

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

PURPOSE

1. This paper sets out the case demonstrating Continuity Irish Republican Army (CIRA, also known as Continuity IRA) meets the statutory criteria for the renewal of its designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 (TSA).

STRUCTURE OF THIS PAPER

2. This paper sets out updated information about CIRA's continued involvement in terrorist activity and covers any relevant changes or developments to the organisation since its original designation in October 2010¹, and renewal in October 2013, September 2016, and September 2019², including CIRA's objectives, structure, weapons and tactics and includes recent attacks which meet the definition of a terrorist act under the TSA.
3. This updated information, together with the information contained in the original designation paper and previous renewal papers, provide the basis for the conclusion that CIRA meets the legal criteria for renewal of its designation as a terrorist entity under the TSA.

STATUTORY CRITERIA FOR DESIGNATION RENEWAL UNDER THE TSA

4. 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 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. Carrying out a terrorist act is defined in s 5A(1) as including planning, other preparations, or a credible threat to carry out the act, whether or not the act is actually carried out and includes attempts to carry out the act.
5. 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.
6. 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

5. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These include BBC News and The Guardian.
6. A range of regional news sources were also referred to including Belfast Telegraph, RTE, Irish News and Independent.ie.
7. Other sources utilised include MI5, Refworld and Facebook.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Continued involvement in terrorist activity

8. On 19 August 2019, explosives were detonated at Wattle Bridge in Co Fermanagh. CIRA claimed responsibility for the attack. CIRA commented that such attacks are sporadic in nature, with a key aim being to disrupt “normalisation” within Northern Ireland. A CIRA spokesperson in north Armagh stated, “if there was nothing happening, it would appear normal on the surface, but it’s not normal and the more that we do, the more people will lift their heads and rise.”³
9. On 4 February 2020, an explosive device was discovered on a lorry in the Silverwood Industrial Estate in Lurgan. CIRA claimed responsibility for placing the bomb. The group stated that they planned to smuggle the bomb across the Irish Sea on a ship destined for Scotland and intended for it to detonate on the day the United Kingdom left the European Union. The bomb had been attached to a lorry using magnets.⁴
10. On 14 January 2021, CIRA released a statement to the media claiming that it fired nine shots from a high powered Dragunov Russian sniper rifle at a Police Service of Northern Ireland (PSNI) helicopter in Newtownbutler. The group claimed that it had planted a hoax bomb to lure police officers into the area and then fired at the helicopter during the ensuing security operation. The PSNI issued a statement denying the claim and suggested the group may have fired on a civilian helicopter.⁵
11. On 17 March 2021, the PSNI located an improvised explosive device and a spent cartridge in a riverside area opposite the PSNI station. This followed a series of telephone messages to media organisations from callers claiming to represent CIRA. These callers claimed that a bomb had been left in the area or shots had been fired at the PSNI base.⁶
12. On 18 May 2021, two men and a woman were arrested after a quantity of ammunition was found during three early morning raids targeting a suspected CIRA cell in the Cavan town area. It is suspected that these individuals were attempting to manufacture weapons.⁷

Ideology and objectives

13. CIRA is a dissident republican group which seeks to end the United Kingdom’s rule in Northern Ireland, and aims to unite the northern counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone with the Republic of Ireland⁸. The group does not recognise the legitimacy of the Irish parliament and regards its own Army Council as Ireland’s true government. CIRA is committed to forcing a British withdrawal from Northern Ireland.⁹
14. CIRA continues to denounce any perceived pro-British actions of agendas occurring in Ireland and advocates that their objectives and ideologies will not be silenced. On 2 January 2022, a CIRA aligned Facebook group¹⁰ stated that “There has been a noticeable increase in crown forces commemorations throughout Ireland this must be seen for what it is, the west brit elements testing the water to see how far they push their pro-British agenda” and “the blatant attempts to silence republicans has been duly noted but this tactic as with many others will fail”.¹¹

15. As at March 2022, the United Kingdom's Security Service (MI5) identified dissident republican terrorist groups, including CIRA as posing "the most significant threat to national security in Northern Ireland", stating that "All oppose the peace process and regard violence as a legitimate means of achieving a united Ireland".¹²

Organisation and structure

16. There has been no further reporting on a change of size in CIRA or its structure. Membership is small, with less than 50 active members.¹³ Continued Police operations have reduced CIRA's strength and capabilities:
- 19.1 In November 2020, seven CIRA members were convicted on multiple charges following a successful MI5 bugging operation that targeted a CIRA meeting house. All seven individuals received prison sentences, totalling 33 years amongst the group.¹⁴
 - 19.2 In May 2021, two individuals were arrested following a Garda investigation targeting a suspected Continuity IRA cell. A Garda spokesperson stated that the arrest operation is part of a wider investigation into CIRA.¹⁵
 - 19.3 On 27 August 2021, suspected CIRA member, Gabriel Meehan was refused bail regarding charges of possessing a firearm and ammunition with intent to endanger life, as well as having articles for use in terrorism and details of a vehicle belonging to a member of the security forces.¹⁶

Weapons, tactics and capability

17. CIRA appear to remain active in parts of Northern Ireland and exercise their self-appointed duties such as patrolling and recruiting, CIRA have also demonstrated the use of intimidation as a tactic. CIRA appear to prominently use improvised explosives and small arms.
- 17.1 CIRA appear to remain active in Co Fermanagh. In May 2020, masked men were sighted patrolling roads in rural Fermanagh and firing shots in a cemetery. CIRA commented that the group had been recruiting and regrouping in the Fermanagh area and stated that "the CIRA can operate at any time day or night in south Fermanagh".¹⁷
 - 17.2 In October 2021, it was reported that CIRA was approached by a street dealer who owed money to a significant Belfast drug dealer to provide the individual with protection services. This follows an intimidation attack carried out by CIRA in west Belfast. CCTV footage captured 16 CIRA members smashing the front windows of a car parked outside the owner's home.¹⁸
 - 17.3 In February 2021, CIRA were photographed firing a handgun over the coffin of a deceased CIRA member, Liam Mulhern. Reports indicate that this firearm among others was taken from loyalist paramilitary group, Ulster Volunteer Force (UVF). The weapons on display were among a batch stolen by former UVF quartermaster, Davy Murphy, in Co Antrim.¹⁹

LAW OF ARMED CONFLICT (LOAC)

18. The activities of CIRA do not occur in a situation of armed conflict for the purposes of section 5(4) of the TSA. Further, CIRA's actual or planned activities would not comply with rules of international law applicable to an armed conflict. This includes the targeting of civilians and civilian objects. Accordingly, the exemption in s 5(4) cannot apply.

CONCLUSION

19. 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.
20. Since its designation in October 2010 and renewals in October 2013, September 2016 and September 2019, CIRA has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 5A of the TSA (paragraphs 8-12 above) including planning, threatening and attempting attacks. Accordingly, given there are still reasonable grounds to believe 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.
21. The designation must be renewed by 26 September 2022 to be effective.

¹ The statement of case dated 11 October 2010 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/statement-of-case-continuity-irish-republican-army-terrorist-entity-11-oct-2010.pdf>

² The statements of cases date 2 October 2013, 26 September 2016 and 26 September 2019 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/renew-cira-2-oct-2013.pdf>

<https://www.police.govt.nz/sites/default/files/publications/renew-cira-terrorist-entity-26sept2016.pdf>

<https://www.police.govt.nz/sites/default/files/publications/renew-cira-terrorist-entity-26-september-2019.pdf>

³ 30/08/2019 “Marisa McGlinchey: For the Continuity IRA and the New IRA, England's difficulty remains Ireland's opportunity”, *Belfast Telegraph*, accessed via <https://www.belfasttelegraph.co.uk/opinion/news-analysis/marisa-mcglinchey-for-the-continuity-ira-and-the-new-ira-englands-difficulty-remains-irelands-opportunity-38449255.html> on 14/03/2022.

⁴ 07/02/2020 “Continuity IRA admits Brexit day lorry bomb plot”, *The Guardian*, accessed via <https://www.theguardian.com/uk-news/2020/feb/07/continuity-ira-admits-brexit-day-lorry-bomb-plot> retrieved on 16/03/2022.

⁵ 19/01/2021 “Continuity IRA may have fired at civilian helicopter in belief it was PSNI aircraft”, *Irish News*, accessed via <https://www.irishtimes.com/news/ireland/irish-news/continuity-ira-may-have-fired-at-civilian-helicopter-in-belief-it-was-psni-aircraft-1.4462313> retrieved on 16/03/2022.

⁶ 27/08/2021 “Man charged in connection with suspected Continuity IRA attack refused bail”, *Irish News*, accessed via <https://www.irishnews.com/news/northernirelandnews/2021/08/28/news/man-charged-in-connection-with-suspected-continuity-ira-attack-refused-bail-2430131/> retrieved on 16/03/2022.

⁷ 18/05/2021 “Two men and a woman arrested as gardaí investigate Continuity IRA cell”, *Independent.ie*, accessed via <https://www.independent.ie/irish-news/two-men-and-a-woman-arrested-as-gardaiinvestigate-continuity-ira-cell-40439745.html> retrieved on 16/03/2022.

⁸ 13/11/2020 “Continuity IRA members jailed after MI5 surveillance operation”, *BBC*, accessed via <https://www.bbc.com/news/uk-northern-ireland-54934138> on 10/03/2022.

⁹ 16/12/2020 “A short history of the many groups who've claimed to be the IRA”, *RTE*, accessed via <https://www.rte.ie/brainstorm/2020/1214/1184315-ira-history-ireland/> retrieved on 11/03/2022.

¹⁰ Facebook Group Continuity Sinn Fein began posting in December 2021. As at 14/03/2022 it has 283 followers.

¹¹ 02/01/2022 “Continuity Sinn Fein New Year Statement”, Continuity Sinn Fein Facebook Page, accessed via <https://www.facebook.com/Continuity-Sinn-Fein-100124345884774> retrieved on 14/03/2022.

¹² 03/2022 “Northern Ireland”, *Security Service MI5*, accessed via <https://www.mi5.gov.uk/northern-ireland> retrieved on 10/03/2022.

¹³ 19/09/2022 “Country Reports on Terrorism 2017 - Foreign Terrorist Organizations: Continuity Irish Republican Army”, *Refworld*, accessed via <https://www.refworld.org/docid/5bcf1f4ca.html> retrieved on 14/03/2022.

¹⁴ 13/11/2022 “Seven Irish republicans sentenced after MI5 bugging operation”, *The Guardian*, accessed via <https://www.theguardian.com/uk-news/2020/nov/13/seven-irish-republicans-jailed-for-combined-33-years-after-mi5-bugging> retrieved on 15/03/2022.

¹⁵ 18/05/2021 “Two men and a woman arrested as gardaí investigate Continuity IRA cell”, *Independent.ie*, accessed via <https://www.independent.ie/irish-news/two-men-and-a-woman-arrested-as-gardaiinvestigate-continuity-ira-cell-40439745.html> retrieved on 15/03/2022.

¹⁶ 27/08/2021 “Man charged in connection with suspected Continuity IRA attack refused bail”, *Irish News*, accessed via <https://www.irishnews.com/news/northernirelandnews/2021/08/28/news/man-charged-in-connection-with-suspected-continuity-ira-attack-refused-bail-2430131/> retrieved on 16/03/2022.

¹⁷ 21/05/2020 “Continuity IRA 'patrol' roads in rural Fermanagh”, *Irish News*, accessed via <https://www.irishnews.com/news/northernirelandnews/2020/05/21/news/continuity-ira-patrol-roads-in-rural-fermanagh-1946743/> retrieved on 15/03/2022.

¹⁸ 18/10/2022 “Lisburn crimelord under threat from Kinahan-linked gang and Continuity IRA over £500k debt”, *Belfast Telegraph*, accessed via <https://www.belfasttelegraph.co.uk/sunday-life/lisburn-crimelord-under-threat-from-kinahan-linked-gang-and-continuity-ira-over-500k-debt-40955686.html> retrieved on 15/03/2022.

¹⁹ 21/02/2022 “The dissident funeral, a UVF gun, and the web of criminality that left four men dead”, *Belfast Telegram*, accessed via <https://www.belfasttelegraph.co.uk/sunday-life/news/the-dissident-funeral-a-uvf-gun-and-the-web-of-criminality-that-left-four-men-dead-41364314.html> retrieved on 15/03/2022.