



Irish Council for
Civil Liberties



Friends of
the Earth

Mr Dermot Gallagher
Chair
Garda Síochána Ombudsman Commission
150 Abbey Street Upper
Dublin 1

7 April 2011

Dear Mr Gallagher,

Request for an Examination of Practices, Policies and Procedures of the Garda Síochána

We are writing to you on behalf of Friends of the Earth and the Irish Council for Civil Liberties to request that the Garda Síochána Ombudsman Commission make use of its statutory functions under sections 67(2)(f) and 106 of the Garda Síochána Act 2005.

As you know, section 67(2)(f) of the 2005 Act assigns to the Ombudsman Commission the function to examine practices, policies and procedures of the Garda Síochána in accordance with section 106 of the Act. Section 106 provides that, "for the purpose of preventing complaints arising in relation to a practice, policy or procedure of the Garda Síochána or of reducing the incidence of such complaints", the Ombudsman Commission may recommend to the Minister that it examine particular Garda practices, policies or procedures.

In July 2007, the Ombudsman Commission wrote to the Minister concerning a possible examination under section 106 of the 2005 Act of the management of incidents of crowd protest or civil disobedience by groups or persons. The Minister, following discussions with the Ombudsman Commission, did not feel that it was appropriate at that time for him to request such an examination.

Since July 2007, the Ombudsman Commission has continued to receive a high volume of complaints relating to the practices, policies and procedures employed by the Garda Síochána in the management of incidents of crowd protest or civil disobedience by groups or persons. Recent reports suggest that more than 110 formal complaints have been made against Gardaí carrying out policing functions in connection with the Corrib Natural Gas Project at Bellanaboy Bridge in County Mayo. Moreover, the transcript of the audio recording which forms part of the evidence in the section 102(4) investigation announced by the Ombudsman Commission on 5 April 2011 suggests that some Gardaí remain uncertain about the legitimate means that may be used when policing public order events and about the extent to which they may be held accountable for their actions.

In these circumstances, our organisations request that the Ombudsman Commission once again make use of its statutory functions under sections 67(2)(f) and 106 of the Garda Síochána Act 2005 to recommend to the Minister that it examine the practices, policies and procedures employed by the Garda Síochána in the management of incidents of crowd protest or civil disobedience by groups or persons.

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We note, in this respect, that the Minister has indicated in public comments that he is “open” to receiving such a suggestion from the Ombudsman Commission.

Our organisations consider that the Garda Síochána Ombudsman Commission has a vital role to play in holding the Garda Síochána to account, including through section 106 reviews of practices, policies and procedures.

We very much hope that the Ombudsman Commission will feel able to respond positively to this request and look forward to hearing from you.

Yours sincerely,

Oisín Coghlan
Director
Friends of the Earth

Mark Kelly
Director
Irish Council for Civil Liberties

cc. **Carmel Foley, Commissioner, Garda Síochána Ombudsman Commission**
Conor Brady, Commissioner, Garda Síochána Ombudsman Commission