

**“ASSEVERATION”**

I-I/FCA/004

NOTICE & LAWFUL DECLARATION

In the matter of the question as to: “In what circumstances is it permissible for the Irish statutory authorities to break the law, for the purposes of enforcing the law.”

This matter being brought to the Integrity Ireland Findings Committee (‘I-IFC’) for consideration and assessment according to; (i) the Rule of Law; (ii) to existing positive (written) law; and (iii) as per the respective rights, authorities and jurisdiction granted under Irish & international law, as laid out in the I-IFC foundation publications quoted in I-I/FCA/001/3; the Integrity Ireland Association hereby finds and determines as follows:

1. ARTICLE 40.1 of the Irish Constitution states: *“All citizens shall, as human persons, be held equal before the law.”* Accordingly, the respective statutory authorities being citizens of this State are subject to the laws of the State.
2. Article 40.2.1° states: *“Titles of nobility shall not be conferred by the State.”* (and) 2° *“No title of nobility or of honour may be accepted by any citizen except with the prior approval of the Government.”* This removes from consideration any reference to, and/or any implied application of ‘sovereign immunity’ or similar exemption from civil or criminal liability for Irish officials and office holders such as previously applied to the various heads of State and/or to their appointed agents under the British Monarchy.
3. Article 40.3.1° states: *“The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.”* (and) 2° *“The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen.”* The Constitutional obligation on all agents of the State to absolutely respect the law is therefore clear and unambiguous.
4. Paragraph 8 of the Integrity Ireland ‘QTC 2’ Notice of May 2019 states: *“That as per the respective Irish and EU legislation, it remains unlawful for any resident or citizen of this State to knowingly participate in unlawful, corrupt or criminal activities.”*
5. Paragraph 7 of the Integrity Ireland ‘QTC 3’ Notice of March 2020 states: *“Any such offending person including any Irish officials or office holders who engage in lawbreaking either; (a) in their private capacity as residents or citizens; and/or (b) in context of their public role or position, are subject to the respective legal consequences by way of: (i) criminal complaints to An Garda Síochána, and/or (ii) prosecution by the DPP; (iii) by*

way of private, criminal prosecution under S.10 of the Petty Sessions (Ireland) Act 1851, and (iv) are also subject to legitimate citizen's arrest as per the terms of S.4 of the Criminal Law Act 1997 & S.12 of the Criminal Damage Act 1991."

6. **Exemption:** Article 40.4.5° states: "Nothing in this section, however, shall be invoked to prohibit, control, or interfere with any act of the Defence Forces during the existence of a state of war or armed rebellion." This effectively gives licence to the Defence Forces to commit acts during a state of war or armed rebellion that could otherwise be described as unlawful, illegal or criminal actions.

7. In the May 2000 Judgment of The European Court of Human Rights (Third Section), sitting as a Chamber on 26th October 1999 and on 4th May 2000, in the case of "Khan v. the United Kingdom" Judge Loukis Loucaides stated: "Breaking the law, in order to enforce it, is a contradiction in terms and an absurd proposition."

8. With its origins in the findings of the post-WW2 Nuremburg Trials, the concept of "the justice cascade" whereby officials and office holders are to be made criminally accountable for human rights violations through international courts and tribunals took hold. **"The central idea is that violations of human rights cannot stand as legitimate acts of state. Therefore, they must be considered as criminal acts, committed by individuals who can and should be prosecuted in criminal proceedings."**¹

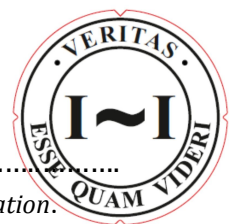
Finding / Determination:

1. Other than in circumstances where the Irish Defence Forces are acting in context of a state of war or of armed rebellion, the Irish statutory authorities may not contravene the law or violate the Constitution.
2. In circumstances where any Irish official or office holder and/or any other agent of the State including those employed in any capacity in service to the statutory authorities engages in unlawful or criminal acts; that the same are subject to civil remedy and/or criminal penalty in their private capacity as a citizen of this State who are each, "held equal before the law".

Reg No. Pages & P	I-I/FCA/004/2/2	Committee	SM/WN/BC/SC/CM/JH/AR/J L/JM/
Date of Approval	25.11.2020	Served by	

I hereby declare that this is a true copy of the original PDF version.

Submitted / served by.....
 The signed and sealed original of this Asseveration is on file at the Integrity Ireland Association.



¹ Sikkink, Kathryn. *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*. New York City: W.W. Norton, 2011.