

RIGHT TO INFORMATION IN CRIMINAL PROCEEDINGS – THE LETTER OF RIGHTS - IRELAND

ERA conference Procedural Safeguards in the EU, Riga, 15-
16 February 2018

Co-funded by the Justice Programme of the European Union 2014-2020



Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:142:0001:0010:en:PDF>

All pre-existing measures notified to the Commission for transposition:

Part 1A Criminal Procedure Act 1967 (as inserted by Section 9 of the Criminal Justice Act 1999) <http://www.irishstatutebook.ie/eli/1999/act/10/section/9/enacted/en/html>

Criminal Justice Act 1984 <http://www.irishstatutebook.ie/eli/1984/act/22/enacted/en/html>

Regulations 8 and 15 Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 <http://www.irishstatutebook.ie/eli/1987/si/119/made/en/print>

Guidelines for Prosecutors Director of Public Prosecutions – Chapter 9 Disclosure
[https://www.dppireland.ie/filestore/documents/Guidelines for Prosecutors \[4th Edition - October 2016\].pdf](https://www.dppireland.ie/filestore/documents/Guidelines%20for%20Prosecutors%20[4th%20Edition%20-%20October%202016].pdf)

Criminal Justice Act 1984 – Section 5. Access to solicitor and notification of detention

*(1) Where a person not below the age of eighteen years is **detained** in a Garda Síochána station pursuant to section 4, the member of the Garda Síochána in charge of the station shall inform him or cause him to be informed **without delay** that he is entitled to consult a solicitor and to have notification of his detention and of the station where he is being detained sent to one other person reasonably named by him and shall, on request, cause the solicitor and the named person to be notified accordingly as soon as practicable.*

Regulation 15 Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987

*15. (1) Where a **person in custody** is charged with an offence, a copy of **the charge sheet containing particulars of the offence shall be given to him as soon as practicable**. Where the person charged is under the age of eighteen years, a copy of the charge sheet shall also be given to the person's parent or guardian or (where the person is married to an adult) to the spouse if present when the person is charged or, if not present, shall be forwarded as soon as practicable.*

(2) A record shall be made of the time when the person was charged with an offence. The charge sheet number (or numbers) shall also be recorded. Where a copy of a charge sheet is given to a person in the station, he shall be asked to sign the custody record in acknowledgement of its receipt. If he refuses to sign it, the refusal shall be recorded.

Regulation 8 Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987

8. (1) *The member in charge shall **without delay** inform an **arrested person** or cause him to be informed—*

(a) in ordinary language of the offence or other matter in respect of which he has been arrested,

(b) that he is entitled to consult a solicitor, and

(c) (i) in the case of a person not below the age of eighteen years, that he is entitled to have notification of his being in custody in the station concerned sent to another person reasonably named by him, or

(ii) in the case of a person under the age of eighteen years, that a parent or guardian (or, if he is married, his spouse) is being given the information required by Regulation 9(1)(a)(i) and is being requested to attend at the station without delay.

The information shall be given orally. The member in charge shall also explain or cause to be explained to the arrested person that, if he does not wish to exercise a right specified in subparagraph (b) or (c)(i) immediately, he will not be precluded thereby from doing so later.

*(2) The member in charge shall **without delay give the arrested person or cause him to be given a notice containing the information specified in subparagraphs (b) and (c) of paragraph (1) and such other information as the Commissioner of the Garda Síochána, with the approval of the Minister for Justice, may from time to time direct.***

(3) Paragraphs (1) and (2) apply only in relation to the member in charge of the station to which an arrested person is taken on arrest or in which he is arrested.

(4) The time of the giving of the information specified in paragraph (1) and the notice specified in paragraph (2) shall be recorded. The member in charge shall ask the arrested person or cause him to be asked to sign the custody record in acknowledgement of receipt of the notice. If he refuses to sign, the refusal shall be recorded.

Indicative Model Letter of Rights Annex 1 Directive 2012/13/EU

C72S Notice of Rights Ireland

A. ASSISTANCE OF A LAWYER/ENTITLEMENT TO LEGAL AID

You have the right to speak confidentially to a lawyer. A lawyer is independent from the police. Ask the police if you need help to get in contact with a lawyer, the police shall help you. In certain cases the assistance may be free of charge. Ask the police for more information.

LEGAL ADVICE

You may communicate privately with a solicitor either in writing or by telephone, or consult with the solicitor in the station

LEGAL AID

This is dealt with on application to the court and may be granted in certain circumstances

B. INFORMATION ABOUT THE ACCUSATION

You have the right to know why you have been arrested or detained and what you are suspected or accused of having done.

REASON FOR ARREST

You will have been informed of the offence or offences for which you have been arrested

C. INTERPRETATION AND TRANSLATION

If you do not speak or understand the language spoken by the police or other competent authorities, you have the right to be assisted by an interpreter, free of charge. The interpreter may help you to talk to your lawyer and must keep the content of that communication confidential. You have the right to translation of at least the relevant passages of essential documents, including any order by a judge allowing your arrest or keeping you in custody, any charge or indictment and any judgment. You may in some circumstances be provided with an oral translation or summary.

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D. RIGHT TO REMAIN SILENT

While questioned by the police or other competent authorities, you do not have to answer questions about the alleged offence. Your lawyer can help you to decide on that.

NOT ADDRESSED IN NOTICE OF RIGHTS

E. ACCESS TO DOCUMENTS

When you are arrested and detained, you (or your lawyer) have the right to access essential documents you need to challenge the arrest or detention. If your case goes to court, you (or your lawyer) have the right to access the material evidence for or against you

NOT ADDRESSED IN NOTICE OF RIGHTS

F. INFORMING SOMEONE ELSE ABOUT YOUR ARREST OR DETENTION/INFORMING YOUR CONSULATE OR EMBASSY

When you are arrested or detained, you should tell the police if you want someone to be informed of your detention, for example a family member or your employer. In certain cases the right to inform another person of your detention may be temporarily restricted. In such cases the police will inform you of this.

NOTIFICATION TO OTHER PERSON

If you are eighteen or over you may. On request, have a solicitor and another person named by you notified that you are in custody in a particular station. If the person first nominated cannot be contacted, you may nominate another person.

If you are under eighteen, your parent or guardian (or, if you are married, your spouse) will be notified and asked to attend at the station without delay. If your parent or guardian (or, if you are married, your spouse) cannot be contacted you will be given an opportunity to ask for another person, reasonably named by you to be contacted

If you are a foreigner, tell the police if you want your consular authority or embassy to be informed of your detention. Please also tell the police if you want to contact an official of your consular authority or embassy.

NON-IRISH NATIONALS

If you are a foreign national you may communicate with a diplomatic or consular representative of your own country who is either in the State or accredited to the State on a non-residential basis, or a diplomatic or consular representative of a third country which may formally or informally offer consular assistance if your country has no resident representative in the State. Your consul will be notified of your arrest if you so wish. If you are a national of the United States of America your consular representative will be notified of your arrest unless you request otherwise.

G. URGENT MEDICAL ASSISTANCE

When you are arrested or detained, you have the right to urgent medical assistance. Please let the police know if you are in need of such assistance.

EXAMINATION BY A DOCTOR

You have the right to request a medical examination by a doctor, including one of your own choice.

H. PERIOD OF DEPRIVATION OF LIBERTY

After your arrest you may be deprived of liberty or detained for a maximum period of ... [fill in applicable number of hours/days]. At the end of that period you must either be released or be heard by a judge who will decide on your further detention. Ask your lawyer or the judge for information about the possibility to challenge your arrest, to review the detention or to ask for provisional release.

BAIL

You may be released on bail if the member in charge considers it prudent to do so and no warrant directing your detention is in force. If you are not given bail, you may apply for it when you come before the Court.

CONTACT DETAILS :

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