

# Irish government rocked by exposure of secret police wire-tapping

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11 April 2014

A major scandal over a long-running programme of secret surveillance by the Garda (police) has engulfed the Fine Gael/Labour Party government in Dublin.

Leaks show that for over 30 years Garda stations and prisons across the country have been bugged with listening devices, which have been used to record outgoing and incoming telephone calls. The phones of journalists involved in investigations relating to police activity have been tapped.

Among the thousands of calls on record are hundreds between suspects and their solicitors, a grave infringement on the basic right of defendants to consult in private with a legal representative. According to the information so far made public, such practices continued until November last year before former Garda Commissioner Martin Callinan supposedly stopped them.

Callinan was compelled to step down on March 25, following a meeting with a senior civil servant sent by Taoiseach (Prime Minister) Enda Kenny. He had come under pressure after describing the actions of two police whistle-blowers as “disgusting”. The whistle-blowers had exposed widespread law breaking within the police force, including the wiping of traffic offences and other minor fines for well-connected Garda members.

Callinan’s departure was an attempt to contain the crisis, which was threatening to destabilise the government. In a statement responding to Callinan’s resignation, Minister for Justice Alan Shatter claimed that the government was unaware of the covert interception of telephone calls and had only found out through a letter sent by Callinan to the justice department on March 10 this year. In it, the former commissioner advised that he had referred the issue of the taped conversations to the Attorney General last November to request legal advice on what should be

done with the more than 2,800 recordings made since 2010.

The government’s version of events is not credible. It is already known that the programme of recording calls at Garda stations was instituted in the 1980s to help gather information on Irish Republican Army activities. At the same time, the Irish state developed close working relations with British intelligence.

As Shatter was forced to acknowledge in a statement he delivered to parliament, the recording devices were subsequently replaced on two separate occasions—once sometime in the 1990s and again in 2008 when digital recorders were installed. Thus a series of governments, involving all of the major parties, are implicated.

The targeting of journalists’ phones was also sanctioned in the early 1980s by the government in a bid to prevent damaging leaks from the administration of then Taoiseach Charlie Haughey. The move led to the resignation of the Garda commissioner in 1982 and a Supreme Court case in 1987 declaring that the tapping of journalists’ phones was a breach of the constitution. While the government of Bertie Ahern issued an official apology for such practices in 2001, it is now clear that this was nothing more than a transparent attempt to cover up a practice that was still rife.

Surveillance remained largely unregulated for many years. In 1998, the Law Reform Commission described surveillance in Ireland as taking place “in a legal vacuum”. This included the use of audio bugging devices, long lenses to spy on buildings and car tracking equipment by Gardai without any judicial oversight.

This system was reformed only in 2009 with the Criminal Justice (Surveillance) Act. According to this, Gardai are permitted to carry out surveillance following

the approval of a district court. As the latest revelations show, such legal provisions have merely codified into law the practice of widespread surveillance carried out by the police and defence forces.

Along with these extensive powers, anti-terror legislation has handed the Garda increased capabilities in recent years. While anti-terror legislation in Ireland has a long history, having been first introduced in 1939 to combat the IRA, the Criminal Justice (Terrorist Offences) Act 2005 substantially broadened the definition of “terrorism” to include acts of “encouragement” and “incitement” in line with international instruments adopted by the European Union and United Nations Security Council.

The 2005 act also allowed telecommunications companies to store telephone and SMS data for up to three years. Gardai can access this data without immediate judicial oversight simply by making a request to the relevant company. Although the period of data retention was reduced to two years by the Communications (Retention of Data) Act 2011, this legislation introduced a requirement to monitor the internet for the first time, requiring that online data be stored for twelve months by service providers.

Such legislation has been introduced at the same time as successive governments have carried through the deepest austerity measures in Irish history. Government spending has been cut by around 20 percent of GDP since 2008 and the ruling elite is well aware that opposition to the continuation of these devastating policies will emerge within the population.

The fact that this powerful state structure has been built up to suppress the working class has been confirmed over recent months. In December, following a threatened strike by energy workers, senators in Ireland’s upper house of parliament held the first discussions on implementing a ban on strike action in specific areas. Within three months, a secret plan had been leaked to use the army to break a strike of airline workers at Dublin airport. The move was only averted by a court intervention declaring strike action illegal.

Under these conditions the investigation unveiled by Justice Minister Shatter into the latest revelations is a damage limitation exercise aimed at controlling the growing number of revelations and protecting the vast array of powers at the disposal of the state.

Last year a report by the Garda ombudsman revealed

that a special unit within the police force had collaborated with drug dealers in exchange for intelligence information while earlier this year the ombudsman service claimed that the government bugged the Garda’s central office in Dublin. This follows the conclusion of the Smithwick tribunal in December 2013, which uncovered the role of Gardai in colluding with the IRA to conduct murders in Northern Ireland.

Concern is mounting that such revelations are undermining the authority of state security forces in the eyes of the public. As the *Irish Independent* wrote on April 1, the government was “obsessed with saving justice minister Alan Shatter and limiting, ahead of the local and European elections, the political fallout”. This was “deepening the much graver crisis of public confidence in the administration of justice,” the paper continued. “Governments come and go, political parties rise and fall. Permanent damage to the operation of our criminal justice system is something this electorate may never recover from.”

The *Independent* editorialists know full well that they are not simply referring to the “electorate” in general, but to one which is becoming increasingly disillusioned with the current social and political set-up. Their plea for a few token measures to be taken, including possibly accepting the dismissal of the justice minister, is aimed at bolstering public confidence in an institution which is being readied to suppress the mounting social discontent among the population.



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