

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 2010,¹ and renewals in October 2013 and September 2016,² including CIRA's objectives, structure, weapons and tactics and includes recent activities 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 includes the planning, preparation or credible threat to carry out the act, whether it is actually carried out or not (s 25(1)(a) and (b)) and also includes an attempt to carry out the act (s 25(1)(c)).
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

7. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These include BBC News, The Guardian and Jane's World Insurgency and Terrorism.
8. A range of regional news sources were also referred to including Belfast Telegraph, Irish Times, Limerick Leader, Irish Independent, Belfast Newsletter, The Sunday Times and The Irish News.
9. Other sources utilised include MI5, US Department of State, the Police Service of Northern Ireland (PSNI), Sky News and Facebook.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Continued involvement in terrorist activity

10. On 31 July 2017, former Royal Marine Ciaran Maxwell was sentenced to 18 years imprisonment after admitting to supplying arms and explosives for use by terrorist groups. Maxwell was arrested in August 2016 following the discovery of two arms dumps near Larne, County Antrim. Maxwell had constructed 14 pipe bombs, four of which had been used in attacks in Northern Ireland and others likely still in circulation. Maxwell told police he had taken CIRA member Niall Lehd to a woodland hide in County Antrim. Lehd was convicted in 2014 for possession of an explosive substance with intent to endanger life.³

10.1. The judge noted Maxwell had “considerable skills as a terrorist bomb maker” and “there was considerable planning, including attack planning, research, and the acquiring of large amounts of materials, including police items for use in disguise” and that Maxwell was “...strongly committed to the cause...[and]...of considerable importance to a terrorist organisation like [CIRA]”.⁴

10.2. The judge also stated that Maxwell and Lehd had worked together “with Lehd in the senior role” and Maxwell a “quartermaster” to the CIRA engaged in “sophisticated offending on a substantial scale” over five years prior to Maxwell’s arrest. Maxwell accepted his role as a bomb maker and quartermaster for bomb parts.⁵

Ideology and objectives

11. CIRA is a nationalist separatist group which seeks to end the United Kingdom’s rule in Northern Ireland, and unite northern counties with the Republic of Ireland.⁶ As at February 2019, 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” and noted “all oppose the peace process and regard violence as a legitimate means of achieving a united Ireland”.⁷

12. On 15 April 2017 an illegal Easter Rising parade was organised by CIRA’s political wing, Republican Sinn Fein (RSF), in Lurgan, Northern Ireland. A CIRA spokesman made comments during a speech to those in attendance that “the only way they (the British) will be removed is by force”, and paid tribute to members who “continue to be at the forefront of removing the British presence from our land”.⁸

13. In a statement to provincial newspaper Limerick Leader on 8 June 2017, an unidentified group claiming to represent CIRA leadership stated CIRA was to end its armed campaign. The statement said the decision had been made in recent weeks, with CIRA disbanding over the following three months and a “small amount of arms and explosive material” decommissioned “under agreed procedures”. The statement thanked “other republicans and members of the clergy” for guidance on the decision, and apologised for “the great hurt and pain...inflicted on communities both North and South”. The statement lastly appealed to CIRA members and supporters to discontinue with the “futile war”.⁹

13.1. As at 9 June 2017, the Republic of Ireland’s police force (The Garda) were reportedly assessing the statement. The Garda were uncertain as to whether the statement had the full support of CIRA, or related to only one faction which was previously prominent in Limerick.¹⁰

13.2. As at 2 January 2019, it was reported the statement had never been fully verified and it was still not clear if it related to all of CIRA or a splinter group.¹¹

14. On 2 January 2019, Facebook group ‘Continuity Sinn Féin’¹² stated “a process of recruitment, education and training is on-going” and CIRA “wish to restate that the armed struggle against British occupations continues despite the sell-out and surrender by some...”. The statement continues that “there will be no [CIRA] ceasefire and military operations against the forces of the British presence will be intensified” and CIRA “give warning that there is no safe haven for those who administer and support the British presence in the occupied six counties”.¹³ There is no further information to verify the authenticity of these statements.

Organisation and structure

15. There has been no further reporting on a change in size of CIRA or its structure. Membership is small, with possibly fewer than 50 active members.¹⁴

16. Police operations have reduced CIRA’s strength.¹⁵ In February 2018, the PSNI Chief Constable stated a number of “senior characters” inside the CIRA were facing prosecution in the near future and the proportion of jailed dissident republicans compared to overall organisational membership was “very high”.¹⁶ CIRA’s appeal to prospective members may have also declined due to the known level of infiltration by The Garda and other security agencies.¹⁷

Weapons, tactics and capability

17. In September 2017 unidentified security sources and PSNI’s Chief Constable warned “IRA dissidents” were being encouraged to exploit uncertainty around the future of the border following Brexit.¹⁸ RSF President, Des Dalton, stated Brexit was a “shot in the arm for republicanism. Any sort of border checkpoint would be a provocation. I don’t know whether any border checkpoints would be attacked, but if you look back at Irish history, that’s always what happens”.¹⁹

18. Also in September 2017, posters featuring a CIRA warning to PSNI appeared in the Mullaghmore area of Omagh, County Tyrone. The posters depicted silhouettes of two gunmen with “PSNI beware” underneath a larger CIRA title. The posters were assessed by a local councillor as likely linked to another threat recently received by the Ulster Herald newspaper. That threat was a statement issued by an anonymous paramilitary group threatening to go to “extreme lengths” to prevent drug dealing in Omagh, including “kneecapping” or “executing”.²⁰

19. In May 2018 following a community tip-off, two shotguns, four handguns, explosives, fertiliser, ammunition, tools, an improvised detonator, a suspected mortar tube, component parts for bomb making, mobile phones and other “terrorist paraphernalia” were seized during 13 PSNI searches across Tyrone and Armagh counties. PSNI believed the weapons comprised the remainder of weapons controlled by CIRA in Lurgan, and weapons belonging to separate dissident group Arm na Poblachta.²¹

19.1. Many of the items were found in locations readily accessible to the public, and were described by PSNI as “demonstrat[ing] the sheer recklessness and absolute lack of concern these terrorists have about harming people...”. The weapons seizure was the second haul of Continuity IRA weapons seized in Lurgan in recent years and was described by PSNI as “significant” and as showing “some inability to stockpile large quantities of weapons”.²²

LAW OF ARMED CONFLICT (LOAC)

20. The conflict between CIRA and the United Kingdom still fails to qualify as an “armed conflict” and accordingly the exemption in section 5(4) of the TSA does not apply.

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, and renewals in October 2013 and September 2016, CIRA has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA. Despite being relatively inactive, CIRA has continued to obtain and stockpile weapons and explosives, and made credible threats to pursue its aims by force. Further, the statement suggesting CIRA intended to cease its armed campaign was never verified. 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.
23. The designation must be renewed by 26 September 2019 to be effective.

¹ The statement of case, dated 11 October 2010 can be accessed at: <http://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 case, dated 2 October 2013 and 26 September 2016 respectively, can be accessed at:

<http://www.police.govt.nz/sites/default/files/publications/renew-cira-2-oct-2013.pdf> and

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

³ 31/07/2017 “Ciaran Maxwell: Bombs made by former Royal Marine likely ‘still in circulation’”, Sky News, accessed via <https://news.sky.com/story/ciaran-maxwell-bombs-made-by-former-royal-marine-likely-still-in-circulation-10963557> on 12/02/2019.

⁴ 31/07/2017 “Ciaran Maxwell: Royal Marine bomb maker given 18 years”, BBC News, accessed via <https://www.bbc.com/news/uk-northern-ireland-40774233> on 12/02/2019.

⁵ 31/07/2017 “Royal Marine who supplied arms for Irish republican attacks jailed for 18 years”, The Guardian, accessed via <https://www.theguardian.com/uk-news/2017/jul/31/royal-marine-ciaran-maxwell-arms-irish-republican-attacks-jailed> on 12/02/2019.

⁶ 08/05/2015 “Continuity IRA (CIRA)”, Jane’s World Insurgency and Terrorism, accessed on 12/02/2019. Available on subscription.

⁷ 02/2019 “Northern Ireland”, Security Service MI5, accessed via <https://www.mi5.gov.uk/northern-ireland> on 13/02/2019.

⁸ 17/04/2017 “Anger as dissident republicans vow terror campaign will go on”, Belfast Telegraph, accessed via <https://www.belfasttelegraph.co.uk/news/northern-ireland/anger-as-dissident-republicans-vow-terror-campaign-will-go-on-35628418.html> on 12/02/2019.

⁹ 08/06/2017 “Continuity IRA ‘to end armed campaign’, statement claims”, Irish Times, accessed via <https://www.irishtimes.com/news/ireland/irish-news/continuity-ira-to-end-armed-campaign-statement-claims-1.3112954> on 12/02/2019, and;

08/06/2017 “Continuity IRA indicates it is to end its armed campaign”, Limerick Leader, accessed via <https://www.limerickleader.ie/news/home/254012/continuity-ira-indicates-it-is-to-end-its-armed-campaign.html> on 12/02/2019.

¹⁰ 09/06/2017 “Continuity IRA says it will end its ‘futile’ campaign”, Irish Independent, accessed via <https://www.independent.ie/irish-news/continuity-ira-says-it-will-end-its-futile-campaign-35805826.html> on 12/02/2019.

¹¹ 02/01/2019 “New year marked by dissident republican threat of terror attacks”, Belfast Newsletter, accessed via <https://www.newsletter.co.uk/news/crime/new-year-marked-by-dissident-republican-threat-of-terror-attacks-1-8756392> on 12/02/2019.

¹² Facebook Group Continuity Sinn Fein began posting messages in August 2015. The page states “Continuity Sinn Fein is organising in the 32 counties and abroad. Anyone looking to become a member can contact this page”. As at 12/02/2019 it had over 1,200 followers.

¹³ 02/01/2019 “New year statement from the Republican movement”, Continuity Sinn Fein, accessed via <https://www.facebook.com/Continuitysinnfein.org/posts/2385576264805367> on 12/02/2019.

¹⁴ 09/2018 “Country Reports on Terrorism 2017”, United States Department of State, accessed via <https://www.state.gov/documents/organization/283100.pdf> on 13/02/2019.

¹⁵ 09/2018 “Country Reports on Terrorism 2017”, United States Department of State, accessed via <https://www.state.gov/documents/organization/283100.pdf> on 13/02/2019.

¹⁶ 07/02/2018 “Police chief says ‘hard Brexit’ Irish border would be paramilitary target”, The Guardian, accessed via <https://www.theguardian.com/uk-news/2018/feb/07/n-ireland-police-chief-says-hard-brex-it-border-posts-would-be-paramilitary-target> on 13/02/2019.

¹⁷ 14/07/2017 “New IRA the ‘biggest terrorist threat to state since the Provos’”, Irish Independent, accessed via <https://www.independent.ie/irish-news/new-ira-the-biggest-terrorist-threat-to-state-since-the-provos-35932203.html> on 12/02/2019.

¹⁸ 07/02/2018 “Police chief says ‘hard Brexit’ Irish border would be paramilitary target”, The Guardian, accessed via <https://www.theguardian.com/uk-news/2018/feb/07/n-ireland-police-chief-says-hard-brex-it-border-posts-would-be-paramilitary-target> on 13/02/2019, and;

10/09/2017 “Brexit uncertainty ‘a boon to IRA’”, The Sunday Times, accessed via Open Source Enterprise on 12/02/2019. Available on subscription.

¹⁹ 10/09/2017 “Brexit uncertainty ‘a boon to IRA’”, The Sunday Times, accessed via Open Source Enterprise on 12/02/2019. Available on subscription.

²⁰ 21/09/2017 “Dissident republican posters threaten PSNI officers”, Belfast Telegraph, accessed via <https://www.belfasttelegraph.co.uk/news/northern-ireland/dissident-republican-posters-threaten-psni-officers-36153652.html> on 12/02/2019, and;

23/09/2017 “Aparecen cartels del C.IRA amenazando al PSNI”, accessed via <http://nortedeirlanda.blogspot.com/2017/09/aparecen-carteles-del-cira-amenazando.html> on 12/02/2019.

²¹ 11/05/2018 “Weapons and ammunition seizure in Tyrone and Armagh ‘deals a blow’ to dissident republicans”, The Irish News, accessed via <https://www.irishnews.com/news/northernirelandnews/2018/05/11/news/weapons-ammunition-seizure-tyrone-armagh-dissident-republicans-1328162/> on 13/02/2019, and;

11/05/2018 “Significant terrorist items seized during 12 day search operation”, PSNI, accessed via <https://www.psni.police.uk/news/Latest-News/110518-significant-terrorist-items-seized-during-12-day-search-operation/> on 13/02/2019.

²² 11/05/2018 “Weapons and ammunition seizure in Tyrone and Armagh ‘deals a blow’ to dissident republicans”, The Irish News, accessed via <https://www.irishnews.com/news/northernirelandnews/2018/05/11/news/weapons-ammunition-seizure-tyrone-armagh-dissident-republicans-1328162/> on 13/02/2019, and;

and;
11/05/2018 “Significant terrorist items seized during 12 day search operation”, PSNI, accessed via <https://www.psni.police.uk/news/Latest-News/110518-significant-terrorist-items-seized-during-12-day-search-operation/> on 13/02/2019.