

Eighteenth Report of the Independent Monitoring Commission

Presented to the Houses of Parliament by the Secretary of
State for Northern Ireland in accordance with the Northern
Ireland (Monitoring Commission etc.) Act 2003

Ordered by the House of Commons to be printed
on 1st May 2008

EIGHTEENTH REPORT OF THE INDEPENDENT MONITORING COMMISSION

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1. INTRODUCTION

1.1 We present this report on the continuing activities of paramilitary groups under Articles 4 and 7 of the International Agreement establishing the Independent Monitoring Commission¹.

1.2 In accordance with the terms of the International Agreement this report comes six months after our previous one of November 2007². It focuses mainly on the six month period 1 September 2007 to 29 February 2008.

1.3 Two things remain central to all our work:

- First is the objective of the Commission set out in Article 3 of the International Agreement;

The objective of the Commission is to carry out [its functions] with a view to promoting the transition to a peaceful society and stable and inclusive devolved Government in Northern Ireland.

- Second are the principles about the rule of law and democratic government which we published in March 2004 and which we set out in Annex II.

1.4 We also think it is important to reiterate three points about the nature of our work:

- We have explained how we approach our task³. We believe that our methods are fair and thorough; we take great care in our assessments; and we have always tried to learn from the experience gained in each report and from what people have said to us about them. The

¹ The text of Articles 4 and 7 is in Annex I.

² IMC Seventeenth Report, November 2007.

³ IMC Fifth Report, May 2005, paragraphs 1.9-1.13.

attribution of violence to organisations, groupings or individual members is becoming more complex and is an issue to which we pay continuing attention. We welcome frank comment, as much on this report as on its predecessors;

- We appreciate that while the report addresses the situation in Northern Ireland as a whole, the situation varies very considerably from place to place. People may therefore find that the picture we paint does not tally with their personal experience;
- The views we express in our reports are ours alone. We are independent and expect to be judged by what we say. We do not make statements of official policy. It is for the two Governments and, if appropriate, the Northern Ireland Executive and Assembly, to decide how to respond to our reports.

2. PARAMILITARY GROUPS: ASSESSMENT OF CURRENT ACTIVITIES

2.1 We set out below our assessment of the current activities and state of preparedness of paramilitary groups. We focus on the six months from 1 September 2007 to 29 February 2008. The assessment extends those we have given in previous such reports, to which the reader can refer for a comprehensive account of our views over the four years since we started reporting in April 2004⁴. Our First Report gave an account of the origins of the groups and their structures at that time.

Dissident Republicans Generally

2.2 Since our Twelfth Report in October 2006 we have examined separately activities which we believe were undertaken by dissident republicans but which we could not at the time attribute to a particular group. In our Seventeenth Report six months ago we said that dissidents had attacked the railway line near Newry, had targeted the homes of police officers and others, and had sought to foment trouble during St Patrick's Day parades. There had been attempts to achieve greater unity amongst dissidents but in practice the evidence was of more fragmentation. We also said that Óglaigh na hÉireann (ONH) had continued to be active. It had attacked police officers, a PSNI station and members of District Policing Partnerships; had sought to enhance its capability; and members had engaged in criminal activity including drug dealing.

2.3 ONH was more seriously active in the six months under review. We believe that Strabane members of the grouping are likely to have been responsible for the murder of Andrew Burns (also a local member) in County Donegal on 12 February 2008 – the first murder attributable to ONH. In December 2007 ONH launched a pipe bomb attack on Strabane PSNI station, the second ONH attack

⁴ We have produced two kinds of reports under Article 4. Of the 12 hitherto, 10 have covered the activities of all the groups. These were our First (April 2004), Third (November 2004), Fifth (May 2005), Seventh (October 2005), Eighth (February 2006), Tenth (April 2006), Twelfth (October 2006), Thirteenth (January 2007), Fifteenth (April 2007) and Seventeenth (November 2007). The two other reports under Article 4 were ad hoc ones produced at our own initiative. The first of these was our Fourth (February 2005) which dealt with the Northern Bank robbery and the second was our Sixth (September 2005) which dealt with the UVF/LVF feud.

on this target in less than six months. The device failed to function as intended. The grouping attempted to recruit and train new members and it undertook targeting for the purposes of possible attacks – mainly of security force personnel and premises. It also attempted to obtain weapons and to raise funds. In October 2007 the PSNI discovered terrorist equipment in Strabane belonging to ONH. We now have information suggesting that in August 2007 (in the preceding six month period) ONH exiled a member for failing to observe the instructions of the leadership. Members continued to be involved in a wide range of serious criminal activity, including drug dealing, mainly, we believe, for personal profit. ONH thus remains a continuing and serious threat, including to the lives of members of the security forces.

- 2.4 We also note the emergence of yet another dissident republican splinter grouping centred in the Ardoyne area of West Belfast calling itself the Irish Republican Liberation Army (IRLA). In November 2007 it issued a statement threatening members of Sinn Féin involved in District Policing Partnerships though no action was taken as a result. The grouping has been involved in a range of criminal activity. We believe that it has access to a small quantity of weapons but that it is mainly criminal rather than terrorist in nature. The IRLA is small and in our view does not present a serious threat. We will monitor its activities closely.
- 2.5 So far as dissident republicans generally are concerned we think it is worth saying again that in some places and on some occasions the membership of groups can be fluid. Individual members will sometimes undertake activities for the group which they feel is the most active and effective at that moment. Some people have left groups which they thought were not sufficiently active.
- 2.6 We believe that amongst dissident republicans generally there remains a sharp awareness of the widespread media coverage of the RIRA incendiary campaign in 2005-06. We think that dissidents retain a desire to renew this kind of activity though we have no information to suggest that campaigns of this kind are presently being planned. Dissidents have sought to target the homes and places of work of PSNI officers and of members of the public. They continue to make hoax calls or to plant hoax devices; one such was an attempt to disrupt the

twentieth anniversary of the Remembrance Sunday bombing in Enniskillen. A number of dissident republican weapons were discovered during searches in Belfast in December 2007. We think that in February 2008 effective policing disrupted a dissident attack, possibly against a security force base in Northern Ireland. There continues to be discussion amongst some dissident republicans about enhanced co-operation between the groups but we are aware of no evidence which suggests that this has progressed beyond discussion and a couple of unsuccessful meetings.

- 2.7 We also note that the police and intelligence agencies North and South have maintained a high level of effort against dissident republicans, including against the individual groups we discuss in more detail later in this Section. These efforts (which require a high level of resources) have led to a number of significant successes which in their turn have helped to curtail dissident activity.

“Dissident Loyalists”

- 2.8 Both the UVF and the UDA have signalled a desire to follow a more peaceful path; the UVF in particular has made important strides in that direction⁵. This has led some disgruntled loyalists to consider forming or to have formed dissident groupings. A variety of labels have been used such as the Real UFF and the Real UVF. We do not consider these groupings to amount to what we would call paramilitary groups. Rather, they are loose affiliations of disgruntled people who have not so far attracted any significant support from within the loyalist community. Nevertheless we believe that individuals aligned to such groupings were responsible for several incidents: a pipe bomb attack on a GAA pitch near Banbridge in December 2007, a pipe bomb attack against a house in Antrim and a number of hoaxes. We have no evidence that they could presently mount a sustained campaign. We will monitor them closely.

⁵ See paragraphs 2.25 – 2.31 and 2.32 – 2.36 below for our assessments of the UDA and UVF respectively.

Continuity Irish Republican Army (CIRA)

2.9 We said in our Seventeenth Report that CIRA had been active. It had been responsible for two of the three paramilitary murders in the period under review. It had used explosive devices, had constructed others and had made a number of attacks against PSNI officers, vehicles and premises. It sought to enhance its capability, including through the acquisition of weapons. Members remained engaged in a wide range of criminal activity North and South, including drug dealing. We concluded that CIRA was active, dangerous and committed and that it was capable of a greater level of violent and other crime.

2.10 CIRA remained active in the period under review. It undertook extensive targeting, mainly of members of the security forces. We believe that CIRA was responsible for the explosive device left at the war memorial in Newry on 11 November 2007; the device functioned but there were no casualties. In October 2007 and February 2008 we believe that it orchestrated youths to stone PSNI officers during search operations in Craigavon and Newry respectively. Members of CIRA were involved in assaults. Members were engaged in a variety of serious crimes North and South including drug dealing, extortion, robbery, brothel keeping, smuggling and fuel laundering. In these crimes we have noted some co-operation with members of INLA.

2.11 CIRA also sought to enhance the organisation's capability. It made efforts to recruit and train new members. The training covered explosives, weapons and the establishment of hides. It continued to seek to acquire weapons through purchase and through the manufacture of home made items. CIRA weapons were found during PSNI searches in County Armagh in September 2007 and in Craigavon the following month. In February 2008 searches in Newry led to the discovery of further weapons, ammunition and other terrorist equipment and to the arrest of CIRA members. Like ONH and RIRA, CIRA sought to raise funds for the organisation.

2.12 We conclude that CIRA remains active, dangerous and determined. It continues to try to enhance its capability and retains the potential for a higher level of violent and other crime than in the recent past.

Irish National Liberation Army (INLA)

2.13 In our Seventeenth Report we attributed to INLA one of the three paramilitary murders which had taken place in the six months under review; pointed to the wide range of serious criminal activity in which members had been engaged in Ireland North and South; and said that members had been involved in action against those they perceived as acting anti-socially. We concluded that INLA retained its capacity for extreme violence, we could not rule out its becoming more violent, and we noted that in the meantime it was largely a criminal enterprise.

2.14 INLA was not as seriously active in the six months under review as it had been in the previous six months other than in serious crime, some of it in co-operation with members of CIRA. It is serious crime which constitutes its main common purpose at present. Like other dissident republican groups, it undertook targeting for the purposes of possible attacks. We believe that it retains a desire to be able to mount attacks. In September the group assaulted an individual in Derry, possibly in connection with criminal activity. Overall we continue to believe that INLA is a threat and has the capacity for extreme violence even though it has not been very active in the period under review.

Loyalist Volunteer Force (LVF)

2.15 In our Seventeenth Report we said that the LVF retained a limited paramilitary structure but neither operated for terrorist purposes nor had a political aim. We described it as a loose association of people, some of whom used the organisation's name for criminal purposes, with the proceeds appearing to be for personal rather than organisational benefit.

2.16 Our assessment is unchanged. The LVF has not undertaken any terrorist activity in the six months under review and has no political purpose. The limited paramilitary structure remains but the organisation exists as a loose association of people who use its name for criminal purposes. The proceeds of crime appear to be for personal gain rather than organisational purposes. Amongst the crimes committed by those with historical links to the LVF are drug dealing and sporadic acts of violence in pursuit of crime.

Provisional Irish Republican Army (PIRA)

2.17 In our Seventeenth Report we said that we remained firmly of the view that PIRA was fully committed to pursuing the political path and that it would not be diverted from it. We did not think it was involved in terrorist or other illegal activity and we believed it had continued to instruct members to refrain from committing crime. Some members however had not fully moved on from the view that threats and social exclusion were an appropriate way of dealing with anti-social behaviour.

2.18 We do not believe that the organisation was involved in terrorism or in any preparatory activity for it during the six months under review. The leadership remained firmly committed to the political path and, as we said in our previous report, we do not believe that it will be diverted from it. We do not think that the organisation itself was responsible for any shootings, assaults or intimidation, all of which would be contrary to its policy. We are aware of reports of individual members who have threatened violence and in a few instances actually used violence against people allegedly involved in anti-social behaviour. We believe any such instances to have arisen from personal disputes and not to represent any change in the policy of the organisation or in its generally effective application. The organisation does not gather intelligence with any view to paramilitary activity though it does continue to obtain information on dissident republicans, on people it thinks may be involved in anti-social or other criminal activity, and on suspected informers. The organisation continues to work with the policing institutions and encourages interaction with PSNI, including the reporting of crime. It also maintains its firm stance against criminal activity by members and, for example, does not support either publicly or privately members

who have been arrested. The fact remains however that some members are still individually involved in crime. These crimes are mainly smuggling, fuel laundering and offences to defraud the public purse.

2.19 There is one further thing to which we wish to draw attention on this occasion. PIRA's commitment to following the political path has been further reinforced in the period under review with a number of people making the transition to positions in Sinn Féin and thereby engagement in democratic politics. Since the time of its announcement nearly three years ago PIRA's strategy has included the movement of members into political life and we view these changes as important further evidence of the move to a peaceful and democratic role.

2.20 We deal in Section 4 below with the killing of Paul Quinn in October 2007.

Real Irish Republican Army (RIRA)

2.21 In our Seventeenth Report we said that RIRA had continued a relatively low level of activity, targeting PSNI officers and premises and planning other operations. It had however continued efforts to enhance its capability, for example through recruitment, training and the acquisition of weapons. We concluded that although it had achieved little operationally during the six months under review it was determined to be able to do more in the future and remained a threat.

2.22 RIRA – in which there are at least two factions - was active and dangerous in the period under review. We believe that it was responsible for the shooting of off-duty PSNI officers in two separate incidents in November 2007, one in Derry on the 8th and the other in Dungannon on the 12th. An explosive device for which we believe RIRA was responsible was discovered in a parcel in a sorting office in February 2008; the addressee was a known criminal and we think it likely that the device was an attempt to intimidate him with a view to extortion. It continued to target members of the security forces; it considers the PSNI a high priority target. In November 2007 it issued a statement saying that it was planning attacks on the security forces, particularly the PSNI. Members also continued to be involved

in assaults on people and in a wide range of criminal activity North and South including drug dealing, smuggling, fuel laundering and robbery.

2.23 RIRA, like other dissident organisations, also sought to enhance its capability. It recruited new members and sought to train them in a variety of skills including in weapons and explosives. RIRA also sought to obtain weapons and there were arrests in Lithuania in January 2008 in connection with an attempted acquisition. RIRA sought to secure funds for the organisation.

2.24 The factions of RIRA were thus active and dangerous during the six months under review. It was also determined to enhance its capacity, as the elaborate plans to secure weapons overseas indicated. It remains a threat and is capable of extreme violence. However there is reason to believe that some members are starting to realise the political futility of what they are doing.

Ulster Defence Association (UDA)

2.25 In our Seventeenth Report we referred to the UDA's considerable internal turbulence, which had been a key factor over the six months under review and which in some ways had taken the organisation backwards. Confrontations between the so-called mainstream and the so-called South East Antrim faction had led to serious incidents, the worst of which was the shooting of a police officer for which we said the UDA must bear responsibility. In a separate incident, following searches UDA members had been involved in rioting in which shots were fired at the police. We recognised nevertheless that some leading figures were trying to lead the organisation away from crime and we said that the organisation had no terrorist ambitions. Nor was it trying to enhance its terrorist capability. The absence of any effective central structure meant that the pace of change had been far too slow and there was no sign of the decommissioning of weapons.

2.26 The split between the mainstream and the South East Antrim faction was not resolved during the six months under review and remained a key factor so far as the UDA was concerned. The split continued to create tension, and though it did

not erupt into the level of violence seen before it inhibited those in the leadership who sought to change the organisation from making significant practical progress.

2.27 The UDA issued a statement on 11 November 2007 in which it declared that “the war is over”. It committed itself to standing down the Ulster Freedom Fighters and referred to putting weapons “beyond use” and to eradicating criminality. This was an important statement of intent although it did not in our opinion articulate a clear view on what the organisation wanted to become or how it would achieve its goal. As with all such statements, we seek to monitor what progress there has been in implementing it and further explore the question of how the UDA sees the future.

2.28 We believe that there have been attempts to reduce the size of the organisation and to encourage members to report criminality to the police. We recognise that there are senior figures in the leadership who wish to turn the efforts of members towards the development of their own communities, but these aspirations have so far met with limited success. One reason has been the continuing split within the UDA. Others cite recent dissident republican activity. So, some members, including some senior ones, concluded that it was the wrong time to make the sort of changes envisaged in the November statement. The other reasons are the lack of strategic coherence at the top of the organisation to drive through change and the personal benefit accruing to some individuals. This structural weakness is compounded by a lack of respect for authority on the part of many members.

2.29 Over the six months under review some individual units of the UDA have continued to recruit members, we believe on an informal and ad hoc basis. Others in the organisation believe this is counter-productive. In some instances recruits have been steered towards community work. Some members sought to obtain weapons, but we believe this to have been on an individual and opportunistic basis. One unit targeted alleged paedophiles and may have mounted one attack as a result but we believe this was led by individual members without leadership sanction. Concerns about dissident republican

activity led to some members being asked to gather intelligence should there be an attack on loyalists, but we believe this was for protective purposes and we are aware of nothing to indicate that any attack resulted. UDA members were involved in a number of assaults but the instances of violence between the factions were in our view the result of personal grudges and were not directed by the leadership. The split within the organisation has led to occasions on which members have gathered to intimidate members of the rival faction and some have gathered intelligence with a view to intimidating rival families. In January 2008 we believe that a senior local member (but not we think the UDA's Inner Council) authorised the public humiliation of two alleged offenders.

2.30 Criminality remains widespread amongst UDA members and some of the offences are serious. The offences include drug dealing, extortion, the sale of counterfeit goods and loan sharking. We believe that the proceeds are generally for personal benefit. This activity is despite the efforts of some in the leadership to reduce the incidence of crime, including through the expulsion of members. The impact of these efforts has however been limited.

2.31 We conclude therefore that so far the impact of the November 2007 UDA statement has been limited. It was an important declaration of intent despite the absence of a clear strategy for transforming the organisation into a peaceful and law abiding body, and in so far as it went it was welcome. But the UDA will be judged on delivery. Moreover, so far (notwithstanding press reports of a limited act of decommissioning by the South East Antrim faction) there has been no attempt to make progress towards decommissioning across the organisation as a whole.

Ulster Volunteer Force (UVF) and Red Hand Commando (RHC)

2.32 In our Seventeenth Report we described the May 2007 UVF statement as a "major turning point". We found that the statement was being implemented through the organisation; for example, some members had been expelled for breaching it while others had been allowed to leave, and we were aware of no overall challenge to the leadership although there were some pockets of

resistance to its strategy. We had seen no evidence of terrorist-type activity. We noted however that in some places the organisation might seek to retain a small residual capability to respond to future attacks and we pointed out that its members had been responsible for about a third of the paramilitary attacks attributable to loyalists. We also said that the question of decommissioning remained.

2.33 Our assessment on this occasion has not changed in its essentials. We believe that the leaders of the organisation continue to pursue their statement of 3 May 2007, for example by downsizing the organisation, centralising weapons and reducing the incidence of criminality on the part of members. For this purpose a limited paramilitary structure remains in place. As we said in our previous report, the UVF is not ready to decommission arms.

2.34 We have no indication that the organisation has recruited or trained people. Such intelligence gathering as there has been was directed against possible informants and dissident republicans and we are not aware of any attacks occurring as a result. Individual members of the organisation have sought to procure weapons, probably on an opportunistic basis, but in our view this has not been as a result of any decision by the leadership to increase the UVF's stocks, and indeed the leadership has taken some action against offending members on the weapons issue. There have been a few assaults attributable to members. And notwithstanding the efforts of the leadership to reduce criminality, some UVF members continue to be involved in serious criminal activity. The offences include drug dealing, extortion, money laundering and the sale of counterfeit goods. We believe the proceeds are for personal rather than organisational benefit.

2.35 We therefore conclude that the UVF remains on the path set out in the May 2007 statement and that there has been further progress along it. We are satisfied that the leadership is committed to further development in this direction. But more remains to be done, above all in respect of decommissioning.

2.36 Overall, in the light of what we have said above, we think that the British Government should revisit the question of the despecification of the UVF.

3. PARAMILITARY GROUPS: THE INCIDENCE OF VIOLENCE

3.1 Article 4 requires us to monitor trends. In this section we set out information on the six months 1 September 2007 to 29 February 2008 set against similar information for earlier six month periods.

3.2 We must once again emphasise the unavoidable limitations of any statistical examination of the incidence (and indeed, as we note in paragraph 1.4 above, the attribution) of paramilitary violence. These statistics include only those acts of violence which come to the notice of the police, and not all incidents are reported. It is not possible to quantify intimidation short of violence, which may also not be reported. And nothing we say about the statistics can adequately convey the dreadful experiences of the victims and their families.

3.3 Over the period from 1 March 2003 to 29 February 2008 we believe that the number of *paramilitary murders* was as follows⁶:

	1 Sept 07 - 29 Feb 08	1 Mar – 31 Aug 07	1 Sept 06 – 28 Feb 07	1 Mar - 31 Aug 06	1 Sept 05 – 28 Feb 06	1 Mar – 31 Aug 05	1 Sep 04 – 28 Feb 05	1 Mar – 31 Aug 04	1 Sept 03 – 29 Feb 04	1 Mar – 31 Aug 03
CIRA		2								
INLA		1								
LVF										1
ONH	1									
PIRA										
RIRA										1
UDA					2	1	1		1	1
UVF						4		2	1	
Not attributable								1		2
TOTAL	1	3	0	0	2	5	1	3	2	5

3.4 We have the following comments on paramilitary murders:

⁶ In successive earlier reports we included extensive annotations to the following table, for example indicating why we had not included particular murders. We discontinued this practice in our Twelfth Report in October 2006 and we refer readers to those earlier reports for the full details.

- The one murder in the period under review represents a reduction compared with the preceding six months, which had seen the highest number in two years. This is the first time we have attributed a murder to ONH; it was apparently the result of an internal dispute;
- We do not attribute the killing of Paul Quinn to PIRA and have therefore not classified it as paramilitary. We set out our reasons for this assessment in Section 4 below;
- We make the same comment on the murder of Denis Donaldson in County Donegal in April 2006 as we have since we first referred to it two years ago: we are unable to attribute responsibility for it⁷. The investigation is still continuing.

The following paramilitary murder took place in the period 1 September 2007 to 29 February 2008;

Andrew Burns, murdered 12 February 2008.

3.5 The number of *casualties of paramilitary shootings and assaults* from 1 March 2003 to 29 February 2008 was as follows:

Shooting Casualties

Responsible Group	1 Sept 07-29 Feb 08	1 Mar-31 Aug 07	1 Sept 06-28 Feb 07	1 Mar-31 Aug 06	1 Sept 05 -28 Feb 06	1 Mar-31 Aug 05	1 Sep 04-28 Feb 05	1 Mar-31 Aug 04	1 Sept 03-29 Feb 04	1 Mar-31 Aug 03
Loyalist	1	1	2	14	36	36	37	39	69	34
Republican	6	0	8	4	2	4	7	11	19	35
TOTAL	7	1	10	18	38	40	44	50	88	69

⁷ We first referred to the murder of Denis Donaldson in paragraph 3.5 of our Tenth Report, April 2006. We have referred to it in the corresponding sections on the incidence of paramilitary violence in every subsequent report on paramilitary activity.

Assault Casualties

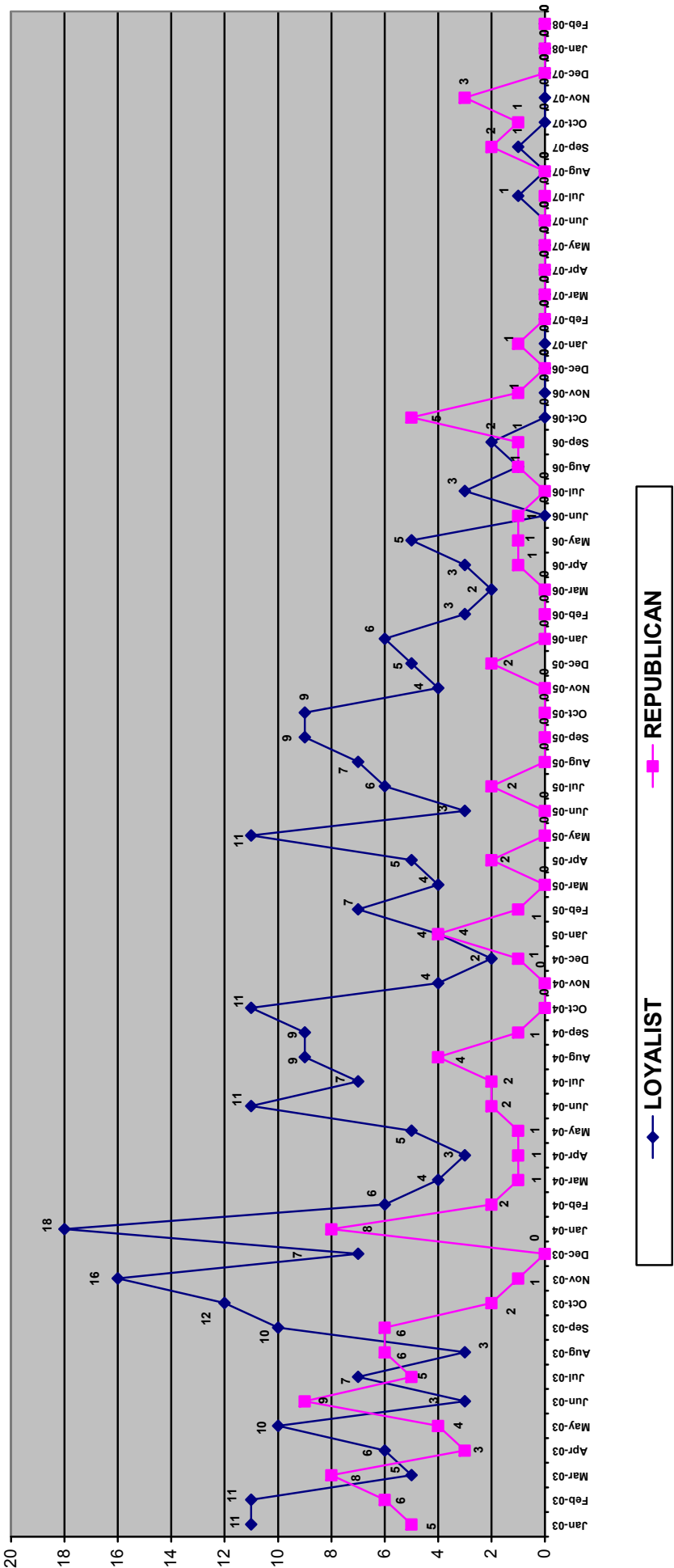
Responsible Group	1 Sept 07-29 Feb 08	1 Mar-31 Aug 07	1 Sept 06-28 Feb 07	1 Mar-31 Aug 06	1 Sept 05-28 Feb 06	1 Mar-31 Aug 05	1 Sep 04-28 Feb 05	1 Mar-31 Aug 04	1 Sept 03-29 Feb 04	1 Mar-31 Aug 03
Loyalist	25	13	14	19	20	39	29	42	57	46
Republican	4	3	5	9	6	16	25	18	26	24
TOTAL	29	16	19	28	26	55	54	60	83	70

3.6 In our Seventeenth Report we were able to say that the number of shooting casualties between 1 March and 31 August 2007 was by far the lowest since we started our analysis in March 2003. Regrettably, in the six months under review the total increased from 1 to 7, although this is still the second lowest number we have reported and it confirms the generally lower levels of casualties from shooting attacks which became apparent in the middle of 2006. In the latest period six of these were the casualties of attacks by dissident republicans, of which two were on off-duty PSNI officers. None were the result of attacks by PIRA. One person was the casualty of a loyalist attack – the same as in the preceding six months and equal to the lowest ever figure in this category.

3.7 The figures for the casualties of assaults also increased - the first time this has happened for eighteen months. Some 86% of the casualties were the victims of loyalist paramilitary activity. It is less clear to us than it was in the past how many of these assaults were carried out under the direct instructions or authority of the leadership.

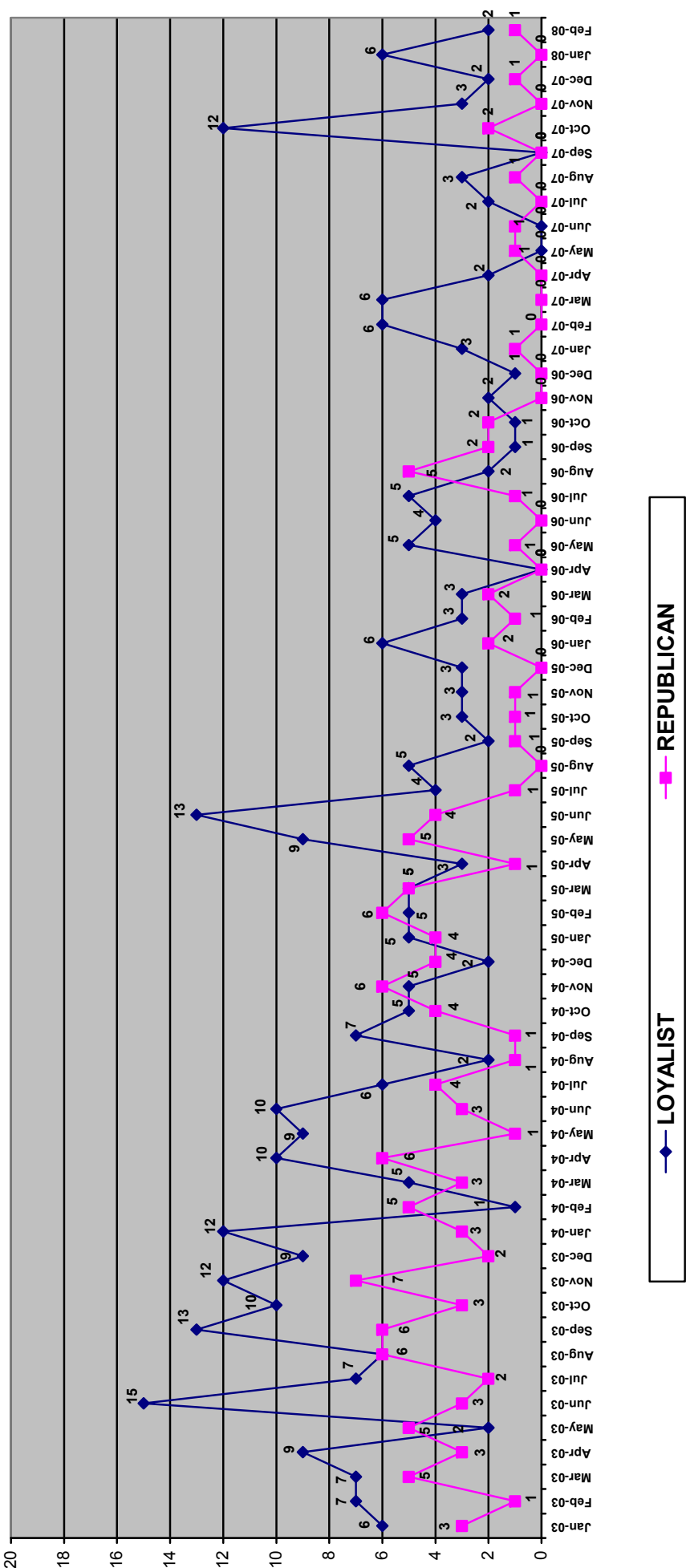
3.8 The following graphs include the monthly figures we have previously published, extended by six months to 29 February 2008.

PARAMILITARY-STYLE SHOOTINGS: NUMBER OF REPORTED CASUALTIES BETWEEN
JANUARY 2003 TO FEBRUARY 2008



TOTALS OVER THE PERIOD: LOYALIST SHOOTING CASUALTIES - 291 REPUBLICAN SHOOTING CASUALTIES - 107

PARAMILITARY-STYLE ASSAULTS : NUMBER OF REPORTED CASUALTIES BETWEEN
JANUARY 2003 TO FEBRUARY 2008



TOTALS OVER THE PERIOD: LOYALIST PARAMILITARY ASSAULTS - 317 REPUBLICAN PARAMILITARY ASSAULTS - 140

Conclusions

3.9 In our last two Article 4 reports we have sounded a cautionary note⁸. Because there are few paramilitary attacks compared with most of the period on which we have reported, small movements in the figures result in considerable percentage changes. The conclusions we set out below illustrate the trends and enable readers to make comparisons with our earlier reports, but **the percentages must therefore be interpreted with care.**

3.10 Our conclusions for the six months 1 September 2007 to 29 February 2008 are:

- **There was 1 paramilitary murder in the period under review, as compared with 3 in the preceding six month period;**
- **The number of casualties from both shootings and assaults increased from 17 to 36, an increase of 112% when compared with the preceding six month period. Compared with the same six month period in 2006-07 it has risen from 29 to 36, an increase of 24%.**
- **The combined figure of shooting and assault casualties from loyalist attacks – 26 – was 12 higher than that in the preceding six month period, which had been the lowest for any such period on which we have reported. This represents an increase of 86%. It compares with a figure of 16 in the same period in 2006-07, against which it is an increase of 63%. In the latest period the total was made up of 1 shooting casualty (the same as in the preceding six months) and 25 assault casualties (13 in the preceding six months);**
- **The combined figure for the shooting and assault casualties of republican attacks – 10 – was 7 higher than in the preceding six month period, which had been by far the lowest which we had reported. It thus more than doubled compared with the preceding six month period. In the same period in 2006-07 the total had been 13, compared with which the latest figure is a decrease of 23%. On**

⁸ IMC Fifteenth Report, April 2007, paragraph 3.9. IMC Seventeenth Report, November 2007, paragraph 3.14.

this occasion the total is made up of 6 shooting casualties and 4 assault casualties;

- Averaged out for all paramilitary groups, there was 1 victim every 5 days;
- Dissident republicans caused 86% of the 7 shooting casualties whilst loyalists caused 86% of the 29 assault casualties;
- PIRA was not responsible for any of the casualties of republican attacks;
- The changes may be summarised as follows:

Loyalist Groups

- The number of shooting casualties - 1 - was the same as in the preceding six month period, and down by 50% from 2 to 1 compared with the same period in 2006-07;
- Assault casualties were up by 92% from 13 to 25 compared with the preceding six month period, and up by 79%, from 14 to 25 compared with the same period in 2006-07;

Republican Groups

- Shooting casualties were up from 0 to 6 compared with the preceding six month period, and down by 25% from 8 to 6 compared with the same period in 2006-07;
- Assault casualties were up by 33% from 3 to 4 compared with the preceding six month period, and down by 20% from 5 to 4 compared with the same period in 2006-07.

4. THE KILLING OF PAUL QUINN

4.1 Paul Quinn, a young resident of Cullyhanna, County Armagh, was beaten to death on 20 October 2007 in County Monaghan. In addition to the tragic loss of life and the grief it has caused for Paul Quinn's family the killing has given rise to speculation about the part which PIRA may or may not have played. It is because of this that we think it is right to comment at some length. We must emphasise however that we are constrained in what we can say about the incident lest we might possibly prejudice future legal proceedings⁹.

4.2 Within these constraints, our assessment of the incident is as follows:

- We think that the attack on Paul Quinn was planned and carried out by local people and that it arose from local disputes. Whatever the immediate reason for the killing certain aspects of these disputes go back some time and were not unconnected with continuing illegal activity;
- A number of people were involved in the incident although they did not all necessarily play a part in the actual killing. Amongst those involved were people who had in various ways been associated with the PIRA at a local level, including as members of the organisation. Some of these people were accustomed over a substantial period of time to exercising considerable local influence, collectively and individually. This would have led such people to expect what they would consider as appropriate respect from others and to being able to undertake their activities – including criminal ones – without interference; they would find it very difficult to accept any waning in this influence and respect;
- The killing was clearly contrary to the instructions and strategy of the leadership of PIRA. It was also contrary to the interests of PIRA and to those of Sinn Féin. We are aware of no evidence linking the leadership of PIRA to the incident. In public statements and in debates in the Dáil

⁹ Apart from our own wish not to say anything which might result in guilty people escaping justice, we are formally required not to act in a prejudicial way. Article 13 of the International Agreement under which we are established says that "The Commission shall not do anything in carrying out its functions which might...have a prejudicial effect on any proceedings which have, or are likely to be, commenced in a court of law." The same Article also obliges us to avoid saying anything which might "put at risk the safety or life of any person".

and the Northern Ireland Assembly senior members of Sinn Féin have condemned the killing and have called on people to give any information they have to AGS and the PSNI.

- 4.3 In Section 3 above we do not attribute the killing to PIRA¹⁰. This is for several reasons: the local and personal nature of its roots; the absence of indications either of organisational sanction or that it was in the interests of PIRA; and because it was contrary to the declared policy which PIRA has been following for over two years. We are reinforced in this view by the subsequent public remarks to which we refer above. The fact that some local members or former members or associates of the organisation were involved in the incident does not in our view justify attributing it to PIRA. In reaching this conclusion we are applying the standards we have consistently followed in respect of all kinds of paramilitary incidents, and to which we have referred in the past¹¹.
- 4.4 We recognise that the involvement of local members or former members or associates of the organisation in the way we have described is bound to raise questions about the level of control exercised by the leadership of PIRA. The PIRA leadership has had some difficulties in the past in exercising authority in South Armagh. Looking more widely in Ireland North and South we do not find evidence to suggest that this recent rejection of instructions is a general problem.
- 4.5 We wish to express our sympathy for the family and friends of Paul Quinn and our admiration for the courage they have shown in the face of this tragedy. We also applaud the way in which they have publicly opposed any suggestion of retaliation and have called on people to give any information to the police so that due process may be followed and justice may be done.

¹⁰ Please see paragraph 3.4 above.

¹¹ In our Seventh Report in October 2005 we examined the question of the attribution of incidents to paramilitary groups and set out the tools we were using to help us reach assessments in individual cases. We continue to follow that thinking, though we have refined it further in the light of experience. It has guided us on this occasion. Paragraphs 2.6 – 2.9 and Annex VIII of the Seventh Report refer.

5. LEADERSHIP

- 5.1 Article 4 of the International Agreement requires us to assess whether the leadership of paramilitary groups is directing illegal activities or seeking to prevent them.
- 5.2 We continue to apply here the standards we think should be observed by people in positions of leadership in political parties and in groups associated with paramilitary groups which we originally set out in the Spring of 2005¹². They are that those in leadership should articulate their opposition to all forms of illegality, should exert their influence against members of paramilitary groups who had not given up crime, and should give clear support to the criminal justice system.
- 5.3 These standards remain relevant to Sinn Féin in respect of PIRA, the Progressive Unionist Party (PUP) in respect of the UVF, and the Ulster Political Research Group (UPRG) in respect of the UDA.
- 5.4 In our Seventeenth Report we gave special attention to the loyalist leadership and emphasised the importance of the decommissioning of weapons. We raised the question of how long loyalist paramilitaries should be entitled to the protections of the decommissioning legislation and suggested that amongst factors in answering it were the extent to which the situation in Northern Ireland might be considered normal and the extent to which the organisations had assumed the characteristics of associations of criminals rather than terrorist groups¹³.

Sinn Féin and PIRA

- 5.5 We referred only briefly to Sinn Féin in our Seventeenth Report and do the same here. We said then that our earlier view on the firm commitment of the Sinn Féin leadership to the political strategy had been reinforced by its entry into the Northern Ireland Executive and by its increasing engagement with the institutions of policing and criminal justice. On this occasion we are reinforced in this opinion by two things. The election of people who had been active in PIRA to positions

¹² IMC Fifth Report, May 2005, paragraphs 1.15-1.17 and 8.9-8.10.

¹³ The key protections are freedom from prosecution in decommissioning and the fact that decommissioned weapons are not subject to forensic testing. These protections are contained in the Northern Ireland Arms Decommissioning Act 1997 for Northern Ireland and the Decommissioning Act 1997 for Ireland.

within Sinn Féin during the period under review is clear evidence of the continuing integration of PIRA members into democratic politics¹⁴. The second factor is the firm public support for the devolution of justice and policing which the leadership of Sinn Féin has given over this period.

The PUP and the UVF

- 5.6 In our previous report we said we did not doubt that the PUP had played its part in bringing the UVF to the “major turning point” of its May 2007 statement and we noted that the leadership of the UVF was implementing a clear strategy. The main outstanding question was the decommissioning of weapons.
- 5.7 The leadership of the UVF remains committed to its statement of May 2007. As we point out in paragraphs 2.32 – 2.36 above, the implementation of the statement is proceeding. There has been no progress over the decommissioning of arms. This remains a challenge for the leadership and difficult so far as some members are concerned. However, the fact remains that weapons are no longer a source of strength, they are a liability. Having played its part in bringing the UVF to its May 2007 statement, we hope that the PUP will exert any influence it has to encourage the organisation to move further, including on decommissioning.

The UPRG and the UDA

- 5.8 In our previous report we said that despite the good intentions of some senior figures the pace of change had been far too slow and the leadership in both the so-called mainstream and in the South East Antrim faction had not demonstrated their ability to deliver action which was anything like sufficient. There was no sign that decommissioning was an early prospect.
- 5.9 We set out our views on the UDA in paragraphs 2.25 – 2.31 above. The six months under review in this report have not witnessed the same level of fractious and violent tensions within the UDA as the previous six months but the overall picture so far as leadership is concerned is largely unchanged. The divisions within the UDA remain and there is no sign of their being healed in the near future. There is no indication that the pattern or level of crime committed by members of

¹⁴ We refer to this issue more fully in paragraph 2.19 above.

the UDA has substantially reduced. There seems no prospect at the moment of any progress on decommissioning. At the same time senior figures remain committed to changing the UDA's direction and to promoting the development of local communities, including through the active participation of their members.

- 5.10 The leadership of the UDA and the UPRG thus stand in much the same position that they have for some considerable time: a genuine belief in a change of direction and in the need for the communities in which the UDA has its roots to achieve economic and social development; very few indications of any real capacity either to heal divisions or to change the organisation or its members in the fundamental ways which are necessary; and a clear unwillingness to grasp the decommissioning nettle. In short, it is a leadership high on good intentions, and we recognise some significant frustration on their part on the issue of delivery. The capacity (including strategic capacity) to deliver on what really matters remains uncertain, as does the degree to which they actually represent the community as distinct from personal or organisational concerns.

The Challenge to the Loyalist Leaders

- 5.11 The war is over, as loyalist leaders themselves recognise. Paramilitary groups can have no conceivable role to play in Northern Ireland in the future. Their continued existence can only serve to restrain the development so desperately needed in the communities in which they have their roots. We have often said we accept that transition is a difficult and messy process. Even so, we believe that leaders should now be saying clearly that they are opposed to the use of violence, that the time has come for members to move on to other things and that they are free to leave and to make their contribution to their communities in other ways. Those communities will prosper better if they can demonstrate to employers and investors that they are free of paramilitary influence. We hope they will rise to this challenge.

Wider Issues on Leadership

- 5.12 In paragraphs 6.2 - 6.6 below we examine some issues to do with paramilitary leadership generally, putting them in the wider context of the position ten years after the Belfast Agreement.

6. NORMALISATION AND THE END OF TRANSITION

6.1 Since our Seventh Report in October 2005 we have been reporting a number of developments, by far the most important being in respect of PIRA's pursuit of a political strategy¹⁵. Since then we have also raised several issues to do with both the process of transition for paramilitary groups and the implications of gradual normalisation. Very significant steps on the path to normalisation for Northern Ireland took place in July 2007 with the end of the British Army's Operation Banner and then about a year ago with the re-establishment of the Assembly and Executive.

The End of Transition

6.2 Transition cannot continue indefinitely. We have repeatedly said that we understand how difficult change is bound to be for paramilitary groups. But there comes a point where reference to these difficulties starts to look as much an excuse for inaction as an explanation of slow progress. We feel that this point may be approaching in respect of paramilitary groups. The need to look beyond transition bears too on the institutions and mechanisms established to monitor and assist transition – of which we are but one.

6.3 For more than two years we have been able to report some significant but uneven changes on the part of the paramilitary groups. PIRA has transformed itself. The UVF has recently made very considerable strides in the right direction even though more needs to be done and it has not yet been able to take the further step of decommissioning. The UDA, despite the intentions of some in its leadership, has made limited progress and is still struggling to break free of its past. Amongst the dissident republicans we see neither much desire for change nor any early prospect of it.

6.4 It is now a decade since the Belfast Agreement. People are generally confident that things will not revert to the former troubles. The main outstanding issue is the devolution of policing and justice. When it comes it will be an enormous further step on the road to normality. But transition has to be more than just the establishment of previously envisaged

¹⁵ IMC Seventh Report, October 2005.

institutional arrangements. Mechanisms which grew from earlier conflict, or which were designed to help people move away from that conflict, must also be put to bed before it will be possible to say that a state of normality has finally been reached.

6.5 So far as the paramilitary groups are concerned, they must obviously demonstrate that they have finally disposed of all their terrorist capabilities and weapons. We have previously recognised that to undertake and manage this change they must retain command and planning structures; no organisation can transform itself without personal and institutional leadership. But they do need to go further. Relinquishing the leadership structures appropriate to a time of armed conflict is the signal that they have emerged at the other end of the process. In so far as PIRA is concerned, we assess that in practice this transformation is all but complete.

6.6 In our previous report we raised the question of how long paramilitary organisations could go on expecting the comfort of the decommissioning legislation, which allows them to hand in arms free of the fear of prosecution and in the knowledge that they would not be subject to forensic testing¹⁶. The same thought extends beyond decommissioning to all the mechanisms of transition, including the IMC. The time must come, as normality is achieved, when none of these mechanisms are appropriate. This would mean that paramilitary organisations still retaining arms would have missed the decommissioning boat, and their members would have to expect to be dealt with simply as criminals whenever arms were found. Our function of monitoring paramilitary activities is also an abnormal one. Its objective, declared in Article 3 of the International Agreement which we have cited in every report, is “promoting the transition to a peaceful society and stable and inclusive devolved Government in Northern Ireland”¹⁷. The devolution of justice and policing would seem to us a further indication of progress towards this end.

¹⁶ IMC Seventeenth Report, November 2007, paragraph 4.8. The protections in the UK and Irish legislation are contained in the Northern Ireland Arms Decommissioning Act 1997 and the Decommissioning Act 1997 respectively.

¹⁷ See paragraph 1.3 above.

ANNEX I

INTERNATIONAL AGREEMENT BETWEEN THE GOVERNMENT OF THE UK AND THE GOVERNMENT OF IRELAND – ARTICLES 4 AND 7

Article 4

In relation to the remaining threat from paramilitary groups, the Commission shall:

(a) monitor any continuing activity by paramilitary groups including:

- i. attacks on the security forces, murders, sectarian attacks, involvement in riots, and other criminal offences;
- ii. training, targeting, intelligence gathering, acquisition or development of arms or weapons and other preparations for terrorist campaigns;
- iii. punishment beatings and attacks and exiling;

(b) assess:

- i. whether the leaderships of such organisations are directing such incidents or seeking to prevent them; and
- ii. trends in security incidents.

(c) report its findings in respect of paragraphs (a) and (b) of this Article to the two Governments at six-monthly intervals; and, at the joint request of the two Governments, or if the Commission sees fit to do so, produce further reports on paramilitary activity on an ad hoc basis.

Article 7

When reporting under Articles 4 and 6 of this Agreement, the Commission, or in the case of Article 6(2), the relevant members thereof shall recommend any remedial action considered necessary. The Commission may also recommend what measures, if any, it considers might appropriately be taken by the Northern Ireland Assembly, such measures being limited to those which the Northern Ireland Assembly has power to take under relevant United Kingdom law.

ANNEX II

THE IMC'S GUIDING PRINCIPLES

These guiding principles were set out in the statement the IMC issued on 9 March 2004.

- The rule of law is fundamental in a democratic society.
- We understand that there are some strongly held views about certain aspects of the legal framework, for example the special provisions applying to terrorism, and that those holding these views will continue to seek changes. But obedience to the law is incumbent on every citizen.
- The law can be legitimately enforced only by duly appointed and accountable law enforcement officers or institutions. Any other forcible imposition of standards is unlawful and undemocratic.
- Violence and the threat of violence can have no part in democratic politics. A society in which they play some role in political or governmental affairs cannot – in the words of Article 3 – be considered either peaceful or stable.
- Political parties in a democratic and peaceful society, and all those working in them, must not in any way benefit from, or be associated with, illegal activity of any kind, whether involving violence or the threat of it, or crime of any kind, or the proceeds of crime. It is incumbent on all those engaged in democratic politics to ensure that their activities are untainted in any of these ways.
- It is not acceptable for any political party, and in particular for the leadership, to express commitment to democratic politics and the rule of law if they do not live up to those statements and do all in their power to ensure that those they are in a position to influence do the same.

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