

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

PURPOSE

1. The purpose of this paper is to assess whether the Real Irish Republican Army (also known as the Real IRA or RIRA) 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 RIRA'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 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 World Insurgency and Terrorism Monitor, Independent Monitoring Commission, The Guardian, BBC, The Irish Times, Open Source Center, Royal United Services Institute, Reuters, The Belfast Telegraph, RTEI and The Independent

CONTINUED INVOLVEMENT IN TERRORIST ACTIVITY

9. RIRA was designated as a terrorist entity on 11 October 2010.²
10. In September 2010, the RIRA announced plans to alternate future attacks between "military, political and economic targets", including financial institutions and bankers. RIRA told *The Guardian*, "We have already shown our capacity to launch attacks on the British military, judicial, and policing infrastructure. As we rebuild, we are confident that we will increase the volume and effectiveness of attacks."³
11. On 21 May 2011, masked men threw a hold-all bag containing a bomb into a bank in Londonderry, Northern Ireland. Customers and children were present in the bank at the time. Police cleared the area and the explosive detonated an hour later. However, the building was extensively damaged.⁴
12. On 22 August 2011, two masked men entered a bank in Newry, Northern Ireland. One of the men dropped a holdall bag and issued a warning that a device would explode in 45 minutes.⁵ A British army bomb disposal team managed to defuse the device, which the police said was capable of causing death, serious injury and substantial damage to the area.⁶
13. On 23 August 2011, a police informant was wounded when an explosive device was triggered as he opened the front door of his house in County Meath, in the Republic of Ireland.⁷ The victim had previously provided information to police regarding stolen vehicles which RIRA had used to transport explosives into Northern Ireland.⁸
14. On 12 October 2011, an explosive was detonated outside the UK City of Culture office in Londonderry. No one was injured in the blast, but the building was damaged and windows of nearby buildings were shattered. A senior police officer said anyone passing the office at the time could have been killed or injured by the blast.⁹ This was the second time the office had been targeted; a small bomb had exploded outside the office in January.¹⁰
15. RIRA released a statement to *The Guardian* in October 2011 claiming responsibility for the May 2011 and August 2011 bank attacks, as well as the October 2011 attack in the UK City of Culture Office. RIRA stated the bank attacks are part of a "strategy of targeting the financial infrastructure that supports the British government's capitalist colonial system in Ireland".¹¹ Regarding the October bombing, RIRA described the UK City of Culture award to Londonderry as exploitative and underpinning British rule; they said "resistance will continue".¹²
16. On 1 November 2012, members of the New IRA (a new coalition including RIRA: see paragraph 20 below) fatally shot prison officer David Black as he drove to work at Maghaberry jail in County Antrim, Northern Ireland. The group claimed responsibility for the attack, stating it was connected to a dispute over conditions at the jail.¹³ In a statement issued to the Belfast-based newspaper, the *Irish News*, the group said it had executed Black in response to a dispute over conditions at the prison.¹⁴
17. On 6 December 2012, police discovered a homemade Explosively-Formed Projectile (EFP), designed to penetrate armour, in a vehicle in Londonderry. The EFP was being transported with all components needed for detonation and contained plastic explosives. Police stated the men in the vehicle were members of the New IRA and it was believed the device was to be used against police officers in the city.¹⁵

18. On 4 March 2013, police foiled a plot to bomb a police office in Londonderry. Police intercepted a van carrying four mortar bombs on the outskirts of the city.¹⁶ The bombs, which were fully primed and minutes from being deployed, were described as sophisticated homemade devices and were contained inside tubes with explosives packed into warheads.¹⁷ The van had a hole cut in the roof to allow the mortars to be fired from the inside.¹⁸ Police said the likely target was a police station located in a built-up area, and had the mortars been fired, they would have caused widespread damage and massive casualties.¹⁹ Police arrested two men at the scene.²⁰ Security sources described the suspects as major players in armed dissident republicanism, saying it was "a major coup against the New IRA".²¹

Ideology and objectives

19. RIRA seeks to achieve a united Ireland by removing, through violent means, the British presence in Northern Ireland.²²

Organisation and Structure

20. Since its original designation, the organisation of RIRA has changed. In a statement released in July 2012²³, it was announced that RIRA had joined with Republican Action Against Drugs (RAAD) and a coalition of other independent armed republican groups and individuals to form a coalition under the name "New IRA"²⁴.
21. The new group released a statement outlining their demands and declaring their objectives. These are fundamentally the same as RIRA, namely a unified Ireland and the "full realisation of the ideals and principles enshrined in the Proclamation of 1916".²⁵ Furthermore the means of achieving such an end also remains the same, in particular targeting British security forces and economic interests. The spokesman stated, "the necessity of armed struggle in pursuit of Irish freedom can be avoided through the removal of the British military presence in our country, the dismantling of their armed militias and the declaration of an internationally observed time scale that details the dismantling of British political interference in our country".²⁶
22. Police Service of Northern Ireland (PSNI) and intelligence officials report that the component groups had been cooperating for at least three years prior to the declaration of unification.²⁷ The coalition has reportedly established an 'army council' and is thought to have a membership of several hundred.²⁸ However, it remains to be seen whether the coalition will endure and, for now, it is believed that RIRA's composition is likely to be unchanged.²⁹

Weapons and Tactics

23. The group's arsenal primarily consists of light weapons, rocket-propelled grenades (RPGs), plastic explosives and Explosively-Formed Projectiles (EFP). RIRA operatives have shown expertise in manufacturing explosives and mortars.³⁰

Law of Armed Conflict

24. There have been no significant changes in the status of the conflict or in the conduct of RIRA to invalidate the legal analysis contained in the original designation. The situation continues to be one of sporadic violent activity by RIRA, and has not reached a level of intensity and continuity on the part of RIRA 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 RIRA attacks are properly characterised as terrorist acts.

CONCLUSION

25. 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 RIRA to be designated under that section.
26. Since its designation in October 2010 RIRA has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA (paragraphs 11-15). As part of the coalition known as New IRA, RIRA has also participated in a further attack (paragraph 16) and the planning/preparation to carry out attacks (paragraphs 17-18) Accordingly, given there are still reasonable grounds to believe that RIRA has knowingly carried out terrorist acts as set out in s 22 of the TSA, RIRA meets the legal criteria for renewal of its designation as a terrorist entity under s 35.
27. The designation must be renewed by 11 October 2013 to be effective.

¹ The statement of case, dated 10 October 2010 can be accessed at: www.police.govt.nz/service/counterterrorism/designated-terrorists.html

² *Ibid*

³ (14/09/2010) "Real IRA says it will target UK bankers", The Guardian, <http://www.guardian.co.uk/uk/2010/sep/14/real-ira-targets-banks-bankers>. Accessed 7/06/2013

⁴ (22/05/2011) "Real IRA blamed for Derry Bank bombing", The Guardian <http://www.guardian.co.uk/uk/2011/may/22/real-ira-blamed-derry-bomb>. Accessed 31/01/2013.

⁵ (22/08/2011) "Bomb left in Newry bank was viable", RTE News, <http://www.rte.ie/news/2011/0822/305188-newry/>. Accessed on 10/06/2013.

⁶ (22/08/2011) "UK: Masked Men Planted 'Viable' Bomb in Northern Ireland Bank", Belfast UTV Online, accessed via opensource.gov. Accessed 10/06/2013.

⁷ (24/08/2011) "Ireland: Booby-Trap Bomb Targets Police Informant, Real IRA 'Blamed'", Belfast UTV Online, accessed via opensource.gov. Accessed 4/03/2013.

⁸ (8/01/2013) "Real IRA (RIRA)", Jane's World Insurgency and Terrorism. Available on subscription at www.janes.com. Accessed 12/02/2013.

⁹ (13/10/2011) "Real IRA blamed for Derry Bomb", The Guardian, <http://www.guardian.co.uk/uk/2011/oct/13/bomb-explodes-derry-northern-ireland> Accessed 30/01/2013.

¹⁰ (13/10/2011) "Real IRA blamed for Derry Bomb", The Guardian, <http://www.guardian.co.uk/uk/2011/oct/13/bomb-explodes-derry-northern-ireland>. Accessed 30/01/2013.

¹¹ (25/10/2011) "Real IRA admits bomb attacks on Northern Ireland banks:", The Guardian, <http://www.guardian.co.uk/uk/2011/oct/25/real-ira-admits-attacks-banks>. Accessed 10/06/2013

¹² (25/10/2011) "Real IRA admits bomb attacks on Northern Ireland banks:", The Guardian, <http://www.guardian.co.uk/uk/2011/oct/25/real-ira-admits-attacks-banks>. Accessed 10/06/2013

¹³ (19/12/12) "Former IRA sympathiser and girlfriend held over murder of prison officer David Black", The Belfast Telegraph, <http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/former-ira-sympathiser-and-girlfriend-held-over-murder-of-prison-officer-david-black-29006694.html>. Accessed 16/01/2013.

¹⁴ (13/12/2012) "JTIC Brief: Old dogs, new tricks - Northern Ireland's 'New IRA'", Jane's World Insurgency and Terrorism. Available on subscription at www.janes.com. Accessed 28/01/2013.

¹⁵ (13/12/2012) "JTIC Brief: Old dogs, new tricks - Northern Ireland's 'New IRA'", Jane's World Insurgency and Terrorism. Available on subscription at www.janes.com. Accessed 28/01/2013.

¹⁶ (4/03/2013) "Northern Ireland Police Foil IRA-Style Mortar Attack", The New York Times, [http://www.nytimes.com/reuters/2013/03/04/world/europe/04reuters-irish-bomb.html?partner=rss&emc=rss&_r=1&_t=1&_u=1&_v=1&_w=1&_x=1&_y=1&_z=1&_aa=1&_ab=1&_ac=1&_ad=1&_ae=1&_af=1&_ag=1&_ah=1&_ai=1&_aj=1&_ak=1&_al=1&_am=1&_an=1&_ao=1&_ap=1&_aq=1&_ar=1&_as=1&_at=1&_au=1&_av=1&_aw=1&_ax=1&_ay=1&_az=1&_ba=1&_bb=1&_bc=1&_bd=1&_be=1&_bf=1&_bg=1&_bh=1&_bi=1&_bj=1&_bk=1&_bl=1&_bm=1&_bn=1&_bo=1&_bp=1&_bq=1&_br=1&_bs=1&_bt=1&_bu=1&_bv=1&_bw=1&_bx=1&_by=1&_bz=1&_ca=1&_cb=1&_cc=1&_cd=1&_ce=1&_cf=1&_cg=1&_ch=1&_ci=1&_cj=1&_ck=1&_cl=1&_cm=1&_cn=1&_co=1&_cp=1&_cq=1&_cr=1&_cs=1&_ct=1&_cu=1&_cv=1&_cw=1&_cx=1&_cy=1&_cz=1&_da=1&_db=1&_dc=1&_dd=1&_de=1&_df=1&_dg=1&_dh=1&_di=1&_dj=1&_dk=1&_dl=1&_dm=1&_dn=1&_do=1&_dp=1&_dq=1&_dr=1&_ds=1&_dt=1&_du=1&_dv=1&_dw=1&_dx=1&_dy=1&_dz=1&_ea=1&_eb=1&_ec=1&_ed=1&_ee=1&_ef=1&_eg=1&_eh=1&_ei=1&_ej=1&_ek=1&_el=1&_em=1&_en=1&_eo=1&_ep=1&_eq=1&_er=1&_es=1&_et=1&_eu=1&_ev=1&_ew=1&_ex=1&_ey=1&_ez=1&_fa=1&_fb=1&_fc=1&_fd=1&_fe=1&_ff=1&_fg=1&_fh=1&_fi=1&_fj=1&_fk=1&_fl=1&_fm=1&_fn=1&_fo=1&_fp=1&_fq=1&_fr=1&_fs=1&_ft=1&_fu=1&_fv=1&_fw=1&_fx=1&_fy=1&_fz=1&_ga=1&_gb=1&_gc=1&_gd=1&_ge=1&_gf=1&_gg=1&_gh=1&_gi=1&_gj=1&_gk=1&_gl=1&_gm=1&_gn=1&_go=1&_gp=1&_gq=1&_gr=1&_gs=1&_gt=1&_gu=1&_gv=1&_gw=1&_gx=1&_gy=1&_gz=1&_ha=1&_hb=1&_hc=1&_hd=1&_he=1&_hf=1&_hg=1&_hi=1&_hj=1&_hk=1&_hl=1&_hm=1&_hn=1&_ho=1&_hp=1&_hq=1&_hr=1&_hs=1&_ht=1&_hu=1&_hv=1&_hw=1&_hx=1&_hy=1&_hz=1&_ia=1&_ib=1&_ic=1&_id=1&_ie=1&_if=1&_ig=1&_ih=1&_ii=1&_ij=1&_ik=1&_il=1&_im=1&_in=1&_io=1&_ip=1&_iq=1&_ir=1&_is=1&_it=1&_iu=1&_iv=1&_iw=1&_ix=1&_iy=1&_iz=1&_ja=1&_jb=1&_jc=1&_jd=1&_je=1&_jf=1&_jg=1&_jh=1&_ji=1&_jj=1&_jk=1&_jl=1&_jm=1&_jn=1&_jo=1&_jp=1&_jq=1&_jr=1&_js=1&_jt=1&_ju=1&_jv=1&_jw=1&_jx=1&_jy=1&_jz=1&_ka=1&_kb=1&_kc=1&_kd=1&_ke=1&_kf=1&_kg=1&_kh=1&_ki=1&_kj=1&_kk=1&_kl=1&_km=1&_kn=1&_ko=1&_kp=1&_kq=1&_kr=1&_ks=1&_kt=1&_ku=1&_kv=1&_kw=1&_kx=1&_ky=1&_kz=1&_la=1&_lb=1&_lc=1&_ld=1&_le=1&_lf=1&_lg=1&_lh=1&_li=1&_lj=1&_lk=1&_ll=1&_lm=1&_ln=1&_lo=1&_lp=1&_lq=1&_lr=1&_ls=1&_lt=1&_lu=1&_lv=1&_lw=1&_lx=1&_ly=1&_lz=1&_ma=1&_mb=1&_mc=1&_md=1&_me=1&_mf=1&_mg=1&_mh=1&_mi=1&_mj=1&_mk=1&_ml=1&_mm=1&_mn=1&_mo=1&_mp=1&_mq=1&_mr=1&_ms=1&_mt=1&_mu=1&_mv=1&_mw=1&_mx=1&_my=1&_mz=1&_na=1&_nb=1&_nc=1&_nd=1&_ne=1&_nf=1&_ng=1&_nh=1&_ni=1&_nj=1&_nk=1&_nl=1&_nm=1&_nn=1&_no=1&_np=1&_nq=1&_nr=1&_ns=1&_nt=1&_nu=1&_nv=1&_nw=1&_nx=1&_ny=1&_nz=1&_oa=1&_ob=1&_oc=1&_od=1&_oe=1&_of=1&_og=1&_oh=1&_oi=1&_oj=1&_ok=1&_ol=1&_om=1&_on=1&_oo=1&_op=1&_oq=1&_or=1&_os=1&_ot=1&_ou=1&_ov=1&_ow=1&_ox=1&_oy=1&_oz=1&_pa=1&_pb=1&_pc=1&_pd=1&_pe=1&_pf=1&_pg=1&_ph=1&_pi=1&_pj=1&_pk=1&_pl=1&_pm=1&_pn=1&_po=1&_pp=1&_pq=1&_pr=1&_ps=1&_pt=1&_pu=1&_pv=1&_pw=1&_px=1&_py=1&_pz=1&_qa=1&_qb=1&_qc=1&_qd=1&_qe=1&_qf=1&_qg=1&_qh=1&_qi=1&_qj=1&_qk=1&_ql=1&_qm=1&_qn=1&_qo=1&_qp=1&_qq=1&_qr=1&_qs=1&_qt=1&_qu=1&_qv=1&_qw=1&_qx=1&_qy=1&_qz=1&_ra=1&_rb=1&_rc=1&_rd=1&_re=1&_rf=1&_rg=1&_rh=1&_ri=1&_rj=1&_rk=1&_rl=1&_rm=1&_rn=1&_ro=1&_rp=1&_rq=1&_rr=1&_rs=1&_rt=1&_ru=1&_rv=1&_rw=1&_rx=1&_ry=1&_rz=1&_sa=1&_sb=1&_sc=1&_sd=1&_se=1&_sf=1&_sg=1&_sh=1&_si=1&_sj=1&_sk=1&_sl=1&_sm=1&_sn=1&_so=1&_sp=1&_sq=1&_sr=1&_ss=1&_st=1&_su=1&_sv=1&_sw=1&_sx=1&_sy=1&_sz=1&_ta=1&_tb=1&_tc=1&_td=1&_te=1&_tf=1&_tg=1&_th=1&_ti=1&_tj=1&_tk=1&_tl=1&_tm=1&_tn=1&_to=1&_tp=1&_tq=1&_tr=1&_ts=1&_tt=1&_tu=1&_tv=1&_tw=1&_tx=1&_ty=1&_tz=1&_ua=1&_ub=1&_uc=1&_ud=1&_ue=1&_uf=1&_ug=1&_uh=1&_ui=1&_uj=1&_uk=1&_ul=1&_um=1&_un=1&_uo=1&_up=1&_uq=1&_ur=1&_us=1&_ut=1&_uu=1&_uv=1&_uw=1&_ux=1&_uy=1&_uz=1&_va=1&_vb=1&_vc=1&_vd=1&_ve=1&_vf=1&_vg=1&_vh=1&_vi=1&_vj=1&_vk=1&_vl=1&_vm=1&_vn=1&_vo=1&_vp=1&_vq=1&_vr=1&_vs=1&_vt=1&_vu=1&_vv=1&_vw=1&_vx=1&_vy=1&_vz=1&_wa=1&_wb=1&_wc=1&_wd=1&_we=1&_wf=1&_wg=1&_wh=1&_wi=1&_wj=1&_wk=1&_wl=1&_wm=1&_wn=1&_wo=1&_wp=1&_wq=1&_wr=1&_ws=1&_wt=1&_wu=1&_wv=1&_ww=1&_wx=1&_wy=1&_wz=1&_xa=1&_xb=1&_xc=1&_xd=1&_xe=1&_xf=1&_xg=1&_xh=1&_xi=1&_xj=1&_xk=1&_xl=1&_xm=1&_xn=1&_xo=1&_xp=1&_xq=1&_xr=1&_xs=1&_xt=1&_xu=1&_xv=1&_xw=1&_xx=1&_xy=1&_xz=1&_ya=1&_yb=1&_yc=1&_yd=1&_ye=1&_yf=1&_yg=1&_yh=1&_yi=1&_yj=1&_yk=1&_yl=1&_ym=1&_yn=1&_yo=1&_yp=1&_yq=1&_yr=1&_ys=1&_yt=1&_yu=1&_yv=1&_yw=1&_yx=1&_yy=1&_yz=1&_za=1&_zb=1&_zc=1&_zd=1&_ze=1&_zf=1&_zg=1&_zh=1&_zi=1&_zj=1&_zk=1&_zl=1&_zm=1&_zn=1&_zo=1&_zp=1&_zq=1&_zr=1&_zs=1&_zt=1&_zu=1&_zv=1&_zw=1&_zx=1&_zy=1&_zz=1">http://www.nytimes.com/reuters/2013/03/04/world/europe/04reuters-irish-bomb.html?partner=rss&emc=rss&_r=1&_t=1&_u=1&_v=1&_w=1&_x=1&_y=1&_z=1&_aa=1&_ab=1&_ac=1&_ad=1&_ae=1&_af=1&_ag=1&_ah=1&_ai=1&_aj=1&_ak=1&_al=1&_am=1&_an=1&_ao=1&_ap=1&_aq=1&_ar=1&_as=1&_at=1&_au=1&_av=1&_aw=1&_ax=1&_ay=1&_az=1&_ba=1&_bb=1&_bc=1&_bd=1&_be=1&_bf=1&_bg=1&_bh=1&_bi=1&_bj=1&_bk=1&_bl=1&_bm=1&_bn=1&_bo=1&_bp=1&_bq=1&_br=1&_bs=1&_bt=1&_bu=1&_bv=1&_bw=1&_bx=1&_by=1&_bz=1&_ca=1&_cb=1&_cc=1&_cd=1&_ce=1&_cf=1&_cg=1&_ch=1&_ci=1&_cj=1&_ck=1&_cl=1&_cm=1&_cn=1&_co=1&_cp=1&_cq=1&_cr=1&_cs=1&_ct=1&_cu=1&_cv=1&_cw=1&_cx=1&_cy=1&_cz=1&_da=1&_db=1&_dc=1&_dd=1&_de=1&_df=1&_dg=1&_dh=1&_di=1&_dj=1&_dk=1&_dl=1&_dm=1&_dn=1&_do=1&_dp=1&_dq=1&_dr=1&_ds=1&_dt=1&_du=1&_dv=1&_dw=1&_dx=1&_dy=1&_dz=1&_ea=1&_eb=1&_ec=1&_ed=1&_ee=1&_ef=1&_eg=1&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