

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 set out the case demonstrating 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 relevant changes and/or developments to the organisation since its original designation in October 2010¹ and renewal in October 2013², including CIRA's objectives, structure, weapons and tactics and includes 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 paper, and previous renewal paper, provide the basis for the paper's conclusion that CIRA meets the legal criteria for renewal of 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 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)).
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: Jane's Terrorism and Monitoring series, BBC News and The Guardian. Local news sources referenced include Belfast Media Group, Sunday World, The Irish Times, Belfast Live and Belfast Telegraph.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Continued involvement in terrorist activity

9. CIRA was designated as a terrorist entity on 11 October 2010. The designation was renewed on 2 October 2013.
10. A local news outlet reported CIRA as responsible for the planting of an under-car booby trap bomb on 21 March 2014. CIRA claimed one of its members had targeted the home of a Police Service of Northern Ireland (PSNI) officer and placed the bomb under their car, but that en route to Woodbourne barracks the device had come off the vehicle. The bomb was discovered by a passing Police patrol. The discovery resulted in the evacuation of numerous homes and disrupted hundreds of commuters. CIRA reportedly stated more attacks were to come.³
11. On 10 November 2014, 12 suspected CIRA militants were detained by Police in Newry, County Down, Northern Ireland. Seven of the suspects were subsequently charged with membership of a proscribed organisation and directing terrorism. Over a three month period between August and November 2014, MI5 had secretly obtained recordings of bomb-making classes and discussions involving these individuals around setting up regional factories for explosives. A total of nine meetings were recorded, with topics covering membership of an outlawed organisation, weapons procurement and training, terrorist funding, construction of pipe bombs and plans to commit acts of terrorism. Conversations also covered locations of Policing Board meetings in Newry and potential attacks on staff members, and planning the shooting of businessmen whose premises hosted PSNI events.⁴
12. On 4 February 2015, a group claiming to be CIRA's Munster Brigade sent an email statement to media outlet Sunday World promising lethal action against Limerick gangs using CIRA's name to finance their criminal lifestyles. CIRA stated use of their name would not be tolerated and continued use would result in "swift and lethal" military action being taken at a time of CIRA's choosing.⁵
13. On 9 February 2015, Deputy First Minister of Northern Ireland Martin McGuinness announced PSNI had informed McGuinness of a CIRA attack planned against him using rocket launchers.⁶
14. On 12 February 2015, prosecutors at a court hearing in Belfast for alleged CIRA militant Terence Marks (one of the 12 individuals arrested on 10 November 2014) played surveillance recordings that purportedly revealed CIRA plans to attack transport infrastructure in Northern Ireland, and to conduct sniper attacks on "high-profile targets".⁷

Ideology and Objectives of CIRA

15. CIRA is a nationalist separatist group, formed in 1995⁸ with the aim of ending the United Kingdom's rule in Northern Ireland, and uniting northern counties with the Republic of Ireland.⁹ There has been no change in ideology since CIRA's establishment. CIRA continues to target British and Northern Ireland security forces, members of PSNI and public figures, including periodically threatening violence and attacks. The group has never called a ceasefire and has rejected the prospect of doing so.

Organisation and structure of CIRA

16. There has been no further reporting on a change in size of CIRA, and estimates remain between 50 and 80 active members at any one time.¹⁰ Although there have been no signs CIRA remains anything but committed to a concerted and sustained campaign of violence, CIRA is not judged to have the capability to significantly disrupt the Northern Ireland peace process.¹¹
17. CIRA do not have a centralised structure and individual units or brigades act autonomously. There has been conflict between the factions within CIRA, including between the mainstream organisation loyal to its Dublin leadership, and a rival faction started by disgruntled republicans from Limerick containing some members in Belfast who have been in violent dispute with the main group.¹² Conversations between rival faction members indicate such disputes were ongoing in 2014.¹³
18. Former Belfast commander of CIRA, Tommy Crossan, was shot dead on 18 April 2014. Crossan was reportedly the subject of a death threat from CIRA.¹⁴ CIRA released a statement the same day singling out a number of former members whom they accused of “criminal activity perpetrated in the name of the republican movement”, claiming these people had failed, the criminal conspirators they left in their wake would dissipate, and no one would put the republican movement “in their pocket” and walk away to self-serve.¹⁵

Weapons, tactics and capability of CIRA

19. An October 2015 report drafted by PSNI and MI5 identifies the most serious current terrorist threat in Northern Ireland as being posed by dissident republican paramilitary groups not on ceasefire and who reject the 1998 Belfast Agreement. CIRA is identified as one of the groups posing a severe threat to Northern Ireland’s security and stability, and at any given time a terrorist attack is assessed to be highly likely.¹⁶
20. There has been little reported change in CIRA’s use of small-arms and explosives in its attacks. On 18 January 2015, Assistant Chief Constable Bill Kerr announced dissident republican groups, including CIRA, were learning new improvised explosive device (IED) skills from the Taliban and Islamic State-inspired militants via the internet. Kerr noted police had seen an upsurge in these groups’ capabilities over the previous 12 months, as seen by some of the devices used against patrols.¹⁷ This upsurge in capability underlines the ongoing low-level threat posed by CIRA.¹⁸
21. CIRA failed to mount any major attacks on security forces in Northern Ireland in 2015. The majority of their victims have instead been Catholics and nationalists whom CIRA and other dissident groups have accused of “antisocial behaviour” in working-class republican districts.¹⁹

Law of armed conflict (LOAC)

22. 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 which would bring the situation within the meaning of “armed conflict” for the purposes of the exemption in section 5(4) of the TSA. Further, CIRA’s actual or planned targeting of police officers, businessman, politicians and transport infrastructure is in breach of the LOAC principle of distinction. Accordingly, the exemption in s 5(4) cannot apply, and the CIRA attacks are properly characterised as terrorist acts.

CONCLUSION

23. 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.
24. Since its designation in October 2010 and renewal in October 2013, CIRA has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA (paragraphs 10-14) 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.
25. The designation must be renewed by 2 October 2016 to be effective.

¹ The statement of case, dated 11 October 2010 can be accessed at: <http://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>.

² The statement of case, dated 2 October 2013 can be accessed at: <http://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>.

³ (25/03/2014) "*We tried to kill a cop: CIRA*", Belfast Media Group, accessed via <http://belfastmediagroup.com/we-tried-to-kill-cop-cira/> on 16/12/2015.

⁴ (27/02/2015) "*Alleged CIRA members were plotting policing board attacks, Belfast court hears*", BBC News, accessed via <http://www.bbc.com/news/uk-northern-ireland-31665415> on 16/12/2015.

⁵ (04/02/2015) "*Group claiming to be dissident Continuity IRA promises 'lethal' action against Limerick gangs using republican name*", Sunday World, accessed via <http://www.sundayworld.com/news/email-from-munster-cira-brigade-promises-lethal-action-against-gangs> on 17/12/2015.

⁶ (10/02/2015) "*Martin McGuinness receives death threat from Continuity IRA*", The Irish Times, accessed via <http://www.irishtimes.com/news/ireland/irish-news/martin-mcguinness-receives-death-threat-from-continuity-ira-1.2098069> on 16/12/2015.

⁷ (12/02/2015) "*IRA 'plotted terrorist attacks on Northern Ireland's transport infrastructure', court hears*", Belfast Telegraph, accessed via <http://www.belfasttelegraph.co.uk/news/northern-ireland/ira-plotted-terrorist-attacks-on-northern-irelands-transport-infrastructure-court-hears-30986643.html> on 31/05/2016.

⁸ (21/05/2008) "*IRA Splinter Groups (U.K., separatists)*", The Council on Foreign Relations, accessed via <http://www.cfr.org/terrorist-organizations/ira-splinter-groups-uk-separatists/p9239> on 17/12/2015.

⁹ (12/04/2015) "*Continuity IRA (CIRA)*", Jane's World Insurgency and Terrorism. Available on subscription. Accessed 17/12/2015.

¹⁰ (12/04/2015) "*Continuity IRA (CIRA)*", Jane's World Insurgency and Terrorism. Available on subscription. Accessed 17/12/2015.

¹¹ (12/04/2015) "*Continuity IRA (CIRA)*", Jane's World Insurgency and Terrorism. Available on subscription. Accessed 17/12/2015.

¹² (19/04/2014) "*Former Belfast leader of Continuity IRA Tommy Crossan shot dead*", The Guardian, accessed via <http://www.theguardian.com/uk-news/2014/apr/18/belfast-tommy-crossan-former-continuity-ira-shot-dead> on 17/12/2015.

¹³ (19/11/2014) "*Continuity IRA disputes' revealed*", Belfast Telegraph, accessed via <http://www.belfasttelegraph.co.uk/news/northern-ireland/continuity-ira-disputes-revealed-30757919.html> on 17/12/2015.

¹⁴ (18/04/2014) "*Former Belfast Leader of Continuity IRA Killed*", Sky News, accessed via <http://news.sky.com/story/1245232/former-belfast-leader-of-continuity-ira-killed> on 17/12/2015.

¹⁵ (19/04/2015) "*Former Belfast leader of Continuity IRA Tommy Crossan shot dead*", The Guardian, accessed via <http://www.theguardian.com/uk-news/2014/apr/18/belfast-tommy-crossan-former-continuity-ira-shot-dead> on 17/12/2015.

¹⁶ (19/10/2015) "*Paramilitary Groups in Northern Ireland*", PSNI and MI5, Accessed via https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/469548/Paramilitary_Groups_in_Northern_Ireland_-_20_Oct_2015.pdf on 17/12/2015.

¹⁷ (18/01/2014) "*Irish dissident groups learning from Taliban and Isis, police officer warns*", The Guardian, accessed via <http://www.theguardian.com/uk-news/2015/jan/18/irish-dissident-groups-ira-learning-taliban-isis-police-officer> on 17/12/2015.

¹⁸ (12/04/2015) "*Continuity IRA (CIRA)*", Jane's World Insurgency and Terrorism. Available on subscription. Accessed 17/12/2015.

¹⁹ (15/12/2015) "*Dissident republicans' arms cache found in Irish Republic*", The Guardian, accessed via <http://www.theguardian.com/uk-news/2015/dec/15/dissident-republicans-arms-cache-found-in-irish-republic> on 17/12/2015.