

13 August 2020

Dear Commissioner Harris,

I write on behalf of the Irish Council for Civil Liberties (ICCL) to express our concern at the presence of members of An Garda Síochána at an eviction at 7 Berkeley Rd, Dublin. This morning, video footage emerged showing members of An Garda Síochána appearing to assist with what is now being reported¹ as a potentially illegal eviction. Garda members appear to be present inside the dwelling, interacting with the tenant directly and informing them that they “had no right to be here”.

As you are aware, private evictions are a civil matter and members of AGS should not be involved unless there is a criminal or public order matter to be dealt with. In relation to this incident, can you please indicate:

1. Why members of An Garda Síochána were present at this eviction?
2. Why Garda members were inside the property?
3. What precise role they were there to perform and what is the legal basis for that role?
4. Why the Public Order Unit arrived after the eviction had taken place and what factors, if any, were considered in deciding their deployment was a proportionate response?
5. Whether Garda members took steps to confirm this eviction was lawful, including in light of the new Residential Tenancies and Valuation Act 2020?

The Garda Síochána Ombudsman Commission has recommended on a number of occasions that guidelines should be drawn up to clearly define any role the AGS may have when attending private evictions. Such guidelines are urgently necessary to give clarity to tenants, landlords and Garda members themselves as to their appropriate role. In addition to indicating whether such guidelines exist can you please confirm if yes, whether and where they are available publicly; if no, whether there are plans to draw up such guidelines?

ICCL considers AGS should not be playing a supportive role in private evictions unless a Garda presence is a necessary and proportionate response to actual or threatened criminal behaviour.

We look forward to your response.

Yours sincerely,



Liam Herrick
Executive Director, Irish Council for Civil Liberties

¹ <https://www.irishtimes.com/news/social-affairs/nine-tenants-evicted-from-north-dublin-property-by-men-in-masks-and-dark-clothing-1.4329482>