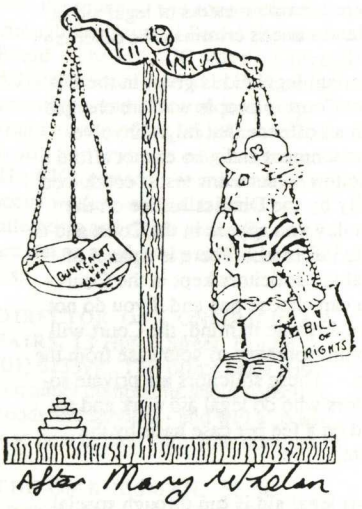
CORK·FREE·PRESS

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ISSUE NO.4 AUGUST 1988 FREE

LAUNCH OF CIVIL LIBERTIES GROUP



Over the next few weeks a civil liberties group is to be formed in Cork. Based broadly on the Irish Council for Civil Liberties, it will work for justice and human rights both locally and internationally.
A spokesperson was quoted as saying "There is an obvious need for such a group in the Cork area as shown by the recent Don O'Leary case (see OFFENDED STATE page 3). Of course there are other facets of civil liberties to cover such as treatment of the homeless, travellers rights, lesbian & gay rights, women's rights, abortion, divorce, freedom of information, data access, the list is endless. So since the issues are very broad, so will this group be drawn from a broad variety of people."
The new group is still trying to find a permanent base but until then, anyone interested should contact:
CORK CIVIL LIBERTIES GROUP,
BOX 97,
QUAY CO-OP,
24, SULLIVANS QUAY,
CORK.

MANDELA PARK

In the July issue of the Cork Free Press we voiced the question of renaming the Bishop Lucey park to Mandela Park. It seemed that a flicker of hope came on the airwaves when "Cork About" mentioned the idea, sadly in the 'phone-in afterwards there was no such luck. A few days later the Cork Examiner mentioned the idea in one of their articles relating to democracy and local government. So perhaps there is a little hope for us yet. Who knows, they may take out the Imperial prefix from the Royal Cork Yacht Club !

INSIDE

YOUR RIGHTS
ARREST
DETENTION
LEGAL AID
CROSSWORD
CLASSIFIED

Advertising your business, social, meeting or just your old bike ? Why not advertise in the Cork Free Press ? We distribute 1,000 free copies all round Cork every month. Imagine how much that would cost commercially! Call us for details of our very reasonable rates of advertising. Phone : Cork Free Press 317660

LOAFERS BAR



26 DOUGLAS ST.

LEGAL & CIVIL RIGHTS

Your rights and the Gardai.

Questioning

If the gardai approach you and want to ask you questions - be civil and ask what are they enquiring about. Try to find out if they suspect of you of any offence. If it is clear that they are investigating something in which you are not a suspect - then subject to your own discretion it is reasonable to be helpful to them. The gardai are quite entitled to ask whatever questions they wish - until such time as they arrest you. If they arrest you, then you must be cautioned as to your right to remain silent before any further questions are asked.

You are not obliged to answer any question asked by the gardai regardless of whether you are under arrest - except the following:

* To give your name and address

* To account for your movements at a particular time. This only applies if you are told you are being arrested under Section 30 of the Offences Against the State Act and that you are suspected of having committed a particular type of offence during the time they want you to account for.

* Under the Criminal Justice Act provisions - you are obliged to explain yourself in the following circumstances:

+ If you are found in possession of a firearm or ammunition

+ If you are found in possession of property believed to be stolen

* Under the Criminal Justice Act provisions - you are also obliged to account for yourself in the following circumstances:

+ where a garda arrests you and finds a mark or object on you or in the place you have been arrested which he/she believes is the result of a crime - and asks you to account for this - you must do so.

+ where a garda arrests you near a place where the crime you are arrested for was committed - he/she can ask you to account for your presence there - you must reply.

If you refuse to do so - your refusal can be treated as evidence against if you are subsequently charged with an offence.

The general rule is to remain silent - except in the above cases. In particular you should say nothing if you are arrested and taken into detention for questioning until you have seen a solicitor.



I SENTENCE YOU TO 5 YEARS FOR POSSESING A MICHAEL JACKSON POSTER.

Detention/Arrest

A garda can only arrest you if he/she has reasonable grounds to believe that you have committed or are committing a fairly serious offence. If a garda asks you to come to a station with him/her, or to get into a police car, then you should ask if he/she is arresting you and what will you be charged with. It may take a short while for the gardai to actually give you a summons or charge sheet setting out the written charge but he/she should be able to tell you why you are under arrest immediately.

You can then be detained in a garda station for a short period only - usually until the next available Court hearing - in the morning. If the gardai are going to detain you, you should ask for bail as they have discretion to give it to you - and generally will unless they belive you are going to abscond or interfere with witnesses. If you are under the age of 17, then the gardai cannot detain you for long unless they are prepared to certify that there are exceptional circumstances why this is necessary.

If you are detained - then unless you are going to be given bail quickly - you should ask the gardai to contact your solicitor. You are entitled to see your solicitor or a doctor on request. The only restriction is the availability of your solicitor/doctor. If you do not know the name of a solicitor, ask the gardai to ring or let you ring a friend/member of your family.

The only exception at present to the above rules about arrest and detention is arrest under Section 30 of the Offences Against the State Act. Under the Section 30 procedure you may be arrested on suspicion of committing an offence and held for questioning for up to 48 hours without any charge. The gardai may then release you without having to charge you. Section 30 was originally intended for "subversive" offences only but in fact can and is used for all sorts of offences except murder. The practice of the gardai varies but in recent years Section 30 has come to be used more and more for fairly serious but non-subversive offences. If you are arrested under Section 30 you should say nothing to the gardai until you have seen your solicitor. If you don't have a solicitor ask the gardai to contact a member of your family or a friend to get onto a solicitor for you. If the gardai refuse to let you see a solicitor - then your detention may be illegal from that point on.

The new Criminal Justice Act procedure (known as "The Criminal Justice Bill") is now in use. Consequently, you now can be arrested and held for a total of 12 hours for questioning without charge. If your detention period extends into the hours between midnight and 8.00 a.m., then the Gardai may suspend the questioning for a period up to not later than 8.00 a.m. and this "rest period" is not included in the 12 hour maximum detention period. This means you can be held for a total of 20 hours in all. Again if arrested in this way, say nothing until you have seen a solicitor.

Legal Aid

There are two systems of legal aid in Ireland - one is criminal, the other is civil.
Criminal legal aid is given in the District Court to people who are charged with an offence that might involve imprisonment and who cannot afford a solicitor. The means test is conducted orally by the District Justice on the first day you appear in the Court and is quite informal. There is a panel of legal aid solicitors kept in the Court - you can choose one and if you do not have any one in mind, the Court will appoint someone to your case from the rota. These solicitors are private solicitors who do legal aid work and are paid on a fee per case basis by the State.

Civil legal aid is run through special Law Centres in towns around the country. There is a means test - which you go through when you first visit your local centre. At time of writing, the means is a maximum of £5,500 disposable income per year (this is your income after tax, PRSI, mortgage/rent, certain loan repayments and you are also allowed certain deductions in respect of dependents.) A woman is assessed on the basis of her own means - and not those of her husband. If you feel you might be eligible, don't hesitate to enquire, you have nothing to lose.
The Law Centres deal mostly with family matters - and are very experienced in this area. They are not permitted however to represent people at tribunals - e.g. social welfare appeals, employment appeals tribunals but they may advise you on how to handle these hearings. They can deal with landlord and tenant problems but cannot deal with property, except in the case of a dispute between husband and wife. They can bring a claim for you if you cannot find a private solicitor to bring the claim - and the Legal Aid Board nevertheless feels you have a case. This applies particularly to medical negligence cases. If you think you need legal aid - check with your nearest centre to see if they can deal with the matter. Also bear in mind that most Law Centres operate part-time "clinics" in local town near to the Centre - so you may not have to travel the whole way to see a solicitor.

FREE LEGAL ADVICE CENTRES - FLAC. These are free advisory centres which operate in Dublin and Cork and are run by law students. The locations vary from time to time as they operate out of community centres and other part-time locations. Since the Law Centres started up - FLAC tends to deal more with social welfare problems than with family matters but will do their best to help you with whatever problem you have.

OTHER SOURCES OF LEGAL/CITIZEN'S ADVICE

COMMUNITY INFORMATION CENTRES - these are to be found all over the country - and are coordinated through the National Social Services Board. The first CIC was the Citizens Advice Bureau founded in Cork many years ago - and although it now operates as part of the NSSB scheme, it is still known by its original name. The CICs provide free information on social welfare and health board entitlements and rights generally - they are run on a voluntary confidential basis.

DIRECTOR OF CONSUMER AFFAIRS, 13 Hume Street, Dublin 2. (01) 613399. This office deals with consumer complaints about defective goods and services - and will also advise how to deal with your complaints.

THE OMBUDSMAN. 52 St. Stephens Green, Dublin 2. (01) 785222. This office deals with complaints against Government Depts, e.g. Social Welfare, Health Board, and also with complaints against Telecom and the ESB. The office is friendly and efficient - and will make every effort to deal with your complaint on a commonsense basis. The great value of the Ombudsman's Office is that they have ways of cutting through all the red tape when you really get bogged down. You deal with them by post - on the phone or by calling in. If you want to call in however you should try and make an appointment first.

FINANCIAL INFORMATION SERVICE CENTRE - FISC These are free advisory centres run by accountants on a voluntary basis - to help people out of scrapes with their loans or tax affairs. FISC operate on a part-time basis at various community centres around the country. FISC cannot give you money - but will do their best to help you sort out your financial affairs if you are in difficulty and cannot afford to pay an accountant.

IRISH COUNCIL FOR CIVIL LIBERTIES - ICCL
4 Nassau Street,
Dublin 2.
(01) 603762
Campaign organisation for civil rights. Worth approaching for information on your rights - and particularly if you wish to get involved in research or campaigning on this issue. Has branches around the country.

AIM Group for Family Law Reform,
P..Ol Box 738,
Dublin 4.
(01) 605478
This group provides very clear simple advisory leaflets on family law and is actively involved in the area.



I'M SURE YOU'RE RIGHT, GUARD THE RED STAIN IS UNDOUBTEDLY FROM A LEAKY PEN.

OFFENDED STATE

On November 19th last, Don O'Leary, a Sinn Fein member who stood in the 1987 General Election was sentenced to five years imprisonment for IRA membership. However, the only evidence was a poster and the word of a Garda Superintendent. He was convicted under the draconian "Offences against the State Act" which makes provision for a person in possession of an incriminating document to be convicted as a member of an unlawful organisation.
Bearing in mind that there was no real evidence against Don O'Leary and that since his imprisonment others have been charged on a similar basis and received a £50 fine for possession, this case is particularly disturbing. There are many people who would strongly disagree with Sinn Fein policy and its support for the IRA's military campaign, but the idea that a man can receive five years for possession of a widely available poster is totally contrary to the concept of democracy and freedom of speech.

SIMILAR(I)TIES

Consider the similarities between states and mobsters (Police as thieves). Both make offers that cannot be refused: a quiet life in return for obedience. Like mobsters, states fight amongst themselves: this competition sometimes means that the threats and commands issued to those in their clutches are modified, to ensure that invitations are not extended to the opposition Such modifications, limiting the areas in which, and the means by which, the state may command (the rights of citizens), are at the same time free areas in which subversive thought and action may occur.

Now consider the similarities between states and their portrayal in civics books (police against thieves). Here states, in alliance with dominant private interests, repress deviant individuals and movements. Every schoolkid knows of the bourgeoisie's attempts in the 19th century to use the state to smother mass democracy. In the 20th century, democratic rights can be used to reduce the gap between people and parliament, and parliament can be used to transform both the rest of the state and power relations amongst the people.
Citizens' Rights used against Public and Private domination: neither Police nor Thieves.

Joe Finnerty.



IF YOU HAD 2 LESS SHERRIES AT DINNER THIS DRUNKEN BEHAVIOR WOULD NEVER HAPPEN.

2017.21.QP4.9.4

QUAY CO-OP OPENING TIMES

CAFE

MON & TUE 11am-6pm

WED TO SAT 11am-10.30pm

CLOSED SUNDAY

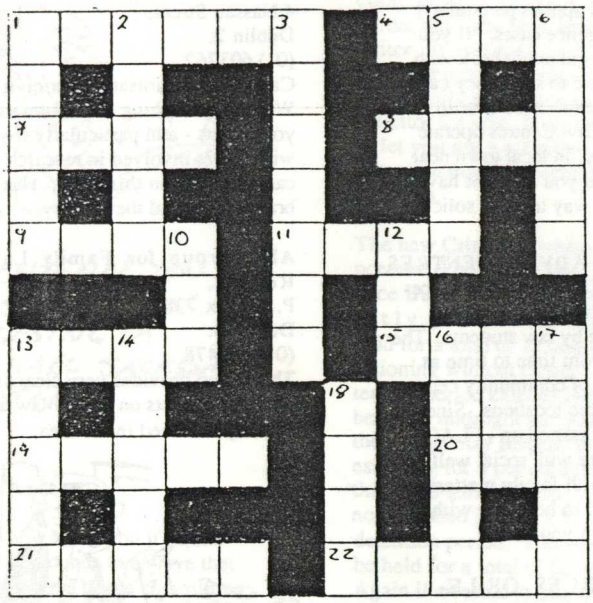
SHOP

SAT,MON,TUE,WED 10-6

THURS,FRI, 10-8

CROSSWORD

CROSSWORD





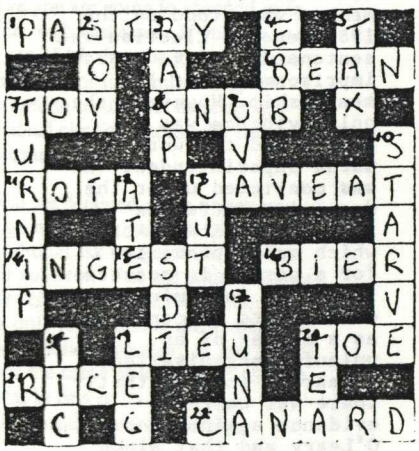
ACROSS

1. Mirthful.
2. Feline stable ?
7. Permanently dispatch.
8. Strawberry Blonde.
9. Venture.
11. African, Blue and White.
13. Wee measure.
15. Wounding remark.
19. Invigorating seaside aroma.
20. Australian greeting to Cambrian.
21. The final frontier.
22. Shock absorber.

DOWN

1. Wild card.
2. Herbivorous Rodent.
3. Lawyer's friend.
5. Obliterate.
6. Rugby player's departure.
10. Rudyard's Boy.
12. Botham's High Arc.
13. Scoria.
14. Wandering Italian.
16. Computerised Reptile.
17. Unbountiful Seaman.
18. Keeps the Dog in.

LAST MONTHS CROSSWORD ANSWERS :



Next months edition of the Cork Free Press will be devoted to Food. Informative articles of not more than 300 words are welcomed. Copy must be on one side of the page and in by August 20th. So get your articles ready !

CLASSIFIED

Classified ads (not more than 20 words) price £1.50 each. To be in at the Quay Co-op shop not later than the 20th of each month.

GRINDS IN ITALIAN AND FRENCH, TO ALL LEVELS PHONE 364750 AFTER 6.30pm.

RESOURCE CENTRE - Quay Co-op, 24, Sullivans Quay, Tel. 317660. (Monday to Friday 10am-5pm). Room Hire to low income groups, badge making service etc.

LOAFERS, 26 Douglas St. imbibing oasis for the thirsty rambler.

Letters, C.V.'s, theses documents, etc typed. Phone 961947 after 6pm.

VEGETARIAN MEALS at the Quay Co-op Restaurant, 24, Sullivans Quay, CORK. Vegans also catered for.

Published by The Quay Co-op Ltd, 24, Sullivans Quay, Cork. (021)317660