

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

### **PURPOSE**

1. This paper sets out the case demonstrating Real Irish Republican Army (RIRA, also known as Real IRA, New 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 RIRA's continued involvement in terrorist activity and covers any relevant changes or developments to the organisation since its original designation in October 2010<sup>1</sup> and renewal in October 2013, September 2016 and September 2019<sup>2</sup>, including RIRA'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 RIRA 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**

7. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These include The Guardian, Reuters, and BBC News.
8. A range of regional news sources were also referred to including Belfast Telegram, RTE, City A.M, The Irish News, Sunday World, and Derry Journal.
9. Other sources utilised include Sky News, Foreign Policy, Center for International Security and Cooperation, MI5, and the Police Service of Northern Ireland (PSNI).

## **EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA**

10. In July 2012, RIRA joined with the Republican Action Against Drugs (RAAD) and a number of other independent armed republican groups and individuals to form a coalition under the new name New IRA<sup>3</sup>. For the purpose of clarity, RIRA is referred to in this document when RIRA or New IRA are named in open source reporting.

### **Continued involvement in terrorist activity**

11. In August 2020, ten suspected RIRA members were arrested and charged with terrorism offences as a part of a coordinated MI5/PSNI operation (Operation Arbacia) targeting ongoing activities carried out by RIRA. The charges include directing terrorism, preparatory acts of terrorism, membership of a proscribed organisation, conspiracy to possess explosives with intent to endanger life and conspiracy to possess ammunition with intent to endanger life. The arrests were all made in Northern Ireland following raids in Derry, East Tyrone and Belfast.<sup>4</sup>
12. On 19 April 2021, a viable explosive device was found beside the car of a part-time female PSNI officer in Dungiven. Police described the device, which was attached to a fuel container, as being designed to “engulf the car with a fireball”. It was planted at the rear of the car where the officer’s three year old daughter normally sits. RIRA later claimed responsibility for the attempted attack (but denied the child was a target) and added that it planned to continue to target the security forces.<sup>5</sup>
13. On 12 February 2022, a nineteen-year-old male was beaten with a baseball bat and shot in the leg with a handgun in Springfield Park, Strabane. The PSNI said two masked men entered the house armed with guns and a baseball bat before the victim was attacked. RIRA claimed responsibility for the assault and threatened to “continue to take action”.<sup>6</sup>

### **Ideology and objectives**

14. RIRA is a republican dissident group that adheres closely to the ideologies associated with the original IRA. The group has three prominent goals: to reject and oppose the peace process in Northern Ireland, to fight to end the British presence in Northern Ireland, and to unite Northern Ireland with the Republic of Ireland.<sup>7</sup> RIRA also maintains that an armed campaign is necessary to for a British withdrawal from Northern Ireland.<sup>8</sup>
15. As at March 2022, the United Kingdom’s Security Service (MI5) identified dissident republican terrorist groups, including RIRA 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”.<sup>9</sup>

### **Organisation and structure**

16. Since the previous designation renewal, there has been continued investigations into RIRA which has subsequently resulted in a number of RIRA member convictions:
  - 16.1. Since the initial Operation Arbacia arrests in August 2020, a total of eight men and ten women have been charged with a total of 39 offences including terrorism offences.<sup>10</sup> Following these arrests, it was reported that Christopher ‘Cricky’ Notarantonio was appointed as RIRA’s west Belfast leader. Notarantonio, who has been convicted for blackmail, obtained this position following significant restructuring caused by the successful MI5/PSNI operation.<sup>11</sup>

16.2. On 26 September 2021, a 21-year-old RIRA member was arrested under the Terrorism Act in connection with the attempted murder of a female part time PSNI officer.<sup>12</sup>

16.3. On 25 October 2021, senior RIRA member Thomas Ashe Mellon, failed to notify police of two bank accounts he had opened and was given an absolute discharge at Derry Magistrates Court. He was also charged with failing to notify police of another account on dates between July 17, 2020, and February 2, 2021. Mellon was convicted under terrorism legislation in 2015 and as a result must notify police of these details for a period of ten years.<sup>13</sup> As of May 2019, security forces are still working to prepare a case against Mellon for his involvement with Lyra McKee's murder in 2019.<sup>14</sup> High-ranking RIRA member, Fergal Melaugh, was reported to take over Mellon's position following any convictions.<sup>15</sup>

### **Weapons, tactics and capability**

17. In January 2022, RIRA released a new-year statement insisting that the group remains unbeaten. The address also stated that a "battle of hearts and minds combined with dirty tricks, the targeting of families and young people while holding communities to ransom through career criminals and informers has added further to the conditions for armed struggle".<sup>16</sup>

18. On 9 March 2021, PSNI Detective Chief Superintendent Raymond Murray released a statement explaining how RIRA continues to pose a danger, especially to communities where members conduct their activities. It was also stated that "The brutal injuries they inflict on people are a stark violation of people's basic human rights. And in addition to the inhumane treatment of their victims, they are putting the NHS under increasing pressure during the pandemic which is beyond reckless."<sup>17</sup>

19. The withdrawal of the United Kingdom from the European Union (Brexit) has provided RIRA with a unique opportunity to 'inject' life into the group and use it to recruit new members. A RIRA member stated in an interview that "Brexit has forced the IRA to refocus and has underlined how Ireland remains partitioned. It would be remiss of us not to capitalize on the opportunity."<sup>18</sup>

20. A joint MI5 and PSNI surveillance operation in August 2020 revealed tactics discussed in RIRA meetings which included kidnapping drug dealers to obtain an arsenal of weapons and large sums of ransom money. The covertly recorded conversations also explored potential bombing campaigns, cyber-attacks, and securing the backing of foreign governments that are hostile to the United Kingdom. Senior RIRA member, Patrick McDaid was suspected of travelling to Lebanon and making contact with the militant grouping, Hezbollah.<sup>19,20</sup>

21. In April 2021, RIRA decided to cancel the group's planned Easter show of strength due to fears of more RIRA members being arrested. This follows halted plans for a commemoration ceremony at Derry City cemetery because of fears that the PSNI would launch an arrest operation. A RIRA member stated that "Senior republicans wanted to show that the New IRA hasn't gone away, that it still has power and it's still very much in operation. But it was agreed last week that going forward with such a public display would inevitably lead to a heavy press and police presence would only end one way."<sup>21</sup>

### **LAW OF ARMED CONFLICT (LOAC)**

22. The activities of the RIRA do not occur in a situation of armed conflict for the purposes of section 5(4) of the TSA. Further, RIRA'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**

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 RIRA to be designated under that section.
24. Since its designation in October 2010 and renewal in October 2013, September 2016 and September 2019, RIRA has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 5A of the TSA (paragraphs 11-13) including planning, threatening and attempting attacks. Accordingly, given there are still reasonable grounds to believe 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.
25. The designation must be renewed by 26 September 2022 to be effective.

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

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

<https://www.police.govt.nz/sites/default/files/publications/renew-rira-terrorist-entity-26sept2016.pdf>  
<https://www.police.govt.nz/sites/default/files/publications/renew-rira-terrorist-entity-26-september-2019.pdf>

<sup>3</sup> 27/07/2012 “What does dissident republican ‘merger’ statement mean?”, *BBC News*, accessed via <https://www.bbc.com/news/uk-northern-ireland-19014981> retrieved on 16/03/2022, and;

15/05/2016 “Police ‘are facing severe terror threat from IRA’”, *The Guardian*, accessed via <https://www.theguardian.com/uk-news/2016/may/14/police-severe-terror-threat-ira-northern-ireland-bomb-attacks> retrieved on 16/03/2022.

<sup>4</sup> 24/08/2022 “Tenth person charged in probe against Real IRA”, *Belfast Telegraph*, accessed via <https://www.belfasttelegraph.co.uk/news/northern-ireland/tenth-person-charged-in-probe-against-real-ira-39473698.html> retrieved on 17/03/2022.

<sup>5</sup> 22/04/2022 “Dungiven bomb plot: New IRA admit responsibility for attempted attack on PSNI officer”, *Belfast Telegraph*, accessed via <https://www.belfasttelegraph.co.uk/news/northern-ireland/dungiven-bomb-plot-new-ira-admit-responsibility-for-attempted-attack-on-psni-officer-40343105.html> retrieved on 16/02/2022.

<sup>6</sup> 10/02/2022 “Man (19) beaten with baseball bat and shot by masked men in Strabane”, *Belfast Telegraph*, accessed via <https://www.belfasttelegraph.co.uk/news/northern-ireland/man-19-beaten-with-baseball-bat-and-shot-by-masked-men-in-strabane-41332366> retrieved on 17/03/2022.

i. (18/02/2022) Connla Young, “New IRA’ say they shot man in Tyrone”, *The Irish News*, access via <https://www.irishnews.com/news/northernirelandnews/2022/02/18/news/-ira-say-they-shot-man-in-tyrone-2591895/> on 11/05/2022.

<sup>7</sup> 08/2019 “New Irish Republican Army”, *Center for International Security and Cooperation*, accessed via <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/new-irish-republican-army> retrieved on 16/03/2022.

<sup>8</sup> 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 17/03/2022.

<sup>9</sup> 03/2022 “Northern Ireland”, *Security Service MI5*, accessed via <https://www.mi5.gov.uk/northern-ireland> on 10/03/2022.

<sup>10</sup> 25/08/2022 “Ten people charged in New IRA investigation: Northern Ireland police”, *Reuters*, accessed via <https://www.reuters.com/article/us-nireland-crime-idUSKBN25K276> retrieved on 17/03/2022.

<sup>11</sup> 13/02/2022, “Blackmailer becomes New IRA’s west Belfast boss”, *Belfast Telegraph*, accessed via <https://www.belfasttelegraph.co.uk/sunday-life/news/blackmailer-becomes-new-iras-west-belfast-boss-41342068.html> retrieved on 18/03/2022.

<sup>12</sup> 27/09/2022 “Northern Ireland: Man arrested in Derry in connection with activities of New IRA after explosive device found”, *Sky News*, accessed via <https://news.sky.com/story/northern-ireland-man-arrested-in-derry-in-connection-with-activities-of-new-ira-after-explosive-device-found-12419584> retrieved on 16/03/2022.

<sup>13</sup> 25/10/2022 “Derry dissident republican failed to notify police of two bank accounts, court hears”, *The Irish News*, accessed via <https://www.irishnews.com/news/northernirelandnews/2021/10/26/news/derry-dissident-republican-failed-to-notify-police-of-two-bank-accounts-2489211/> retrieved on 16/03/2022.

<sup>14</sup> 08/2019 “New Irish Republican Army”, *Center for International Security and Cooperation*, accessed via <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/new-irish-republican-army> retrieved on 16/03/2022.

<sup>15</sup> 15/06/2021 “New IRA instructs units to target prison officers following failed bomb bid on policewoman”, *Sunday World*, accessed via <https://www.sundayworld.com/news/northern-ireland-news/new-ira-instructs-units-to-target-prison-officers-following-failed-bomb-bid-on-policewoman-40539259.html> retrieved on 16/03/2022.

<sup>16</sup> 03/01/2022 “New IRA urged to ‘go away’”, *The Irish News*, accessed via <https://www.irishnews.com/news/northernirelandnews/2022/01/03/news/new-ira-urged-to-go-away--2549770/> retrieved on 16/02/2022.

<sup>17</sup> 09/03/2021 “Arrests made as part of investigation into activities of New IRA”, *Police Service of Northern Ireland*, accessed via <https://www.psni.police.uk/news/Latest-News/090321-arrests-re-new-ira/> retrieved on 16/03/2022.

<sup>18</sup> 14/09/2020 “As Brexit Talks Falter, the Risk of Violence in Ireland Is Still Alive”, *Foreign Policy*, accessed via <https://foreignpolicy.com/2020/09/14/brexit-ira-northern-ireland-militancy/> retrieved on 17/03/2022.

<sup>19</sup> The Military Wing of Hezbollah is a designated terrorist entity in New Zealand. The statement of case dated 26 September 2019 can be accessed at <https://www.police.govt.nz/sites/default/files/publications/renew-ir-terrorist-entity-26-september-2019.pdf>

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<sup>20</sup> 02/11/2021 “Derry man facing 'IRA' membership charge bailed to attend father's funeral”, *Derry Journal*, accessed via <https://www.derryjournal.com/news/crime/derry-man-facing-ira-membership-charge-bailed-to-attend-fathers-funeral-3442433> retrieved on 17/03/2022.

<sup>21</sup> 03/04/2021 “New IRA Easter axe Easter commemoration over prison fears”, *Sunday World*, accessed via <https://www.sundayworld.com/news/irish-news/new-ira-easter-axe-easter-commemoration-over-prison-fears-40271914.html> retrieved on 17/03/2022.