



FREEDOM OF INFORMATION REQUEST



Request Number: F-2015-00033

Keyword: Operational Policing

Subject: Recovered Firearms 1970 - 2005

Request and Answer:

Question 1

- a. How many firearms of Venezuelan origin were recovered in Northern Ireland between 1970 and 2005?
- b. Of these firearms, were any ex Venezuelan military stock?
- c. How many of these firearms were attributable to PIRA?

Question 2

- a. How many LP 50 flamethrowers were recovered in Northern Ireland between 1970 and 2005?
- b. When and where was the first recovery of a LP 50 flamethrower?
- c. When and where was the first use of a LP 50 flamethrower?

Question 3

- a. How many SAM 7 missiles were recovered in Northern Ireland between 1970 and 2005?
- b. How many SAM 7 missiles were fired in Northern Ireland between 1970 and 2005?
- c. When and where was the first use of a SAM 7 missile in Northern Ireland?

Question 4

- a. When and where was the first use of Semtex explosives in Northern Ireland and in what form of device was it deployed in?

Question 5

- a. How many RPG 5's were recovered in Northern Ireland between 1970 and 2005?
- b. When and where was the first use of a RPG 5 in Northern Ireland?

Question 6

- a. How many RPG 7's were recovered in Northern Ireland between 1970 and 2005?
- b. When and where was the first use of a RPG 7 in Northern Ireland?

Question 7

7. When and where was the first use of a PIRA Mk1 improvised detonator?

Question 8

8. Is there a record of Napalm ever having been deployed by PIRA in Northern Ireland between 1970 and 2005?

Question 9

- a. When and where was the first deployment of a RCIED by PIRA in Northern Ireland?
- b. What form did the radio controlled part of the device take?

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- disclose information in response to questions 1 a) b), 2 a) b) c), 3 a) b) c), 4, 5 a) b), 6 a) b), in full;
- fully exempt information in response to questions 1 c), 7, 8 and 9 pursuant to the provisions of Section 30 of the Act.

Question 1

- a. How many firearms of Venezuelan origin were recovered in Northern Ireland between 1970 and 2005?
- b. Of these firearms, were any ex Venezuelan military stock?

Answer

- a. Two firearms of Venezuelan origin are recorded as being recovered in Northern Ireland between 1970 and 2005.
- b. Yes.

Question 2

- a. How many LP 50 flamethrowers were recovered in Northern Ireland between 1970 and 2005?
- b. When and where was the first recovery of a LP 50 flamethrower?
- c. When and where was the first use of a LP 50 flamethrower?

Answer

- a. Two LP 50 flamethrowers are recorded as being recovered in Northern Ireland between 1970 and 2005.
- b. The first recovery of a LP 50 flamethrower is recorded as being at Our Lady's Hospice, Falls Road, Belfast on 27th October 1988.
- c. The first use of a LP 50 flamethrower is recorded as being at Derrard PVCP, Rosslea on 13th December 1989.

Question 3

- a. How many SAM 7 missiles were recovered in Northern Ireland between 1970 and 2005?
- b. How many SAM 7 missiles were fired in Northern Ireland between 1970 and 2005?
- c. When and where was the first use of a SAM 7 missile in Northern Ireland?

Answer

- a. No SAM 7 missiles are recorded as being recovered in Northern Ireland between 1970 and 2005.
- b. One SAM 7 missile is recorded as having been fired in Northern Ireland between 1970 and 2005
- c. The first use of a SAM 7 missile in Northern Ireland is recorded as being in the Kinawley Area, Co Fermanagh on 19th July 1991.

Question 4

- a. When and where was the first use of Semtex explosives in Northern Ireland and in what form of device was it deployed in?

Answer

The first use of Semtex explosives in Northern Ireland is recorded as being during an attack at a

Military Post at Drummuckavall, Armagh on 28th October 1986. It was deployed in a Mk 6/4 mortar bomb.

Question 5

- a. How many RPG 5's were recovered in Northern Ireland between 1970 and 2005?
- b. When and where was the first use of a RPG 5 in Northern Ireland?

Answer

- a. No RPG 5's are recorded as being recovered in Northern Ireland between 1970 and 2005.
- b. There has been no recorded use of a RPG 5 in Northern Ireland.

Question 6

- a. How many RPG 7's were recovered in Northern Ireland between 1970 and 2005?
- b. When and where was the first use of a RPG 7 in Northern Ireland?

Answer

- a. 19 RPG 7 launchers and 70 warheads are recorded as being recovered in Northern Ireland between 1970 and 2005.
- b. The first use of a RPG 7 in Northern Ireland is recorded as being at RUC Station Belleek on 28th November 1972.

In relation to questions 1 c), 7, 8 and 9 information has been withheld and an explanation is provided below.

Question 1

- c. How many of these firearms were attributable to PIRA?

Question 7

7. When and where was the first use of a PIRA Mk1 improvised detonator?

Question 8

8. Is there a record of Napalm ever having been deployed by PIRA in Northern Ireland between 1970 and 2005?

Question 9

- a. When and where was the first deployment of a RCIED by PIRA in Northern Ireland?
- b. What form did the radio controlled part of the device take?

Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 30 (1)(a) – Investigations

Section 30 is a qualified and class-based exemption which means it is necessary to conduct a public interest test.

Public Interest Test

Factors Favouring Release

Release of the information would reassure the public that the PSNI is effectively engaging with its investigative role. All police investigations will involve the use of public funds and where this is the case there is always a public interest in ensuring that those funds are not used unnecessarily or unwisely. Disclosure would better inform the public, enhancing public debate and reducing rumour and speculation.

Factors Favouring Retention

Disclosure of this information could compromise criminal investigations should further evidential material be obtained by Police in the future. The Police Service will not disclose information which could undermine their investigations.

It is the Association of Chief Police Officers approach that information relating to an investigation will rarely be disclosed under the provisions of the Freedom of Information Act. Whilst information may be released if it provides a tangible community benefit, for example to prevent or detect crime or to protect life or property, in this case there is a high public interest in protecting the integrity of evidence that may be reconsidered and reviewed as a part of a future investigation or review.

It would therefore not be in the public interest to release information that may still be of assistance to the PSNI in relation to any investigation and therefore hinder the detection of crime.

Decision

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to disclose this specific information would undermine any ongoing investigations. A disclosure under FOI is considered a release of information to the world in general and not just to the applicant requesting the information. The risk from terrorism is currently rated as 'Severe' and while there may be a public interest in openness and transparency within PSNI, the Service will not disclose information which may be of use to criminals and terrorists.

There is a public interest in the transparency of policing and providing assurance that the police service is appropriately and effectively engaging with the threat posed by terrorists. However, there is a very strong public interest in safeguarding operations in highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

It is the view of PSNI that when considering the public interest in maintaining the exemption at Section 30, it is necessary to be clear what that exemption is designed to protect. In broad terms the Section 30 exemption exists to ensure the effective investigation and prosecution of offences. It recognises the need to prevent disclosures which would prejudice either a particular investigation or set of proceedings, or the investigatory and prosecution processes generally, including any prejudice to future investigations and proceedings. In this particular case PSNI consider the public interest in maintaining the exemption is stronger than the public interest in releasing the information owing to the future investigative opportunities and activities that may arise.

In addition the PSNI can neither confirm nor deny that it holds any other information relevant to your request pursuant to the following exemptions:

Section 23 (5) – Information Concerning Certain Security Bodies

Section 24 (2) – National Security

Section 23 is an absolute and class-based exemption which means there is no requirement to evidence the harm in release or to conduct a public interest test.

Section 24 is a qualified and prejudice-based exemption which means the legislators have determined that it is necessary to evidence the harm in release and to conduct a public interest test.

Overall harm in confirming or denying other information is held

As you may be aware, disclosure under Freedom Of Information Act (FOIA) is a release to the public at large. Confirming or denying that any other information is held regarding the types of weapons and the group(s) to which these weapons may have been attributed, would inform those intent on criminal activity what the capacity, tactical abilities and capabilities of the PSNI are, by showing the amount of intelligence that may be held on particular group(s). Confirming or denying that other information exists would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from terrorism cannot be ignored as evidenced by recent attacks in Northern Ireland where the current threat level is set at 'Severe'. Confirming or denying that any other information is held in relation to your request would limit operational capabilities as criminals/terrorists would gain a greater understanding of the intelligence held by the PSNI, enabling them to take steps to counter that knowledge. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' areas of perceived weakness. Confirming or denying that any other information is held would be useful information to those committing crimes and could identify location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

Information that undermines the operational integrity of PSNI operations will adversely affect public safety and have a negative impact on both national security and law enforcement.

Factors Favouring Confirmation or Denial

The information if held, relates to national security and confirming or denying whether it is held would not actually harm it. Confirming or denying that any other information exists would also lead to a better informed public and enhance public debate.

Factors Against Confirmation or Denial

By confirming or denying whether any other information is held would render security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

The threat to National Security in Northern Ireland is designated as severe as evidenced by recent booby trap bombs and car incendiary devices. To confirm whether or not any other information relevant to your request exists would give important information to terrorists. Knowledge of whether or not any other information exists could be used by individuals or groups, who are intent on criminal activity, to take measures to avoid detection and carry out their criminal acts.

Decision

The security of the country is of paramount importance and the PSNI will not divulge whether any other information is or is not held if to do so would undermine National Security or compromise law enforcement. Whilst there is a public interest in the transparency of policing and providing assurance that the police service is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and operations in the highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The areas of police interest is a sensitive issue that reveals local intelligence therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information is held regarding weapons is not made out.

However, this should not infer that any other information is or is not held.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.