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## 'We're not a court for holding people while authorities are wandering around trying to find out people's identities'

**THE CHILDREN'S COURT:** No one knew who the Vietnamese boy in the green Diesel hoodie was.

Six weeks ago he was arrested on suspicion of being involved in a burglary. But he had no address, no documents and no evidence of any family in the country.

Yesterday, as he arrived into Court 55 from the cells beneath the Children's Court in Dublin, it was his sixth appearance before a judge since his arrest.

While stuck in a legal limbo, he was being detained in St Patrick's Institution as gardaí continued to try to establish the boy's identity.

"Judge, he has been in custody now for six weeks," said his solicitor, Sarah Molloy, during a sitting of the court on Friday.

"He's a juvenile, judge. He says he has been here for the last two months, with no fixed abode. The Health Service Executive has specific accommodation for unaccompanied minors. They have indicated to me that they are willing to take him into care."

The boy looked around the courtroom anxiously as he strained to hear the voice of an interpreter standing alongside him.

Judge Clare Leonard looked up from the charge sheets and towards the boy. Why were gardaí objecting to the boy being released on bail, she asked.

"He was arrested in the presence of two other Vietnamese nationals who are in custody at present," said Garda Darren O'Connor. "When he was questioned about his address, he said he was sleeping rough in the Phoenix Park."

The garda said they had supplied copies of his fingerprints and other data to the Garda National Bureau of Immigration, the Vietnamese embassy in London and Interpol, but no one was able to positively identify him.

Furthermore, he was concerned that the boy could easily abscond from the hostel the HSE was offering given that it was not secure.

Judge Leonard considered the matter for a moment.

"This is a very serious matter. He was arrested on the 3rd of June and gave fingerprints to the gardaí. It's now mid-July," Judge Leonard said. "I would expect that the defendant would be able to supply more information about his identity."

The boy's solicitor interjected, saying that birth records were not necessarily well maintained in developing countries. Trafficked people rarely had any documentation with them in any case, she added.

"Let's deal with the charges, so," the judge said. "There is one for not having documents and another for burglary."

The gardaí, however, said their file hadn't been sent to the Director of Public Prosecutions's office due to a complication with witness statements.

Judge Leonard sighed.

"I want their directions - no more messing. We're not a court for holding people while authorities are wandering around trying to find out people's identities. . . I'd respectfully ask that the court's time not be wasted," she said, before adjourning the case.

By the time the court reconvened yesterday morning, gardaí were still awaiting instructions from the DPP's office.

A garda explained the delay was linked to problems getting a statement from a member of the force who was on sick leave.

"We can't continue to limp along like this," Judge Leonard said, in an exasperated voice. "We're talking about keeping someone in custody when the court isn't in a position to make a determination based on the facts of the case."

The boy, dressed in the same hoodie and jeans as his previous appearances before the court, bit his nails. His solicitor said she had seen the boy leave court on the last occasion without any handcuffs and that he had not made an attempt to flee.

The judge adjourned the case until later in the afternoon. By then, the gardaí had changed their position. "I have no directions from the DPP's office," the garda said. "However, subject to some conditions, we could be in a position to consent to bail."

The judge agreed. The boy leaned closer to the interpreter as she translated the conversation. His face lit up as he realised he would be free to leave the court.

"He has a curfew," the judge said. "He has to be inside between 10pm and 8am. Otherwise, he will be back in custody. Does he understand?"

The boy nodded enthusiastically and left the room with a broad smile, clutching his bail bond in both hands.