

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 set out the case demonstrating Real Irish Republican Army, also known as Real IRA, RIRA and New IRA (see paragraph 10 below), 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 relevant changes and/or developments to the organisation since its original designation in October 2010¹ and renewal in October 2013², including RIRA'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 RIRA 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: BBC News, Forbes, The Telegraph, The Guardian and Open Source Centre. Local news sources referenced include London Sunday Times, The Irish Times, The Sunday Times, Belfast Telegraph, Highland Radio, Dublin Independent, Sunday World and Herald.ie.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Continued involvement in terrorist activity

9. RIRA was designated as a terrorist entity on 11 October 2010. The designation was renewed on 2 October 2013.
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 name New IRA.³ 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.
11. RIRA accepted responsibility for a series of parcel bombs sent to army recruitment offices across England in February 2014. None of the parcel bombs detonated and no injuries were reported.⁴⁵ In a statement to media claiming responsibility, RIRA advised attacks would continue where RIRA saw fit.⁶ This was the first time mainland Britain had been targeted by dissident republican militants in almost a decade.
12. On 18 March 2014, RIRA claimed responsibility for a mortar attack on a police vehicle in West Belfast. The device was detonated as a police patrol passed, hitting the vehicle. No one was injured in the attack, however the vehicle suffered minor damage and a civilian family's car was hit by debris. RIRA claimed the mortar contained "newly acquired" military explosive Semtex and a commercial detonator, implying weapons and explosives in their possession were new and not from old supplies previously under control of the Provisional IRA.⁷
13. In June 2015, arrests were made in connection with a RIRA plot to kill two Police Service of Northern Ireland (PSNI) officers - a married couple - by placing a bomb under their family car. The under-vehicle improvised explosive device (IED), found outside the officers' home, was successfully disarmed but assessed as having the potential to harm the officers and anyone else in the residential area.⁸
14. On 30 November 2015, RIRA claimed responsibility for the 26 November gun attack on two police officers in West Belfast. Eight shots were fired from an assault rifle at the police vehicle by gunmen travelling in a stolen getaway car. Both officers were uninjured.⁹
15. On 4 March 2016, a prison officer was injured after a bomb exploded underneath his van in east Belfast. RIRA claimed responsibility for the attack, linking it to an ongoing dispute between prison authorities at Maghaberry and dissident republican inmates. RIRA claimed the prison officer was among a number of people on a hit list.¹⁰
16. In a statement to mark the 100th anniversary of the Easter Rising against British rule in Ireland, RIRA described the 1916 Rising as an "unfinished revolution" and warned of more attacks on prison officers and members of Irish security forces. RIRA also stated "while their [Britain's] occupation, the accompanying denial of national self-determination and partition remain, the IRA will continue to target any and all of those who assist those injustices". RIRA added, "The volunteer soldiers of the IRA are ready and determined to take the war to the age old enemy of our nation".¹¹

Ideology and Objectives of RIRA

17. 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.
18. In December 2015, RIRA were reported to be planning an escalation in activities against PSNI.¹² In March 2016, a senior police officer in Northern Ireland described RIRA over the previous year as being increasingly resilient, cohesive and ambitious.¹³ In May 2016, RIRA sources claimed Britain, particularly England, remained a key target in armed campaigns.¹⁴

Organisation and structure of RIRA

19. Since the previous designation renewal, there has been little reporting to suggest the organisation and structure of RIRA has changed. RIRA remains joined with RAAD and a coalition of other armed republican groups under the name New IRA (although the name RIRA also continues to be used).
20. On 29 October 2015, Dublin-based Vinnie Ryan, the brother of slain RIRA member Alan Ryan, had his jaw slashed with a knife by an assailant in a failed attempt to slit his throat. Police assessed Vinnie was a target for both rival dissident republicans and organised crime groups. A statement purporting to be from RIRA claimed there would be an "all-out war on the streets of the capital", swearing to "paint the streets red" with the blood of those responsible for the attack. RIRA also swore to flush out members passing information to those responsible. While the RIRA statement was not verified, security sources confirmed major infighting had occurred since Alan Ryan's death in 2012.¹⁵ Vinnie Ryan was subsequently shot dead on 29 February 2016. No group or individual has claimed responsibility for the death.¹⁶
21. Michael McKevitt, who helped to form RIRA and was one of four liable for the Omagh bombing which killed 29 people in 1998, was released from prison on an open-ended temporary release in March 2016.¹⁷ McKevitt is reportedly suffering from poor health and is required to obey strict conditions to remain out of prison. On 1 March 2016, a British court dropped all charges against Omagh bombing suspect Seamus Daly due to insufficient evidence. Daly was initially arrested and charged in 2014.¹⁸

Weapons, tactics and capability of RIRA

22. RIRA maintains an arsenal of light weapons, mortars and IEDs. Also in December 2015, following weeks of surveillance and intelligence-gathering on suspected members of RIRA, Irish Police (Garda Síochána) uncovered a significant weapons and explosives arsenal in Jenkinstown, County Louth. The Garda investigation is ongoing.¹⁹
23. A Garda study of devices used by dissident republican groups since 2013, including RIRA, revealed an improved capacity to launch attacks involving IEDs at a level of sophistication not seen previously. Evidence suggested a new generation of bomb makers had been trained up, and former IRA bomb makers may have been lured out of retirement.²⁰ In May 2016, dissident republican and Irish security sources confirmed RIRA had obtained the explosive semtex.²¹
24. A Forbes report from December 2014 identified RIRA as ninth in a list of the world's ten richest terrorist organisations. RIRA reportedly has an annual turnover of USD 50,000,000 with funding mainly sourced from smuggling and illegal trade, aid and donations.²²

25. RIRA is reportedly actively involved in cigarette smuggling to fund their activities, importing cigarettes from Eastern Europe and the Jebel Ali Free Zone in the United Arab Emirates. Children are being used as couriers to sell smuggled cigarettes, because their age prevents them from being prosecuted.²³ RIRA are also involved in smuggling laundered diesel into Britain where they have established contacts with Turkish gangs.²⁴

Law of armed conflict (LOAC)

26. 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 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, RIRA’s targeting of police officers has not been undertaken in accordance with the LOAC principle of distinction. Accordingly, the exemption in s 5(4) cannot apply, and RIRA attacks are properly characterised as terrorist acts.

CONCLUSION

27. 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.
28. Since its designation in October 2010 and renewal in October 2013, RIRA has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA by planning, threatening, attempting to carry out, and physically carrying out, attacks (paragraphs 10-16). 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.
29. 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 (27/07/2012) “*What does dissident republican ‘merger’ statement mean?*”, BBC News, accessed via <http://www.bbc.com/news/uk-northern-ireland-19014981> on 21/12/2015.

⁴ (17/02/2014) “*IRA group sent suspect packages to army offices*”, BBC News, accessed via <http://www.bbc.com/news/uk-26229321> on 17/12/2015.

⁵ (14/02/2014) “*New IRA main suspects behind letter bombs*”, The Telegraph, accessed via <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/10639339/New-IRA-main-suspects-behind-letter-bombs.html> on 21/12/2015.

⁶ (17/02/2014) “*New IRA sent bombs to army recruitment centres, Met confirms*”, The Guardian, accessed via <https://www.theguardian.com/uk-news/2014/feb/17/new-ira-sent-bombs-army-recruitment-centres-britain> on 21/12/2015.

⁷ (18/03/2014) “*Dissident IRA claims west Belfast mortar attack*”, BBC News, accessed via <http://www.bbc.com/news/uk-northern-ireland-26636763> on 17/12/2015, and;

(19/03/2014) “*Dissident IRA claim ‘no surprise’ to security forces*”, BBC News, accessed via <http://www.bbc.com/news/uk-northern-ireland-26647609> on 17/12/2015.

⁸ (18/06/2015) “*Three men arrested over bomb under Northern Ireland police officers’ car*”, The Guardian, accessed via <http://www.theguardian.com/uk-news/2015/jun/18/new-ira-accused-of-placing-bomb-under-northern-ireland-police-officers-car> on 21/12/2015.

⁹ (30/11/2015) “*Police search and surround Belfast courthouse before Colin Duffy hearing over New IRA terror gang charges*”, Belfast Telegraph, accessed via <http://www.belfasttelegraph.co.uk/news/northern-ireland/police-search-and-surround-belfast-courthouse-before-colin-duffy-hearing-over-new-ira-terror-gang-charges-34245537.html> on 23/12/2015.

¹⁰ (15/03/2016) “*Prison officer injured in New IRA car bomb attack in Belfast dies*”, The Guardian, accessed via <http://www.theguardian.com/uk-news/2016/mar/15/belfast-prison-officer-dies-targeted-new-ira-car-bomb-attack-adrian-ismay> on 21/03/2016.

¹¹ (29/03/2016) “*New IRA warns of more attacks on ‘age-old enemies’ in Northern Ireland*”, The Guardian, accessed via <http://www.theguardian.com/politics/2016/mar/29/new-ira-ireland-1916-easter-rising-unfinished-revolution> on 31/05/2016.

¹² (13/12/2015) “*‘New IRA’ planning escalation in attacks on PSNI – Sunday Times*”, Highland Radio, accessed via <http://www.highlandradio.com/2015/12/13/new-ira-planning-escalation-in-attacks-on-psni-sunday-times/> on 21/12/2015.

¹³ (20/03/2016) “*New IRA surprisingly resilient, say police*”, The Sunday Times, accessed via http://www.thesundaytimes.co.uk/sto/news/ireland/article1680103.ece?CMP=OTH-gnws-standard-2016_03_19 on 21/03/2016.

¹⁴ (15/05/2016) “*Police ‘are facing severe terror threat from IRA’*”, The Guardian, accessed via <http://www.theguardian.com/uk-news/2016/may/14/police-severe-terror-threat-ira-northern-ireland-bomb-attacks> on 31/05/2016.

¹⁵ (03/11/2015) “*He is lucky to be alive. It was an attempt to kill, not maim*”, Sunday World, accessed via <http://www.sundayworld.com/news/crimesdesk/he-is-lucky-to-be-alive-it-was-an-attempt-to-kill-not-to-maim> on 23/12/2015.

¹⁶ (18/03/2016) “*Third man arrested over Vinnie Ryan murder*”, The Irish Times, accessed via <http://www.irishtimes.com/news/ireland/irish-news/third-man-arrested-over-vinnie-ryan-murder-1.2578515> on 21/03/2016.

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- ¹⁷ (18/12/2015) “*RIRA boss is out of jail and living at home on temporary release*”, Herald.ie, accessed via <http://www.herald.ie/news/rira-boss-is-out-of-jail-and-living-at-home-on-temporary-release-34297691.html> on 23/12/2015, and;
- (28/03/2016) “*Real IRA leader Michael McKevitt released from prison*”, The Irish Times, accessed via <http://www.irishtimes.com/news/crime-and-law/real-ira-leader-michael-mckevitt-released-from-prison-1.2589977> on 31/05/2016.
- ¹⁸ (01/03/2016) “*Charges dropped against only suspect in 1998 IRA bombing: court*”, Paris AFP, accessed via Open Source Centre on 21/03/2016.
- ¹⁹ (15/12/2015) “*Irish Police Probing Dissident Activities Find Arms, Explosives Cache*”, Dublin Independent accessed via Open Source Centre on 21/12/2015.
- ²⁰ (08/06/2015) “*IRA dissidents develop rocket-propelled anti-tank weapon*”, Belfast Telegraph, accessed via <http://www.belfasttelegraph.co.uk/news/northern-ireland/ira-dissidents-develop-rocket-propelled-antitank-weapon-31284536.html> on 23/12/2015.
- ²¹ (15/05/2016) “*Police ‘are facing severe terror threat from IRA’*”, The Guardian, accessed via <http://www.theguardian.com/uk-news/2016/may/14/police-severe-terror-threat-ira-northern-ireland-bomb-attacks> on 31/05/2016.
- ²² (12/12/2014) “*The World’s 10 Richest Terrorist Organizations*”, Forbes, accessed via <http://www.forbes.com/sites/forbesinternational/2014/12/12/the-worlds-10-richest-terrorist-organizations/> on 23/12/2015.
- ²³ (15/02/2015) “*UK Source Investigates Dissident IRA Group’s Cigarette Smuggling Uses to Fund Terrorist Campaign*”, London Sunday Times Online, accessed via Open Source Centre on 21/12/2015.
- ²⁴ (15/02/2015) “*MI5 fights IRA smugglers*”, The Sunday Times, accessed via http://www.thesundaytimes.co.uk/sto/news/ireland/News/article1519477.ece?CMP=OTH-gnws-standard-2015_02_14 on 23/12/2015.