

# LENIENCY PLEA AS COVID

# DON'T LOCK ANGER...



DESPERATE MEASURES: A sign on Leeson Street at start of pandemic lockdown in 2020

■ Fergal BLANEY and Danny DE VAAL

**PEOPLE are still being jailed and fined for lockdown offences committed during the pandemic, *The Star* can reveal.**

Our special investigation found there have been more than 13,000 prosecutions under now outdated Covid laws.

There have been fines totalling €775,000 – and more than 70 jail sentences overall.

One man fined €2,000 in 2021 for travelling home to Ireland from abroad to check on his elderly mother is challenging his case.

*Two people were jailed for breaching restrictions in the first four months of this year, three years on from the introduction of emergency laws to curb the spread of the virus.*

So far in 2023, 1,700 such cases breaches have come before the courts.

The revelations come as Taoiseach Leo Varadkar warned of a “new wave of Covid” with a 90 per cent case rise this summer.

Solicitor Brian Burns insisted prosecutions should be halted as the pandemic is over, while Fianna Fail justice spokesman Jim O’Callaghan has urged judges to be lenient towards Covid offenders.

## Reasons

He said many are “normally law-abiding citizens at an unusual time when ordinary human behaviour was criminalised”.

Mr O’Callaghan said: “There were reasons justifying the enactment of those laws at that time.

“But I would hope that prosecutors take into account the exceptional nature of that when deciding now whether to initiate or persist with prosecutions.

*“If lockdown prosecutions still come before our courts, the unique background should be taken into account.”*

Analysis shows the pandemic offence of “movement of persons” – such as breaching the two kilometre limit – attracted the most fines, totalling €548,840 over three years.

House party fines – for either organising or attending one – totalled €105,680; travelling



## 70 jail sentences, €775k in fines, 13,000 prosecutions ...enough is enough says FF

abroad added up to €22,230 and failure to wear a face mask in shops or pubs/restaurants came to €18,500.

*A total of 16 people were fined over €1,000 – with four of them slapped with a €2,000 penalty.*

Mr Burns is leading the legal challenge against the prosecutions, which relate to emergency legislation introduced to stop the spread of the virus.

Mr Burns – of BKC Solicitors in Dublin’s Harold’s Cross – has represented 20 clients before the courts on Covid breaches. One case is of a man who was living in Spain and fined €2,000 when he flew home to check on his elderly mother in 2021. He applied to get it

waived but was later summonsed to court.

His case comes before the High Court in October for a judicial review, which will challenge the lawfulness of the prosecution.

Mr Burns said the prosecutions should be stopped as the pandemic is over. He added: “I just think they should stop issuing them.

## Record

“You should stop summoning people to court for these offences. Full stop.

“When I was in court, the last day, I don’t think any of the people fined – apart from a tiny portion – actually had criminal records. Certainly none of my clients have a criminal record. The people before the courts on these

offences aren’t lawbreakers.

“Covid was scary for a lot of people, and what’s going on now is just kind of adding to it. Things have moved on and it’s bringing it back. They’re getting fined, and they could actually face jail time.

*“I don’t actually think that will happen but they still have that threat hanging over them.”*

“For a lot of these people, it’s their first time in court. It’s a very scary experience. Ignorance to the law is no defence but the rules were changing so rapidly – there has to be some consideration for that.”

Mr Burns said only a small number of people fight the prosecutions but he has succeeded in getting cases struck out.

APPEAL: Jim O’Callaghan