



Irish Council for
Civil Liberties

9-13 Blackhall Place
Dublin 7
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E: info@iccl.ie
W: www.iccl.ie

Enda Kenny, TD
An Taoiseach
Department of An Taoiseach
Government Buildings
Upper Merrion Street
Dublin 2

7 April 2014

Dear Taoiseach,

Re: Terms of reference for Mr Justice Nial Fennelly, Chair of the Commission of Investigation into matters of public concern regarding surveillance by An Garda Síochána and other agencies

The Irish Council for Civil Liberties (ICCL) welcomes the Government decisions on Garda reform published on 1 April 2014, including the decision to appoint Mr Justice Nial Fennelly to chair a Commission of Investigation under the Commissions of Investigation Act 2004. The Council particularly welcomes the Government's decision to appoint of a new Garda Commissioner by open competition and rapidly to put in place a new independent policing authority.

The ICCL wishes to suggest that it would be desirable if Mr Justice Fennelly's terms of reference were to invite him to take account of the findings of two other reviews relating to An Garda Síochána and its oversight (the Cooke and Guerin reviews) that are due to be completed later this month.

Moreover, since at least one other agency of the State (the Irish Prison Service) has since become the subject of public concern about the taping of telephone calls between prisoners and their legal representatives, the ICCL suggests that Mr Justice Fennelly be invited to review the adequacy of current law and practice in relation to the use of surveillance by *all* relevant agencies of the State.

Recent revelations raise serious questions about the adequacy of the legal framework governing the use of surveillance in Ireland, including the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993 and the Criminal Justice (Surveillance) Act 2009. The ICCL hopes that Mr Justice Fennelly will also be asked to review this legislation and to propose such amendments as may be necessary to render our law and practice compliant with Ireland's human rights obligations.

Finally, I would like to emphasise that the Irish Council for Civil Liberties remain committed to playing its part in the construction of a more accountable and human rights compliant police service, including through its ongoing membership of the Garda Commissioner's Strategic Human Rights Advisory Committee (SHRAC) and by making a formal submission on reform of the Garda Act 2005 to the Oireachtas Joint Committee on Justice, Defence and Equality.

I hope that these suggestions, which are being made to you in your capacity as a member of the new Cabinet Committee on Justice Reform, will be of some interest.

Yours sincerely,

Mark Kelly
Director



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An Tánaiste Eamon Gilmore, TD
An Tánaiste & Minister for Foreign Affairs & Trade
Office of the Tánaiste
Iveagh House
80 St. Stephen's Green
Dublin 2

7 April 2014

Dear Tánaiste,

Re: Terms of reference for Mr Justice Nial Fennelly, Chair of the Commission of Investigation into matters of public concern regarding surveillance by An Garda Síochána and other agencies

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Ms Máire Whelan SC
Attorney General
Office of the Attorney General
Government Buildings
Kildare Street
Dublin 2

7 April 2014

Dear Attorney General,

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Minister Alan Shatter, TD
Minister for Justice, Equality and Defence
Department of Justice and Equality
94 St. Stephens Green
Dublin 2

7 April 2014

Dear Minister,

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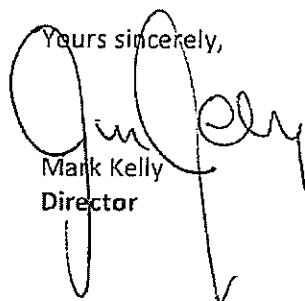
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Minister Pat Rabbitte, TD
Minister for Communications, Energy & Natural Resources
Department of Communications, Energy & Natural Resources
29-31 Adelaide Road
Dublin 2

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