

Bust information

It is your constitutional right to protest under section 40 of the Irish constitution.

General info if stopped by the gardai

- you are entitled to be told why you are being stopped and under what power
- you are entitled to ask garda to ID him/herself. Ask for their ID number or if in plain clothes their ID card
- if asked your name and address you should give it as it is an offence not to or to give false information
- you are not obliged to go with gardai to 'help them with their enquiries' or for questioning if you are not under arrest
- if you are told you are arrested ask what for + under what power
- if arrested make sure you tell a friend/relative what station you are being taken to
- it is very unwise to resist arrest as charges can be brought against you for obstruction of justice or assault of garda
- you are entitled to contact a solicitor + you should do so immediately
- you are entitled to speak to your solicitor in private. Make sure you tell him/her all details of your arrest
- if you are ill or injured in any way insist on seeing a doctor at once

Criminal Justice(public order) Act 1994

It has created a number of different offences and gives the gardai additional powers to deal with these and deal with crowd situations (e.g. group gatherings, demonstrations, protests). Many of these refer to conduct in a public place (includes all places to which all members of public have access, including as a trespasser).

-Disorderly conduct in a public place(section 5)

-Threatening abusive or insulting behaviour in a public place (section 6) charges for offences committed while a person was taking part in a public protest have mainly been brought under this section

- Wilful obstruction (section 9) – it is an offence to intentionally prevent or obstruct the movement of any person or vehicle in a public place

-failure to comply with direction of An Garda Síochána (section 8)- most commonly used section of the act. If garda suspects that a person in a public place is committing above offence in such a way that safety of persons or property might be in danger, the garda can direct the person/s to stop acting in such a way and leave the area peacefully. It is an offence under this section not to do as garda directs

-Riot (section 14)- 12 or more people using or threatening to use violence and if the way they act would cause a person to fear for their or someone else's safety. There has to be common reason for the behaviour in question

-Violent Disorder (section 15)-similar to riot except it involves 3 or more people

-Affray (section 16)- similar to above but not quite as serious and involves 2 or more people- under the gardai's '**powers of arrest**', you do not have to have committed an offence to be arrested. There are a wide variety of powers under which you can be arrested. Most of these provide that you can be arrested if a garda suspects you committed an offence