

Judicial Communications Office

Friday 1 October 2010

JUDGE SENTENCES DEFENDANTS IN REAL IRA GUN SMUGGLING PLOT

Summary of Judgment

Mr Justice Hart, sitting today at Belfast Crown Court, sentenced Paul Anthony John McCaugherty to 20 years imprisonment for his role in a plot to import weapons and explosives for the Real IRA. His co-accused, Dermot Declan Gregory, was sentenced to 4 years imprisonment for making a property in Portugal available for the purpose of terrorism.

The court heard that Paul Anthony John McCaugherty set out to purchase a substantial quantity of weapons and explosives on the continent on behalf of the Real IRA. He was introduced to a person whom he knew as Ali who he believed was a genuine arms dealer, but in reality was an agent of the British Security Service who was pretending to be an arms dealer. McCaugherty agreed to purchase 100 kilograms of plastic explosive, 28 AK assault rifles, 20 rocket propelled grenade launchers, 10 sniper rifles and 2 pistols. In the course of his negotiations with Ali, McCaugherty handed over a total of €45,970 in cash as part payment for the proposed delivery.

Mr Justice Hart said he was satisfied that at all times McCaugherty was acting as a “senior and trusted member of the Real IRA”. He added that, while there was never any prospect of McCaugherty obtaining the weapons because the entire operation was a carefully contrived sting,

“Any attempt to purchase and import such a large amount of weapons and explosives for terrorist purposes must be regarded as exceptionally serious because of the potential for murder and destruction on a large scale”.

Counsel for McCaugherty advanced a number of matters in mitigation. It was claimed that he had been enticed and therefore entitled to a reduction in sentence. Mr Justice Hart declined this suggestion:

“McCaugherty’s admissions to Ali reveal that he has been an active and energetic terrorist for a considerable period of time, and one who was prepared to go to great lengths to

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obtain weapons, as can be seen from the fact that he made numerous trips to meet Ali to destinations as far apart as Amsterdam, Bruges and Istanbul”.

The second mitigating factor advanced on behalf of McCaugherty was that there was an unjustifiable delay in bringing the proceedings. Mr Justice Hart accepted that there was an unjustifiable delay between the time of his arrest and the service, two years and four months later, of the committal papers by the prosecution. He said he would make some allowance for that delay in the total sentence imposed. Mr Justice Hart also made an allowance for the fact that McCaugherty agreed the evidence of many of the witnesses, particularly the anonymous witnesses, thus contributing to a shortening of the trial.

Mr Justice Hart imposed concurrent sentences in respect of each of the counts in relation to the gun smuggling plot and membership of a proscribed organisation. He also imposed a sentence of 5 years imprisonment for McCaugherty’s role in arranging to obtain the documents of a restaurant in Portugal so it would be available for the purposes of terrorism. In total, Mr Justice Hart sentenced McCaugherty to 20 years imprisonment.

Dermot Declan Gregory (also known as Michael Dermot Gregory) was convicted of one count of entering into an arrangement to make the Portuguese property available for the purposes of terrorism. Mr Justice Hart said his efforts to provide property for the Real IRA were significant. It was claimed during the trial that the property was purchased by a third party with money provided by Gregory. The third party ran the restaurant until 2006 when the Real IRA sought to gain control of it by obtaining the deeds with assistance of Gregory with the intention of selling the property to raise funds. The judge commented:

“Money is the life blood of any terrorist organisation, and anyone who makes property available to a terrorist organisation helps that organisation further its objectives of murder and destruction, and the punishment must reflect this”.

The judge noted the references that had been handed into court on Gregory’s behalf that stated he had been a very hard working man who is devoted to his child. The judge also referred to Gregory’s involvement in a protracted custody battle which “may have led him to neglect his own affairs and warped his judgement”. Mr Justice Hart sentenced Gregory to 4 years imprisonment.

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NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Court Service website (www.courtsni.gov.uk).
2. Mr Justice Hart's judgment of 30 June 2010 is also available on the Court Service website.
3. Paul Anthony John McCaugherty was convicted on 30 June 2010 of 7 counts:
 - Conspiracy to possess explosives and firearms and ammunition with intent to endanger life or cause serious damage to property, or to enable others to endanger life or cause serious damage to property (x2);
 - Belonging to a proscribed organisation namely the Irish Republican Army (x1);
 - Using money for the purposes of terrorism (x3);
 - Entering into an arrangement to make property available for the purposes of terrorism (x1).
4. The sentences imposed for these offences were:
 - Conspiracy to possess explosives etc - 20 years imprisonment;
 - Belonging to a proscribed organisation - 10 years imprisonment;
 - Using money for the purposes of terrorism - 12 years imprisonment;
 - Making property available for the purposes of terrorism - 5 years imprisonment.
5. Dermot Declan Gregory (aka Michael Dermot Gregory) was convicted on the same date of one count of entering into an arrangement to make property available for the purposes of terrorism.

ENDS

If you have any further enquiries about this or other court related matters please contact:

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