

SEVENTH REPORT OF THE INDEPENDENT MONITORING COMMISSION

Presented to the Government of the United Kingdom and the Government of
Ireland under Articles 4 and 7 of the International Agreement establishing the
Independent Monitoring Commission

Ordered by the House of Commons to be printed 19th October 2005

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1. INTRODUCTION

1.1 We submit this further report on the continuing activities of paramilitary groups under Articles 4 and 7 of the International Agreement establishing the Independent Monitoring Commission¹. It is our fourth such full report but is the first to follow the PIRA statement of 28 July 2005 and the decommissioning of weapons reported by the International Independent Commission on Decommissioning (IICD) on 26 September. It focuses primarily on the six months from 1 March until 31 August 2005, though it is not confined to that period.

1.2 We repeat two points we have made before because we believe they are so important to our work:

- First, we continue to be guided by 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, we continue to follow the principles about the rule of law and about democratic government which we published in March 2004, and which we set out in Annex II.

1.3 Our task of monitoring paramilitary activity is a continuing one. Our successive reports – which should therefore be seen as a series, not as separate documents – have received close attention. We aim to contribute to progress in the affairs in Northern Ireland by setting out as clearly as possible the nature of paramilitary activity in the preceding months, without embellishment and driven by the facts. It is for those who read our reports to judge the implications of what we say.

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

- 1.4 There is one issue about which we have spoken before and to which we will return in future. It is the relationship between paramilitaries and the communities from which they spring. Paramilitaries sometimes use violence within those communities, sometimes threats and intimidation. Other crimes in those areas can provide them with lucrative outlets for illicit goods which they have stolen, counterfeited or smuggled. Activities of this kind go hand in hand with unofficial forms of control and in some cases with rejection by some in the community of the official organs of the state.
- 1.5 These phenomena are confined to certain communities, vary from place to place and over time, and have different historical roots. But they all have two things in common. First, they involve the exercise of power over, and the exploitation of, the very communities which the paramilitaries say they protect and from which they draw support. Thus paramilitaries make victims of those they claim as their own, for example by participating in organised crime, and in so doing inhibit the social and economic development of those very communities. In this they perpetrate a vast and damaging confidence trick and have an impact which runs directly counter to their own rhetoric.
- 1.6 Second, the ability of paramilitaries to behave in this way runs parallel with a rejection of the ordinary rule of law by some proportion of the people in those communities. For whatever reason – and the reasons vary – the normal acceptance that the law should be enforced by public bodies with the support of the community has been at least partly lost, and the paramilitaries try to fill some of the gap. Certain offences are not reported to the police, though they may be to others; witnesses do not readily come forward, whether because of threat or because of distrust of officialdom. In short, the law is not enforced in the only way which is effective in the long term, namely with the full and willing support of the community. Things have however certainly changed in recent years, for example because of the police reform programme, and some official criminal justice agencies are freer than others to act as they would elsewhere in the UK and Ireland. The groundswell of community feeling after the murder of Robert McCartney is the most striking recent example of how popular feeling can be at variance with the position the paramilitaries seek to hold.

- 1.7 This situation presents a serious challenge and, if things can be changed, also an opportunity. Paramilitaries in Northern Ireland are benefiting from it and are seeking to perpetuate it. Their hold needs to be loosened so as to create a “culture of lawfulness” within which the normal democratic principles of law enforcement and the recognition of human rights apply. The growth of a “culture of lawfulness” will then in turn weaken the paramilitaries.
- 1.8 To us a “culture of lawfulness” means several things. On the one hand it involves an acceptance not only of the criminal law but of the principle that adherence to it is necessary because the law is democratically legitimate and is a key mechanism for the protection of the human rights of all citizens. It also involves support for the criminal justice organs of the state within a framework of accountability, and recognition of an obligation to support those organs by, for example, reporting offences and providing evidence. And it goes wider, to the acceptance of the law and conventions within which democratic politics are conducted. Such a culture is not one sided. The criminal justice system and other institutions must have palpable integrity.
- 1.9 Furthermore, political leaders at all levels must demonstrate by their words and their actions that they adhere to these same principles – lip service or à la carte support is not enough. So too must community leaders, the clergy and others in positions of influence, including the media. Nor is such a culture ring fenced. It is associated for example with pride in the local environment and support for community and voluntary activities.
- 1.10 The culture of a community is by definition a relatively stable or lasting phenomenon. Paramilitary or any political leaders may for the purpose of a campaign contribute to a culture characterised in some respects by lawlessness and lack of respect for individuals or non-violent authority. These attitudes may be espoused by some members of the population and inculcated in some young people as they grow up. Decisions by that leadership that they now wish to change their position will not lead to an immediate change in attitudes nor will it absolve them from their responsibilities for redressing the culture of lawlessness and helping create a culture of lawfulness.

- 1.11 Paramilitaries, as distinct from those who represent a political viewpoint, might survive within a “culture of lawfulness”, but they would do so pushed to the fringes, severely weakened, and they would present far less of a threat to Northern Ireland and to the communities within which they base themselves. This is why there are both challenges and opportunities. Challenges, because responding to paramilitaries is demonstrably not just a matter of law enforcement, essential and demanding though that is, but goes deep into questions of public attitude and policy and of political and other leadership. Opportunities, because enabling communities to break free of paramilitaries – indeed sometimes helping them realise in the first place that they are at present not free – carries with it possibilities for greater social development. It would also facilitate economic progress and employment and would open doors at present closed to some of the young people in these communities. There is little doubt that in those communities where there is a paramilitary presence there are added obstacles for those striving to create prosperity, which the recent UVF/LVF feud and disorders have served to make worse.
- 1.12 We thus see our role as only one among the many who are working to secure long term peace, stability and reconciliation in Northern Ireland. But we do see it as central, in that exposure of the facts about paramilitary activities – our core task under Article 4 – can serve only to heighten public awareness of what is happening, of the progress made and of the difficult path still to be followed. We have also thought it right, bearing in mind our remit to make recommendations which we consider necessary, to draw attention in our successive reports to issues beyond the strict confines of law enforcement. Anything which helps to create a culture of lawfulness and thereby weaken the hold of paramilitaries within communities is worth pursuing as part of an overall strategy to bring an end to paramilitarism.

2. OUR APPROACH TO THIS REPORT

2.1 We recognise that a number of recent developments mean that particular weight is likely to be placed on what we say on this occasion, for three main reasons. First are the remarks by the President of Sinn Féin, Gerry Adams, in April 2005 to which we referred in our Fifth Report². Second, this was followed by the very significant statement PIRA made on 28 July 2005. Third, was the decommissioning of weapons reported by the IICD on 26 September 2005, a major step in giving effect to that statement³.

2.2 We noted in a statement we issued on 29 July that the PIRA statement was potentially very significant, to the extent that it resulted in the organisation ending all forms of illegal activity. The key parts of the PIRA statement so far as our remit is concerned are the phrases:

- “All volunteers have been instructed to assist the development of purely political and democratic programmes through exclusively peaceful means”, which echoes the Belfast Agreement;
- “Volunteers must not engage in any other activities whatsoever.”

Taken together these words – though not entirely without ambiguity – are certainly very important. They should mean that members of PIRA have been instructed to give up all forms of criminal activity whatsoever.

2.3 It is our task to monitor what PIRA is and is not doing. Our main focus here is on the 6 months from 1 March to 31 August 2005, although we cover some more recent events, and we draw what conclusions we can below. Initial signs following the PIRA statement are encouraging, but inevitably on this occasion the assessment we can make of the effect of the statement is rather limited. We will address it further

² IMC Fifth Report, paragraph 8.13.

³ Two other things are also relevant here. First, our Sixth Report on the UVF and LVF which the British and Irish Governments published on 22 September 2005 will have raised questions about further developments in the feud between the two organisations since then. Second, is the UDA statement of November 2004 that it would desist from all “military activity”.

in the additional Article 4 Report which the British and Irish Governments have asked us to present in January 2006, and again when we report in April 2006 and subsequently.

- 2.4 The PIRA statement makes particularly timely what we said about the ending of illegal paramilitary activity in our last full report, published in May 2005. We drew a distinction between two issues. First, things which we believed would be encouraging indications that a group was making material progress towards giving up all illegal activity – such as taking the strategic decision to do so and lifting threats against people. Second, things which we would continue to monitor in assessing whether a group had actually stopped illegal activity – such as no longer using threats or violence or engaging in organised crime⁴. The core issue, flowing directly from our remit, is the ending of illegal activity of all kinds. Terms such as “ceasefire” and “military activity” serve only to obscure this fundamental point.
- 2.5. Ever since the Commission was established we have sought to be as forthcoming as possible about our methods of working. We believe that openness and confidence go together: we owe it to everybody to be as open as possible; we want to secure confidence in the conclusions we reach. This is why in March 2004, shortly after the Commission was established, we issued a statement setting out our core principles and how we proposed to tackle our remit. In our Fifth Report we set out at some length how we make our assessments and on what information we base them⁵. Our discussions are all subject to the principle to which we attach great importance, namely the confidentiality of what we hear and who says it to us. We have listed the categories of people we have met⁶. We hope that, together with what we have said about ending illegal activity, all this gives people a clear view of how we operate and how we will approach our task in future.
- 2.6 We recognise that the present circumstances heighten the focus on the question of attributing activities to particular groups. There are two main aspects to this: how to tell whether something has been done with the sanction of the leadership of a group,

⁴ Annex III repeats in full the paragraphs from that report.

⁵ These paragraphs are repeated in full in Annex IV.

⁶ The full list is also in Annex IV.

and if it has, whether at central or local level; and how to distinguish between things done by currently active members, by former members, or by those who have left the group to join another.

- 2.7 This is not a new issue for us. We have faced it from the beginning and have always tried to be scrupulously accurate in what we said. That is why, for example, we have sometimes referred to a paramilitary group committing some act and sometimes to members of the group doing so. It is sometimes not clear whether the act was authorised, and if it was, at what level. On other occasions it is clear that the actions were not sanctioned by the leadership beforehand or adopted afterwards. Where the nature of leadership sanction was of key importance we have gone to some lengths to explain our view.
- 2.8 Attribution is even more central to our work at a time when paramilitary groups might be in a process of transformation, and when levels of authority of the activities of members might be in a state of flux. We have therefore continued to develop our thinking. We are anxious to be as clear as we can, and where it is possible confidently to state a view we will always do so. If the facts do not bear a confident assessment at the time we report, we will say so, and will go as far as we believe we can but no further. Sometimes what matters will not be our assessment of a particular incident – the static – but rather our assessment of the direction in which we think things are moving – the dynamic. Annex VIII sets out some of the issues: we offer it now to demonstrate some of the tools we are developing to help us in our analysis and we would welcome comments on it.
- 2.9 Some readers may feel that what we say below is less specific than they hoped or expected, while others may feel we have erred in the opposite direction. We prefer to be open to these criticisms than to make judgements with which we are not ourselves fully satisfied. We do not say more or less than is warranted by our assessment of the facts, and we will continue to put the accuracy and integrity of our reports before everything.

3. PARAMILITARY GROUPS: ASSESSMENT OF CURRENT ACTIVITIES

3.1 We make a further assessment below of the current activities and state of preparedness of paramilitary groups, focusing mainly on the period from 1 March to 31 August 2005. Our account of the origins and structures of these groups is in our First Report⁷. We refer back to our last full Article 4 report, published in May 2005 as our Fifth Report, and to our Sixth Report on the UVF and LVF feud published on 22 September 2005⁸.

Dissident Republicans Generally

3.2 There have been a number of activities by dissident republicans over this period which we are not at present able to ascribe to a particular organisation. The activities were serious and must be recorded. If we are able in due course to ascribe any of these incidents more precisely to one organisation we will do so in a future report.

3.3 In late March 2005 the threat from dissident republicans on the UK mainland was assessed as being higher because plans were being made to mount attacks there. Dissident republicans were responsible for planting a vehicle bomb in Lisburn in April and a pipe bomb on the route of the Belfast marathon in May. Dissident republicans moved terrorist material, possibly with a view to attacking the security forces, and raised funds from crime to support their operations. Following the PIRA statement of 28 July, and before the decommissioning announced on 26 September, dissident republicans approached members of PIRA who they believed might be disgruntled as a result of that statement, hoping to obtain weapons from them, but there has been no evidence of any success.

Continuity Irish Republican Army (CIRA)

3.4 In our Fifth Report we said that CIRA had continued to engage in sporadic violence and that it had undertaken procurement and training. We concluded that it remained

⁷ IMC First Report, published April 2004, Section 3, pp 11-18.

⁸ During the course of the preparation of this report we have been asked if we would comment on the release of individuals under the Northern Ireland (Sentences) Act 1998. We have not to date commented on individual cases of this kind, but we refer readers to what we said in our Fifth Report on the activities of such released prisoners (Section 5, pp 26-29).

a dangerous organisation which planned to continue to engage in terrorism and other crimes, possibly more than in the recent past.

- 3.5 CIRA has remained intermittently active during the period under review. Elements of the organisation are recruiting and training new members; the recruitment is possibly an attempt to take advantage of the opportunities they perceived to be presented to them by the PIRA statement. Some existing CIRA members have received training. The organisation continues efforts to improve its capacity to use explosives and weapons, and to procure new weapons.
- 3.6 In June CIRA members undertook a robbery in Antrim. In July CIRA was responsible for hoaxes and bombs, and for throwing blast and petrol bombs at the security forces on the 12th of the month. In August it attempted to force a driver to take an explosive device to Lurgan police station. CIRA has continued to target on- and off-duty police officers and sees this as a particular focus of its efforts. The police in Northern Ireland arrested two senior members of the organisation in March. They also recovered a number of CIRA arms and other items of terrorist equipment. Two members were convicted in the South of unlawful possession of firearms.
- 3.7 These are all clear indications of an organisation which is active and intends to remain so. It is not however coherently organised and there is some internal feuding. We believe it is dangerous, capable of mounting attacks, and intent on continuing its illegal activities, but it has not recently shown it is capable of mounting a sustained campaign.

Irish National Liberation Army (INLA)

- 3.8 In our Fifth Report we said that INLA members had been extensively involved in organised crime, though the organisation had been less violent than previously, and that there remained a threat of its more active engagement.
- 3.9 This position remains essentially unchanged. In our Fifth Report we said that INLA had not been responsible for shooting or assaulting people in the six months from

1 September 2004 to 28 February 2005. One of the shootings in February which we then could not attribute to a particular group was, we now believe in the light of further information, the responsibility of INLA. In the period under review in this report we believe that INLA was responsible for one shooting, in April, and 4 assaults, 3 in June and one in August. It was responsible for throwing blast and petrol bombs at the security forces in Belfast on 12 July. We believe that it has considered whether to attack off-duty members of the security forces. The organisation is recruiting and training new members. In addition, members of INLA remain active in organised crime, for example robberies, drugs and smuggling. The police seized substantial funds which we believe were raised by INLA from cigarette smuggling. INLA has also made efforts to ensure that it maintains its position in certain local communities. Overall, therefore, there has been some increase in INLA's use of violence but the level of activity is not high. We believe that the threat of the organisation's more active involvement remains.

Loyalist Volunteer Force (LVF)

- 3.10 In our Fifth Report we said that the LVF was extensively engaged in organised crime, especially drugs, but that acts of violence had been relatively few and sporadic. We concluded that it showed no inclination to return to significant levels of violence although it had the capacity to do so.
- 3.11 In our Sixth Report we showed how this situation had significantly changed because of the upsurge of violence resulting from the feud between the LVF and the UVF, and we invite the reader to refer there for a full account of events in the feud to the end of August. We ascribed to the LVF eleven incidents related to the feud in the period from May 2004 until 31 August 2005, of which 7 occurred after 1 March of this year, one of them in May, 5 of them in July and one in August. Two of the July incidents were attempted murders. The LVF also targeted people it believed to be UVF members. In addition there are likely to have been unreported threats. We noted that the feud had its origin in the rivalry and extreme animosity between the two organisations and we referred to competition, greed and power as being factors in the escalation of violence. We concluded that the LVF's violence against the UVF and its supporters, though it was coherent and fuelled by this rivalry and animosity,

was more by way of response than initiated as a campaign designed to achieve a purpose other than survival.

- 3.12 Since the end of August the feud has largely died down, though given its causes we cannot be sanguine that this will be lasting. Nor can it be allowed to disguise the continued heavy involvement of the LVF in organised crime, especially drugs. In addition to the vicious thuggery of which it has shown itself capable, particularly since the beginning of July 2005, the LVF remains a deeply criminal organisation.

Provisional Irish Republican Army (PIRA)

- 3.13 We pointed out in our First Report (paragraph 3.13) that the leadership of the republican movement has shown a capacity in the past to turn on and off the tap of violence. In our Fifth Report we said that PIRA remained a highly active organisation engaged in violence, organised crime, recruitment and training and that it was determined to maintain its effectiveness. We saw no evidence that it wanted to return to a campaign of terrorist violence. Since then we have of course seen the very significant PIRA statement of 28 July 2005 and the decommissioning reported by the IICD on 26 September.
- 3.14 As we indicate in Section 2 above, five of the six months under review in this report preceded the PIRA statement at the end of July. In the period before the statement, PIRA in Northern Ireland continued to recruit and give briefings on personal security and counter-surveillance to new and existing members of the organisation. We believe that in the early part of the period under review in this report training took place, including in the use of weapons. We have no evidence of training or recruitment after the 28 July statement. There are indications that the organisation's intelligence function remained active though its focus may be becoming more political. There has also been some identifying of drug dealers, though it is not clear for what purpose.
- 3.15 PIRA has we believe been responsible for a number of attacks over the period under review. It undertook one shooting attack, in early July of a person whom it had assaulted in March, and 10 assaults, 9 between mid-March and mid-June and one in

early August shortly after the statement. The victim on this last occasion was a PIRA member; we do not know the reason for the assault although it could reflect a concern in the organisation to curtail either unacceptable activities or support for dissident republicans. PIRA members have been active in other ways. There have been instances throughout this period where people suspected of antisocial behaviour in nationalist communities have been intimidated; of the extortion of businesses; and of intimidation designed to limit the activities of dissident republicans. It is not possible at this stage to say whether these activities were authorised by the leadership.

- 3.16 We believe that PIRA generally wanted the summer's marching season to pass without civil disorder incited by republicans and that it sought to prevent rioting by nationalists. PIRA did organise protests at this time which led to some disorder, and as in past years made preparations for weapons to be available should nationalist communities need to defend themselves from loyalist attacks.
- 3.17 The picture on exiling is mixed. In May PIRA forced the removal of a family from their home, and attempted to do so to another family in June. On the other hand it decided to allow some it had previously exiled to return to the Short Strand, possibly because of the reaction to the murder of Robert McCartney. We have no evidence at this stage that PIRA is generally allowing those it has exiled to return to Northern Ireland safely, should they wish to do so. The statement of 28 July makes no specific reference to exiling, but those whom PIRA has exiled and who want to return should be free to do so safely. We will be monitoring this issue in future.
- 3.18 In conclusion, on PIRA we emphasise again that as the PIRA statement of 28 July came at a point when 5/6ths of the period under review had already elapsed it is too early to be drawing firm conclusions about possible overall changes in behaviour, although we do note some indications of changes in PIRA structures. Clearly we are looking for cumulative indications of changes in behaviour over a more sustained period of time, building on the PIRA statement of 28 July and the decommissioning of weapons reported by the IICD on 26 September.

Real Irish Republican Army (RIRA)

- 3.19 In our Fifth Report we said that RIRA continued to be the most active of the dissident republican groups, responsible for both violence and organised crime, that it was a ruthless organisation committed to terrorism and that it remained the most serious dissident threat.
- 3.20 This conclusion is unchanged. RIRA members have undertaken a number of beatings since the beginning of April. We greatly deplore the violent RIRA attack in a public place on the Deputy Chair of the Policing Board. The organisation continues to target on- and off-duty police officers and we believe it would kill members of the security forces in Northern Ireland if it had the opportunity to do so. We believe it was responsible for planting a number of incendiaries at major shopping centres during March. In June and July it was responsible for a number of hoaxes and bombs. It used intimidation and violence against Protestant families in one area and in July it forced one of its former members from his home. It remains involved in organised crime, for example smuggling fuel and tobacco. In the South, five people have been convicted of membership of RIRA in this period.
- 3.21 RIRA – within which there are two factions – has sought to co-ordinate and reinforce itself since our Fifth Report in the Spring. Elements in RIRA are continuing to recruit and train new members, and existing members have received training. We believe that RIRA is trying to take advantage of the opportunities it thinks the PIRA statement offers to recruit, but with very limited success to date. The organisation is seeking to improve its engineering capacity, including the preparation of home made explosives and explosive devices. RIRA members have been involved in developing and testing weapons and explosive devices.
- 3.22 These are all indications of an organisation which is active, prepared to use violence against both law enforcers and the general public, and has continued terrorist and other criminal activity as its clear aim. RIRA is seeking to improve its organisational and technical capacity. It remains violent, dangerous and determined.

Ulster Defence Association (UDA)

- 3.23 In our Fifth Report we said that the UDA had been involved in both organised crime and acts of violence.
- 3.24 The UDA has remained active throughout this period. Stephen Nelson died in March 2005 as a result of injuries inflicted when members of the UDA had attacked him the previous September⁹. A member of the UDA planned the sectarian petrol bomb attacks in Newtownbreda in July and in the same month others considered attacking nationalist homes. The UDA supported sectarian intimidation against Catholics in Ahoghill. During the summer the organisation considered mounting attacks against police and prison officers, and in one area it monitored the activities of local dissident republicans with a view to mounting retaliatory attacks if they themselves were attacked. Clashes with the UVF in Carrickfergus in June resulted in injuries on both sides. The UDA continues to recruit in a number of areas of Northern Ireland and has provided training for some of its junior members. A number of the loyalist shootings and assaults since the Spring are the responsibility of the UDA. At least one family has been forced from its home as a result of intimidation by UDA members and it assisted members of the UVF in forcing families from Garnerville in July.
- 3.25 The UDA also remains active in organised crime, including drugs. Members robbed a bingo hall in Carrickfergus in March 2005 and a branch of the organisation was responsible for the theft of £17,000 from a bookmakers in Newtownabbey in April.
- 3.26 The UDA said in a statement it issued in November 2004 that it would desist from “military activity”. Whatever meaning the UDA may ascribe to this term, we believe it is clear that the organisation is involved in violent and other serious crime and that it remains an active threat to the rule of law in Northern Ireland. Some of the recent activities of the UDA described above raise questions about the status of the UDA ceasefire. We will address this more fully in our next report.

⁹ The murder of Jim Gray by the UDA on 4 October 2005 occurred outside the period under review in this report.

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

- 3.27 In our Fifth Report we said that the UVF was active, violent and ruthless and that it was involved in organised crime, including drugs. We concluded that it would engage in greater violence if it judged that would suit the needs of the organisation.
- 3.28 This judgement has sadly been amply justified by events. In our Sixth Report on the UVF/LVF feud (to which we refer the reader for a full account) we ascribed to the UVF 38 incidents in the period from May 2004 to 31 August 2005. This was just over three quarters of the total number of incidents arising from the feud. Of these 38, 24 occurred in the period covered by this Report, namely 1 March-31 August 2005, and 23 of these since 1 July. The UVF committed all 4 of the feud-related murders since 1 March, all of which occurred after 1 July, and 9 of the attempted murders. All the murders and attempted murders were of people the UVF perceived to be members or associates of the LVF; in some cases the victims did not have LVF links. It continued to target people it believed were members or associates of the LVF. In addition to other shootings and to the use of explosives or petrol bombs, the UVF was responsible for forcing the departure of a number of families from Garnerville in July 2005, and later that month UVF leaders were considering similar action elsewhere. Throughout the feud we think it is likely that there have been unreported threats, many of which we believe would have been the responsibility of the UVF.
- 3.29 We noted in our Sixth Report that the feud had its origin in the rivalry and extreme animosity between the two organisations and referred to competition, greed and power as factors in the upsurge of violence during the summer. We recognised that the escalation of the feud over that period may have boiled up as a result of local animosities but concluded that the UVF leadership had decided that it was now the time to finish off the LVF. Although the feud has largely died down since the end of August the nature of these causes means, we fear, that this lull will not necessarily be lasting.
- 3.30 Although the feud has been the cause of virtually all the violence it is not the total picture. There were clashes with the UDA in Carrickfergus in June resulting in

injuries on both sides. UVF members were responsible for rioting in Belfast in early August, following police searches related to the UVF/LVF feud, and for a number of sectarian incidents though most of these were not sanctioned by the leadership. The organisation supported sectarian intimidation in Ahoghill and elsewhere during the summer. The UVF continues to recruit members; some recruits receive extensive training, including in the use of firearms, others receive basic training. The UVF is also involved in organised crime, including drugs. We conclude that the UVF is, in the words of our Fifth Report, “active, violent and ruthless” and we believe it will continue to use violence where it thinks that would be in its interests. It remains an extremely dangerous organisation.

4. PARAMILITARY GROUPS: THE INCIDENCE OF VIOLENCE AND EXILING

4.1 This Section focuses on, but is not entirely confined to, the 6 months from 1 March to 31 August 2005. It compares them with the four preceding six month periods.

4.2 This Section is largely statistical, and we therefore want to repeat three points which we believe are of crucial importance:

- These bare statistics record acts of vicious cruelty by which people continue to be killed and injured, permanently disabled and left with lasting psychological scars;
- Unreported acts of intimidation are far more numerous than acts of violence, are often traumatic in their impact and are not recorded in statistics. This means that we cannot accurately assess them, although we know that they are just as real to the victims;
- We continue to deplore the words “punishment” and “beating” in this context. They disguise the cruel nature of the violence which paramilitaries inflict and lend an air of respectability to it. We hope that public figures will give a lead by not using them.

Paramilitary Violence 1 March to 31 August 2005

4.3 Over the period from 1 March 2003 until 31 August 2005 we believe that the number of paramilitary murders was as follows:

	1 March – 31 August 05	1 September 04 – 28 February 05	1 March – 31 August 04	1 September 03 – 29 February 04	1 March – 31 August 03
CIRA					
INLA					
LVF					1
PIRA	*	**			
RIRA					1
UDA	1	2		1	1
UVF	4		2	1	
Not attributable			1 ¹⁰		2 ¹¹
TOTAL	5	2	3	2	5

The number of paramilitary murders in the period from 1 March to 31 August 2005 is the largest since the corresponding six month period in 2003. The death of Stephen Nelson in March is attributable to members of the UDA and followed an attack in September 2004. The other four murders all occurred in July and August 2005 and were all by the UVF of people the UVF perceived to be members or associates of the LVF. This is the highest rate of murder attributable to one paramilitary group since the start of our analysis of the figures from the beginning of 2003. The murders all arose from the UVF/LVF feud on which we reported in our Sixth Report in September 2005. The murder of Jim Gray by the UDA on 4 October 2005 occurred outside the period under review in this report.

* A member or former member of PIRA may have been involved in the killing of Joseph Rafferty in Dublin in April 2005. We have no reason to believe that the murder was carried out on behalf of PIRA.

** As in our 5th Report, the categorisation of the murder of Robert McCartney on 30 January 2005 is not yet definitive, and we do not therefore include a figure for it in this table. But we remain of the view we expressed in that Report – that members of PIRA were involved in the murder though we do not believe that central PIRA leadership sanctioned it in advance.

¹⁰ Information suggests this death may have been linked to a republican paramilitary group but the precise motivation and attribution remain unclear.

¹¹ One of these was abducted and murdered by a republican group but we are unable to say which group. One was a member of PIRA killed in the struggle when attempting to undertake a paramilitary attack.

The following paramilitary murders have occurred since 1 March 2005¹²

Stephen Nelson, attacked 19 September 2004, died 18 March 2005.

Jameson Lockhart, murdered 1 July 2005.

Craig McCausland, murdered 11 July 2005.

Stephen Paul, murdered 29 July 2005.

Michael Green, murdered 15 August 2005.

Jim Gray, murdered 4 October 2005.

4.4 The number of casualties of paramilitary shootings and assaults in the 6 months since 1 March 2005 is as follows. As before, in these tables, and in the associated text and graphs, the figures and attributions are both subject to minor statistical adjustment.

Shooting Casualties

Responsible Group	1 March – 31 August 05	1 September 04 – 28 February 05	1 March – 31 August 04	1 September 03 – 29 February 04	1 March – 31 August 03
Loyalist	36	37	39	69	34
Republican	4	7	11	19	35
TOTAL	40	44	50	88	69

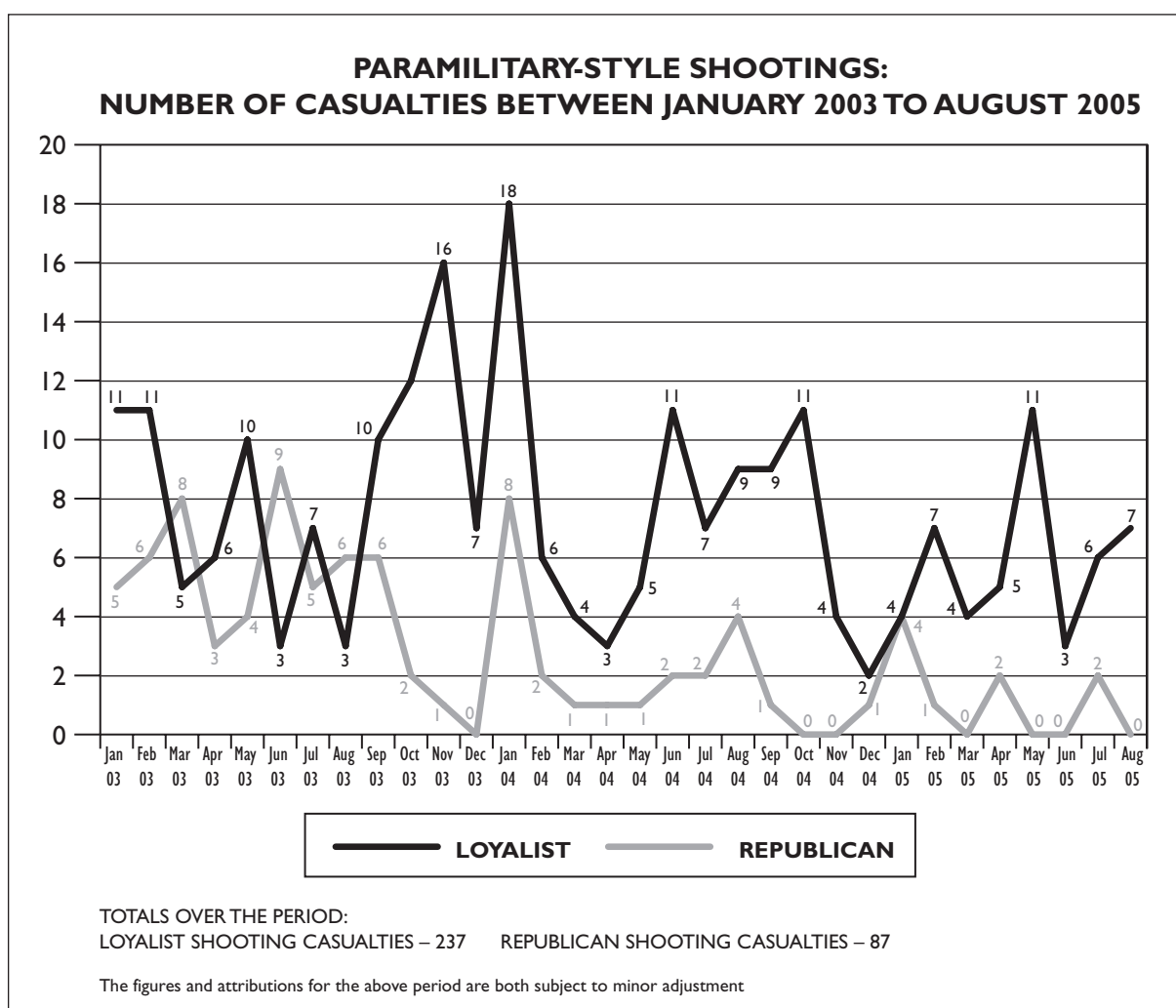
Assault Casualties

Responsible Group	1 March – 31 August 05	1 September 04 – 28 February 05	1 March – 31 August 04	1 September 03 – 29 February 04	1 March – 31 August 03
Loyalist	40	29	42	57	46
Republican	15	25	18	26	24
TOTAL	55	54	60	83	70

¹² As we indicated in our Fifth Report published in May 2005, we are not in a position to comment on the killing of Stephen Montgomery. We said in our Sixth Report on the UVF/LVF feud published in September 2005, that we recognise that people may have expected us to refer here to the disappearance of Lisa Dorrian on 28 February 2005 and her murder, and to the murder of Thomas Devlin on 10 August 2005. It remains the case that we have no reason to believe that either murder was carried out on behalf of a paramilitary group.

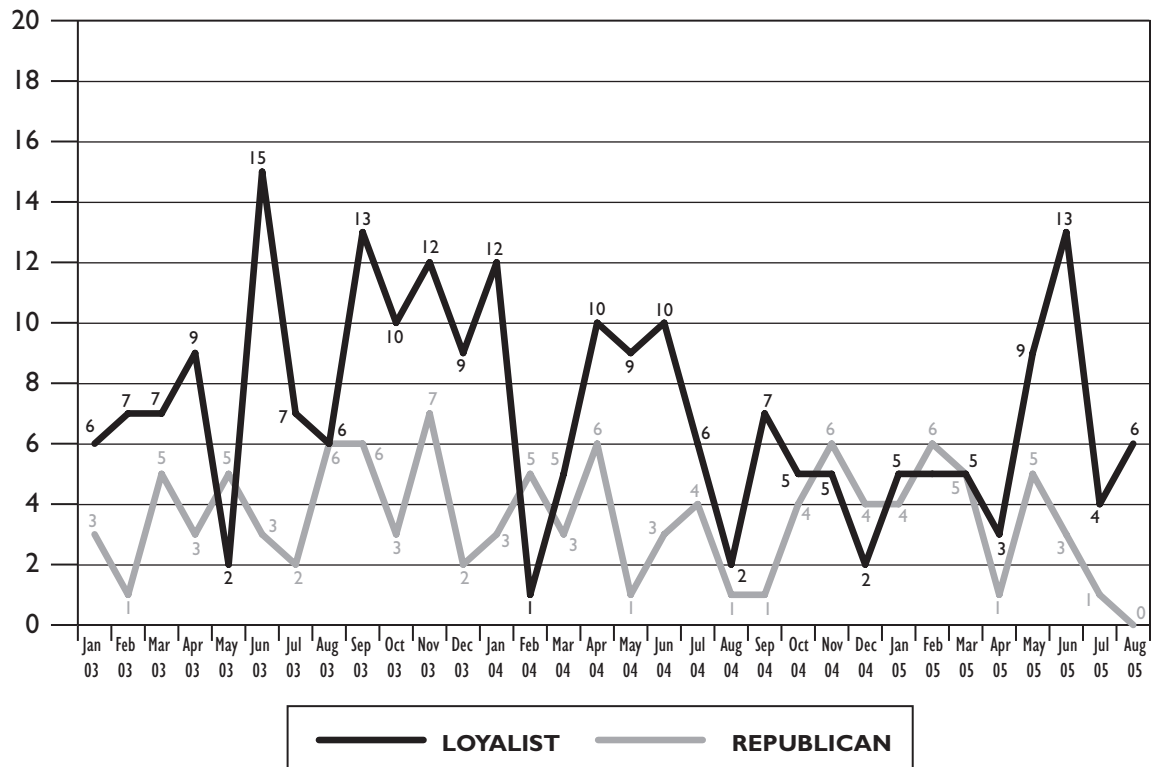
4.5 These figures show that over the last 6 months period loyalist violence was considerably worse than republican: the number of shootings was higher by a factor of 9, and of assaults by a factor of over 2.5. We believe that in the same period, as we say in paragraph 3.15, PIRA undertook one shooting in early July (of somebody whom it had assaulted the previous March) and 10 assaults, of which 9 were before the statement and one shortly after, in early August. The victim in this last case was a PIRA member¹³.

4.6 Our remit requires us to look at trends in paramilitary crime. The following graphs include the monthly figures we have previously published, extended by 6 months until 31 August 2005 so that the trends in shootings and assaults are clear.



¹³ Paragraph 3.15 considers the attack more fully.

**PARAMILITARY-STYLE ASSAULTS:
NUMBER OF CASUALTIES BETWEEN JANUARY 2003 TO AUGUST 2005**



TOTALS OVER THE PERIOD:

LOYALIST PARAMILITARY-STYLE ASSAULTS – 227 REPUBLICAN PARAMILITARY-STYLE ASSAULTS – 112

The figures and attributions for the above period are both subject to minor adjustment

Geographical Variations

4.7 We recognise that Northern Ireland-wide figures disguise very considerable variations in the geographical distribution of the incidents. On this occasion we therefore include maps indicating what that distribution has been over the *12 month period 1 September 2004 to 31 August 2005*, both across Northern Ireland as a whole and in Belfast¹⁴.

4.8 The first 3 maps of Northern Ireland as a whole show:

- The distribution of casualties arising from shootings and assaults combined by *all paramilitary groups*.

¹⁴ The figures for a six month period would be too small to reveal a clear geographical pattern.

- The distribution of casualties arising from *loyalist* shootings and assaults combined;
- The distribution of casualties arising from *republican* shootings and assaults combined;

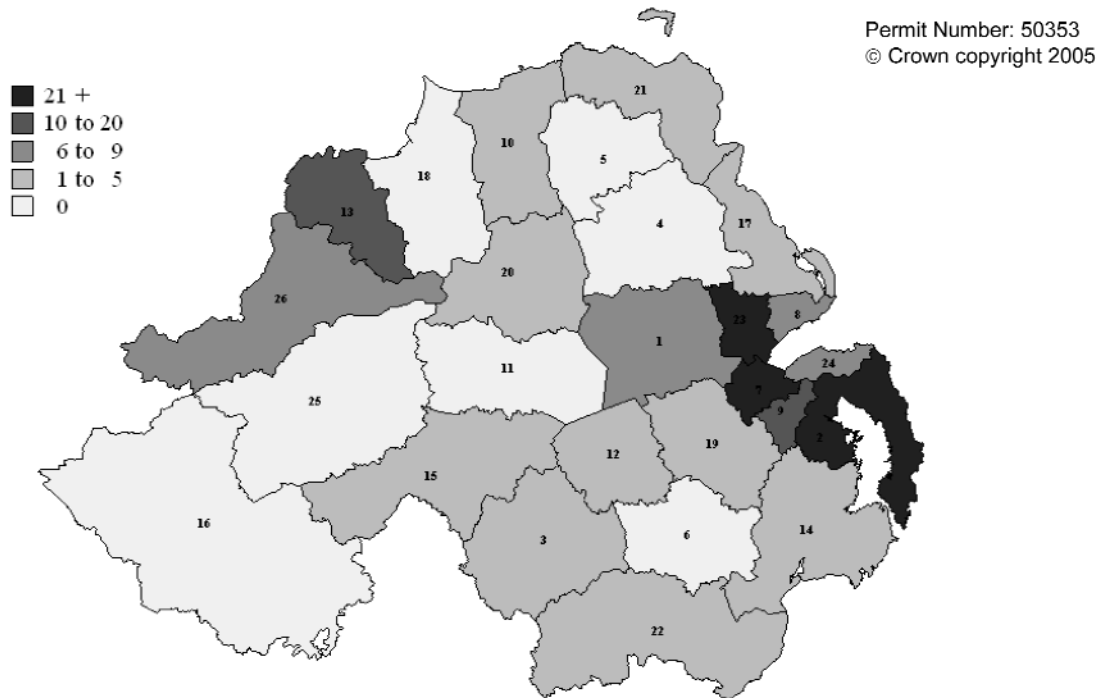
4.9 The fourth map shows the total number of casualties from shootings and assaults by both loyalist and republican paramilitary groups in Belfast.

4.10 Annex VII gives a key to the local government districts used in these maps and contains a technical note.

4.11 In broad terms these maps show:

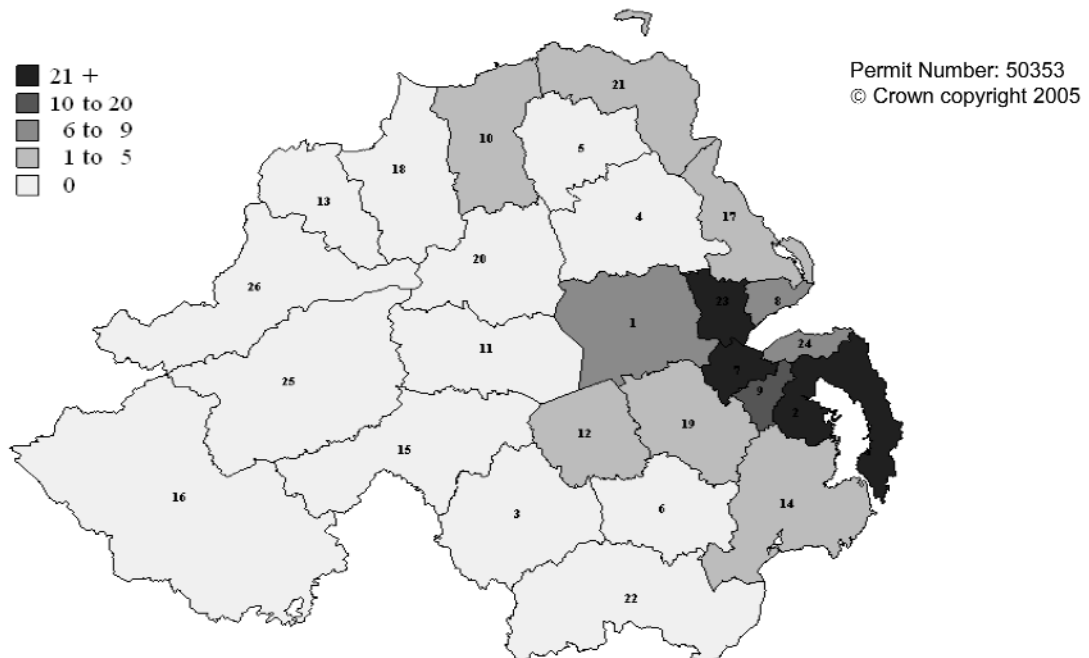
- The extent to which parts of Northern Ireland have had no or few casualties over this period;
- That casualties from loyalist attacks – of which there were nearly three times as many in total as there were from republican attacks – are concentrated in and around Belfast and in Counties Down and Antrim;
- That casualties from republican attacks are concentrated in parts of the North West and in Belfast but are more widespread at a lower level, including in a significant area along the border;
- That in Belfast most incidents are in certain specific parts of the North, East and West of the City.

Casualties as a result of paramilitary-style attacks in Northern Ireland by Local Government District: September 2004-August 2005[†]



Total number of attacks *= 192

Casualties as a result of paramilitary-style attacks in Northern Ireland where attribution is perceived as Loyalist: September 2004-August 2005[†]

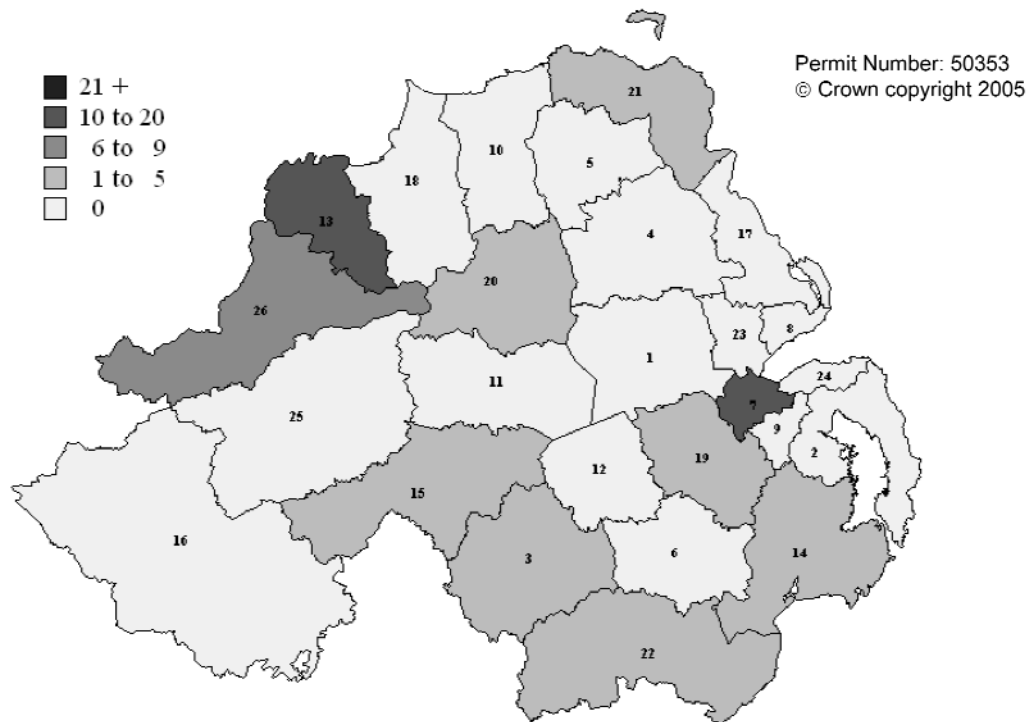


Total number of attacks *= 141

[†]The numbers on the maps refer to the local government districts – see the key in Annex VII – and not to acts of violence

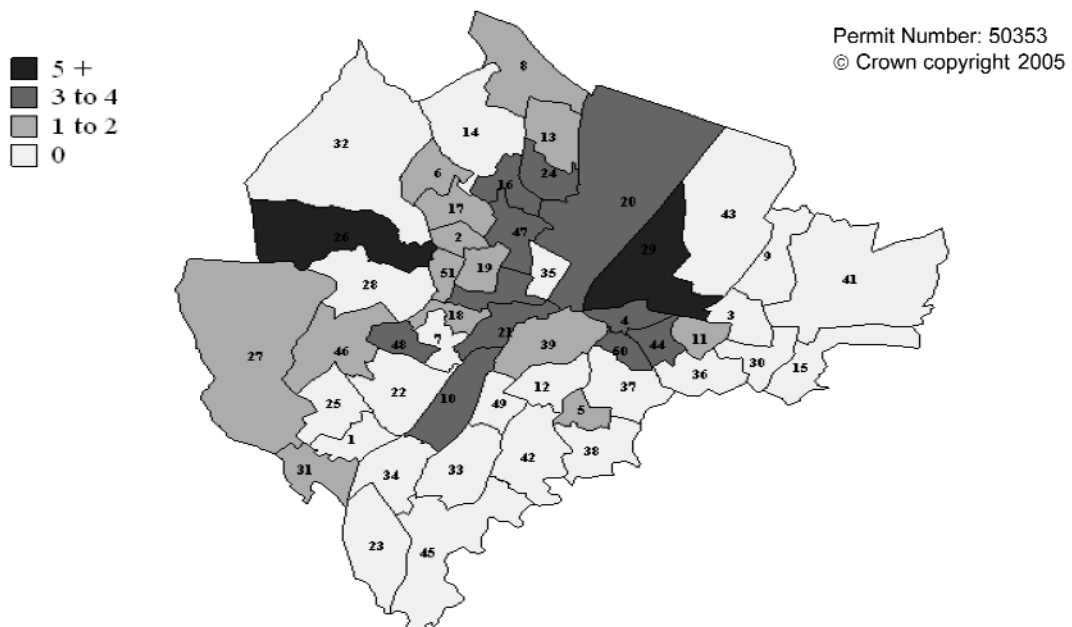
*With valid postcode

Casualties as a result of paramilitary-style attacks in Northern Ireland where attribution is perceived as Republican: September 2004-August 2005[†]



Total number of attacks *= 51

Casualties as a result of paramilitary-style attacks in the Belfast local Government District by Ward: September 2004-August 2005[†]



Total number of attacks *= 70

[†]The numbers on the maps refer to the local government districts – see the key in Annex VII – and not to acts of violence

*With valid postcode

Sectarian Attacks

4.12 The summer and early autumn in Northern Ireland were marred by a number of sectarian attacks. These attacks involved individuals and families being terrorised and in many instances driven from their homes. A series of vicious attacks of this kind took place in Ahoghill and elsewhere during the summer months. All such attacks are deplorable, whatever the source, and should be condemned by local politicians and others with influence in the community. The issue for us is the extent to which paramilitary groups are involved in them. We have no general evidence that paramilitary groups actually promoted such attacks although some of their members have taken part. We refer to specific instances involving intention, support and the involvement of members in paragraph 3.20 on RIRA, in paragraph 3.24 on the UDA, and in paragraph 3.30 on the UVF.

Rioting in Belfast in September 2005

4.13 Although the rioting in September 2005, which was extremely violent, falls outside the period under review in this report a number of things are already clear. It involved such serious violence that we feel compelled to comment. We believe that both the UDA and UVF were involved in the planning and the execution. Over 100 shots, including some high velocity rounds, were fired at the police and army and some 150 blast bombs were used. There were numerous injuries to members of the police and the Army. The ostensible cause of the rioting was anger on the part of the Orange Order and its supporters about the rerouting and postponement of the march. But it is clear the rioting was not spontaneous community disorder; it was planned, and individual members of the Orange Order were involved, some wearing their regalia. When the Orange Order or any organisation brings people on to the streets it bears some responsibility for the consequences, including the attacks on the police.

Exiling

- 4.14 We have previously reported on exiling, calling it one of the most insidious aspects of paramilitary activity and describing the devastating impact it has on the individual and his family. Our view remains just as strong.
- 4.15 In the absence of hard figures it is impossible to quantify the extent of the practice. The important thing in the circumstances in which we report on this occasion is to know whether or not there is any sign of paramilitary groups ceasing the practice and allowing those they have exiled to return should they wish to do so, or at least of their considering doing so.
- 4.16 As we indicate in Section 3, we believe there have been a number of instances during the period covered by this report where people have been forced from their homes by paramilitary groups or by their members – PIRA, RIRA, the UVF and the UDA. We also noted in paragraph 3.17 that PIRA had allowed some it had previously exiled to return. We have yet to find evidence that any paramilitary group is generally allowing the return of those it has exiled, or is considering doing so. The PIRA statement of 28 July makes no specific reference to this issue. However those who have been exiled by PIRA and who want to return home should be free to do so safely. As we have indicated in previous reports, for us this is one of the tests of a group's giving up illegality, and we will continue to monitor the situation in future reports.

Conclusions

- 4.17 We draw the following conclusions:

- **There were 5 victims of paramilitary murder – the highest number since the same 6 month period in 2003. All were killed by loyalist groups. One died in March following an attack by UDA members the previous September. Four were killed by the UVF in July and August as a result of its feud with the LVF¹⁵;**

¹⁵ The murder of Jim Gray by the UDA on 4 October 2005 falls outside the period under review in this report.

- The level of paramilitary violence remains high on the loyalist side. The downward trend in the total number of shooting casualties has continued. The total number of casualties of assaults has now been broadly the same for 18 months, though it is a good deal less than it was over the period from March 2003–February 2004;
- Averaged out, there were 1.5 victims of shooting a week and about 2 victims of assault a week;
- The number of casualties of loyalist shootings was nearly the same as in the preceding 6 months and that of loyalist assaults was one third higher. In contrast on the republican side there were about half the number of shooting casualties, and there were about a third fewer assault casualties;
- The change may be summarised as follows:

Republican Groups

- Shooting casualties *down* by 43% compared with the preceding 6 months, and *down* by 64% compared with the corresponding period in 2004;
- Assault casualties are *down* by 40% compared with the preceding 6 months and *down* by 17% compared with the corresponding period in 2004;
- Since the PIRA statement of 28 July, there have been no reported republican assaults or shootings though we are aware that there was one assault in early August by PIRA to which we refer in paragraph 3.15.

Loyalist Groups

- **Shooting casualties are *down by only 3%* compared with the preceding 6 months, and *down by only 8%* compared with the same period in 2004;**
- **Assault casualties are *up by 38%* compared with the preceding 6 months, and *down by only 5%* compared with the same period in 2004.**

5. PARAMILITARY GROUPS: ORGANISED CRIME AND OTHER ACTIVITIES

- 5.1 In each of our reports we have examined aspects of paramilitary involvement in organised crime. We have looked at robbery, money laundering and at the illicit trading of drugs, tobacco and alcohol. We have reviewed the nature of the top organised crime gangs in Northern Ireland and the role paramilitaries play in them, and we have described how wide the range of their activities is. We have looked at a number of responses to these activities and have made recommendations.
- 5.2 There has been one consistent theme throughout all our reports. The involvement of paramilitaries in organised crime goes deep. It makes the threat of such crime more complex and the impact more serious. It affects all levels of illegality because organised crime rests on and requires other criminal activity, such as the retailing of drugs and of illicit fuel and tobacco, and the use of intimidation and violence in order to maintain the local control on which these activities depend. In their turn, the funds secured from crime feed paramilitary groups. We have concluded that because of this paramilitary involvement organised crime is the biggest long term threat to the rule of law in Northern Ireland.
- 5.3 The PIRA statement of 28 July is relevant in this context. It should mean that members of the organisation have been instructed to give up all forms of criminal activity. We will monitor what PIRA, and other paramilitary groups, are and are not doing. In Section 3 above we describe the involvement of the individual paramilitary groups.
- 5.4 We do not want to repeat on this occasion essentially what we have said before. We think instead that it would be useful to comment on the Organised Crime Task Force and then to turn to one aspect of organised crime in which paramilitaries are involved to which we have so far given only passing attention – the laundering, smuggling and selling of illicit fuel. This follows our earlier examination of paramilitary involvement in the alcohol and taxi trades and in security businesses. Finally we draw out some conclusions from what we have said about paramilitary involvement in legitimate businesses and the issues to which it gives rise, particularly licensing regimes.

Organised Crime Task Force (OCTF)

5.5 We have said repeatedly that we believe the OCTF is a key to giving a strategic inter-agency focus to the law enforcement effort against organised crime. We note the prominence given in its Annual Report for 2005 to the role of paramilitaries and share its view about their sophistication and ruthlessness¹⁶. Earlier this year we welcomed the review which the Secretary of State established in February 2005. We await the conclusions with interest and hope that they will give a considerably sharpened, streamlined and more executive focus to the work of the OCTF.

Illicit Fuel

5.6 Paramilitary groups – mainly republican ones – have for many years been heavily involved in the laundering, smuggling and selling of illicit fuel. Non-paramilitary criminals are also responsible, although in some border areas they cannot operate without paramilitary approval, and sometimes have to pay a share of their profits to paramilitaries. The fraud takes three main forms:

- The laundering in either North or South of the fuel which is sold legally in both countries with very low rates of duty, mainly for agricultural purposes. This rebated fuel is identified by dyes which the criminals remove chemically so that the laundered product can be sold to the general public at a price reflecting the full rate of duty;
- The smuggling of laundered or legal fuel from Ireland, which has lower duty rates, to Northern Ireland;
- The sale of illicit fuel – laundered, rebated or smuggled, or a mixture of these types – through retail outlets in, again mainly, Northern Ireland.

¹⁶ Organised Crime Task Force Annual Report 2005 – www.octf.gov.uk.

- 5.7 It is difficult to estimate the precise amounts of fuel involved although the impact of the illicit trade is greater in Northern Ireland than it is in the South. The latest official estimate for Northern Ireland, made in 2001, indicated that of the approximately 650 retail outlets around two thirds were then selling illegal fuel to some degree, and that of these one third of the total 650 were doing so periodically and one third selling it predominantly. The situation in Northern Ireland since then has improved, as we indicate below, but the fact remains that illicit fuel is still a major activity which provides significant income for the criminals involved, including paramilitaries. The profits can be huge.
- 5.8 There are other consequences, some very dangerous. Illicit fuel of any kind may be transported in wholly unsafe vehicles, and stored unsafely before it reaches the retailer. There have been examples of criminals using curtain-sided lorries carrying large tanks – perhaps of 20,000 litres – secured only by wooden batons, from which the fuel might be delivered at night through a hose running from underneath. Were such a lorry involved in a road accident the loss of life could be considerable; delivery in these circumstances is inherently risky. There have been serious fires at laundering plants. The by-products of laundering can cause harmful pollution. Legitimate businesses are forced to close because they are undercut by those selling illicit fuel. The engines which run on laundered fuel may suffer lasting damage as a result of the acid often used in the laundering process. This is therefore far from being a crime in which the only victim is the Exchequer, though the revenue loss is considerable. It is an activity which endangers life and health, damages people's livelihoods and property, and earns vast sums for criminals, some of which serve to fund paramilitary groups. It matters to everybody.
- 5.9 Both Customs and the police in Northern Ireland have put increased efforts into combating this crime in recent years. The number of Customs officers dedicated to oil fraud has been increased. Fuel fraud is an important element in the OCTF strategy which bears on the priorities of all law enforcement agencies. The UK as a whole has an oil fraud strategy encompassing both enforcement and other measures such as the technology for testing fuels, and Northern Ireland benefits from this. There have been some valuable successes as a result. In late September 2005 the Assets Recovery Agency in Northern Ireland secured the freezing of over £750,000

worth of assets belonging to two brothers from South Armagh and allegedly gained from fuel smuggling. In the three years from April 2000 Customs in Northern Ireland dismantled 59 fuel laundering plants, seized over 8 million litres of illicit fuel, secured 27 convictions and seized nearly 3,500 vehicles from oil fraudsters. One measure is the volume of fuel legitimately delivered in Northern Ireland. Official figures indicate that the volume, which for some years had been dropping as a result of the quantity of illegal fuel available, has increased since 2001, though we note that representatives of oil businesses believe these figures give too optimistic a picture. But whatever the exact position the crime is still widespread and there is clearly a long way to go.

- 5.10 We have been struck by the fact that with this fraud, as with paramilitary abuse in the alcohol, taxi and security businesses, the existing licensing regime does not seem to have caught up with the scale of the problem or to play any useful role in combating it, even though in our view it clearly has the potential to do so.
- 5.11 In Ireland various licences are needed in connection with the sale and transport of fuel oil. The enforcement of these licences lies with different authorities. For example, the Health and Safety Authority enforces the regulations on road tankers and county fire brigades the regulations on individual petrol stations. The sole purpose of these regulations is public safety, which is of course essential to maintain. None of the licensing enforcement authorities are required to address whether fuel is illegal and there is no power to revoke a licence or close a petrol station because the operator has been found to be selling it. The offender will be liable to criminal sanctions but could continue trading. We do not think that this position reflects the seriousness of the present situation. There would be a considerable beneficial impact from a licensing regime which did two things. First, which allowed account to be taken of the suitability of the trader to operate in a business which has been infiltrated by criminals. This would help prevent people from operating outlets if they were known to have been involved in the illicit trade. And second, a regime which allowed filling stations to be closed if they had been engaged in the illicit fuel trade.

- 5.12 The regulatory position in Northern Ireland is essentially the same as in the South. Petrol stations require a licence under legislation which is broadly speaking the same as when it was first introduced in 1929. The licence imposes conditions designed to prevent the accidental ignition of vapour and the operator must have appropriate fire fighting equipment. Significantly, the controls do not apply to diesel or to itinerant sales of petrol which can therefore be sold without any form of licence.
- 5.13 Licensing for these safety purposes is the responsibility of the twenty-six District Councils in Northern Ireland. Those we have contacted employ building control officers trained for the purpose and they appear to us to follow similar procedures and standards. Officers conduct annual inspections and may visit more often if there are complaints or evidence of irregularities. The local authority issues a licence for 12 months and contravention of its conditions can attract a penalty on conviction. Only one licence has been revoked in the last 5 years because it did not meet the required safety standards.
- 5.14 The Northern Ireland oil market is highly and unusually fragmented at wholesale and retail levels, which makes it easier for criminals to operate. Over the past 10 years some 140 retail businesses were forced to close, in very large part we believe because of illicit competition. Many of these same sites reopened later and have traded at least in part with illicit fuel. Investment in retail operations fell over this same period. The major national oil companies have sold their retail outlets in Northern Ireland, judging the market to be unsuitable for them. Notwithstanding the enforcement action to which we refer above, senior figures in the industry believe that too little has been done to combat the illegal trade.
- 5.15 We recognise that there are a number of issues to do with combating the illicit fuel trade – none in a matter as complex as this capable of offering a solution on its own. Rigorous law enforcement and close co-operation between the UK and Irish agencies are clearly at the heart of things. As for Ireland, so for the UK, we single out one thing which we believe can make a valuable contribution, namely licensing. In this field, as in connection with the taxi and alcohol trades and the security industry on which we have reported before, the licensing regime has not been adapted to take account of this manifestation of organised crime in either Ireland or

in Northern Ireland and of the part paramilitaries play in it. We welcome the OCTF led review of petroleum licensing in Northern Ireland. We are aware of no comparable review in Ireland.

- 5.16 **We recommend that the Governments of the UK and Ireland should introduce licensing regimes which would enable the closure of businesses which have been engaged in the illicit fuel trade, and would keep out of the industry all those shown to have been involved in that illicit trade, together with anyone fronting for them.**

Paramilitary Groups and Legitimate Businesses

- 5.17 In our Fifth Report we looked at ways in which paramilitaries exploited opportunities to use legitimate businesses as means of laundering and raising money as well as to provide outlets for the fruits of crime such as illicit alcohol and tobacco. We discussed also the difficulty in identifying where this was happening because the information available was not amenable to use in a holistic way by those seeking to track down people acting illegally.

- 5.18 This infiltration by paramilitaries and other criminals of the economic life of Northern Ireland is serious enough to justify drawing out some overall lessons. We hope they will attract attention and debate, because from that may come means of more effectively tackling the threat.

- 5.19 There seem to us to be the following key lessons:

- The *sophistication of the criminals, including paramilitaries* involved. There is evidence of methods of marketing, distributing and selling which are highly developed. The criminals are flexible and resilient. Some operations involve vast sums of money and the services of skilled lawyers and accountants.
- The *cost and specialist nature of enforcement* against criminals operating partly through legitimate businesses in the way we refer to above. The law enforcement agencies rightly concentrate on illegal fund raising activities but

face additional challenges when they have to tackle activities camouflaged within a commercial environment.

- The *dispersed responsibility for enforcement*. Notwithstanding the co-ordinated approach amongst the OCTF agencies to which we refer above there are other organisations with roles to play which do not seem to have been brought fully into the system. Examples are local authorities, those handling different licensing systems and those with potentially relevant records, such as the courts in relation to licensed premises, the records on companies and on land and property transactions.
- Finally are the *terms and the enforcement of licensing regimes*. We recognise that licensing cannot be a panacea. But it is capable of playing a much more effective role than is presently the case in those parts of the economy which are infiltrated and exploited by paramilitaries and other organised criminals. A key part of a robust system is that it prevents the transfer of licences from people or businesses deemed unfit to their associates who are apparently unblemished. Intelligence must thus play some part in the controls. We have reported before¹⁷ on the taxi and alcohol trades and the security industry. We make a similar recommendation above on the oil trade. It seems to us that these are all areas where thinking and action has not kept up with the seriousness of the paramilitary and wider criminal challenge.

¹⁷ Fifth Report, Section 6.

6. PARAMILITARY GROUPS: LEADERSHIP

- 6.1 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.
- 6.2 In our Fifth Report we set out what we believed Northern Ireland political parties should achieve. We spoke of the importance of them articulating their opposition to illegality of all kinds, exerting their influence against members of paramilitary groups who would not give up crime, and giving a clear lead in support of the organs of the criminal justice system, including by taking part in its participative organs. The full text is set out in Annex V. This remains the standard we will apply to all those in positions of leadership in political parties associated with paramilitary groups, that is to say, at this time Sinn Féin and the Progressive Unionist Party (PUP).
- 6.3 We also referred in that report to the statement made in April 2005 by the President of Sinn Féin Gerry Adams, concluding that if he was able to develop those ideas and to deliver as he then appeared to suggest, he would have demonstrated leadership of a high order. The PIRA statement of 28 July 2005 and the subsequent decommissioning of weapons reported by the IICD on 26 September indicate that major progress has been made in the direction he had spelt out some months before.
- 6.4 We have said earlier in this report that five of the six months under review precede the PIRA statement and that it is therefore too early for us on this occasion to be drawing firm conclusions about possible changes in the organisation's overall behaviour. Although the initial signs are encouraging we do not therefore make any comment at this stage on the recommendation we previously made about the financial support Sinn Féin receives in the Northern Ireland Assembly. Nor do we pursue the point we then made separately about whether it should receive public money from other sources.
- 6.5 We hope that when we next report in January 2006 it will be possible to draw firmer conclusions. What those conclusions might be will depend on the nature of the evidence. We will continue to apply the criteria we have adopted and to approach our

work in the same way as hitherto. Some may expect more of us than it is possible to deliver, perhaps on the one hand seeking certainty where it does not exist or on the other asking us to prove a negative when it is not possible to do so. Our assessment will be as rigorous and as accurate as we can make it.

- 6.6 Finally, on the PUP, up to the time of presentation of this report we have not seen evidence which presently causes us to change our previous recommendation on the removal of financial support for the Party in the Northern Ireland Assembly.

7. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

7.1 The International Agreement defines our objective as being to carry out our functions with a view “to promoting the transition to a peaceful society and stable and inclusive devolved Government in Northern Ireland”. As in the past, we have sought to fulfil this by describing clearly the facts on illegal paramilitary activity as we find them and offering such judgements as in our view are justified.

7.2 We draw the following key points from the preceding Sections:

- Paramilitaries exercise control over and exploit communities which they say they protect and from which they claim support. Their hold needs to be loosened so as to help to create a “culture of lawfulness” within which the normal democratic principles of law enforcement and human rights apply;
- The PIRA statement of 28 July is potentially very significant. It should mean that members of the organisation have been instructed to give up all forms of criminal activity. It is too early to make more than a rather limited assessment of its effect, though initial signs are encouraging;
- We continue to believe that through the exposure of the facts and by making recommendations we can play a role, along with many others working for the long term development and prosperity of Northern Ireland, in curtailing the activities of paramilitaries and in weakening the hold they have within communities.
- Paramilitary groups remain responsible for violent and other crime. The UVF/LVF feud led to an upsurge in activity, notably 4 murders. Dissident republican groups are still the most committed to terrorism.
- Loyalist groups are responsible for much more violence than republican ones, and by an even greater margin than in the previous 6 months. The paramilitary

murders are exclusively loyalist and the rate is the highest since March-August 2003.

- Shooting casualties caused by loyalist groups are nearly the same as in the preceding six month period, while assault casualties are up by 38%.
- Shooting casualties caused by republican groups are down by 43% compared with the preceding six month period, and assault casualties are down by 40%. Of the one shooting casualty and 10 assault casualties for which we believe PIRA was responsible, all but one assault were before the 28 July statement.
- We note again the extent to which paramilitaries are involved in organised crime and that their role increases both the seriousness and the complexity of the threat to the rule of law.
- We believe that the introduction of an effective licensing regime for retail outlets would help combat the substantial trade in illicit fuel, just as we have concluded in previous reports that licensing could have a valuable impact in relation to the taxi and alcohol trades and the security industry.

Recommendations

7.3 Article 7 of the International Agreement allows us to recommend:

- Any remedial action we consider necessary in respect of the matters on which we are reporting under Article 4.
- Any measure we think might appropriately be taken by the Northern Ireland Assembly¹⁸. This part of the Article does not apply while the Assembly remains unrestored, but that does not prevent us from saying what we would have done had it been sitting, or from making recommendations to the Secretary of State

¹⁸ Article 7 is at Annex I. A summary of the statutory measures which the IMC can recommend for action by the Northern Ireland Assembly is at Annex VI.

about the exercise of the powers he has in these circumstances. We have done both these things in earlier reports.

- 7.4 In *responding to paramilitary crime* **we recommend that** the Governments of the UK and of Ireland should introduce licensing regimes which would enable the closure of businesses which have been engaged in the illicit fuel trade and would keep out of the industry all those who have been involved in that illicit trade, together with anyone fronting for them.

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.

ANNEX III

ASSESSMENT OF THE ENDING OF ILLEGAL PARAMILITARY ACTIVITY

The following paragraphs appeared in our Fifth Report, published in May 2005.

1.16 In addressing the first question on making material progress towards giving up all illegal activity encouraging indications would include whether a group had taken the strategic decision to give up illegal activity; had given a clear lead to its members that they must do so; and had declared that as a group it had stopped such activity. Other indications might include: whether the group was taking steps to end its capability to undertake criminal acts; whether it was co-operating with the police; and whether it was lifting threats against people, including those it had exiled.

1.17 As far as the second question is concerned, namely assessing whether a group had actually stopped illegal activity, we would continue to monitor and report on whether or not it still:

- used violence in any form;
- committed other crimes;
- recruited or trained members;
- gathered intelligence, targeted people or procured material;
- exiled or intimidated people.

ANNEX IV

PARAGRAPHS FROM THE IMC'S FIFTH REPORT SETTING OUT ITS METHODS OF WORKING AND LISTING THE CATEGORIES OF PEOPLE IT HAS MET

1.10 We believe it is a great strength that the four Commissioners come from different backgrounds and have different perspectives. We seek to maximise the benefit this gives us by challenging each others' thinking as well as challenging those we meet. We try to develop assessments based on more than one source. We see if there are links between what we learn from different people and we expect to be able to triangulate different perspectives before we reach conclusions. We probe the nature and logic of the information we receive. We examine whether there are any inconsistencies. We challenge any gaps there appear to be. We question whether there might be any bias either in our own approach or in that of others and take steps to ensure it does not influence our conclusions inappropriately. We ask ourselves and our interlocutors whether other conclusions might as reasonably be drawn from the same set of circumstances. We test the confidence placed in the material and in opinions associated with it. We do all this before we come to any view, and before we write our reports. The conclusions we draw are our own.

1.11 Our sources are wide ranging. They include the law enforcement and other agencies of the UK and Ireland, as well as of any other country from which we have things to learn. But they are much wider than that. In addition to government officials and police officers we have met people from the following categories in Great Britain, Ireland North and South and in the United States:

Political parties; government officials; police; community groups; churches; charities; pressure groups and other organisations; former combatants, including ex-prisoners; representatives of businesses; lawyers; journalists; academics; victims; private citizens, individually and as families.

We urge everybody with something material to our work to get in touch with us¹⁹. We also try to take account of the work of other boards, commissions and similar bodies in Northern Ireland and elsewhere²⁰.

1.12 We are very careful what we say in our reports. From the beginning we have adhered to one firm principle. We treat everything we hear, including the identities of those who communicate with us, in complete confidence. Only in this way can they be expected to impart information to us, and without that information we cannot do the job the two Governments have charged us with. We will therefore not reveal our sources, though those people are free to say what they like about their communications with the IMC. The International Agreement lays down other constraints on us, for example so that we do not prejudice legal proceedings or jeopardise anybody's safety. But the most significant restraint is self-imposed: we will not say anything, or draw any conclusion, unless we have confidence in it, and we will qualify conclusions if we think that is necessary. We did this, for example, in our initial attribution of certain robberies in late October 2004²¹.

1.13 We are not infallible, but we do believe we are thorough in our methods and measured in our assessments. If we find one of our conclusions does not stand up in the light of later information we will acknowledge this in a subsequent report²².

¹⁹ You can contact the IMC through our website: www.independentmonitoringcommission.org; by E-mail: imc@independentmonitoringcommission.org; by post at PO Box 709, Belfast, BT2 8YB or PO Box 9592, Dublin 1; and by telephone at +44 (0)28 9072 6117 in Belfast and +353 1 4752 555 in Dublin.

²⁰ There are a large number of boards, commissions and other bodies in Northern Ireland concerned with the criminal justice system, the maintenance of standards and with the transition to a peaceful society. They fulfil a variety of roles: executive, supervisory, monitoring and advisory. All have some form of interest in this issue. Most are confined to Northern Ireland but some operate on a UK basis. We are not aware of a comprehensive and publicly available list. We believe it to be, in alphabetical order: The Chief Inspector of Criminal Justice; HM Chief Inspector of Prisons; The Commissioner for Judicial Appointments; The Electoral Commission (UK); Equality Commission; Independent Assessor of Military Complaints Procedure in Northern Ireland; Independent Commissioner for Detained Terrorist Suspects; The Independent Monitoring Commission; Independent Reviewer of the Terrorism Act (Lord Carlile); Information Commissioner (UK); HM Inspector of Constabulary; The Interception of Communications Commissioner (UK); The International Independent Commission on Decommissioning; The Justice Oversight Commissioner; Northern Ireland Commissioner for Children and Young People; The Northern Ireland Human Rights Commission; The Northern Ireland Policing Board; Northern Ireland Sentence Review Commissioners; The Office of the Oversight Commissioner; The Parades Commission; The Police Ombudsman for Northern Ireland; Prisoner Ombudsman for Northern Ireland; The Probation Board for Northern Ireland; Regulation of Investigation Powers Act Commissioners. There are also individual inquiries in Ireland North and South: the Saville Inquiry and those established as a result of the report of the Cory Inquiry.

²¹ In our Third Report we said that members of republican paramilitary groups were responsible for recent large scale robbery and violent theft but that we could not make more firm attributions. In our Fourth Report the availability of further information enabled us to attribute the incidents specifically to PIRA.

²² In our Third Report we said that the attribution of the murder of Michael O'Hare to an unspecified paramilitary group which we had made in our First Report was not correct, and we said that we and the PSNI had offered apologies and an explanation to the family.

ANNEX V

PARAGRAPH FROM THE IMC'S FIFTH REPORT SETTING OUT ITS VIEWS ON THE RESPONSIBILITIES OF POLITICAL PARTIES

8.9 We think it might be helpful if we indicated in this report the sort of thing we believe political parties generally need to do in order to demonstrate that they are giving the right leadership, whether they are parties which are associated with paramilitaries or over whom they may have influence, or not. We also think that it is right to set out a challenge to any political parties which may find themselves in positions of influence over paramilitaries.

8.10 Given the normal standards expected of political parties in a democratic society, what should Northern Ireland political parties achieve? They should:

- Make their commitment to the ending of all forms of paramilitary crime credible and vocal.
- By any lawful means exert the maximum possible influence to the same end over paramilitary groups and over individual members.
- Credibly and vocally challenge those members of paramilitary groups who may be reluctant to give up crime, and give full support to those who are ready to do so.
- Give credible, vocal and practical support to all parts of the criminal justice system, including policing, and similarly accept the definition of crime that the law lays down.
- Play a full and constructive role in the participative organs of the criminal justice system such as the Policing Board and the District Policing Partnerships.

- Within the framework of support for the rule of law, engage in open and constructive debate with the two Governments and with the various commissions and other bodies in Northern Ireland concerned with the criminal justice system over the ending of all forms of paramilitary crime and the establishment of firm community support for the criminal justice system.

ANNEX VI

SUMMARY²³ OF MEASURES PROVIDED FOR IN UK LEGISLATION WHICH THE INDEPENDENT MONITORING COMMISSION MAY RECOMMEND FOR ACTION BY THE NORTHERN IRELAND ASSEMBLY

Article 7 of the International Agreement specifies that the IMC may recommend measures for action by the Northern Ireland Assembly, such measures being limited to those which the Northern Ireland Assembly has powers to take under UK legislation. The full text of Article 7 is in Annex I.

Measures which may be taken under UK legislation

- (1) A Minister or junior Minister may be excluded by the Assembly from holding office as a Minister or junior Minister for a period of not less than three months and not more than twelve months.
- (2) Members of a political party may be excluded by the Assembly from holding office as Ministers or junior Ministers for a period of not less than six months and not more than twelve months.
- (3) A Minister or junior Minister may for a specified period have his salary, or part of it, stopped by resolution of the Assembly.
- (4) Members of the Assembly who are members of a particular political party may for a specified period have their salaries, or part thereof, stopped by resolution of the Assembly.
- (5) The financial assistance which is payable to political parties may be stopped in whole or in part by resolution of the Assembly.

²³ This summary does not purport to be an authoritative legal interpretation of the relevant legislation. For the actual legislative provisions see Northern Ireland Act 1998 and the Northern Ireland (Monitoring Commission etc.) Act 2003.

- (6) A Minister, a junior Minister of a political party may be censured by a resolution of the Assembly.

Powers similar to those set out in (1) to (5) may in certain circumstances be exercised by the Secretary of State.

ANNEX VII

MAPS SHOWING THE GEOGRAPHICAL DISTRIBUTION OF PARAMILITARY VIOLENCE IN SECTION 4: TECHNICAL NOTE AND KEY TO LOCAL GOVERNMENT DISTRICTS

The maps following paragraph 4.11 showing the geographical distribution of paramilitary violence over the 12 months from 1 September 2004 to 31 August 2005, are based on District Council areas for Northern Ireland as a whole and on wards for Belfast. The maps below give a key by which individual areas can be identified.

Technical Note

Maps of this kind can be produced only if a valid postcode is associated with the incident. Of the 193 paramilitary-style attacks (which include both shootings and assaults) during the period 1 September 2004 to 31 August 2005, 192 had a valid postcode (as verified against the 2005 Central Postcode Directory), for the location of the attack, and are therefore included in this analysis. The omission of this one offence does not materially affect the position overall. The maps use 1993 Local Government District and Ward boundaries.

The attribution of a paramilitary-style attack to either a Loyalist or Republican category is based on information available to investigating officers at the time of the attack.

Figures for the current year are provisional and may be subject to minor amendment.

The table under the maps of the Belfast local government wards, identifies a person's current religious group, if any, or the religious group in which they were brought for people who do not regard themselves as belonging to any religion. The proportions are based on data from the 2001 Census, which took place on 29 April 2001 and have been rounded to the nearest whole number. The category 'Protestant' includes those respondents who gave their religion as Protestant or other Christian/Christian related. The category 'Catholic' includes those who gave their religion as Catholic or Roman Catholic.

Outline of Northern Ireland by Local Government District



Local Government District	Map reference number	Local Government District	Map reference number
Antrim	1	Down	14
Ards	2	Dungannon	15
Armagh	3	Fermanagh	16
Ballymena	4	Larne	17
Ballymoney	5	Limavady	18
Banbridge	6	Lisburn	19
Belfast	7	Magherafelt	20
Carrickfergus	8	Moyle	21
Castlereagh	9	Newry and Mourne	22
Coleraine	10	Newtownabbey	23
Cookstown	11	North Down	24
Craigavon	12	Omagh	25
Derry	13	Strabane	26

Outline of Belfast Local Government District by Ward



Ward	Map number reference number	Population Community Background (%) Protestant/Catholic	Ward	Map reference number	Population by Community Background (%) Protestant/Catholic
Andersonstown	1	1 / 99	Cliftonville	17	29 / 68
Ardoyne	2	3 / 96	Clonard	18	3 / 96
Ballyhackamore	3	80 / 12	Crumlin	19	94 / 4
Ballymacarrett	4	47 / 51	Duncairn	20	90 / 6
Ballynafeigh	5	33 / 59	Falls	21	3 / 97
Ballysillan	6	91 / 4	Falls Park	22	2 / 98
Beechmount	7	4 / 92	Finaghy	23	50 / 45
Bellevue	8	35 / 61	Fortwilliam	24	64 / 33
Belmont	9	90 / 4	Glen Road	25	2 / 97
Blackstaff	10	91 / 4	Glencairn	26	85 / 12
Bloomfield	11	88 / 5	Glencolin	27	1 / 98
Botanic	12	23 / 67	Highfield	28	94 / 4
Castleview	13	64 / 31	Island	29	90 / 5
Cavehill	14	45 / 51	Knock	30	90 / 5
Cherryvalley	15	85 / 9	Ladybrook	31	12 / 87
Chichester Park	16	20 / 75	Legoniel	32	59 / 38

Ward	Map number reference number	Population Community Background (%) Protestant/Catholic	Ward	Map reference number	<i>Population by Community Background (%) Protestant/Catholic</i>
Malone	33	38 / 56	Sydenham	43	90 / 4
Musgrave	34	37 / 60	The Mount	44	90 / 4
New Lodge	35	2 / 97	Upper Malone	45	69 / 25
Orangefield	36	91 / 3	Upper Springfield	46	3 / 97
Ravenhill	37	67 / 26	Waterworks	47	7 / 91
Rosetta	38	37 / 58	Whiterock	48	1 / 99
Shaftesbury	39	58 / 37	Windsor	49	47 / 43
Shankill	40	94 / 3	Woodstock	50	87 / 6
Stormont	41	85 / 9	Woodvale	51	95 / 3
Stranmillis	42	44 / 48			

ANNEX VIII

TOOLS FOR THE ANALYSIS OF WHETHER A PARTICULAR CRIME SHOULD BE ATTRIBUTED TO A PARAMILITARY GROUP

The following material demonstrates some of the tools we are developing to help us in our analysis of the attribution of paramilitary crime. We see it as an aid to thinking. We would welcome comments on it.

There are a number of ways of categorising the individuals concerned and the activity they undertake. The categories are not mutually exclusive or exhaustive. Situations may be in different categories at different times. There is also a question of timing, e.g: when were situations authorised? are they part of some ongoing activity? are they still authorised? was the modus operandi authorised or specified, for example were firearms to be carried and used? The attributions may be clearer in some situations or with some individuals than with others. The answers to these questions may be “no” as well as “yes”.

Individuals

1. Actual active current member of paramilitary group
2. Close associate of paramilitary group.
3. Loose associate of paramilitary group (local association?)
4. Not a member of paramilitary group and never has been.
5. Ex-member or ex-associate, who may have been of categories 2 or 3.
6. Intentionally misleading claims about membership of paramilitary group.
7. History of membership/involvement with more than one paramilitary group over a period of time; may be in any of categories 1-6 above.

Situations

1. Sanctioned, authorised or directed by paramilitary leadership. Part of political, terrorist or criminal strategy (includes feuds and respect issues).
2. Though not 1, carried out on behalf or to the benefit of paramilitary group. Part of political, terrorist or criminal strategy (includes feuds and respect issues).
3. Authorised by paramilitary leadership but there are questions as to whether it is in line with strategies.
4. Not authorised but adopted, shielded or protected post hoc by paramilitary leaders.
5. Not adopted, shielded or protected post hoc.
6. As 5 but actually denied.
7. Devolved authority for some situations.
8. Not authorised but for personal agenda or gain in whole or in part.
9. Cover story of involvement with paramilitary group, flag of convenience (includes a group or organisation pretending to be another).

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