



Irish Network of Legal Observers training guide

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THE IRISH NETWORK OF LEGAL OBSERVERS TRAINING GUIDE



AUTHORS OF THE GUIDE

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Irish Council for Civil Liberties

ICCL is Ireland's oldest independent human rights body. It has been at the forefront of every major rights advance in Irish society for nearly 50 years. The four pillars of ICCL's work are Administration of Justice, Equality and Discrimination, Democratic Freedoms and Digital Rights. ICCL helped decriminalise homosexuality, divorce and contraception. We drove police reform, defending suspects' rights during dark times. In recent years, we led successful campaigns for marriage equality, data protection and reproductive rights.

The Irish Centre for Human Rights

The ICHR is one of the world's leading academic human rights institutions, dedicated to the study of human rights, peace and conflict, international criminal law and humanitarian law, international refugee and migration law, gender and human rights and climate justice. The Centre trains international lawyers through its masters and PhD courses, and its staff are leading researchers and practitioners in their fields.

For more information on the Irish Network of Legal Observers, please see: www.iccl.ie/iccl-irish-network-of-legal-observers/



LEGAL OBSERVERS: WHO ARE THEY AND WHAT DO THEY DO?

Legal observers uphold the fundamental rights to freedom of expression, assembly and association, and ensure the policing of protest occurs within the strict parameters of the law and States' human rights obligations. They independently monitor policing of protest by taking notes, photos and videos and documenting what they witness.

Legal observers focus on the protest rights of those involved, rather than the issue that is being protested. They act to promote accountability for human rights violations perpetrated by police at protests.

This guide serves to equip members of the Irish Network of Legal Observers with relevant knowledge and skills to successfully carry out their role.



THE IRISH NETWORK OF LEGAL OBSERVERS

The Irish Network of Legal Observers was established in 2025 following a recommendation from activists, civil society organisations and academics at an ICCL-hosted seminar on the policing of protest in March 2024.¹ It is a loose network of activists and community members with the objective of providing legal observers at protests when requested.

All members of the Irish Network of Legal Observers must be over 18 and have taken part in at least one training provided by ICCL and the ICHR.

Members of the Network always wear an orange high-visibility vest marked “Legal Observer/ Breathnóir Dlí” when observing to ensure visibility and to differentiate themselves from protesters.

¹ Irish Council for Civil Liberties and Committee on the Administration of Justice, ‘The Policing of Protest: A Shifting Landscape?’ (Irish Council for Civil Liberties September 2024).

Guiding Principles of the Irish Network of Legal Observers

- 1.** Operate independently of all protest groups and individuals when performing their role as legal observers.
- 2.** Cannot take part in any protest for which they are acting as a legal observer.
- 3.** Must avoid taking part in organising protests that they later plan to observe.
- 4.** Do not speak on behalf of protesters and do not act as marshals or stewards.
- 5.** Do not give legal advice.
- 6.** Do not support groups that infringe on or undermine the rights of others. Legal observers should not be present at events such as anti-immigration rallies.
- 7.** Must endeavour to remain respectful and professional when engaging with protesters, gardaí and anyone else they encounter.

Disclaimer

This guide has been prepared for information purposes only. It does not constitute legal advice. Individuals with specific legal issues should seek advice. There is a list of solicitors firms with experience in criminal defence in the appendix of this guide.

Members of the Irish Network of Legal Observers operate independently of ICCL and the ICHR. They operate in a personal capacity and have no institutional affiliation with ICCL or the ICHR.

The statement of the law in this guide is current as of October 2025.

Reports received from members of the Irish Network of Legal Observers are kept in accordance with relevant data protection laws. The information gathered will be retained for as long as is necessary to assist in achieving the legitimate aims of the network. Legal observers should *not* collect sensitive personal data unless the data was fully volunteered.

Legal observer reports contain information about the policing response of the protest monitored. The collection of this data is necessary for the legitimate interest of human rights monitoring.

Funding Acknowledgement

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BACKGROUND ON LEGAL OBSERVERING

Legal observing of protests is a well-established methodology that has been tried and tested in many jurisdictions including Scotland, Australia and Canada.

Legal observers monitor and document the actions of police and private security at protests. They aim to be a visible presence at protests because evidence shows that their presence may impact the way that police and private security actors behave.

Legal observers take videos, photos and notes during a protest and subsequently write their observations in reports after the protest has finished. This helps to document how police and private security engage with protesters, whether they act differently at different types of protests and helps to track changes in how laws are applied over time.

Legal observers are recognised as human rights defenders by the United Nations Human Rights Committee. There is an international obligation on States, including Ireland, to allow observers to fulfill this role.

“Observers may not be prohibited from... exercising [their] functions... They must not face reprisals or other harassment, and their equipment must not be confiscated or damaged. Even if an assembly is declared unlawful or is dispersed, that does not terminate the right to monitor.”²

² UN Human Rights Committee, General Comment No. 37 on the right to peaceful assembly (article 21) (17 September 2020), CCPR/C/GC/37, para 30.



It is important to note that while legal observers are *independent*, they are not *neutral*. Observers are committed to upholding the right to protest as a fundamental human right.

In Ireland, legal observers are subject to the same laws as everyone else. There is no special “legal observer” status. Much of the guidance in this document applies to observing gardaí but may also be relevant for private security providers. Private security may be present at housing protests or other protests on private property. They are subject to the same rules regarding the use of force as gardaí and it is important for observers to monitor their conduct.

LEGAL FRAMEWORK AND GARDA PRACTICE

Protest Law and Garda Powers

Everyone in Ireland has the right to peaceful protest. This right is protected under the Constitution, the European Convention on Human Rights and international human rights law. Gardaí should facilitate peaceful protests. Protesters in the Republic of Ireland do not need to notify gardaí in advance of protests (unlike in Northern Ireland).

The European Court of Human Rights has confirmed that the right to peaceful protest applies to each peaceful protester even if they are surrounded by others who are protesting unlawfully or violently.³

Gardaí have various powers to intervene in protests in a variety of circumstances.



³ [Frumkin v. Russia](#), App no 74568/12 (ECtHR, 6 June 2016), para 99.



When can gardaí intervene after a protest has started?

Irish law gives gardaí powers to intervene in protests in certain circumstances. In particular:

- If protesters are behaving in an abusive, threatening or insulting manner, or are in breach of the peace (see page 10);
- If protesters are engaging in unreasonable behaviour that is likely to cause significant offence or annoyance between the hours of midnight and 7am, or after being asked by a garda to stop;
- If protesters are in certain types of space (if they are trespassing on private property; if they are within half of mile of the Oireachtas when the Oireachtas is sitting; or if they are within 100 metres of the entrance to abortion healthcare premises);
- If protesters are engaged in a riot or violent disorder or are assaulting a garda or gardaí;
- If protesters are promoting violence or inciting hatred;
- If protesters are causing significant disruption to traffic.

INTERPRETING “BREACH OF THE PEACE”

A breach of the peace occurs in a situation where people have reason to feel threatened by disorderly behaviour in a public place. They may feel threatened because of a direct threat from other people, the behaviour of other people, or because two groups are confronting one another and they fear getting caught up in the violence. It is more than “mere boisterousness” and involves a situation where “a person... reasonably fears that if they do not withdraw from [the situation] quite promptly, they may either be assaulted” or get caught up in the disturbance.

Crucially, the law does not require that anyone actually feels threatened; merely that a situation has arisen where a reasonable person would have reason to feel threatened.

What can gardaí do?

Gardaí can redirect a protest route if there are safety or security concerns. They can ask individuals to stop behaviour they believe constitutes a criminal offence or ask protesters to move on. If protesters do not comply, this may be a criminal offence and may lead to an arrest. Alternatively, gardaí can use force to disperse a protest crowd.



When can gardaí use force?

Gardaí are only allowed to use force in certain circumstances, as outlined in legislation and detailed in case law. In general, force should only be used when it is provided for by law, is necessary, and is proportionate.⁴

PROVIDED FOR BY LAW: There are numerous legislative provisions which enable gardaí to use force in a variety of circumstances, including to effect or assist in a lawful arrest⁵ and to prevent a crime or breach of the peace.⁶

NECESSARY: There is no alternative to using force.

PROPORTIONATE: The amount of force used is necessary for the desired outcome.

1. Gardaí can use force to disperse or contain crowds

Gardaí have an inherent power to protect against a breach of the peace (see page 12), and to defend public security and public order. These are difficult terms to define and the powers that flow from them are difficult to identify. It is generally accepted around the world that police can determine that a protest should be dispersed and that they can use “reasonable force” to do so. The rules around this in Ireland are vague, but in general gardaí should only use force that is proportionate to the threat they have identified and is reasonable in the circumstances.⁷

⁴ See The People (Attorney General) v Keatley [1953] IR 12; Non-Fatal Offences Against the Person Act 1997, section 18.

⁵ Non-Fatal Offences Against the Person Act 1997, section 19.

⁶ Non-Fatal Offences Against the Person Act 1997, section 18(1)(e).

⁷ An Garda Síochána, Policy Directive No. 075/2017, Public Order Incident Command, p. 2, 7.

2. Gardaí can use force to arrest protesters under certain circumstances

Gardaí can arrest protesters if they believe they have committed an offence and can use force to effect the arrest. The most common reasons for an arrest at a protest are:

- Disorderly conduct;
- Threatening and abusive behaviour;
- Failure to comply with a direction of a garda;
- Wilful obstruction of a person or vehicle.

Gardaí also have a common law power of arrest when they believe a breach of the peace has occurred.

A garda should tell a person they are arresting the reason for the arrest and inform them of their right to remain silent. When someone is arrested, gardaí have a common law power to search them for evidence of dangerous items. This can be done at the site of the arrest or once the person is brought to a garda station. The common law power to search includes the power to conduct strip or intimate searches.

3. Gardaí can use force to effect a search

A garda may ask to search someone and their belongings without arresting them. A person can be searched without their consent.

In several circumstances (e.g., section 23 of the Misuse of Drugs Act 1977 if the garda suspects possession of drugs), gardaí have the power to compel a search and to use force to effect that search. If they use this power, the person being arrested should comply or they may be at risk of committing a criminal offence. Gardaí should always explain the reason for the search and cite the legislation that they are using to conduct the search.

How to make a complaint to Fiosrú, the Office of the Police Ombudsman

In the event of mistreatment or misconduct by a garda, complaints must be made within 12 months of the incident.

Complaints can be made directly to Fiosrú or to garda personnel at a garda station. Fiosrú will decide whether to investigate the complaint or to refer the complaint to An Garda Síochána for an internal investigation.

Fiosrú will always investigate complaints of a criminal offence, a breach of professional standards, serious harm, or if a death is involved.

For more information, please see:

www.fiosru.ie/complaints/submit-a-complaint/



PUBLIC ORDER TACTICS

Gardaí have a great deal of discretion in the way they deal with protests. They do not enforce the law in a mechanical way and will often ignore minor breaches. There are five common approaches to controlling protest actions. They can be staged slowly or shift rapidly and can be planned or unplanned.

1. Accommodation

In this mode, gardaí wear ordinary uniforms and may not be many in number. They facilitate the protest by stopping traffic and maintaining routes.

2. Negotiation

Gardaí may seek to negotiate. This may come in the form of requests, demands or threats. Garda community liaison officers may seek to meet protest groups in advance. They will likely seek out leaders or ask groups to identify organisers. By entering into negotiation with protest groups, gardaí may seek to shape how the protest occurs, ensure safety and security, and minimise traffic disruption.



3. Containment

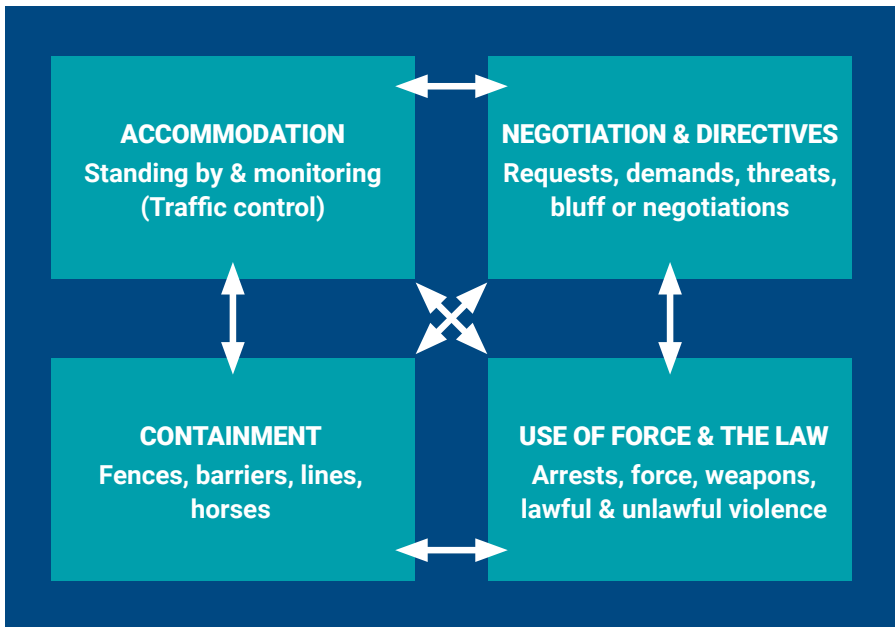
Containment may involve the use of passive metal barricades, lining up squad cars or garda vans, or deploying lines of officers to create cordons. Containment is often used to prevent protesters from entering an area that has been identified as “sensitive” or high-risk. The most extreme form of containment is “kettling” where police hold protesters in place for long periods of time (sometimes up to 12 hours), in an attempt to contain a protest and exhaust those attending. In situations where containment is contentious, garda demeanour is likely to be hostile and members of the Public Order Unit may wear riot equipment, which includes riot shields and body armour.

4. Dispersal (Use of Force)

Gardaí may decide that a protest is getting out of hand, or that it has caused too much disruption. In this case they may seek to disperse protesters. Initially this may occur verbally. In extreme cases, gardaí will use force to clear protesters from particular spaces. Different types of weapons can be used in this situation, including batons, shields, pepper spray, tear gas or water cannon.

5. Arrest and Detention

At smaller protests, it is not uncommon for gardaí to arrest and briefly detain protesters. However, it takes a lot of resources for gardaí to effect arrests (2-4 officers are often required per arrest) and in situations where a crowd is large or hostile, they may choose not to make arrests. Notably, the gardaí can deploy officers who record public order situations and these recordings may be used to arrest protesters at a later date.⁸



⁸ Policing Authority, [‘Review of Public Order Policing’](#) (Policing Authority 2025) 35.

LEGAL OBSERVING IN PRACTICE

Observing a Protest

Once you have completed the legal observer training, you will be invited to join a Signal group where members of the network share details of upcoming protests and coordinate legal observation. The Signal group is intended solely for organising legal observer activities. In order to maintain this, messages that are not directly relevant to organising legal observer activities may be removed.

Protest organisers will send a message requesting legal observers on the Signal group before a protest. If you can act as a legal observer, you should respond and organise with observers to attend.

Remember, legal observers should always work in pairs and support each other. Where possible, more and less experienced observers should be paired together.

You should meet your partner before the protest starts and discuss the possible risks at the protest, including the likelihood of garda use of force and the possibility of counter-protests. If you are involved with different movements, it is worth consulting them and media reports to discern possible risks in advance.

Remember, legal observers should always work in pairs and support each other.



Report any serious incidents in the Signal group during the protest if you need help.



Once the protest is over, you must write a brief report on the protest, as quickly as possible.



Once the protest begins you should stick together and follow the guidance in this document. **It is important to report any serious incidents in the Signal group during the protest if you need help.**

Once the protest is over, you must write a brief report on the protest, as quickly as possible to aid memory, and send it to: irishlegalobservers@proton.me.

Only two people, the lead organisers in ICCL and the ICHR (currently Emily Williams and Illan rua Wall) have access to the email address. Reports are saved on the email, and an encrypted server, and will only be accessible by the lead organisers.

Legal observers should always document and send a report on a protest, regardless of the policing approach (i.e. even if everything runs smoothly).

ICCL reserves the right to use anonymised information gathered in legal observer reports in research, policy and advocacy work.

What conduct should you record and monitor?

Legal observers should focus on the conduct of gardaí and where relevant, private security providers. This might include:

- Attempts to restrict or prevent protest activity (including sound equipment, stalls, banners, movement);
- Blocking roads (by using police lines, metal fences or vehicles);
- Deployment of weapons (batons, pepper spray, tear gas, taser, bean bag rounds, rubber bullets, flash bangs (stun grenades), water cannon, lethal weapons);
- Use of weapons (including unholstering, threatening, pointing and using weapons);
- Deployment of garda animals (horses, dogs);
- Use of force (including pushes, punches, grabs, strikes, etc.);
- Injuries sustained by protesters;
- Detentions and arrests.



What else is it important to observe?

It is important to try to record the context of events. This helps to explain how situations unfolded and how reasonable policing decisions might be. This information might include:

- Police behaviour and demeanour;
- Interactions between gardaí and protesters;
- Garda attempts to negotiate or de-escalate;
- Garda clothing, armour, weapons and equipment;
- Any discriminatory behaviour or comments;
- Police formations and manoeuvres;
- Build-up to an incident;
- Conduct of protesters;
- Treatment of legal observers.

SEE THE APPENDIX FOR A SAFETY CHECKLIST AND GUIDANCE ON WRITING YOUR REPORT(S).



ENSURING SAFETY AND SECURITY FOR LEGAL OBSERVERS

Your security, welfare and wellbeing are key.

Avoid situations where your safety or physical or emotional welfare are threatened. You should never put yourself in harm's way. If you get caught up in an unsafe or threatening situation, remove yourself as quickly as possible.

The following precautions are worth observing routinely:

- Always wear your legal observer high-visibility vest. Once you take it off, you are no longer acting as a legal observer;
- Make sure to maintain a safe distance from gardaí;
- Avoid counter-protesters as your high-visibility vest may make you a target;
- After a protest, debrief with your partner/s to discuss what happened;
- Only observe protests if you are physically and mentally able;
- Take regular breaks in consultation with your partner/s.

Following the above guidance is a good way to limit the risks involved in being a legal observer. However, things can still go wrong and you may have to stop acting as a legal observer during a protest e.g., if you come into conflict with gardaí or counter-protesters or if you are arrested. It is important to know what to do in these situations.

What do I do if I am told to move on by a garda?

Gardaí have the power to direct people to move on under the Criminal Justice (Public Order) Act 1994.⁹

Depending on the context, you may ask the garda politely to explain their request or to explain what legal powers they are exercising.

It is important that you comply with any requests to move on. You should not hinder gardaí from doing their job and you cannot act as a legal observer if you have been arrested.

What do I do if a garda tells me to stop filming them?

In general, you are allowed to film gardaí. They should only ask you to stop filming if you are perceived to be intimidating. If asked to stop, you should ask them to explain why. If they insist, you should comply with their instruction but record the incident (including the date, time and place) in your notes.

Gardaí can take away your phone/camera if they believe an image or footage relates to a crime. You should insist that it is placed in a sealed evidence bag.

What do I do if a garda is wearing a body-worn camera?

At the time of writing, body-worn cameras are currently being piloted in Dublin, Waterford and Limerick. Body-worn cameras can only be used in accordance with the Garda Síochána (Recording Devices) Act 2023 and its accompanying Code of Practice. In certain circumstances this could mean that gardaí use them to record interactions between themselves and protesters. The body-worn cameras used by gardaí have a rolling record feature, meaning that the 30 seconds prior to a garda pressing record are also captured.

All recordings are subject to retention periods and when footage is deemed “non-evidential” (meaning the footage does not show evidence of a criminal

⁹ [Criminal Justice \(Public Order\) Act 1994](#), s 8(1)(ii).

offence) by a garda and subsequently tagged as such, the footage is automatically destroyed after 31 days.

However, the Code of Practice also states that at any time in the 31 days, garda personnel or a supervisor can review and change a “non-evidential” decision. This leads to the footage being retained for 7-12 months.¹⁰

What do I do if a garda asks for my name, to search my phone or threatens me with legal action?

- Request your legal observer partner/s to join you for support;
- Ask what powers the garda is exercising;
- If threatened with arrest, provide your name;
- If your phone is requested, insist that it is placed in a sealed evidence bag.

What do I do if I am physically or verbally mistreated by gardaí?

- Report it to your legal observer partner/s and in the Signal group;
- Take detailed notes/video/photos, if and when it is safe to do so;
- Move to a different area or location if required;
- Make a complaint to Fiosrú (see page 13);
- Seek legal advice to explore different legal options for accountability (including the option of taking a personal injury case).

¹⁰ [Garda Síochána \(Recording Devices\) Act 2023 \(Code of Practice\) Order 2024](#), S.I. No. 216/2024, s 2.8.

What do I do if I am arrested?

- Remain calm;
- Do not consent to searches if asked but comply with them if gardaí decide to carry them out;
- Contact a solicitor from the list in the appendix as soon as possible;
- Do not discuss the matter with gardaí until you have obtained legal advice. Always say “no comment” until you speak to a solicitor. You have a right to speak to a solicitor and to do so within a reasonable time.¹¹

What do I do if I witness violence by gardaí?

- Do not engage – your role is to observe. If you feel comfortable, you can ask gardaí what powers they are exercising. Your presence monitoring and recording their conduct may also act as a deterrent;
- In an emergency or if you feel you have to intervene, remove your high-visibility vest before doing so. Do not return to observe at the same protest after intervening;
- If you feel unsafe, remove your high-visibility vest and leave the area of the protest. Notify the Signal group and send your report when you are able;
- Make a complaint to Fiosrú (see page 13).

¹¹[Criminal Justice Act, 1984 \(Treatment of Persons in Custody in Garda Síochána Stations\) Regulations 1987](#), S.I. No. 119/1987, s 8(1)(b), 9(2)(a)(i), 11.

What do I do if I am targeted by counter-protesters or other members of the public?

It is important *not* to engage with anyone who targets you with verbal threats or physical aggression.

Your high-visibility vest may make you a target. If you believe you are at risk, leave the area of the protest as quickly as possible. Include information in your report about the threat and why you had to stop observing the protest.

What do I do if I am unable to continue for any reason?

If you feel unable to continue as a legal observer on the day, whether because you feel unsafe, unwell or have done something which may have compromised your independence, you should let the other legal observer/s know, hand over any notes to another observer and debrief. You should take off your high-visibility vest and leave the area of the protest.

It is important that you do *not* engage in protest activity after being an observer at an event. There must be a clear differentiation between legal observers and protesters.



APPENDIX 1

Legal Observer Checklist

-
- ✓ Arrive early.
-
- ✓ Find the other legal observers.
-
- ✓ Check mobile phone / means of recording if possible.
-
- ✓ Carry ID.
-
- ✓ Ensure you can take written notes
(carry a clipboard/notebook/copybook and pens).
-
- ✓ Wear a high-visibility vest identifying you as a legal observer.
-
- ✓ Do not wear any political clothes or symbols.
-
- ✓ Carry contact details of solicitors and emergency contact information.
-

APPENDIX 2

Safety Checklist

- ✓ Always work in pairs and support each other.
Keep eye contact with your legal observer partner/s.

- ✓ Maintain a safe distance from gardaí or private security.

- ✓ Debrief afterwards, particularly if there have been any incidents.

- ✓ Assert the independence of the role at all times.

- ✓ Only observe if you are physically and mentally well.

- ✓ Take breaks when you need to.

APPENDIX 3

Writing Your Report

The report does not need to be written in a formal manner. It is meant to give a sense of the events and what you witnessed in an objective, factual and concise manner.

The following are important to include, where the information is available:

- Date, time and location.
- Exact time of any significant events such as arrests or the use of force.
- The context the protest happened in - time, weather, visibility/level of light, etc.
- The location and environment - nearby buildings, route of protest, road closures, etc.
- The format and size of the protest – static or moving, size of the gathering.
- Who the protesters are – demographics of the protesters.
- Mood/atmosphere at the protest.
- Number and type of gardai present, uniforms, ID numbers, ranks, etc.
- Whether the Public Order Unit was present.
- Garda equipment.

-
- Garda interactions with participants, initially and as the event(s) developed (e.g., Did they become more aggressive? Provide examples).
-
- Presence of counter-demonstrators or bystanders.
-
- Attempts to restrict or prevent protest activity (e.g., removing sound equipment, stalls or banners, stopping movement, etc.).
-
- Did gardaí use force? Provide examples (e.g., pushing, punching, grabbing, striking with fists, etc.).
-
- Did gardaí use force to disperse or contain a protest, or to arrest people?
-
- Did gardaí threaten to deploy weapons? Did they brandish batons or shields, unholster non-lethal weapons (e.g., pepper spray, rubber bullet guns), or move water cannons into position?
-
- Did gardaí use weapons (e.g., batons, pepper spray, tear gas, taser, bean bag rounds, rubber bullets, flash bangs, stun grenades, water cannon, lethal weapons)?
-
- Were any protesters injured?
-
- Did gardaí make arrests?
-

CONTACTS

In Ireland, individuals have a constitutional right to legal advice in criminal cases, including the right to legal representation where you cannot afford it. Most people are eligible for criminal legal aid and would not need to pay for a solicitor and other fees associated with going to trial.

Solicitors' firms with expertise in criminal defence include:

SHEEHAN AND PARTNERS LLP

Cunningham House
130 Francis Street, Dublin 8

Tel: 01 453 3477

After Hours: 086 048 1200

Email: info@gsandco.ie

www.sheehanandpartners.ie

MICHAEL FINUCANE SOLICITOR

Suite 128, The Capel Building
St Mary's Abbey, Dublin 7
D07 W024

Tel: 01 809 0007

Email: info@michaelfinucane.ie

www.michaelfinucane.ie/

MICHAEL J. STAINES & CO SOLICITORS

Lincoln House, Lincoln Lane
Smithfield, Dublin 7

Tel: 01 873 1366

Emergency: 086 254 0442

Email: info@michaelstaines.ie

www.michaelstaines.ie

KOD LYONS

Ushers Court
31–33 Ushers Quay, Dublin 8

Tel: 01 679 0780

Emergency: 086 085 9800

Email: info@kodlyons.ie

www.kodlyons.ie/

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27/30 Merchant's Quay
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Email: info@macguill.ie

www.macguill.ie



Irish Council for Civil Liberties,
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www.iccl.ie



Ionad na hÉireann do Chearta an Duine
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Email: humanrights@universityofgalway.ie
www.universityofgalway.ie/irish-centre-human-rights/