habeas corpus'; it guarantees the inviolability of citizens' dwellings except in accordance with law; and it guarantees, subject to public order and morality, liberty to express freely one's convictions and opinions, the right to assemble peaceably and without arms, and the right to form associations and unions.

The Family: the State recognises the family as a moral institution possessing inalienable and imprescriptible rights, and guarantees to protect it and the institution of marriage.

Education: the State recognises the primacy of the family in the education of children and undertakes to provide for free primary education and to supplement and aid private educational initiative, with due regard to the rights of the parents.

Private Property: the right to own private property is guaranteed and its exercise is subject only to the exigencies of the common good.

Religion: the Constitution guarantees freedom of conscience and the free profession and practice of religion, subject only to public order and morality.

Unenumerated Rights: In addition to the foregoing personal rights specifically provided for in the words of the Constitution, the Courts have held in a series of cases that there are other personal rights whose existence "result(s) from the Christian and democratic nature of the State", and which are implicitly guaranteed by the Constitution.

The Courts have ruled that these unenumerated personal rights include:

The right to bodily integrity, **the right not to have one's health endangered by the State**, the (qualified) right to work and to earn a livelihood, the right to marital privacy, **the right of access to the courts**, the right of the citizen to sue the State in court, **the right to justice and fair procedures**, the right to travel within and without the State, the right to marry, the rights of the unmarried mother in regard to her child.

This list is not exhaustive and it is also likely that the Courts will identify more, as yet unenumerated, personal rights in future.

Citizens, and in certain cases non-citizens, have the right to apply to the courts to protect from infringement their rights under the Constitution or to have a judgement pronounced as to whether legislation is compatible with the Constitution, provided the legislation affects, or is likely to affect, the person challenging it. Moreover, the President may before signing a Bill refer it to the Supreme Court for a decision on its compatibility with the Constitution. These procedures have been employed on a number of occasions.

