

## **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 and September 2016,<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 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, The Economist and Reuters.
8. A range of regional news sources were also referred to including ITV, The Irish News, Irish Mirror, RTE, Irish Independent, Belfast Telegraph, New Europe and The Irish Times. Other sources utilised include MI5.

## EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

### Continued involvement in terrorist activity

9. 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 name New IRA.<sup>3</sup> For the purpose of clarity, the name RIRA is referred to in this document when RIRA or New IRA are named in open source reporting.
10. On 22 January 2017 gunmen fired up to ten bullets indiscriminately at a north Belfast, Northern Ireland petrol station forecourt from a “high velocity rifle”. One on-duty Police Service of Northern Ireland (PSNI) officer was hit three times and survived. A group claiming to be RIRA claimed responsibility on 25 January via a call to the *Irish News* newspaper. The callers described the attack as a “targeted” attempt to kill two police officers which had been planned for months via monitoring of police movements. PSNI Chief Constable George Hamilton blamed “dissident republicans” for targeting PSNI officers and putting the entire community at risk.<sup>4</sup>
11. On 27 February 2017 RIRA claimed responsibility for an under-vehicle improvised explosive device (UVIED) planted under a PSNI officer’s car in a residential area in Londonderry, Northern Ireland the week prior. The device exploded when examined by the British army bomb squad, with RIRA suggesting this may have occurred because the UVIED was fitted with a “secondary anti-handling device”. RIRA also stated they would “continue to attack members of the British armed forces at a time of our choosing”.<sup>5</sup>
12. On 21 March 2017 a “substantial” explosive device detonated in Strabane, Northern Ireland, hours after mainstream republicans carried former RIRA commander Martin McGuinness’ coffin through nearby Londonderry. The device detonated as PSNI officers patrolled the area. No one was injured in the attack, which was described by the Police Federation for Northern Ireland as “reckless and mindless”.<sup>6</sup> On 26 March, RIRA claimed it struck a PSNI vehicle with a deadly “explosively formed projectile (EFP) mortar contain[ing] Semtex...”. RIRA also claimed an attempt to target another police car with the same device had been abandoned earlier due to the presence of civilian vehicles.<sup>7</sup>
13. On 19 January 2019 a van containing a bomb exploded outside a courthouse in Londonderry, shortly after police received a warning. Police were at the scene when the explosion occurred, however no injuries were reported. The vehicle had been hijacked prior to the explosion.<sup>8</sup> The attack was described by a police representative as “a very significant attempt to kill people here in this community”.<sup>9</sup> In a statement provided to local newspaper *Derry Journal*, RIRA claimed responsibility and said they would not issue warnings for future bombings. The statement added “we also caution those who collaborate with the British...[and we will] continue to strike at crown forces and personnel and their imperial establishment”.<sup>10</sup>
14. On 18 April 2019 a member of RIRA shot and killed journalist Lyra McKee in Londonderry while she reported on Republican riots in the area. RIRA claimed responsibility for her murder in a statement sent to the *Irish News*, offering “full and sincere apologies” and explaining her death was collateral damage as she stood near their intended target (“Crown Forces”). RIRA’s army council described both incidents as symbolic and propaganda that let the world know there is an ongoing conflict in Northern Ireland.<sup>11</sup>

## **Ideology and objectives**

15. There has been no information to suggest RIRA's ideology or objectives have changed since the previous renewal. RIRA demands a united Ireland by removing, through violent means, the British presence in Northern Ireland, including targeting British security forces and economic interests.
16. As at February 2019, 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" and noted "all oppose the peace process and regard violence as a legitimate means of achieving a united Ireland".<sup>12</sup>

## **Organisation and structure**

17. Since the previous designation renewal, there has been little reporting to suggest the organisation and structure of RIRA has changed. Limited reporting has detailed recent member convictions and deaths.
  - 17.1. On 6 December 2016, an individual who admitted to being a member of RIRA was sentenced to five and a half years in prison following arrest on explosives charges shortly prior to a visit to Ireland by Prince Charles and the Duchess of Cornwall in May 2015. An Garda Síochána (The Garda, the Irish Police Service) believed the individual's operation was to take place during the time of the visit.<sup>13</sup> In October 2017 one of RIRA's founders, Seamus McGrane, was also found guilty for his involvement in the attack planning and convicted of "directing terrorism in the State".<sup>14</sup>
  - 17.2. On 7 December 2016, RIRA member Adrian O'Driscoll died shortly after being shot three times in an ambush attack in Blackpool, Cork in the Republic of Ireland. The Garda were reportedly keeping an open mind on the attacker's motive, with primary theories proposing a revenge attack based on an earlier feud or an escalation in a turf war within the dissident Republican ranks.<sup>15</sup> Security around Cork was increased by The Garda amid concerns over possible retaliation attacks.<sup>16</sup>
  - 17.3. In February 2018 an employee of Ireland's Department of Defence was convicted of firearms offences linked to dissident republican activity. The civil servant, Michael Gilmartin, was employed in a security position at a naval base in Cork and was found in possession of a handgun, sawn-off shotgun and ammunition in 2016. Gilmartin's involvement in RIRA was reportedly limited to "logistical support".<sup>17</sup>
18. As at July 2017, RIRA had over 50 activists, all of whom were known, and of interest, to The Garda. RIRA were also reported as having approximately 200 supporters who provided logistical assistance such as vehicles and safe houses.<sup>18</sup> RIRA continues to recruit personnel who have not come to the previous attention of The Garda or PSNI for dissident-related activities.<sup>19</sup>

## **Weapons, tactics and capability**

19. In January 2017, RIRA was reported to be the largest dissident paramilitary group in Ireland, and in July 2017 was described by The Garda as posing the "biggest terrorist threat from dissident republicans in more than 20 years".<sup>20</sup> RIRA is assessed by intelligence services to be monitoring movements of potential targets in Northern Ireland and Britain, and RIRA's bomb-making skills are more advanced than other dissident groups.<sup>21</sup>

20. RIRA is finding new explosives and weapons sources.<sup>22</sup> When claiming responsibility for the planting of the UVIED in February 2017, RIRA claimed the booby-trap device featured a plastic explosive the group had not previously used as part of a new design using a new type of tilt switch and detonator.<sup>23</sup>
21. In November 2018, two sawn-off shotguns, a high-powered rifle with fitted suppressor, three pipe bombs and over 100 rounds of ammunition were found stored in a building after it caught fire. A representative of PSNI's terrorism investigation unit stated "we firmly believe these weapons belong to [RIRA]". The weapons had been stored on top of an operating domestic boiler, possibly triggering the blaze. PSNI noted such storage was "...reckless...stupid and...shows total disregard for the safety of local residents". PSNI believed the weapons may have been used in two separate attacks against police in 2015 and 2017.<sup>24</sup>
22. Despite the loss of some of its weapons, and a lack of capability or support to sustain a constant campaign of violence, RIRA remains capable of conducting sporadic, deadly attacks.<sup>25</sup>

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

23. The conflict between RIRA 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**

24. 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.
25. Since its designation in October 2010 and renewal in October 2013 and September 2016, RIRA 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, attempting and conducting 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.
26. The designation must be renewed by 26 September 2019 to be effective.

<sup>1</sup> The statement of case, dated 11 October 2010 can be accessed at: <http://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 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-ira-2-oct-2013.pdf> and

<http://www.police.govt.nz/sites/default/files/publications/renew-ira-terrorist-entity-26sept2016.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> on 20/02/2019, 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> on 20/02/2019.

<sup>4</sup> 25/01/2017 "New IRA claims responsibility for gun attack on police", ITV, accessed via <https://www.itv.com/news/utv/2017-01-25/new-ira-claims-responsibility-for-gun-attack-on-police/> on 20/02/2019.

<sup>5</sup> 27/02/2017 "'IRA' says it planted bomb under PSNI officer's car in Derry", The Irish News, accessed via <https://www.irishnews.com/news/2017/02/27/news/-ira-says-it-planted-bomb-under-psni-s-officer-s-car-in-derry-945355/> on 20/02/2019.

<sup>6</sup> 22/03/2017 "PSNI officers 'very lucky' to survive Strabane bombing", The Guardian, accessed via <https://www.theguardian.com/uk-news/2017/mar/22/psni-officers-very-lucky-to-survive-strabane-bombing> on 20/02/2019, and;

22/03/2017 "Strabane explosion was an 'attempt to murder and maim police officers'", The Irish News, accessed via <https://www.irishnews.com/news/northernirelandnews/2017/03/22/news/strabane-security-alert-ongoing-973075/> on 20/02/2019.

<sup>7</sup> 27/03/2017 "'IRA' says it struck police vehicle with mortar bomb", The Irish News, accessed via <http://www.irishnews.com/paywall/tsb/irishnews/irishnews/irishnews//news/northernirelandnews/2017/03/27/news/strabane-explosion-claimed-by-ira-978028/content.html> on 20/02/2019.

<sup>8</sup> 20/01/2019 "Londonderry: Bomb explodes in car outside courthouse", BBC News, accessed via <https://www.bbc.com/news/uk-northern-ireland-46934277> on 21/02/2019.

<sup>9</sup> 20/01/2019 "Londonderry bomb: Four arrests over 'reckless' attack", BBC News, accessed via <https://www.bbc.com/news/uk-northern-ireland-46937061> on 21/02/2019.

<sup>10</sup> 19/02/2019 "Gardai compiling list of IRA sympathisers in preparations for potential hard border", Irish Mirror, accessed via <https://www.irishmirror.ie/news/irish-news/gardai-compiling-list-ira-sympathisers-14018168> on 21/02/2019, and;

30/01/2019 "'IRA' claims responsibility for Londonderry car bomb", Reuters, accessed via <https://www.reuters.com/article/us-britain-nireland-blast/ira-claims-responsibility-for-londonderry-car-bomb-idUSKCN1PN1LO?feedType=RSS&> on 21/02/2019.

<sup>11</sup> 24/04/2019 "New IRA assumes responsibility for the killing of journalist", New Europe, accessed via <https://www.neweurope.eu/article/new-ira-assumes-responsibility-for-the-killing-of-journalist/> on 24/05/2019;

29/04/2019 "New IRA's attempt to justify Lyra's murder is insane", Irish Independent, accessed via <https://www.independent.ie/irish-news/new-iras-attempt-to-justify-lyras-murder-is-insane-38058723.html> on 24/05/2019;

25/04/2019 "Lyra McKee's killing sparks revulsion with the 'New IRA'", The Economist, accessed via <https://www.economist.com/britain/2019/04/25/lyra-mckees-killing-sparks-revulsion-with-the-new-ira> on 24/05/2019, and;

23/04/2019 "New IRA admits murder of journalist Lyra McKee and offers 'sincere apologies'", The Irish News, accessed via <http://www.irishnews.com/news/northernirelandnews/2019/04/23/news/dissident-republican-new-ira-group-admit-murder-of-journalist-lyra-mckee-and-offer-sincere-apologies-1603611/> on 24/05/2019.

<sup>12</sup> 02/2019 "Northern Ireland", Security Service MI5, accessed via <https://www.mi5.gov.uk/northern-ireland> on 13/02/2019.

<sup>13</sup> 06/12/2016 "Man jailed after Semtex, detonators found before Prince Charles visit", RTE, accessed via <https://www.rte.ie/news/2016/1206/836863-ira-court-sentencing/> on 20/02/2019.

<sup>14</sup> 31/01/2017 "Real IRA founder guilty of bomb plan during Prince Charles visit", The Guardian, accessed via <https://www.theguardian.com/uk-news/2017/oct/31/real-ira-founder-guilty-of-bomb-plan-during-prince-charles-visit> on 21/02/2019, and;

31/10/2017 "Real IRA leader found guilty of planning explosion during Prince Charles' visit convicted of directing terrorism in the State", Irish Independent, accessed via <https://www.independent.ie/irish-news/courts/real-ira-leader-found-guilty-of-planning-explosion-during-prince-charles-visit-convicted-of-directing-terrorism-in-the-state-36277192.html> on 21/02/2019.

<sup>15</sup> 07/12/2016 "Gardai fear reprisal attacks after Real IRA commander is shot dead in ambush attack", Irish Independent, accessed via <https://www.independent.ie/irish-news/gardai-fear-reprisal-attacks-after-real-ira-commander-is-shot-dead-in-ambush-attack-35276989.html> on 20/02/2019.

<sup>16</sup> 08/12/2016 "Fear of revenge attacks after Real IRA commander 'The Beast' is shot dead", Irish Independent, accessed via <https://www.independent.ie/irish-news/fear-of-revenge-attacks-after-real-ira-commander-the-beast-is-shot-dead-35277681.html> on 20/02/2019.

<sup>17</sup> 20/02/2018 "Defence civil servant with New IRA links jailed over firearms", Irish Independent, accessed via <https://www.independent.ie/irish-news/defence-civil-servant-with-new-ira-links-jailed-over-firearms-36622117.html> on 21/02/2019.

<sup>18</sup> 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 20/02/2019.

<sup>19</sup> 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 20/02/2019.

<sup>20</sup> 25/01/2017 "New IRA claims responsibility for gun attack on police", ITV, accessed via <https://www.itv.com/news/utv/2017-01-25/new-ira-claims-responsibility-for-gun-attack-on-police/> on 20/02/2019, and;

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 20/02/2019, and;

15/07/2017 "DUP blames Sinn Féin for 'political vacuum' behind the rise of New IRA", Belfast Telegraph, accessed via <https://www.belfasttelegraph.co.uk/news/northern-ireland/dup-blames-sinn-fein-for-political-vacuum-behind-the-rise-of-new-ira-35932526.html> on 21/02/2019.

<sup>21</sup> 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 20/02/2019.

<sup>22</sup> 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 20/02/2019.

<sup>23</sup> 27/02/2017 "'IRA' says it planted bomb under PSNI officer's car in Derry", The Irish News, accessed via <https://www.irishnews.com/news/2017/02/27/news/-ira-says-it-planted-bomb-under-psni-s-officer-s-car-in-derry-945355/> on 20/02/2019.

<sup>24</sup> 16/11/2018 "Guns, bombs, bullets found after fire in boiler house belonged to New IRA – police", The Irish Times, accessed via <https://www.irishtimes.com/news/crime-and-law/guns-bombs-bullets-found-after-fire-in-boiler-house-belonged-to-new-ira-police-1.3700343> on 21/02/2019.

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<sup>25</sup> 22/01/2019 “Ciaran Barnes: New IRA has lost guns, but can still get explosives”, Belfast Telegraph, accessed via <https://www.belfasttelegraph.co.uk/opinion/news-analysis/ciaran-barnes-new-ira-has-lost-guns-but-can-still-get-explosives-37734262.html> on 21/02/2019.