



Intelligence and Security Committee of Parliament

Northern Ireland-related terrorism

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THE INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT

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This Report is the result of an Inquiry conducted by the previous Committee, which sat from November 2017 to November 2019:

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The Committee oversees the intelligence and security activities of the UK Intelligence Community, including the policies, expenditure, administration and operations of MI5 (the Security Service), MI6 (the Secret Intelligence Service or SIS) and GCHQ (the Government Communications Headquarters)* and the work of the Joint Intelligence Organisation (JIO) and the National Security Secretariat (NSS) in the Cabinet Office; Defence Intelligence (DI) in the Ministry of Defence; and the Office for Security and Counter-Terrorism (OSCT) in the Home Office.

The Committee consists of nine Members drawn from both Houses of Parliament. Members are appointed by the Houses of Parliament, having been nominated by the Prime Minister in consultation with the Leader of the Opposition. The Chair of the Committee is elected by its Members.

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The reports can contain highly classified material, which would damage the operational capabilities of the intelligence Agencies if it were published. There is therefore a well-established and lengthy process to prepare the Committee's reports ready for publication. The Report is checked to ensure that it is factually correct (i.e. that the facts and figures are up to date in what can be a fast-changing environment). The Intelligence Community may then, on behalf of the Prime Minister, request redaction of material in the report if they consider that its publication would damage their work, for example by revealing their targets, methods, sources or operational capabilities. The Committee requires the Intelligence Community to demonstrate clearly how publication of the material in question would be damaging since the Committee aims to ensure that only the minimum of text is redacted from a report. Where the Committee rejects a request for material to be redacted, if the organisation considers that the material would cause serious damage to national security if published, then the Head of that organisation must appear before the Committee to argue the case. Once these stages have been completed the report is sent to the Prime Minister to consider. Under the Justice and Security Act 2013 the Committee can only lay its reports before Parliament once the Prime Minister has confirmed that there is no material in them which would prejudice the discharge of the functions of the Agencies or – where the Prime Minister considers that there is such material in the report – once the Prime Minister has consulted the Committee and they have then excluded the relevant material from the report.

The Committee believes that it is important that Parliament and the public should be able to see where information had to be redacted: redactions are clearly indicated in the report by ***. This means that the published report is the same as the classified version sent to the Prime Minister (albeit with redactions).

* The Committee oversees operations subject to the criteria set out in section 2 of the Justice and Security Act 2013.

CONTENTS

THE THREAT FROM NORTHERN IRELAND-RELATED TERRORISM1

KEY CHALLENGES.....3

 Recruitment of young people.....3

 Criminal justice outcomes.....5

 Agent involvement in crime.....6

AN UNCERTAIN FUTURE.....9

LIST OF WITNESSES12

THE THREAT FROM NORTHERN IRELAND– RELATED TERRORISM

1. On 18 April 2019, journalist Lyra McKee was fatally shot when a ‘new IRA’ gunman opened fire during rioting in Londonderry’s Creggan area. We condemn the reckless violence that led to her death, and our thoughts and sympathies are with her family and friends.

2. There were three other attacks by Dissident Republican (DR) groups in 2019. In January, a vehicle-borne Improvised Explosive Device (IED) was detonated outside the courthouse in Londonderry, shortly after police received a warning and moved to evacuate surrounding buildings. In March, a postal IED sent to Heathrow Airport partially functioned, and, in August, police were called to a hoax device near Wattlebridge, County Fermanagh, where a concealed secondary device exploded as officers investigated. No-one was injured in these incidents.

3. Other attacks in 2019 failed. Three further small, basic postal IEDs which were sent to targets in London and Glasgow and another device discovered at a postal depot in Ireland failed to function. The other failed attacks were primarily directed at security service personnel within Northern Ireland, including an under-vehicle IED targeting the parked car of an off-duty police officer at Shandon Park Golf Club on 1 June, and an attempt to ambush police with an IED in Craigavon, County Armagh, on 26 July.

4. The number of attacks in 2019 demonstrates that the main DR groups are resilient, and retain both the intent and capability to cause serious damage. We have visited Northern Ireland, and taken oral evidence, to examine the challenges of tackling the threat, and the approach being taken by MI5.

5. The number of Northern Ireland-related terrorist attacks had been decreasing in recent years: in 2018, just one attack was carried out. However, a statement in September 2019 by the Chief Constable of the Police Service of Northern Ireland (PSNI) – revealing that his service had dealt with more terrorist investigations and call-outs in the three months since his tenure began in July than in the whole of the previous year – clearly demonstrates that the threat itself has not decreased.¹

6. The current threat level from Northern Ireland-related terrorism (NIRT) in Northern Ireland is assessed to be SEVERE, meaning an attack is highly likely. In terms of the mainland, the threat level is ***.² The postal IEDs delivered in March 2019 demonstrate that DR groups still seek to operate in Great Britain, but perhaps on a more limited scale than in Northern Ireland.³

¹ ‘Northern Ireland police chief seeks 800 more officers as terror threat grows’, *The Guardian*, 11 September 2019.

² MI5 is responsible for setting the threat levels from Irish and other domestic terrorism both in Northern Ireland and in Great Britain. The Joint Terrorism Analysis Centre assesses the threat from all forms of terrorism and produces a single national threat level describing the threat to the UK, which includes Northern Ireland, Islamist, left-wing and right-wing terrorism. A breakdown of the threat which each poses to Great Britain is no longer made public ***.

³ ***

7. The four main DR groups – the ‘new IRA’, the Continuity IRA, Arm na Poblachta and Óglaigh na h’Éireann – continue primarily to target security forces based in Northern Ireland, including PSNI officers, military personnel and prison officers. However, attacks such as that outside the Londonderry courthouse in January 2019 show that there is also significant risk to members of the public.

8. The group known as the ‘new IRA’ currently presents the most significant threat, and remains the most widespread and capable of these groups. Since its formation in 2012, it has been responsible for a number of high-profile murders, including those of prison officer David Black in 2012, prison officer Adrian Ismay in 2016 and Lyra McKee in 2019.

9. MI5 told us that the ‘new IRA’ “*has represented the main dissident threat for a number of years*” and “*it is at the forefront of our minds that the ‘new IRA’ could become a still more dangerous threat*”.⁴ While there was “*an initial public backlash [against the ‘new IRA’] in the aftermath of the murder of Lyra McKee*”, MI5 told us that the group had “*rallied almost immediately*”.⁵

10. In the Committee’s Annual Report 2012–2013, we noted that the merger of unaffiliated DRs and a Republican vigilante group to form the ‘new IRA’ had “*reversed the trend towards fragmentation of Dissident Republican groups*” and led to an upswing in violence.⁶ We were therefore concerned by signs suggesting closer co-operation between DR groups ***.⁷ ***. News reporting also suggests that the ‘new IRA’ may have benefitted from defections from Óglaigh na h’Éireann in the summer of last year, following the death of one of its founder members.⁸

11. The Continuity IRA – the oldest of the remaining DR groups – has also renewed attack attempts. On 19 August 2019, officers from the PSNI were led to a hoax device near Wattlebridge, County Fermanagh, and a secondary device exploded as they attended the scene. Later, representatives from the Continuity IRA appeared on Swedish television claiming that they had “*regrouped and rearmed*” in order to continue their attacks,⁹ and MI5 informed us that the group were “*highly active*” over the summer:¹⁰ this resurgence after a period of relative inactivity demonstrates the need to focus on all DR groups, not just the ‘new IRA’.

⁴ Oral evidence – MI5, 6 June 2019.

⁵ Written evidence – MI5, 14 October 2019.

⁶ *Intelligence and Security Committee of Parliament Annual Report 2012–2013*, HC 547.

⁷ Written evidence – MI5, 30 July 2019.

⁸ ‘New IRA set to ramp up terror as OnH [Óglaigh na h’Éireann] defectors swell ranks after death’, *Sunday Times*, 16 June 2019.

⁹ ‘Continuity IRA man admits group behind Fermanagh bomb attack on Swedish TV’, *Belfast Telegraph*, 3 September 2019.

¹⁰ Written evidence – MI5, 14 October 2019.

KEY CHALLENGES

Recruitment of young people

12. In 2011, MI5 told the Committee that DR groups comprised a “*dangerous mix of young enthusiasts and hardened old pros*”, and that the main terrorist groups were “*not having any difficulty in recruiting in Derry, in Belfast ... young men who have got no previous involvement with Republican violence, and that’s a real worry for the future.*”¹¹

13. DR groups appear to continue to recruit new members to their cause, including significant numbers of young people.¹² While recruitment may not be comparable with levels seen before the Good Friday Agreement, and appears to be limited to particular areas in Northern Ireland, there are nevertheless “*very young people involved in attacks*”.¹³ In April, *The Times* reported that many of the attacks carried out by the ‘new IRA’ at the start of 2019 had involved young men, and that representatives of the ‘new IRA’ had said that “*the organisation is driven by young people ... [who] are being radicalised because they have no one to turn to.*”¹⁴

14. Some traditionally Republican areas have suffered from widespread poverty and unemployment for many years: in these circumstances, DR groups may be able to offer young people a degree of status and purpose they feel they are lacking.¹⁵ Given the involvement of these groups in wider criminality, there are parallels which can be drawn to ‘gang culture’ in other areas of the UK, and the sense of identity which this can offer young people. In 2016, MI5 had told us that, unless these wider issues were addressed, the threat would remain:

*Wider initiatives *** to build opportunities for young people who might otherwise be drawn into terrorist activity are essential: challenging the endurance of paramilitary structures; and improving economic prospects and social integration.*¹⁶

15. It is clear that the threat from DR groups will continue to endure as long as they offer an appealing, or alternative, ‘brand’ for new generations. MI5 acknowledge that it is not enough for them to focus on degrading existing groups (e.g. through the disruptions of plots, arrests of existing members, or seizures of dangerous or illicit materials), but that emphasis must be placed on dissuading potential recruits:

*a key part of what we are doing [needs to be] more than just countering the groups and degrading them, it is ... working *** to prevent people from joining dissident groups in the first place.*¹⁷

16. One of the problems inherent in such work is the residual distrust between Republican communities and the security services. Historic suspicion of MI5 and its partners means that individuals are unlikely to report concerns to the authorities, who are therefore unable to identify those who may be beginning to become involved with DR

¹¹ Oral evidence – MI5, 9 February 2011.

¹² ***

¹³ Oral evidence – MI5, 6 June 2019.

¹⁴ ‘New IRA reveals determination to be a clear and present danger’, *The Times*, 28 April 2019.

¹⁵ ‘Analysis: Northern Ireland, Brexit and New IRA violence’, *Al Jazeera News*, 5 February 2019.

¹⁶ Written evidence – MI5, 30 August 2016.

¹⁷ Oral evidence – MI5, 6 June 2019.

groups. DR efforts to control communities and institute their own ‘policing’ through extortion, intimidation and paramilitary style assaults make any co-operation with the security services even less likely,¹⁸ and there appears to be little prospect of this improving.

17. Given the difficulty of building direct links with communities, MI5 are instead focussing on *** in reviewing HMG’s strategic approach to tackling Northern Ireland-related terrorism. This review will co-ordinate contributions across a broader range of government departments, and will focus on applying lessons learnt from the CONTEST Counter-Terrorism Strategy.

18. As a general approach to tackling terrorism, it is essential that non-national security departments are able to intervene if they spot signs of individuals beginning to become involved with terrorist groups, and to provide positive interventions to steer them away from the groups before their involvement becomes serious enough to fall under the remit of the security services.¹⁹ For example, local health and education services tend to be linked into their local communities and would be in a better position to spot warning signs (i.e. individuals demonstrating interest in terrorist groups). In the Northern Ireland context, we therefore consider that non-national security departments should be able to engage directly with individuals to steer them away before they become fully involved in DR groups.

19. This is not a new idea. In 2013, MI5 told the Committee that “*one of the benefits of the CONTEST strategy is that it was able to bring together the security response with the social policy response to a particular extremist sort of problem*”. However, at the time the devolution of powers in Northern Ireland had meant that it was “*more difficult to align social policy and so on to a single aim*”.²⁰ We asked whether the situation had improved since then, but MI5 said that it had remained challenging to align the security response with wider social policy aims – including the work undertaken by devolved departments – and to maintain momentum in the absence of the Stormont Assembly since January 2017.²¹ The Chief Constable of the PSNI made the same point, speaking in August last year:

*We need the Executive back in place so that policy can be implemented to improve the opportunity and living conditions of particularly young people who may become disaffected and be recruited in a vulnerable state by dissident republicans ... we need that support unequivocally.*²²

In January 2020, the governing parties in Northern Ireland agreed a deal and the devolved administration is now back in power. Progress should, therefore, now be possible.

¹⁸ Written evidence – MI5, 21 May 2019.

¹⁹ ***

²⁰ Oral evidence – MI5, 17 January 2013.

²¹ Northern Ireland was without an Executive between January 2017 and January 2020, because the governing parties failed to reach a power-sharing deal, which left the devolved administration unable to take major decisions or pass legislation during that time. We note that the devolved administration returned on 11 January 2020, after a new power-sharing deal was agreed.

²² ‘Political vacuum is being filled by dissidents, Chief Constable warns in plea to parties’, *Belfast Telegraph*, 24 August 2019.

20. HMG has been reviewing its strategic approach to NIRT for some time now. While the Committee welcomes the initiative, we have been unable to review the latest developments and are therefore unable to comment further at this stage.

Criminal justice outcomes

21. When individuals have joined DR groups and become active members, MI5 pursues criminal justice outcomes against them: they described this as their “*preferred course of action whenever achievable*” and as “*the critical tool to successful and long-term disruptions of the NIRT threat*.”²³ The imprisonment of key members – for example, those with bomb-making skills – can leave DR groups without the capabilities they need and unable to launch attacks.

22. However, in 2017, the Committee noted that MI5 had reported “*a number of ‘disappointing’ criminal justice outcomes [relating to NIRT]*” in the previous year.²⁴ Having returned to examine the issue during this Inquiry, it is clear that this is still a major obstacle in tackling the threat.

23. In the first instance, we have found that systemic delays in the Northern Irish judicial process appear to be resulting in cases taking months, or even years, to come to trial. It appears to us that there is no single issue behind this. However, the use of oral committal hearings (which require multiple magistrates’ court hearings before a case is sent to a higher court) and an absence of rules covering criminal case management do seem to be contributory factors.²⁵

24. When cases do come to trial and result in a conviction, the sentences handed down tend to be shorter than in the rest of the UK.²⁶ This has been recognised by a review of Northern Ireland sentences under the Unduly Lenient Scheme established by the Northern Ireland Department for Justice in August 2018. In early August 2019, it was announced that an additional 100 offences linked to terrorism, organised crime and paramilitarism were to be included under the Scheme, which allows for the Director of Public Prosecutions to refer a sentence passed in the Crown Court to the Court of Appeal.²⁷

25. MI5 have said that their aim is “*to replicate, as far as possible, the kind of criminal justice-led approach that [they] take with terrorist cases in Great Britain*.” To this end, they are working *** to support new legislation which would improve aspects of the criminal justice system, including by removing committal hearings from the criminal justice process in Northern Ireland.²⁸

26. However, this work stalled in the absence of a functioning Executive in Stormont, and with serious consequences: the criminal justice system, in particular, is in urgent need of an overhaul.

²³ Oral evidence – MI5, 6 June 2019.

²⁴ *Intelligence and Security Committee of Parliament Annual Report 2016–2017*, HC 655.

²⁵ ***

²⁶ Written evidence – MI5, 21 June 2019.

²⁷ ‘Northern Ireland terror crime sentences facing review under unduly lenient scheme’, *Belfast Telegraph*, 2 August 2019.

²⁸ Oral evidence – MI5, 6 June 2019.

Agent involvement in crime

27. Agents – also known as Covert Human Intelligence Sources (CHIS) – are individuals who enter into a covert relationship with MI5 and provide information to assist MI5 in their investigations.²⁹ MI5 runs agents against *** its target areas – in an average month, agent reporting contributes to ***% of MI5’s highest priority investigations.³⁰

28. We have previously reported on the importance of CHIS to MI5’s work: in 2014, we noted that the Director General of MI5 had told us that their agents “*acquire the intelligence we would otherwise never get, that leads us to prevent really serious things happening*”³¹ – a point he repeated in 2016, saying “*they are the intelligence collection asset that we could not operate without. They give you insight that technical intelligence cannot give*”,³² and again during this Inquiry when he explained:

*a well-placed CHIS *** can provide valuable intelligence *** ... Alongside reporting on investigations, agents provide critical leads to discover new threats*
***³³

***.

29. Agents across all areas of MI5’s work can put themselves at risk in reporting to MI5: ***³⁴ ***. As such, it is essential that an agent is able to maintain their cover to avoid being found out. MI5 explained:

***³⁵

This is one of the reasons why an agent may need to undertake criminal activity (in addition to securing or maintaining access to intelligence which can save lives or disrupt more serious criminality).³⁶ An example of such criminal activity is ***. In such circumstances, MI5 are able to ‘authorise’ an agent to undertake such activity.

30. The power to ‘authorise’ agent participation in criminality is inferred from the Security Service Act 1989: this placed MI5 on a statutory footing, and in doing so implicitly endorsed the continuation of its existing core activities as necessary to fulfil its function – such as the running of agents, which might require their participation in certain types of criminality, even though this is not in itself explicitly stated in the Act.³⁷ The use and conduct of agents is set out in the Regulation of Investigatory Powers Act (RIPA) 2000, which permits the authorisation of criminal conduct when criminality is incidental to the conduct which the agent is authorised to engage in for the purpose of their agent-reporting function. However, RIPA does not specify the extent or level of that criminal conduct.³⁸ Instead, MI5 maintains internal guidelines which require the ‘authorising officer’ to weigh the harm to the public interest involved in the criminal act against the

²⁹ ***

³⁰ Written evidence – MI5, 29 August 2019.

³¹ Oral evidence – MI5, 8 May 2014.

³² Oral evidence – MI5, 1 December 2016.

³³ Written evidence – MI5, 29 August 2019.

³⁴ Oral evidence – MI5, 6 June 2019.

³⁵ Written evidence – MI5, 29 August 2019.

³⁶ IPT Judgement, 20 December 2019, IPT/17/86 & 87/CH

³⁷ Judgement of the Investigatory Powers Tribunal, 20 December 2019, IPT/17/86 & 87/CH

³⁸ Although there is a provision in RIPA Section 29(7) for the Secretary of State to prohibit the authorisation of certain conduct, no such orders have been made.

benefit expected from the information or access the agent will be able to provide, while taking into account the agent's cover and safety.³⁹ The internal guidelines – alongside the authorisation applications themselves – are regularly reviewed by the Investigatory Powers Commissioner.

31. Authorisations apply to ***,⁴⁰ ***. The Director General explained:

***⁴¹

Authorisations are used sparingly: in November 2018, less than ***% of MI5's agents had been authorised to participate in criminal acts.⁴²

32. Nevertheless, the use of the term 'authorised' in this context is potentially misleading: without statutory provision, it does not carry immunity from prosecution. Instead, it is understood that the guidelines would enable MI5 to argue that it would not be in the public interest for the Crown Prosecution Service to prosecute the action.⁴³

33. In terms of the policy itself, the authorisation of agent participation in criminal activity was officially acknowledged for the first time in March 2018, when the then Prime Minister published a direction (later known as the 'Third Direction') she had given to the Investigatory Powers Commissioner in August 2017 to:

*keep under review the application of the Security Service guidelines on the use of agents who participate in criminality and the authorisations issued in accordance with them.*⁴⁴

34. At the time of this Inquiry, the Investigatory Powers Tribunal (IPT) was considering a case brought by Privacy International and others against the Government,⁴⁵ challenging the basis for these authorisations and therefore MI5's ability to authorise agent participation in criminality. MI5 described the case as ***⁴⁶; if the IPT were to find in favour of the claimants, then it would have "serious consequences"⁴⁷ ***.

³⁹ Written evidence – MI5, 1 February 2013; ***

⁴⁰ Written evidence – MI5, 29 August 2019.

⁴¹ Written evidence – MI5, 29 August 2019.

⁴² Written evidence – MI5, 29 August 2019.

⁴³ In this context, we note the current Bedfordshire Police investigation, Operation Kenova. Operation Kenova is the investigation of crimes claimed to have been perpetrated by an alleged British Army agent within the Provisional IRA, codenamed 'STAKEKNIFE'. However, should the investigation lead to the prosecution of an agent, the case would highlight the importance of having an authorisation process and clear internal guidelines in place when running agents. A statement issued by the investigation on 2 October 2019 stated the following: "Jon Boucher, the head of Op Kenova, and his team has prepared files containing evidence regarding a number of offences outlined in the investigation's terms of reference – including murder, kidnap, torture, malfeasance in a public office and perverting the course of justice. Those files are now in the process of being made available to the PPS for consideration." (Statement by Operation Kenova on Files made available for consideration, 2 October 2019, opkenova.co.uk/files-made-available-for-consideration)

⁴⁴ Letter from the Rt Hon. Theresa May MP to the Investigatory Powers Commissioner, 22 August 2017.

⁴⁵ The claimants are Privacy International, Reprieve, the Committee on the Administration of Justice and the Pat Finucane Centre.

⁴⁶ Written evidence – MI5, 29 August 2019.

⁴⁷ Written evidence – MI5, 22 January 2020.

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36. This would of course be the priority. However, action would also be needed to resolve the situation such that MI5 could, lawfully, continue authorising agent participation. ***

37. A further complicating factor ***

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38. The Director General made it clear that these issues ***. He explained:

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39. While there are, rightly, concerns that criminal activity may somehow be being legitimised, the need for such authorisations is clear. What is key is that authorisations are properly circumscribed, used only when necessary and proportionate, and subject to proper scrutiny.

40. On 20 December 2019, the IPT handed down its Judgement. It found, in a 3:2 majority decision, that MI5 does have the implied power – by virtue of the Security Service Act 1989 – to authorise its agents to participate in criminality. We note that, at the time of writing, the claimants have applied for leave to appeal the decision to the Court of Appeal. (This would be the first IPT case to be appealed since the new rules were introduced in 2018.) The issue may therefore continue to be of concern.

⁴⁸ Written evidence – MI5, 29 August 2019.

⁴⁹ Oral evidence – MI5, 17 October 2019.

⁵⁰ Oral evidence – MI5, 17 October 2019.

⁵¹ Written evidence – MI5, 29 August 2019.

AN UNCERTAIN FUTURE

41. It has been clear from the past decade that work on Northern Ireland-related terrorism (NIRT) requires a constant level of effort and allocation of resources. In 2009, MI5 had planned to reduce resources allocated to Northern Ireland work, but a sudden spike in activity by Dissident Republican (DR) groups meant they had to reverse the decision, saying they had “*had to reinforce in Northern Ireland in order to keep ourselves in a position where we had a reasonable prospect of being able to stop planned attacks.*”⁵² This re-prioritisation had a “*disruptive effect*” on MI5’s overall plans.⁵³ In the Committee’s 2016–2017 Annual Report, we noted that, even with sustained and significant pressure from MI5 and the police, the threat from DRs remained resilient.⁵⁴

42. As at 31 March 2018, allocation of effort on NIRT accounted for approximately 20% of MI5’s operational and investigative resources. ***.⁵⁵ ***.⁵⁶ ***. We were told that, as HMG reviews its strategic approach to NIRT, there is likely to be greater focus on preventing individuals turning to terrorist activity in order to diminish the flow of new recruits to dissident organisations, which should ***.⁵⁷

43. MI5’s overarching strategy⁵⁸ also reflects this strategic focus on diverting individuals away from becoming involved with terrorist groups, alongside steady suppression of the existing threat by degrading the capabilities of DR groups and disrupting their activities. However, MI5 does not view total suppression as realistic: they “*do not proceed with an assumption that we can continue to drive [NIRT attacks] down to zero. That looks to us to be an undeliverable goal, albeit one we should always strive towards.*”⁵⁹ This echoes what the Committee has heard previously – in 2016, we were told that MI5 were:

*in sustain mode as far as counter-terrorism and Northern Ireland goes because we are eating into the problem and if we stick at it we will keep driving it down ... I wouldn’t want the Committee to feel that if we pressed the pedal much harder in resource terms, it would be achievable to get down to zero violence.*⁶⁰

44. Certainly, any change at this time would seem to be premature in light of the uncertainty posed by the UK’s exit from the European Union.⁶¹ We questioned MI5 on this point and they recognised that:

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⁵² Oral evidence – MI5, 10 February 2009.

⁵³ *Intelligence and Security Committee of Parliament Annual Report 2010–2011*, Cm 8114.

⁵⁴ *Intelligence and Security Committee of Parliament Annual Report 2016–2017*, HC 655.

⁵⁵ Written evidence – MI5, 21 May 2019.

⁵⁶ Written evidence – MI5, 1 March 2018.

⁵⁷ Written evidence – MI5, 21 May 2019.

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⁵⁹ Oral evidence – MI5, 6 June 2019.

⁶⁰ Oral evidence – MI5, 1 December 2016.

⁶¹ ***

⁶² Written evidence – MI5, 14 October 2019.

45. In particular, any infrastructure erected at the Irish border to handle customs or security checks would immediately become a target for DR attacks, and would increase the risk of political violence in border areas. MI5 explained:

*we have looked at the consequences for the threat picture of there being any form of installations or infrastructure at the border ****⁶³

46. Border infrastructure would be symbolic for DR groups, and would inevitably be used as a recruiting tool. In February 2019, a study compiled by two UNESCO Chairs warned that a return to violence in Northern Ireland would be “*inevitable*” if there were a hard border, and that marginalised nationalist youths would be susceptible to “*being groomed into violent activity by Dissident Republicans*.”⁶⁴ MI5 assess that ***.⁶⁵

47. Brexit could also reignite the threat from Loyalist groups that have previously held a ceasefire. MI5 noted that “[Loyalist] *ceasefires have held for a long time now ****”.⁶⁶ We queried whether MI5 were prepared for a potential shift in the threat level across various Northern Ireland-related terrorist groups, and were told:

*I think we can be reasonably confident ****⁶⁷

Conclusions and Recommendations

A. It is clear from the attacks last year that the threat from Northern Ireland-related terrorism remains resilient despite significant pressure from MI5 and the Police Service of Northern Ireland. We condemn the violence that led to the death of Lyra McKee and our thoughts are with her family and friends.

B. Dissident Republican groups appear to continue to recruit new members, including young people – largely as a result of the lack of opportunities open to them. However, the residual distrust between Republican communities and the security services means that the authorities are not in a position to identify those beginning to become involved with Dissident Republican groups and seek to dissuade them. We therefore consider it essential that non-national security departments – with better links into the community – are able to intervene if they spot such involvement, and to provide positive interventions. We welcome efforts to implement lessons such as these, learned from counter-terrorism work across the UK, and expect to see these reflected in the latest review of HMG’s strategic approach to tackling Northern Ireland-related terrorism, which is still underway.

C. Taking experienced terrorists off the streets of Northern Ireland quickly and effectively is critical to reducing the capabilities and numbers of Dissident Republican groups, and therefore MI5’s priority is to seek criminal justice outcomes. However, pursuing successful outcomes remains challenging: we have found that there are systemic delays and lenient sentencing. Work to explore legislative solutions was stalled during the absence of a functioning Executive. It is imperative

⁶³ Oral evidence – MI5, 6 June 2019.

⁶⁴ ‘Northern Ireland returning to violence as a result of a hard border due to Brexit or a rushed border poll: Risks for youth’, research by Senator Mark Daly and UNESCO Chairs Professor Pat Dolan and Professor Mark Brennan, February 2019.

⁶⁵ Written evidence – MI5, 14 October 2019.

⁶⁶ Oral evidence – MI5, 6 June 2019.

⁶⁷ Oral evidence – MI5, 6 June 2019.

that, now the Executive has been restored, the Executive and Assembly consider proposals to improve criminal justice outcomes.

D. We recognise that agents are critical to MI5's work, providing valuable intelligence. It is right that MI5 are able to authorise their agents to participate in criminal activity when it is necessary in order to maintain their cover or to secure access to intelligence which may save lives or disrupt more serious criminality. We strongly support their ability to do so – provided that such authorisations are strictly limited and subject to proper scrutiny. Were MI5 unable to authorise in this manner, it would increase the threat to the UK. We therefore welcome the majority judgement of the Investigatory Powers Tribunal on 20 December 2019 that MI5 does have the implied power to do so, by virtue of the Security Service Act 1989.

E. We commend the efforts of MI5 and the Police Service of Northern Ireland. However, the threat from Northern Ireland-related terrorism requires sustained pressure and resources must be maintained. This is more important now than ever. Any border infrastructure resulting from Brexit will be both a target and a recruiting badge for Dissident Republican groups, who have until now used the impasse in Stormont to justify their cause and bolster their numbers. This Committee would not support the use of any hard border infrastructure, and recommends that this be taken into account in any final settlement in relation to the border with the Republic of Ireland.

LIST OF WITNESSES

Officials

MI5 (SECURITY SERVICE)

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