

Ireland

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Section 1: Summary of Domestic Legislation

The two most important pieces of legislation in the Irish counter-terrorism strategy are The Offences Against the State Acts 1939 – 1998 and [The Criminal Justice \(Terrorist Offences\) Act 2005](#).

The Offences Against the State Act 1939 – 1998

[The Offences Against the State Act](#) was first passed in 1939 but has since then been subject to amendments in [1940](#), [1972](#), [1985](#) and [1998](#).

The Acts criminalise directing, aiding and membership of organisations that are deemed unlawful, as well as possession of items for purposes connected with certain offences. Also interdicted are unlawful collection of information, withholding information and training persons in the making or use of firearms.

There is a general power of forfeiture of the property of an unlawful organisation. In certain cases the Minister for Justice, Equality and Law Reform may authorise restraint of funds that are believed to be going towards the funding of an unlawful organisation.

The Criminal Justice (Terrorist Offences) Act 2005

The 2005 Act indicates that organisations that engage in, promote, encourage or advocate the commission of any terrorist activity are unlawful organisations within the meaning of The Offences Against the State Acts 1939 – 1998. Terrorist activity is defined as offences under Irish law which are committed inside or outside the State with the intent of seriously intimidating a population, unduly compelling a Government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, economic or social structure of a state or international organisation.

The Act defines terrorist offences as a separate category of crime and sets up lists of offences which, when the necessary intent is present, constitute terrorist offences. It is an offence to engage in, or attempt to engage in, any terrorist activity or any terrorist-linked activity or even threaten to engage in terrorist activity.

In relation to the financing of terrorist the Act provides for the confiscation, freezing and forfeiture of money being used or intended for us in the commission of

terrorism. There is a scheme through a court order for the freezing, restraint or confiscation of funds in the possession or control of any person that are being used or intended for use in committing or facilitating the commission of terrorist offences. Obligations are placed on banks and financial organisations to take certain specified measures to prevent and assist in the detection of an offence of financing terrorism. Funds can be frozen in conjunction with criminal proceedings or independently of them.

The Act also provides a procedure through which funds used in, or derived from, a terrorism financing offence may be subject to confiscation, restraint and forfeiture. A member of the Irish national police force (Garda Siochana) or a Customs & Excise officer may seize and detain cash which is being imported or exported into or out of Ireland if there are grounds to suspect that the cash represents proceeds of, or is intended for use in connection with, a terrorist financing offence.

Criminal Law Act 1976

The [Criminal Law Act 1976](#) criminalises recruiting others to join unlawful organisations or to incite or invite others to the same. Also prohibited is taking part in the activities of an unlawful organisation or to support those activities.

Section 2: Relevant International Instruments and Obligations

Anti-Terrorism Instruments

Ireland has ratified 12 of the 13 [UN Conventions on Terrorism](#). The [Convention for the Suppression of Acts of Nuclear Terrorism](#) 2005 has been signed but is yet to be ratified.

Human Rights Instruments

Ireland is a state party to a number of international human rights instruments, full details of which can be found [here](#). The most important regional treaty is the [European Convention of Human Rights](#) (ECHR) 1950.

Section 3: Useful reports

❖ CODEXTER Questionnaire

An overview of the Irish counter-terrorism system has been collected by the [Council of Europe Committee of Experts on Terrorism \(CODEXTER\)](#) and can be consulted [here](#). The report outlines Ireland's anti-terrorist legislation, institutional framework and international cooperation instruments.

❖ UN Counter-Terrorism Committee Reports

The Irish Government has submitted a number of reports to the [United Nations Counter-Terrorism Committee \(CTC\)](#) on the implementation of [Security Council Resolution 1373 \(2001\)](#).

- The [first report](#) (2001) summarises the measures taken by Ireland to combat terrorism. The report begins by focusing on the financing of terrorism before moving on to recruitment to terrorist organisations and the supply of weapons to terrorists. There are also sections on border controls, information sharing with other countries, ensuring safe havens are not provided to terrorists and measures to prevent terrorists using Ireland to attack other countries.
- The [second report](#) (2002) answers the CTC's specific questions arising from the first report. The report goes in to greater detail in relation to the specific questions asked, in particular the financing of terrorism, recruitment to terrorist organisations and inciting the commission of terrorist acts, and immigration measures as a means of combating terrorists.
- The [third report](#) (2003) focuses on answering questions relating to the implementation of certain Conventions Against Terrorism.
- The [fourth report](#) (2004) provides statistical data on prosecutions for terrorist offences to show the effectiveness of counter-terrorism measures.

In October 2006 Ireland submitted a [report](#) to the CTC concerning the implementation of [Security Council Resolution 1624](#) (2005).

❖ **Interpol report**

A brief overview of Ireland's counter-terrorism law is provided by this 2003 [Interpol Report](#). The report focuses on laws pertaining to definition and prosecution of terrorist acts, weapons control, money laundering and information sharing with other countries.