

STATEMENT OF CASE TO RENEW THE DESIGNATION OF CONTINUITY IRISH REPUBLICAN ARMY (CIRA) AS A TERRORIST ENTITY

PURPOSE

1. The purpose of this paper is to assess whether the Continuity Irish Republican Army (also known as Continuity IRA or CIRA) meets the statutory criteria to renew its designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 (TSA).
2. The paper concludes that the group meets the criteria for renewal as a designated terrorist entity under the TSA.

STRUCTURE OF THIS PAPER

3. This paper sets out updated information about CIRA's continued involvement in terrorist activity and covers any changes and /or developments to the organisation since its original designation, including to its objectives, structure, weapons and tactics and includes any recent attacks which meet the definition of a terrorist act under the TSA.
4. This updated information, together with the information contained in the original designation paper¹ inform the analysis of whether reasonable grounds for designation still exist and provide the basis for the conclusion that the group meets the legal criteria to renew its designation as a terrorist entity under the TSA.

STATUTORY CRITERIA FOR THIS DESIGNATION RENEWAL UNDER THE TSA

5. Section 35(1) of the TSA provides that a designation of a terrorist entity expires three years after the date of designation unless it is earlier revoked or renewed by the Prime Minister. The original designation is made pursuant to s 22 of the TSA, which provides that the Prime Minister may designate an entity as a terrorist entity if the Prime Minister believes on reasonable grounds that the entity has knowingly carried out, or has knowingly participated in the carrying out of, one or more terrorist acts ("terrorist act" is defined in s 5). Carrying out a terrorist attack includes the planning, preparation or credible threat to carry out the attack, whether it is actually carried out or not (s 25(1)(a) and(b)).
6. The Prime Minister may renew that designation for a further three years under s 35(2) if satisfied that there are still reasonable grounds as set out in s 22 for the entity to be designated under that section.
7. Before the expiry of an order made under s 35(2), the Prime Minister may make another order under s 35(3) renewing the designation concerned for a further three years. The Prime Minister may make any number of orders under s 35(3) in respect of the same designation (s 35(5)).

CREDIBILITY OF SOURCES

8. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These are: BBC, Council on Foreign Relations, The Irish Times, Jane's World Insurgency and Terrorism Monitor, The

Independent, The Irish Herald, The Guardian, Europol European Union Terrorism Situation & Trend Report, Open Source Center and the Royal United Services Institute.

9. Reporting from local sources was used, including the Portadown Times. Comments from the publication Saoirse Nua - the Voice of the [Irish] Republican Movement were also utilised.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Continued involvement in terrorist activity

10. CIRA was designated as a terrorist entity on 11 October 2010.²
11. On 17 September 2011, CIRA claimed responsibility for a rocket attack on police in Craigavon, Northern Ireland. A spokesman for the CIRA's 'Army Council', using a recognised codeword, told *The Guardian* that operatives had fired a rocket propelled grenade at a police patrol.³ There were no casualties in the attack.⁴
12. In December 2012, Gardai Siochana (Ireland's National Police Service) foiled a plot by CIRA to murder a British soldier as he returned to the Irish Republic on holiday leave. CIRA had planned to shoot the soldier as he attended a Christmas function in Limerick.⁵ A CIRA sympathiser had learned of the soldier's plans to return home for Christmas after befriending the intended victim and monitoring his movements on a social networking site.⁶ The assassination plot was in the advanced stages when it was discovered. The group had sourced a weapon, had chosen the location and selected the person who would carry out the attack. The CIRA was reportedly looking for a security "spectacular" to create headlines and enhance its credibility within dissident republicanism.⁷
13. On 28 February 2013, Gardai raided a house in a residential housing estate in County Kildare, Ireland and arrested two men after uncovering a suspected bomb making factory on the property. The house was alleged to have been used by members of the CIRA. Components used in the manufacture of pipe bombs were found during the search.⁸
14. On 30 March 2013, following a republican demonstration in Craigavon, Northern Ireland, the CIRA exploded a rubbish bin in an attempt to lure a police officer to the area. Police suspected the explosion was an ambush and initially avoided the area. However they arrested a man later that evening.⁹

Ideology and objectives

15. CIRA is a nationalist separatist group, formed in 1995.¹⁰ Its primary objective is to end the United Kingdom's rule in Northern Ireland and unite the northern counties with the Republic of Ireland.¹¹
16. There has been no change in CIRA's ideology. CIRA continues to target the British military forces, Northern Ireland security forces and members of the Police Service of Northern Ireland (PSNI).¹² CIRA frequently makes threats against those serving in the British military. On 6 January 2013, a number of individuals dressed in paramilitary uniforms attended a commemoration ceremony where a statement was

read out on behalf of the CIRA prisoners, warning that any Irish person serving in the British military was considered a legitimate target for the dissident republican group.¹³

17. The group has never called a ceasefire and has rejected the prospect of doing so. In a 2013 New Year's declaration, CIRA released a statement warning that its operations would be "intensified" and there would be "no safe haven for those who administer and support the British presence in the occupied six counties [of Northern Ireland]"¹⁴.

Organisation and structure

18. CIRA is estimated to have between 50 and 80 active members. The group is most active in Northern Ireland, the Republic of Ireland and UK mainland.¹⁵ The group does not have a central strategic focus or strict command structure. Individual units largely act autonomously and usually consist of around 6 people. The group has suffered from internal divisions in recent years. On 26 July 2012, the group released a statement announcing the expulsion of several senior CIRA members, citing 'anti-Republican' behaviour.¹⁶ Despite not having the same capability that it once had, the group attracts individuals who have demonstrated their ongoing commitment to continue to target security forces.¹⁷

Weapons and Tactics

19. CIRA continues to use small-arms and explosives in its attacks.¹⁸ While little is known about the content of CIRA's arsenal, propaganda images posted online show masked CIRA paramilitary members at a sniper training camp¹⁹ and members holding AK-series assault rifles and a RPG-7 rocket propelled grenade launcher.²⁰ The use of explosives, particularly homemade pipe bombs, against security forces and economic targets is a regular CIRA tactic.

Law of Armed Conflict

20. There have been no significant changes in the status of the conflict or in the conduct of CIRA to invalidate the legal analysis contained in the original designation. The situation continues to be one of sporadic violent activity by CIRA, and has not reached a level of intensity and continuity on the part of CIRA that would bring the situation within the meaning of "armed conflict" for the purposes of the exemption in section 5(4) of the TSA. Accordingly, the exemption in s 5(4) cannot apply, and the CIRA attacks are properly characterised as terrorist acts.

Conclusion

21. On the evidence set out above, this paper concludes that there are still reasonable grounds, as set out in s 22 of the TSA, for CIRA to be designated under that section.
22. Since its designation in October 2010, CIRA has continued to carry out activities which meet the definition of terrorist acts as defined in ss 5 and 25 of the TSA, including preparation for (paragraph 12-13), attempting (paragraph 14) and actually carrying out such acts (paragraph 11). Accordingly, given there are still reasonable grounds to believe that CIRA has knowingly carried out terrorist acts as set out in s

22 of the TSA, CIRA meets the legal criteria for renewal of its designation as a terrorist entity under s 35.

23. The designation must be renewed by 11 October 2013 to be effective.

¹ The statement of case, dated 11 October 2010 can be accessed at: <http://www.police.govt.nz/service/counterterrorism/designated-terrorists.html>

² *Ibid*

³ (19/09/2011) "*CIRA claims alleged RPG attack in Northern Ireland's County Armagh*", Jane's Terrorism and Watch Report. Accessed via <http://search.proquest.com/> on 4/04/2013.

⁴ (17/09/2011) "*Continuity IRA claim Armagh rocket attack on police*", The Guardian, <http://www.guardian.co.uk/uk/2011/sep/17/continuity-ira-claim-rocket-attack>. Accessed 15/01/2013.

⁵ (8/01/2013) "Gardai investigate dissident threats", The Irish Times, <http://www.irishtimes.com/news/garda%C3%AD-investigate-dissident-threats-1.955459>. Accessed 16/01/2013.

⁶ (18/12/2012) "*Irish police 'foil Continuity IRA plot to murder British soldier'*", BBC, <http://www.bbc.co.uk/news/world-europe-20766729>. Accessed 14/01/2013.

⁷ (18/12/2012) "*IRA Christmas plot to shoot British soldier here is foiled*", The Independent, <http://www.independent.ie/irish-news/ira-christmas-plot-to-shoot-british-soldier-here-is-foiled-28948896.html>, Accessed 14/01/2013.

⁸ (2/03/2013) "Two held as gardai find 'bomb factory'", The Independent, www.independent.ie/irish-news/two-held-as-gardai-find-bomb-factory-29104223.html

⁹ (1/04/2013) "*Sinn Féin offer of peace talks spurned by republican dissidents*", The Guardian, <http://www.guardian.co.uk/uk/2013/apr/01/sinn-fein-talks-republican-dissidents>. Accessed 2/04/2013.

¹⁰ (21/05/2008) "*IRA Splinter Groups (U.K., separatists)*", The Council on Foreign Relations, <http://www.cfr.org/terrorist-organizations/ira-splinter-groups-uk-separatists/p9239>. Accessed 4/04/2013,

¹¹ (11/01/2013) "*Continuity IRA (CIRA)*", Jane's World Insurgency and Terrorism. Accessed 30/01/2013.

¹² (11/01/2013) "*Continuity IRA (CIRA)*", Jane's World Insurgency and Terrorism. Accessed 30/01/2013.

¹³ (8/01/2013) "*Gardai investigate dissident threats*", The Irish Times, <http://www.irishtimes.com/news/garda%C3%AD-investigate-dissident-threats-1.955459>. Accessed 31/01/2013.

¹⁴ (Dec 2012/Jan 2013) "*Armed struggle against British Occupation Continues*", Saoirse Nua, <http://realsinnfein.wordpress.com/2013/01/01/the-latest-issue-of-saoirse-nua-the-voice-of-the-republican-movement/>. Accessed 30/01/2013.

¹⁵ (11/01/2013) "*Continuity IRA (CIRA)*", Jane's World Insurgency and Terrorism. Accessed 30/01/2013.

¹⁶ (Dec 2012/Jan 2013) "*Armed struggle against British Occupation Continues*", Saoirse Nua, <http://realsinnfein.wordpress.com/2013/01/01/the-latest-issue-of-saoirse-nua-the-voice-of-the-republican-movement/>. Accessed 30/01/2013.

¹⁷ (2012) "*TE-SAT 2012 EU Terrorism Situation and Trend Report*", Europol, www.europol.europa.eu. Accessed 19/02/2013.

¹⁸ "*Dissident Republican Terrorist Groups*", Mi5 Security Service, <https://www.mi5.gov.uk/home/the-threats/terrorism/northern-ireland/republican-terrorist-groups.html>. Accessed 4/04/2013.

¹⁹ (Dec 2012/Jan 2013) "*Armed struggle against British Occupation Continues*", Saoirse Nua, <http://realsinnfein.wordpress.com/2013/01/01/the-latest-issue-of-saoirse-nua-the-voice-of-the-republican-movement/>. Accessed 30/01/2013.

²⁰ (11/01/2013) "*Continuity IRA (CIRA)*", Jane's World Insurgency and Terrorism. Accessed 30/01/2013