

legislate so that warrant must be obtained from the judiciary in order to demand a search photograph fingerprint and palmprint a detainee in custody to extraction non intimate samples such as saliva without the consent of the detainee to extract intimate samples such as blood or your brain without the consent of the detainee¹

Render any evidence inadmissible where it does not comply with the regulations as established in the electronic recording regulations of 1997²

executive power on the use of the stage of emergency

as is evidenced from the German constitution, there is a need to recognize fundamental rights as a structural feature of an active and functioning democracy so as to avoid serious violations of human rights in a course of law that is trailing a terrorism offense. legislation ought to be introduced in order to guarantee the inviolability of human dignity and to insert into the same legislation direction to the judiciary that they may not find and on enumeration right in the Irish constitution that may negative the human dignity of a victim or indeed the accused in a terrorism trial. ³ if necessary including this bill the absolute authority of the Supreme Court to determine the constitutionality of the bill, and reaffirm the Supreme court's authority in having the jurisdiction to revoke the decision of ordinary courts notify measures adopted by the executive and leave legal norms without effect. ⁴

Introduce legislation that compels the Court of Appeal to have judicial control over exceptional measures in what is known as a large controller theory. this will enable the judiciary to verify the lawfulness and assess the reasons for justifying the declaration of the state of emergency as well as the restrictions imposed under that special regime. this in Paris the judiciary to maintain under

¹ power of detention under the offences against the state act, criminal in Ireland, P.g. 395, O' Sullivan Catherine

^{2 2} power of detention under the offences against the state act, criminal in Ireland, P.g. 399 O' Sullivan Catherine

³ executive power on the use of the state of emergency, p.g. 223, counter terrorism international law and practice, Saul Ben

^{4 4} executive power on the use of the state of emergency, p.g. 223, counter terrorism international law and practice, Saul Ben

minister the separation of powers which is envisioned under the Irish constitution. the promulgation of such legislation would ensure absolute clarity so as to the executive power and the implementation of the state of emergency. ⁵

empower the superior courts, where the executive exercise power to use the state of emergency legislation, to hold inquiries as to the veracity and truth of where the rule of law is being infringed upon - engine powered the judiciary to make a ruling as to the appropriate sanctioning, if any, on the circumstances of such a case. ⁶

Intelligence and counterterrorism

Legislate so that any espionage or intelligence operations within the jurisdiction for the purpose of safeguarding national security, would be approved why did judiciary and that there are adequate judicial controls over espionage and intelligence operations within the jurisdiction so as to uphold human rights. ⁷

Define in legislation the competencies in relation to terrorism terrorists acts and such associated offenses so as to prevent overreach of intelligence agency powers. it is important to also enumerate competencies especially those pertaining to investigative techniques that may require specific regulation, in this legislation and ensure that same is operated by delegated legislation (with the caveat that such delegated legislation may only be used by the executive following review from the superior courts). ⁸

Legislate so that the security apparatus of the state is obligated to undertake a rule of law framework so as to instill a rule of law culture within intelligence and law enforcement agencies. vision sure is thus such agencies have an appreciation of cultural diversity and sensitivities within special security agencies and are cognizant of human rights and perceptions by the general public. it is imperative that proactive prevention procedures are in place so as to ensure that communities are not entrenched with his sense of alienation from state authorities. this in turn ensures that the state can

⁵ executive power on the use of the state of emergency, p.g. 223, counter terrorism international law and practice, Saul Ben

⁶ executive power on the use of the state of emergency, p.g. 230, counter terrorism international law and practice, Saul Ben

⁷ intelligence and counterterrorism, p.g. 354, counter terrorism international law and practice, Saul Ben

⁸ intelligence and counterterrorism, p.g. 355, counter terrorism international law and practice, Saul Ben

adopt less coercive forms of intelligence and instead offer soft intelligence. ultimately this prevents the need for the state to ever circumvent human rights ⁹.

Codified the use of drones and aerial unmanned vehicles by the Irish defense forces. in such qualification determine what the drones and unmanned aerial vehicles may be used for, and what they may not be used for. including this qualification the discretion of the superior courts to enable the use of an unmanned aerial vehicle or drone for the purpose of national security - test judicial oversight enables a guarantee that human rights will not be undermined or are infringed upon in as little as is practicable. ¹⁰

Legislate so as to include the definition of intelligence accountability so as to prevent security operators of the state becoming a state within the state. Enable the parliamentary committee on defense and foreign affairs to summon/subpoena heads of agencies that fall under the security apparatus of the state for in camera sessions of the committee. the parliamentary committee on defense and foreign affairs may petition the superior courts to waive the anonymity undisclosed too the general public the contents and the minutes off search subpoenas or summonings, and if the judiciary is satisfied that there is a legitimate public interest in declassifying such meetings, then the judiciary must do so. ¹¹

Established through delegated legislation human rights standards for intelligence and intelligence personnel within just a restriction to adhere to at all times. this facilitates the appropriate application of human rights law by intelligence agencies and ensures oversight mechanisms in the institutions themselves. ¹²

Parliamentary oversight of counterterrorism policies

Where there are exceptional grounds for not notifying parliament in advance of a transfer of authority to exercise police or security powers in a specific case, there must be a full governmental accountability to parliament for all such decisions, as per the Venice Commission of the Council of Europe.¹³

⁹ ⁹ intelligence and counterterrorism, p.g. 361 counter terrorism international law and practice, Saul Ben

¹⁰ ¹⁰ intelligence and counterterrorism, p.g. 371, counter terrorism international law and practice, Saul Ben

¹¹ ¹¹ intelligence and counterterrorism, p.g. 375, counter terrorism international law and practice, Saul Ben

¹² ¹² intelligence and counterterrorism, p.g. 375, counter terrorism international law and practice, Saul Ben

¹³ Parliamentary oversight of counterterrorism policies, p.g. 963, counter terrorism international law and practice, Oikarinen Jarmo.

The parliamentary committee on defence and security most piece provided with statutory powers to subpoena evidence and documents, antisoma and officials from intelligence and security agencies of the jurisdiction. in order to fulfill mandates. The parliamentary committee on defence and security and foreign affairs must be permitted 2 request of grading of technical facilities for the execution of their office, and also have full autonomy in preparing their respective codes of conducts for each new parliament. ¹⁴

at present Ireland is the only parliament within the EU member state where members of parliament do not have access to classified information of any level. ¹⁵

Informer privilege

legislator wants to provide clarity on the innocence at stake exception in tangents with the rule of law principle in Irish law.¹⁶

Legislate so as to provide clarity that a trial judge has the discretion as to whether to determine where informer privilege is a matter for the trial judges discretion - over ruling the lack of legitimate expectation that arises from dPP v special Criminal Court in Carney J's ruling. ¹⁷

Cyber crime and cyber terrorism and terrorist use of the Internet.

introduce legislation so as to define cyber terrorism and the Irish statute books, and to provide the penalties for a summary conviction and conviction on indictment for the same offense. ¹⁸

Integrating the combating of terrorism and human rights.

Criminality and terrorism

remove the authority of the government to suppress any organization that is deemed to be unlawful under the 1939 act and instead delegate the decision to the superior courts of the judiciary - and

¹⁴ Parliamentary oversight of counterterrorism policies, p.g. 963, counter terrorism international law and practice, Oikarinen Jarmo.

¹⁵ political oversight of national security issues, p.g. 16, national security law in Ireland Lynn, Michael.

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¹⁷ informers and ordinary crime, p.g. 157, national security law in Ireland Lynn, Michael.

enable the government to enter arguments as to the reasoning behind the necessity for national security should suppress any organization that is deemed to be unlawful.¹⁹ . At present it infringes on the rule of law where it is antagonistic to the separation of powers. It is a symptom of executive intrusion into judicial functions.²⁰

Remove the authority of a Garda Superintendent to, in their opinion, hold someone to be a member of a prescribed organization and for this to suffice is sufficient evidence for a conviction under crime of being a member of a prescribed organization.²¹

Instead, enable either a special council system as operates in the United Kingdom, or the trial judges themselves, to adjudicate that if on the face of the evidence the individual is indeed a member of a prescribed organization or not, as per the circumstances of the case²²

Introduce status offenses, such as those offenses their incitement advocacy or glorification of terrorism - so as to introduce clear legislative frameworks and so as to minimize negative impacts on the freedom of Association and the freedom of expression in a democracy.²³

Ratify the Beijing convention of 2010 - where it expressly guarantees fair treatments in accordance with human rights law and the rule of law in relation to cooperation on suppressing unlawful acts.. This convention also ensures that summary deportations cannot be used by states to circumvent procedural protections guaranteed by extradition processes.²⁴

Legislation so that for a person has been previously convicted of a terrorism offence, a control order can only be justified before a court of law, where there is evidence tendered by the states that the affected person poses a continuing risk of terrorism. ensure that in this legislation, following a procedurally fair hearing that is in step with the rule of law and human rights law, only then may the trial judge find it necessary to issue a control order.²⁵

Victims rights in Ireland

²⁰ criminality and terrorism, p.g. 168, counter terrorism international law and practice, Saul Ben

²¹ informer privilege and confrontation, p.g. 111, national security law in Ireland Lynn, Michael.

²² ²² criminality and terrorism, p.g. 168, counter terrorism international law and practice, Saul Ben

²³ ²³ criminality and terrorism, p.g. 170, counter terrorism international law and practice, Saul Ben

²⁴ ²⁴ criminality and terrorism, p.g. 170, counter terrorism international law and practice, Saul Ben

²⁵ ²⁵ criminality and terrorism, p.g. 170, counter terrorism international law and practice, Saul Ben

enshrine in an act of the legislature the right for victims of a terrorist defense industry addiction to be treated with respect and recognition to also have the right to be referred to adequate support services and to have the right to receive information about the progress of the case to have the right to counsel the right to be compensation by the offender and for the station failing to prevent the terrorist offence.

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