

If force is used, remain silent and take it as well as you can. They will not kill you and you may often have got as much before on the football field or in a dance hall.

They will use the 'tough cop and nice cop' routine in the hope that even where a beating has not worked you might talk to one because the other might beat you again. The friendly one is likely to be far more dangerous than the rough one in the end, and people do fall for this — the oldest trick in the book.

They usually tell you that you are going to be charged with something, even when you are not — this is only to get you tensed up and frightened. Again, always remember it is another ploy, you can never believe anything they say, good or bad; keep quiet for 48 hours and you have nothing to worry about.



RIGHTS

The Special Branch have most success when dealing with people that have no ideas of their rights — people who think that they can be put in jail just by the gardai saying they are guilty in court.

The vast majority of cases brought before the courts — on political charges or otherwise — are in cases where people have made statements, verbal or written, against

themselves and there is no other evidence. They were convicted just because they admitted it.

People who were not involved in what they were charged with have thought to take what they believed was an 'easy way out' by signing an untrue statement, believing that somehow the truth will come out in court. They have always been found guilty.

REMEMBER

The above has attempted to set out the basic knowledge of your rights and to get some idea of what to expect if arrested. But the central thing, above all, to remember is:

1. Never go to the barracks voluntarily, once arrested the time you can be kept in custody is limited to 48 hours.

2. Once in custody demand a solicitor and keep repeating this demand until you get to see one.

3. Other than giving your name and address and demanding a solicitor, keep your mouth firmly shut.

4. Whatever is said or done to you do not make a statement, verbal or written.

ADVICE AND HELP IN OBTAINING LEGAL ASSISTANCE FOR PERSONS IN CUSTODY CAN BE OBTAINED FROM SINN FEIN'S POW DEPARTMENT AT 5 BLESSINGTON STREET DUBLIN PHONE 308783

KNOW YOUR RIGHTS

ADVICE ON WHAT TO DO IF ARRESTED IN THE TWENTY-SIX COUNTIES

ANYONE who belongs to or supports the Republican Movement is liable to be arrested under Section 30 of the Offences Against the State Act. It is very important that every member of Sinn Fein know their rights if this happens.

The Act enables the gardai to arrest anyone whom they 'suspect' of having committed an offence under the Act and hold them for 48 hours. A wide range of offences are covered by this Act including membership of an illegal organisation or possession of weapons, explosives or incriminating

documents.

Section 30, however, is mostly used by the gardai as an excuse to arrest persons and interrogate them to get information about a wide range of things: e.g. the strength of the Republican Movement in an area; the attitudes of certain people they are interested in;

or general knowledge about republicans.

The information they want does not just relate to particular incidents but is used to form a picture of the political situation. This is gathered throughout the Free State and sent to Dublin where it is centrally collated.

All gardai gather such information on a daily basis and have a built-in suspicion that anyone who supports the creation of a united 32-county republic is breaking the law or, if not, they might know someone who might be.



THOUGHTS

When being arrested, a person naturally becomes anxious and nervous. A rush of thoughts goes through your head — what have I done? — has anybody said something? — why is this happening to me? This happens less to a person who has been arrested before, but, no matter how many times, it still does happen.

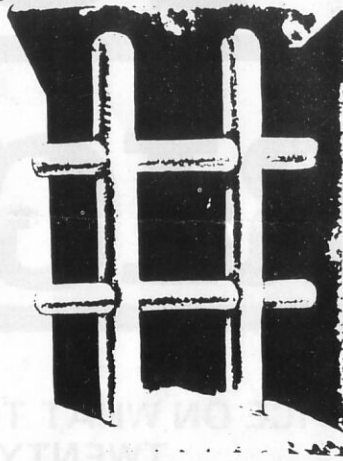
The Garda Special Branch will usually play a lot on this nervousness. They might send ten or twelve to arrest one, and there are plenty of big and ugly gardai to look intimidating. This is designed to further unnerve you and make you feel as small and uncomfortable

as possible.

The first thing is that you must remember to be in control of yourself; this has happened to many other people; it is nothing new.

A garda will put his hand on you and say that he is arresting you under Section 30. He is supposed to caution you that anything you say may be taken down and used in evidence against you. A lot of the time they will not do this, but if asked they must caution you.

Do not, under any circumstances, go with them without being arrested, or you could be held longer than 48 hours.



BARRACKS

In the barracks all your possessions will be taken from you — money, cigarettes, matches, letters, driving licence, they may take your belt and laces too. You may be given a form stating what you may have while in custody.

At this time ask for the officer-in-charge of the barracks, tell him that you wish to contact your solicitor and a doctor. You have an absolute right to a solicitor once arrested and should ask that the

officer-in-charge take a note of your request.

Do not accept an assurance that a solicitor will be contacted for you, but insist that you be allowed to make a phone-call yourself — to a member of your family, a friend, or a solicitor — in order to get legal assistance. You are unlikely to be allowed to do this immediately, but keep insisting until you are allowed to do so.

You may be put into a cell on arrival at the barracks, and left alone, which allows tension to build up, or you may be taken straight for interrogation.

INTERROGATION

Two or three Branch men will be in the interrogation room — sometimes, more — you will be sat down at a table and the questions will begin.

You are only required to give your name and address; other than that you should keep your mouth shut except to ask to be allowed to contact a solicitor, if you have not done so.

They will start by asking you your name and address; then they will ask your date-of-birth; then they will want the same information about your husband or wife, your mother and father, brothers and sisters. This is low class information — no harm you might think — but if it is not important they wouldn't ask it.

Next they'll ask you about this person and that person, what you think of them, where they go, who they go about with.

Just give your name and address and say that you are not answering any questions until you see your solicitor.



SMALL TALK

They may put on the act of being reasonable men 'just doing their jobs'. They may offer you cigarettes or a cup of tea while beginning what you think is ordinary chat — about sport or religion, or an illness in the family. They may ask do you love your mother or your husband or wife, or are you a religious person.

All such questions are necessary and important to them to build up a picture of what sort of person you are and will come in useful later.

The Special Branch are most devious and cunning people, trained for their jobs as interrogators and nobody, at their peril, should think about outsmarting them with small talk. You should be always distrustful of what they say — they have arrested you to get information and they will try any

method to get that information.

If they think you are religious they will keep on about what the Pope and bishops said, trying to convince you that what you support is morally wrong.

They may say that a member of your family has had an accident and if you answer their questions they will let you see them — don't be tricked by this kind of ploy.

They may say someone else has made statements about you and that you should make a statement to save yourself. Do not make any kind of statement, even a verbal one is as bad as a written one.



SECTION 52

A person in custody may, before they get legal advice, be threatened by gardai with Section 52 of the Offences Against the State Act 1939 or Section 2 of the Offences Against the State (Amendment) Act 1972 which purport to provide for terms of imprisonment if a person refuses to answer questions.

It is therefore important to be aware of what the legal situation is in this regard.

Section 52, on the face of it,

requires a person in custody to account not only for their own movements but to answer questions in "relation to the commission or intended commission by another of any offence". A charge of refusing to do so, it says, can mean up to 6 months' imprisonment.

However, this attempt at blanket withdrawal of the right to silence clearly violates the normal principle that a person should not be obliged to incriminate themselves. As such, the best legal opinion holds that it is a breach of the European Convention on Human Rights and could be successfully challenged in the European Court.

The reality is that the authorities do not wish to see such a challenge, and it is significant that a similar clause in the current Criminal Justice Bill has now been dropped.

A person in custody should not be intimidated by Section 52 and should remember that a refusal to say anything until legal advice has been obtained is not a refusal to answer questions within the meaning of this section.

SECTION 2

Section 2, which is also the subject of legal doubt as to its validity, provides that a garda, having 'reasonable grounds' to believe that an offence has been committed at or near a place where he stops a person, can demand an account of their recent movements. Failure to do so, it says, could result in a term of up to 12 months' imprisonment.

This is restricted to recent movements only and if invoked on the street may, if no complexities

arise, be satisfied by a simple answer as to where they are coming from.

A person cannot be required under Section 2 to tell what they said or heard in a place or where they are going to.

If Section 2 is invoked whilst in custody, or in complicated circumstances before arrest, then no answer should be given until legal advice is obtained.

Answer only your name and address, then remain silent apart from repeating that you want to see a solicitor. If a solicitor, or a doctor, arrives whom you do not know, you should satisfy yourself as to their identity. No genuine solicitor will ever advise you to make a statement of admission to any charge.

48 HOURS

Always keep in your head that, at most, you will have to stick it out for 48 hours — if you break it could be years before you get home.

At some stage you will be fingerprinted and photographed and forensic tests may be made on your hands and hair. They are empowered to do so and it is pointless to resist as it can be done by force and you can be charged for refusing. It is normal procedure for everyone arrested and not a sign that things are looking bad for you in particular.

The Special Branch may try inducement, trickery, threats, humiliation, verbal abuse and even physical assaults to get you to talk either to incriminate yourself or inform on others.

Many people find it helpful to

think of something completely separate from their surroundings and what is being said to them — perhaps to try and recall the details of what happened in a particular book or film or to try and list as many football teams or players as you can remember or to recall everyone who was in your class at school. You might also remind yourself about the shame it will bring on you and your family to be known as an informer for the rest of your life. A lot of people would like to get a second chance because they made a mistake and talked while in the barracks.

Think also about all the people who were arrested and released before you — over 90% of people arrested under Section 30 are released without charge — if they can do it so can you.



'HEAVY STUFF'

If the Special Branch begin to use the 'heavy stuff', a person can at least take heart that the Branch have had to resort to beating because they are frustrated at not succeeding in breaking you by other methods. Sometimes, also, the fear of getting beaten is worse than the beating.

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