

Twenty-First 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
7 May 2009*

TWENTY-FIRST 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**

**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**

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HC 496

LONDON: The Stationery Office

£14.35

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ISBN: 978 0 10 295967 3

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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 full report on paramilitary activity of November 2008². It focuses mainly on the six month period 1 September 2008 to 28 February 2009.
- 1.3 Two things have been 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 Once again we draw attention to 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. We welcome frank comment, as much on this report as on its predecessors;

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

² IMC Twentieth Report, November 2008.

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

- 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 2008 to 28 February 2009. 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 five 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.

2.2 In this report we continue the practice we first adopted in our Twentieth Report of taking all the republican groups first and then dealing with the loyalist ones.

A. REPUBLICAN PARAMILITARY GROUPS

Dissident Republicans Generally

2.3 Since our Twelfth Report in October 2006 we have looked separately at activities for which smaller dissident republican groupings were responsible but which we could not at the time attribute to a particular grouping. We continue that practice here. In our Twentieth Report we also offered an overview of the prevailing nature and extent of dissident republican activity as a whole and we do the same on this occasion⁵.

2.4 In the overview of dissident republican activity over the six months then under review which we gave in our previous report we pointed out that:

- CIRA and RIRA had been especially active, resulting in a more concentrated period of attacks than at any time since we had first reported in April 2004;

⁴ We have produced two kinds of reports under Article 4. Of the 15 hitherto, 12 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), Seventeenth (November 2007), Eighteenth (May 2008) and Twentieth (November 2008). The three other reports under Article 4 were ad hoc ones. The first two of these were produced at our own initiative: our Fourth (February 2005) which dealt with the Northern Bank robbery and our Sixth (September 2005) which dealt with the UVF/LVF feud. The third ad hoc report was at the request of the British and Irish Governments: our Nineteenth (September 2008) which dealt with the issue of the leadership of PIRA.

⁵ IMC Twentieth Report, November 2008, paragraphs 2.9 – 2.11.

- Had it not been for the successes of the police North and South the number of incidents would have been higher;
- Dissidents had turned their efforts more directly to trying to kill PSNI officers, using a variety of tactics and methods.

2.5 What we said then has also been the case for the six months now under review and for the weeks since the end of February. This is most strikingly evidenced by the murders of Sappers Mark Quinsey and Patrick Azimkar and the wounding of others in Antrim on 7 March 2009 (in which we believe a faction of RIRA was involved) and the murder of PC Stephen Carroll in Craigavon on 9 March (for which CIRA has claimed responsibility). These murders occurred after the six months covered in this report. Even if they had not, we are restricted in what we can say about them because of criminal proceedings and the need to avoid any comment which, by being prejudicial, might prevent justice from being done⁶. Although we will refer to these incidents in our next report due in October 2009 some restriction may still apply.

2.6 Our comments below on CIRA and RIRA indicate that there has been a continuing high level of serious violent activity, often with the express intention of killing, or making possible the killing, of members of the PSNI and other security personnel, and often doing so by imperilling the lives of members of the general public. This activity needs to be assessed in the context of the consolidation of the peace process. These groups have never accepted the fundamental tenets of that process, and indeed have been violently opposed to it from the start. As the process became embedded and the democratic institutions of the Belfast Agreement were restored and took hold, the response of these groups became more violent. The current ongoing violence is an attempt to destroy the peace process and return the community to the period of violent struggle from which it has so painfully and relatively recently emerged. Dissident republicans are attempting to deflect the PSNI from maintaining community policing and so disrupt the increasing community acceptance of

⁶ In addition to our being determined to do nothing which might have this consequence, we are prohibited by our governing legislation from doing anything which “might...have a prejudicial effect on any present or future legal proceedings” (Section 2(1)(c) of the Northern Ireland (Monitoring Commission etc.) Act 2003 for the UK) and which “could reasonably be expected to have a prejudicial effect on any proceedings which have been, or are likely to be, instituted before a court or tribunal” (Section 6(c) of the Independent Monitoring Commission Act 2003 for Ireland).

normal policing. There is also a hope that sufficient violence would provoke an over-reaction by the authorities which would play into their hands. In our view however this is a challenge and a testing of the peace process by people who have always been violently opposed to it. It does not represent an unravelling of the peace process.

- 2.7 It remains imperative to do everything possible to encourage widespread community support for the police, which is of course desirable in its own right and also so that information on dissident activity is available to them. The unanimity of condemnation of the murders across the political spectrum throughout the UK and Ireland, and particularly by the parties in the Northern Ireland Assembly, helps serve this end and has been a striking indication of the robustness of the peace process. The continued vigorous and courageous activities of law enforcement agencies and others on both sides of the border, including since the murders in March, remains as essential as their successes have been important.
- 2.8 Some explosive devices deployed by dissident republicans have contained small amounts of semtex, and a quantity of it was recovered by An Garda Síochána in County Meath in December 2008. This has given rise to concern in some quarters that some semtex might have been deliberately held back from PIRA decommissioning in 2005 and transferred to dissidents. We have found no evidence which supports such concern.
- 2.9 Overall dissident activity since early summer 2008 has been consistently more serious than at any time since we started reporting in April 2004. We thought it would therefore be useful to offer a brief conspectus of what we have said about this activity over those five years. We do this in Annex III. A key message from this conspectus is that dissident activity as a whole has fluctuated over these years but in the period under review has been at its most serious level since we started to report.
- 2.10 In past reports we have used the term Óglaigh na hÉireann (ONH) to refer to the dissident republican grouping which had assumed the name and was operating mainly in the Strabane area. However the term is of much longer standing and has a wider application. It is for example used in the Irish

Offences Against the State legislation⁷. Recently a faction within RIRA has also started using the term⁸. Some media reporting of events in the past few months has not made these distinctions clear.

2.11 As regards the dissident grouping around Strabane which has used the term ONH for some time, we said in our Twentieth Report that it had engaged in recruiting and fund-raising and that it had attempted to procure weapons. It was also involved in a range of other crimes. In the six months under review it continued its efforts to recruit. It also targeted and gathered intelligence about members of the security forces. It tried to procure weapons. Members engaged in a wide range of serious non-terrorist crimes. In the light of this we conclude, as we did in our previous report, that this grouping remains a serious threat. We have no reason to believe that, because recently it has been operationally less active than at some points in the past, it is any less capable of violence than it was before.

2.12 When we started reporting five years ago there were three dissident republican paramilitary groups – CIRA, RIRA and INLA. Despite some generally unsuccessful efforts to increase cohesion amongst these groups, and some ad hoc co-operation by individuals, there has been a recent tendency to split and fracture, often personality driven. In addition to two fairly distinct factions of RIRA and the Strabane-focused ONH, there are now several other groupings. We referred in our Twentieth Report to the Irish Republican Liberation Army (IRLA) which had then fairly recently emerged. We have no grounds for changing the view we previously expressed, namely that it is essentially a group of criminals operating under a republican banner and that though capable of violence it does not represent a significant terrorist threat. We also report the emergence in Belfast of a small new dissident republican grouping calling itself Saor Uladh (SU) which includes former CIRA members. Although we are not aware of SU having undertaken any terrorist-type activity during the six months under review we note that the PSNI has already taken action against suspected members. It is too soon for us to offer an assessment of SU's aims or capability but we will continue to monitor it and if appropriate we will return to it

⁷ A suppression order made in June 1939 under the Offences Against the State Act 1939 referred to an “organisation styling itself the Irish Republican Army (also the I.R.A. and Oglai gh na hÉireann)” as being unlawful.

⁸ See paragraph 2.26 below.

in our next report. Finally, we said in our previous report that *éirígí* was a political group with a focus on aggressive protest activities. This remains the case, though we cannot ignore the fact that amongst members or former members there may have been involvement in serious violence.

- 2.13 On this occasion there have been fewer dissident activities which we are unable to ascribe to a particular group than we have found to be the case in recent reports. We note a number of arrests of dissidents by the PSNI and AGS in the autumn; bomb making equipment was found and we believe that operations, including attack planning, were disrupted as a result.

Continuity Irish Republican Army (CIRA)

- 2.14 In our Twentieth Report we referred to the efforts CIRA had made to undertake and plan attacks against PSNI officers which could have resulted in the loss of life. Members had been responsible for a shooting and a number of assaults and continued to take part in a range of other serious criminal activity. CIRA also continued efforts to recruit and train members and in other ways to enhance its capability as a terrorist organisation. Overall, we concluded that CIRA remained a very serious threat.

- 2.15 CIRA remained active and dangerous during the six months under review. We believe that it was responsible for leaving an explosive device containing some 55lb of home-made explosive near Newtownbutler in October 2008 and for an explosive device which went off without injury or damage near Lurgan PSNI station early the following month. In January 2009 an explosive device was found at a railway bridge in Lurgan for which we believe CIRA was also responsible. These incidents imperilled members of the PSNI; they could also have led to the deaths of members of the general public. In February the PSNI discovered a hoax device by the courthouse in Armagh which we believe CIRA both manufactured and deployed. A hoax device may on occasion be intended only to cause disruption, but it may also be designed to lure police officers into a situation where they are vulnerable to attack; this mode of attack has been used on a number of occasions in the recent past.

- 2.16 CIRA members were involved in other acts of violence over this period. Members undertook a number of attacks, some in retaliation against people

alleged to be involved in criminal or anti-social behaviour. One such, by way of example, was an attack on an 18 year old man in January. More generally, members orchestrated public disorder in the Armagh and Lurgan areas over the period under review.

2.17 CIRA continued the efforts it had made in the preceding six months to enhance the capability of the organisation. It sought to recruit new members, including former members of PIRA, and to train its members in a variety of skills, including the manufacture of explosive devices. It sought intelligence on members of the security forces and undertook extensive targeting of them. It continued its efforts to procure weapons and to manufacture home-made devices. In this connection we note arrests made by the PSNI and AGS early in 2009 which led to the recovery of weapons and ammunition.

2.18 CIRA members continue to be involved in a large range of other serious criminal activity, including drug dealing, "tiger" kidnappings, robbery, extortion, brothel keeping and offences designed to defraud the two Exchequers such as smuggling (mainly of tobacco) and fuel laundering. We believe that members of CIRA were responsible for armed robberies in Dungannon in January 2009 and in Lurgan the following month. Two CIRA associates arrested early in the year were in possession of a gun and ammunition which we believe was linked to criminal activity. It is not possible to be certain what happened to the proceeds of these various crimes but we think it likely that at least a share of the proceeds was retained by the perpetrators rather than going to fund the organisation.

2.19 All these incidents indicate that CIRA has not only been very active but that it has acted in a way which could have led to a number of deaths. The murder of PC Carroll on 9 March 2009, which has been attributed to CIRA, is tragic further evidence of this. The nature and extent of its other covert activities over the period show the same ruthless determination. Taken with the efforts to enhance its capability we conclude that CIRA is active and highly dangerous.

Irish National Liberation Army (INLA)

2.20 In our Twentieth Report we believed that INLA members had been responsible for the one paramilitary murder in the period under review. The organisation

had continued to plan and perpetrate a number of serious crimes, had targeted individuals and had sought to exploit tension at community interfaces. It remained a threat, capable of serious violence.

2.21 In the six months under review members remained deeply involved in serious crime, notably extortion. We believe that INLA remains a threat and is no less capable of violence than it has been in the recent past.

Provisional Irish Republican Army (PIRA)

2.22 In our Twentieth Report we referred to what we had said about PIRA in both our previous full report on paramilitary activity and the ad hoc one we had produced in September 2008, which had focused mainly on the organisation's leadership structures. We said that the position had not changed: PIRA was maintaining an exclusively political path; the so-called "military" departments had been disbanded and the former terrorist capability had been lost; and the organisation was not involved in illegal activity, though some individual members were, albeit contrary to instructions. We concluded that PIRA would maintain its course and that the organisation would be allowed to wither away though we did not expect announcements to that effect. We thought that the Army Council was by conscious decision being allowed to fall into disuse and that by taking these steps PIRA had by design completely relinquished the leadership and other structures appropriate to a time of armed conflict.

2.23 The assessment we made six months ago stands. PIRA continues firmly to adhere to all aspects of its strategy. We note the strong public stand against politically motivated violence taken by leading figures in the republican movement after the murders in early March 2009. We are satisfied that any members who remained criminally active were acting for personal gain or motivations. Where there was an interest in information we believe that it was generally for the purpose of maintaining cohesion in the republican movement.

2.24 In the light of this we conclude that PIRA has maintained its political course. We believe that it will continue to do so.

Real Irish Republican Army (RIRA)

2.25 In our Twentieth Report we said that RIRA had been particularly active in the period under review. It had claimed responsibility for seriously injuring a PSNI officer with an explosive device and had undertaken a number of incendiary attacks. Its members were responsible for the great majority of the republican shootings and remained involved in the same range of other serious crimes. RIRA continued its efforts to enhance the organisation's terrorist capability through recruitment, training, weapons procurement and targeting. We concluded that RIRA was a serious and continuing threat, including to lives, and was likely to remain so.

2.26 Like CIRA, both of the main factions of RIRA were also active and dangerous during the period under review. In September 2008 an explosive device was placed under a vehicle in Lisburn, outside the house of a member of the public but near where police officers were living. We believe that RIRA was responsible for this incident, for which a claim was made in the name of Óglaigh na hÉireann⁹. Later the same month in Jonesborough a child found and tampered with what turned out to be a device containing some 100lb of home-made explosive; other members of the public were in the vicinity. We believe that RIRA was responsible for this device. We also believe that RIRA was responsible for a coffee jar device containing a small amount of explosive at New Barnsley PSNI station in Belfast in November and for a device containing some 260lb of home-made explosive in a vehicle abandoned in Castlewellan in January. A subsequent claim suggested the intended target had been Ballykinler Army Camp. This latter device in particular could have caused a number of civilian casualties, given its location.

2.27 We are aware that a faction of RIRA has claimed responsibility for the murder of Denis Donaldson in April 2006. We refer to this matter further in paragraph 3.4 below. During the period under review RIRA members were responsible for a number of violent incidents. Examples are an attack in September 2008 on somebody alleged to be involved in anti-social behaviour; in January 2009 a youth was shot in west Belfast; and the following month another person was assaulted and one was shot in separate incidents, also in Belfast.

⁹ See paragraph 2.10 above.

2.28 RIRA continued its efforts to recruit new members and trained existing ones, including in the use of explosives. It sought intelligence on members of the security forces and undertook the targeting of them. It also sought to obtain weapons and explosives; a member of the organisation was arrested in the autumn preparing home-made explosive and a quantity of bomb making equipment was seized. In January 2009 two senior alleged members of RIRA were arrested in the South in response to an extradition request from Lithuania connected with alleged arms procurement. A third had been arrested in 2008 in response to a similar request. All three are on bail pending the outcome of proceedings. An alleged member is in custody in Lithuania in connection with the same incident. In these ways we believe RIRA continued the efforts apparent for a considerable period to enhance the capability of the organisation.

2.29 RIRA members remained heavily involved in other criminal activity. The range was similar to that in which members of CIRA were engaged: drug dealing, “tiger” kidnapping, robbery, extortion and offences to defraud the two Exchequers such as smuggling and fuel laundering.

2.30 The message from these incidents and other activities is all too clear. RIRA’s murder of Sappers Quinsey and Azimkar in March 2009, and their wounding of others in the same incident, was the culmination of a series of incidents a number of which could have led to the deaths of police officers and members of the public. The efforts made to enhance RIRA’s capability are further evidence of RIRA’s determination and ruthlessness, as also are its continuing covert activities. It is perhaps important to emphasise that the two factions of RIRA operate independently and do not therefore present the same coherent organisation that PIRA was. Much less do they have anything like the capacity to mount a consistent and substantial campaign, as was admitted in their recent Easter message. RIRA remains however highly dangerous and active.

B. LOYALIST PARAMILITARY GROUPS

Loyalist Volunteer Force (LVF)

2.31 The assessment we made of the LVF in our Twentieth Report was essentially unchanged from the one we had been making for some time. We said that it

was a small organisation without any political purpose. People historically linked to it were heavily involved in serious crime, sometimes claiming the LVF's name if they thought it advantageous to do so. The proceeds of these crimes were for personal gain, not that of the organisation. The assessment we made in November 2008 still stands in all its essentials.

Ulster Defence Association (UDA)

2.32 In our Twentieth Report we distinguished as clearly as we could between the mainstream of the UDA and the South East Antrim faction. On the mainstream we said that the leadership wanted to make progress in the direction set out in its November 2007 statement but that progress was hampered by a structure which made it difficult to drive through change, the opposition of some members and by the factional split. Most elements in the leadership were seeking to downsize the organisation and to reduce the incidence of criminality on the part of members (with some success), and there had been a determination to avoid inter-community conflict. But some members were nevertheless engaged in serious criminal activity and although there had been a significant reduction in loyalist assaults most of those which had occurred were in our view undertaken by UDA members.

2.33 The UDA has remained divided between the mainstream and the South East Antrim faction. In the six months under review there were fewer acts of violence between the two factions than there had been in the recent past.

2.34 We believe that the leadership of the mainstream UDA still wants to make progress along the lines set out in the statement it issued in November 2007, and some within the leadership have been able to steer their followers a little further away from paramilitary activity. People have been encouraged to support the police and to rely on them to respond to crime. But the leadership is area based and not cohesive, there are some who remain opposed to significant change, and policy often seems to be more reactive than strategic. The result is that overall progress has been patchy.

2.35 We do see some signs that the challenge of the decommissioning of weapons is now being faced as it had not been hitherto and that there has been some movement towards the point where it might be possible to act. However,

because of the state of opinion in the UDA, the uncentralised nature of the leadership and their search for a quid pro quo for decommissioning, it is somewhat difficult to judge what turn events may take and when. The fact remains however that the removal of the protections of the decommissioning legislation not later than February 2010 (and potentially by autumn 2009) makes the issue an urgent one for the UDA. By that time about two years will have passed since the November 2007 statement. If decommissioning has not occurred by then, this will inevitably cast serious doubt on the significance of the statement and on the support for change which has since been voiced.

- 2.36 So far as paramilitary activity is concerned, parts of the UDA continued to recruit, though we think some of this may have been on an ad hoc and relatively informal basis. But this raises the question of what is the purpose of bringing new recruits into an organisation which is supposed to be going out of business. Some members, including at a senior level, have shown an interest in acquiring weapons. We think that this has been only on an individual basis and we do not believe that it is part of any overall leadership strategy for weapons procurement. In some instances people have been targeted for attack by members, generally because they are thought to be involved in drug-related or other crimes.
- 2.37 Notwithstanding the continued support for change and for the diversion of effort towards the development of the communities from which the UDA gains its support, some members of the UDA remained involved in other crimes. There were some reports of members undertaking sectarian attacks, for example in the Tigers Bay area of Belfast and in the Ardoyne. There were a number of paramilitary-style assaults during the period under review attributable to the UDA. We believe that some of these instances are likely to have been known to senior UDA figures. There was information about the continuation of exiling, claimed to be in response to community concerns about local drug dealing. More generally, and despite the steps some in the leadership have taken, some members remained involved in a range of other crimes, including drug dealing, loan sharking, extortion and the supply of contraband cigarettes. Some of these criminals were themselves senior figures.
- 2.38 In the six months under review the leadership in general continued to demonstrate its adherence to the notion of change and in some cases made

continued progress along that path. However the desire to move ahead is not supported by demonstrable short and long term strategic objectives, and there tends to be a focus on the priorities in individual areas rather than on those for the organisation as a whole. The lack of cohesion within the leadership and across the organisation, as well as the continued opposition of some members, continued to hamper progress. In the six months to the end of August 2009 (on which we will report in October) the decommissioning of weapons will become an increasingly urgent challenge for the leadership.

UDA – South East Antrim Group

2.39 In our Twentieth Report, for the first time, we looked separately at the South East Antrim group of the UDA. We noted that like the mainstream it was pursuing community development and had said that its members should not engage in crime. We believed this had had some impact but serious crime was still as prevalent as amongst members of the mainstream UDA. We thought the leadership might recognise the inevitability of decommissioning but said that we would judge this by results.

2.40 We have no significant incidents to report for the six months under review but note that serious crime continues to be prevalent amongst some of its members. We note the establishment of the South and East Antrim Community Federation, which is directing its efforts towards community development and the enhancement of skills, particularly among former combatants, and we record the declared intention to phase out the membership of the South East Antrim UDA group over the next eighteen months to two years. This is a significant commitment, albeit on a longer timescale than would be desirable. We believe that the decommissioning of weapons is firmly on the group's radar screen, notwithstanding the feelings of some members about the recent dissident republican murders. We will continue to assess progress by results.

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

2.41 In our Twentieth Report we said that the leadership of the UVF continued to pursue its statement of May 2007 by, for example, downsizing the organisation and reducing the incidence of criminality on the part of members, though some members continued to be involved without leadership sanction. We thought

that as an organisation the UVF was running itself down and was not involved in either preparatory or violent terrorist activity. We believed that some elements in the UVF might be moving to recognise that it must tackle the decommissioning of weapons but we saw no grounds for believing that there would be early steps actually to do so.

2.42 We believe that the strategy set out in the May 2007 statement remained in place and that the leadership continued to pursue it. The leadership is reasonably cohesive and we do not believe that there will be any major deviation from the strategy. The process of downsizing the organisation and reducing the level of criminality on the part of members continued in a worthwhile way. There was no engagement in either violent or preparatory terrorist activity. Some individuals sought to acquire weapons but we believe that this was on an ad hoc basis and without either the sanction or co-ordination of the leadership.

2.43 Sectarian attacks associated with UVF members, were at a low level, and there were a number of paramilitary-style assaults attributable to members. There were occasional indications of members targeting those they believed were engaged in crime, such as drug dealing, and in other forms of anti-social behaviour. Notwithstanding the efforts of the leadership, some members remain involved in a range of serious crimes. We believe that generally the proceeds of these crimes were for personal rather than organisational use.

2.44 Overall, the movement of the UVF towards an end point seems managed and cohesive and internal discipline looks fairly solid. The decommissioning of weapons remains the major outstanding issue. We believe that some in the leadership increasingly recognise that the UVF must tackle decommissioning, especially since the February 2010 (or possibly autumn 2009) deadline on the continuation of the decommissioning legislation which the Secretary of State has announced. It will soon be apparent whether it has become a deliverable option.

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 2008 to 28 February 2009 set against similar information for earlier six month periods.

3.2 We must again refer to the unavoidable limitations of any statistical examination of the incidence of paramilitary violence. These tables of statistics include only those acts of violence which come to the notice of the police, and, as we know well from other sources of information, not all incidents are so reported. It is not possible to quantify intimidation short of actual violence, which may also not be reported and which can have just as traumatic an impact. 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 28 February 2009 we believe that the number of *paramilitary murders* was as follows¹⁰:

	1 Sept 08- 28 Feb 09	1 Mar – 31 Aug 08	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		1								
LVF												1
ONH			1									
PIRA												
RIRA												1
UDA							2	1	1		1	1
UVF								4		2	1	
Not attributable										1		2
TOTAL	0	1	1	3	0	0	2	5	1	3	2	5

3.4 This is the third six month period we have reviewed in which there have been no paramilitary murders, and is the first such for two years. However, since 28 February dissident republicans have committed three murders. We refer to these in our comments in Section 2 above and will refer to them in our next report, due in October 2009. We are aware that a faction of RIRA has claimed

¹⁰ 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.

responsibility for the murder of Denis Donaldson in April 2006. We are as yet unable to attribute responsibility for it, but the investigation is active and ongoing.

3.5 The number of *casualties of paramilitary shootings and assaults* from 1 March 2003 to 28 February 2009 was as follows:

Shooting Casualties

Responsible Group	1 Sept 08-28 Feb 09	1 Mar – 31 Aug 08	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	2	1	1	1	2	14	36	36	37	39	69	34
Republican	7	10	6	0	8	4	2	4	7	11	19	35
TOTAL	9	11	7	1	10	18	38	40	44	50	88	69

Assault Casualties

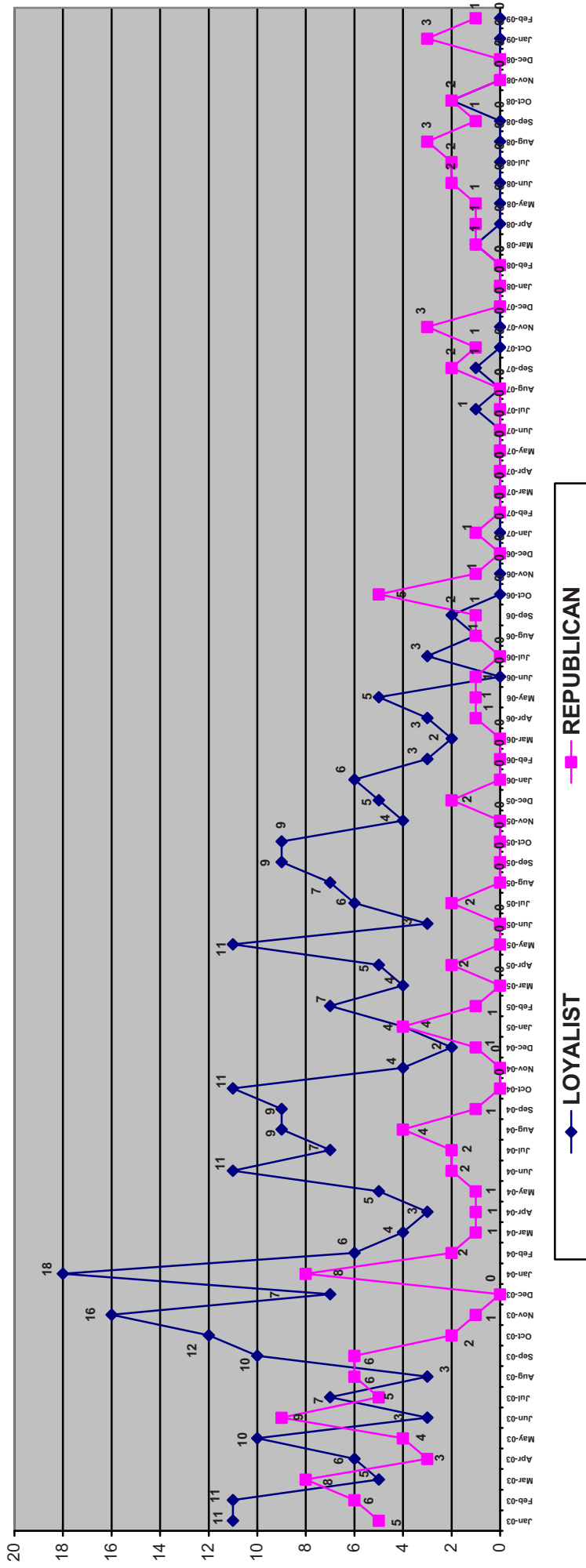
Responsible Group	1 Sept 08-28 Feb 09	1 Mar – 31 Aug 08	1 Sept 07-29 Feb 08	1 Mar-31 Aug 07	1 Sept 06-28 Feb 07	1 Mar-31 Aug 06	1 Sept 05-28 Feb 06	1 Mar-31 Aug 05	1 Sep 04-28 Feb 05	1 Mar-31 Aug 04	1 Sept 03-29 Feb 04	1 Mar-31 Aug 03
Loyalist	16	10	26	13	14	19	20	39	29	42	57	46
Republican	4	6	6	3	5	9	6	16	25	18	26	24
TOTAL	20	16	32	16	19	28	26	55	54	60	83	70

3.6 The total number of shooting casualties is slightly down on the preceding six month period and indicates two main things. First, the overall pattern has been very broadly level for eighteen months, at 7, 11 and most recently 9; this is also similar to the six months from September 2006 to February 2007, and contrasts with the wholly exceptional six months March to August 2007 when there was only one. Second, the great majority of the shootings – 7 as against 2 - were undertaken by republican paramilitaries - all dissident republicans. This echoes the pattern back to September 2006, again with the exception of March to August 2007.

3.7 The number of assault casualties has increased from 16 to 20, though this is nevertheless the third lowest for any of the six month periods we have reviewed since March 2003. In contrast to shootings, the majority of the casualties were victims of loyalist attacks; this also follows the long term pattern.

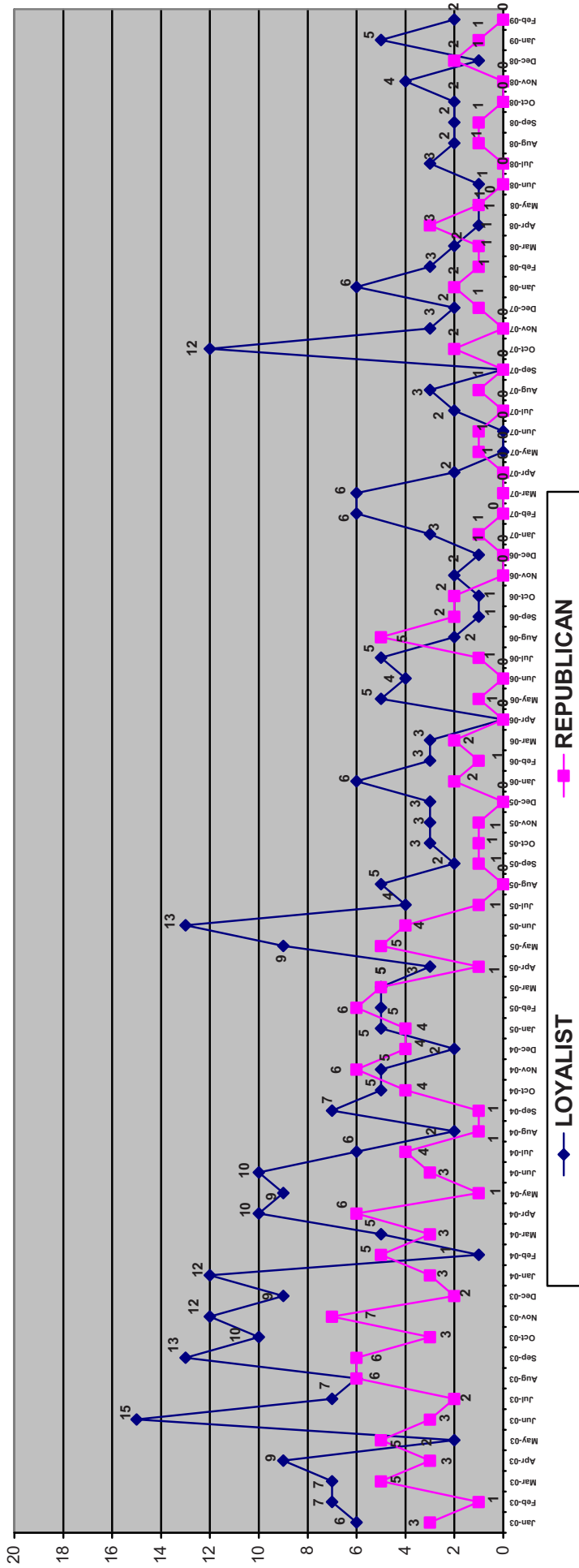
3.8 The following graphs include the monthly figures we have previously published, extended by six months to 28 February 2009.

PARAMILITARY-STYLE SHOOTINGS: NUMBER OF REPORTED CASUALTIES BETWEEN
JANUARY 2003 AND FEBRUARY 2009



TOTALS OVER THE PERIOD: LOYALIST SHOOTING CASUALTIES - 294 REPUBLICAN SHOOTING CASUALTIES - 124

PARAMILITARY-STYLE ASSAULTS : NUMBER OF REPORTED CASUALTIES BETWEEN
JANUARY 2003 AND FEBRUARY 2009



TOTALS OVER THE PERIOD: LOYALIST PARAMILITARY ASSAULTS - 344 REPUBLICAN PARAMILITARY ASSAULTS - 152

Conclusions

3.9 In recent Article 4 reports we have sounded the cautionary note that small movements in the figures result in considerable percentage changes¹¹. This is because there were few paramilitary attacks in the period under review to the end of February 2009 compared with the earlier part of the periods on which we have reported over the past five years. The conclusions we set out below illustrate the trends which we are required to monitor 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 2008 to 28 February 2009 are:

- **The number of casualties from both shootings and assaults increased from 27 to 29, an increase of 7% compared with the previous six month period. Compared with the same six month period in 2007/2008 it decreased from 39 to 29, a fall of 10, or 26%;**
- **The combined figure of shooting and assault casualties from loyalist attacks – 18 – was 7 higher than in the previous six month period. This represents an increase of 64%. Compared with the same period in 2007/2008 there was a fall of 9, or 33%. In the latest period the total was made up of 2 shooting casualties (1 in the preceding six months) and 16 assault casualties (10 in the preceding six months);**
- **The combined figure of shooting and assault casualties from republican attacks – 11 – was 5 lower than in the previous six month period. This represents a decrease of 31%. Compared with the same period in 2007/2008 there was a fall of 1, or 8%. In the latest period the total was made up of 7 shooting casualties (10 in the preceding six months) and 4 assault casualties (6 in the preceding six months);**

¹¹ IMC Fifteenth Report, April 2007, paragraph 3.9; IMC Seventeenth Report, November 2007, paragraph 3.14; IMC Eighteenth Report, May 2008, paragraph 3.9; and IMC Twentieth Report, November 2008, paragraph 3.14.

- Averaged out for all paramilitary groups, there was 1 victim every week;
- Dissident republicans caused 78% of the shooting casualties and loyalists 80% of the assault casualties;
- PIRA was not responsible for any of these incidents¹²;
- The changes may be summarised as follow:

Loyalist Groups

- Shooting casualties were up from 1 to 2 compared with the preceding six month period and with the same period in 2007/2008;
- Assault casualties were up by 60% from 10 to 16 compared with the preceding six month period and down by 38% from 26 to 16 compared with the same period in 2007/2008;

Republican Groups

- Shooting casualties were down by 30% from 10 to 7 compared with the preceding six month period and up by 17% from 6 to 7 compared with the same period in 2007/2008;
- Assault casualties were down by 33% from 6 to 4 compared with the preceding six month period and with the same period in 2007/2008.

¹² We have noted in all our reports of this type since our Eighth in February 2006 that PIRA as an organisation had not been responsible for any of the casualties of paramilitary shootings or assaults.

4. LEADERSHIP

- 4.1 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.
- 4.2 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 four years ago in the Spring of 2005¹³. 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.

Sinn Féin and PIRA

- 4.3 In our Twentieth Report we said that the position had not changed since our ad hoc Nineteenth Report in September 2008, namely that the leadership remained firmly committed to following the political path and would not in our view be diverted from it. We concluded that PIRA had completely relinquished the leadership and other structures appropriate to a time of armed conflict.
- 4.4 We remain firmly of this view. By way of further evidence, and although they relate to events outside the period under review, we think it is also right to refer to two other matters. First, the unequivocal terms in which the leadership of Sinn Féin condemned the three murders and associated injuries committed by dissident republicans in March 2009, and the way in which it urged people to give any information they had to the police. Second, the examples since then of senior figures giving leadership to the republican community as a whole to continue to move away from violence and to reject the destructive approach of the dissident groups who seek to destroy the peace process.

¹³ IMC Fifth Report, May 2005, paragraphs 1.15-1.17 and 8.9-8.10.

The PUP and the UVF

- 4.5 In our Twentieth Report we said that the leadership of the UVF remained committed to its statement of May 2007 and that it was continuing to implement it. There had been engagement with republicans, a reduction in assaults and criminal activity, and a winding down of operational structures. But decommissioning remained outstanding and we hoped it would be addressed soon. We encouraged the PUP to continue to exert a positive influence to that end.
- 4.6 We have no change to make to this assessment. There has been continuing worthwhile progress in the implementation of the strategy announced in May 2007. The leadership was successful in its efforts to prevent a violent reaction on the part of members to the recent dissident republican murders. We see this as further evidence of its wishing to play its part in maintaining peace and normalisation. Decommissioning remains the main outstanding issue, made the more urgent because of the time limit imposed on the protections afforded paramilitaries by the legislation. We believe that the leadership of the PUP fully understand the implications of this and hope it is able to persuade the leadership of the UVF of the consequences for the organisation and for individuals of the failure to deliver on decommissioning soon.

The UPRG and the UDA

- 4.7 In our Twentieth Report we said that the intentions in general on the part of the leadership of the mainstream UDA remained constructive, in that they wished to secure the development of their communities and to reduce crime and had made clear that violence was not acceptable as a means of dealing with anti-social behaviour or for any other purpose. But we pointed again to how the UDA's loose structure made progress harder. We emphasised that it was delivery which mattered, that decommissioning had to be tackled and that the leadership had to recognise that the organisation's time as a paramilitary group has passed. We also said that similar observations could be applied to the leadership of the South East Antrim break-away group.
- 4.8 The intentions of the leadership remain, as we said six months ago, constructive. We believe that it genuinely wants to make progress in changing the organisation and in channelling efforts increasingly towards community development. We note

that members did not react violently to the recent dissident republican murders. This restraint reflected the conscious exercise of leadership and a recognition of the counter-productive nature of violence. There is still much that has to be done. We remain concerned about the leadership's role in respect of exiling. It has been put to us that this may be a less serious response than physical violence against local drug dealers. We do not accept this and instead urge close dialogue between the community and the PSNI to develop strategies to deal with drug dealing and other crimes. These should at one and the same time be practicable, human rights compliant, inspire public confidence and be devoid of the threat of violence. However, the most urgent challenge is now on decommissioning, for which time is running out.

5. OTHER ISSUES

- 5.1 In our Twentieth Report we referred to the criminal justice system¹⁴. We said that as Northern Ireland became more normal so it would be important that the operation of the system was directed to its evolving needs. We drew particular attention to the arrangements for the disclosure of prosecution material in Northern Ireland as compared with those elsewhere in the UK and in Ireland and said that we would look further at the matter.
- 5.2 We were glad to learn that since then the Public Prosecution Service and the Crown Prosecution Service, together with other relevant government departments have been examining practices on disclosure in Northern Ireland and in England & Wales. We note too that one of the issues under examination is the nature and timing of engagement between the PPS and the PSNI during the course of the police investigations, on which arrangements in Northern Ireland and in England & Wales appear to differ at the moment. We are sure that comparison of this kind can serve a useful purpose and will help ensure that the operation of the criminal justice system is best fitted to serve Northern Ireland's future needs. We will continue to monitor this and other issues to do with the operation of the criminal justice system which we think bear on our remit in connection with the activities of paramilitary groups.
- 5.3 Since our Twentieth Report, legislation has been passed at Westminster to enable the devolution of policing and justice powers to the Northern Ireland Executive and Assembly, and there continue to be discussions in the Assembly to that end. The transfer of these functions, including the appointment of a local Northern Ireland Attorney General and a Minister of Justice, will be a very important development, and could be one of the final stages of the peace process.

¹⁴ IMC Twentieth report, November 2008, paragraphs 5.5 and 5.6.

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 legislation.

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

DISSIDENT REPUBLICAN ACTIVITY 2004 – 2009

1. This Annex gives a brief overview of the dissident republican activity which we have reported since our First Report in April 2004.

Origins

2. The three main dissident republican groups had very different origins, though the theme common to their emergence was disaffection with the prevailing policies or activities of the main republican organisations. In chronological order:
 - INLA was formed in 1975 as the paramilitary wing of the Irish Republican Socialist Party following the 1972 Official IRA ceasefire;
 - CIRA emerged as the military wing of Republican Sinn Féin, which had been formed in 1986 by members of the provisional republican movement disillusioned by Sinn Féin's decision to take seats in Dáil Éireann;
 - RIRA is a more recent paramilitary group, having emerged in tandem with the 32 County Sovereignty Movement formed by members of the provisional republican movement opposed to the 1997 ceasefire and the Belfast Agreement of the following year. There have for some time been two fairly autonomous factions of RIRA.

In more recent times a series of smaller splinter dissident groups have emerged.

Violence

3. We attribute dissident republican murders over the period from 1 March 2003 to the end of March 2009 as follows:
 - INLA: 2 (1 in 2007 and 1 in 2008)
 - CIRA: 3 (2 in 2007 and 1 in 2009)

- RIRA: 3 (1 in 2003 and 2 in 2009)¹⁵
- ONH: 1 (in 2008)

4. From this it is clear that dissident republican murder:

- has followed no particular pattern;
- has become significantly more frequent in the past two years – there was 1 in 2003, none between then and 2007, 3 in 2007, 2 in 2008 and 3 in 2009 to the end of March.

5. It is often not possible accurately to ascribe shootings and assaults to particular paramilitary groups so we cannot draw definite conclusions about them individually. But we can say two things. First, since the end of February 2006, from which time we have reported that following its statement of the previous year and subsequent decommissioning PIRA as an organisation was not responsible for any such incidents, dissident republicans generally have been responsible for 35 shooting casualties and 33 assault casualties. Second, the incidents fluctuated from month to month. The totals were considerably higher in 2004, 2005 and 2006 than they were in 2007 and 2008. Given the irregular occurrence of these incidents, it is too soon to draw any conclusions about 2009.

Terrorist-type Crime

6. The main dissident republican groups have been responsible for sporadic terrorist-type offences over the whole period. The main points to note are:

- INLA has throughout the period been the least active of the three main groups so far as terrorist-type activity is concerned. It is smaller and has generally focused more on non-terrorist crime; it had declared a “ceasefire” in 1998 though it was sporadically involved in violence throughout the period. It has also been a more volatile group than CIRA and RIRA, with members from a wider range of backgrounds. We have frequently concluded that we

¹⁵ It should be added that RIRA had been responsible for the worst single-event atrocity in the Troubles, the bombing at Omagh in August 1998, the year after its formation.

were doubtful of INLA's capacity to mount a sustained campaign but that it was capable of serious violence;

- At no time over the period have CIRA or RIRA shown any interest in a "ceasefire" in the sense of a declaration that they would not engage in terrorist-type activity such as attacks on the security forces or those who work with them¹⁶;
- CIRA and RIRA terrorist-type activity has fluctuated over the period since we began reporting. On a number of occasions we have reported for one or other group that there had been a lessening of activity, only to report six months later that the previous level had resumed. Both groups have experienced considerable attrition because of the successful work of the police and other law enforcement agencies North and South, and have sometimes curtailed their activities following arrests or when operations were frustrated. The periods of relatively reduced activity reflected lack of capability or tactical judgments in response to disruption by the police, not any waning of intent;
- The exception to this has been since May 2008. Over the ten months from then through to March 2009 both CIRA and the two RIRA factions were simultaneously responsible for a more concentrated period of attacks than at any time since we have reported on them. A number of these attacks were directed against PSNI officers with the intention of killing them, and culminated in the murders of March 2009. Members of the general public were also frequently imperilled. We have thus seen a serious gearing up of their activity. This is the first time over the five years of our reporting when we have discerned any clear trajectory. But we do not conclude from this that the graph will necessarily continue to rise. We believe a key to curtailing it will, as in the past, be the community response and successful law enforcement in both jurisdictions. It is too soon to assess the impact of arrests made since the murders in March 2009;
- Looking across the full range of its activities, RIRA has tended to be the more dangerous and active of the main groups;

¹⁶ This has included institutions associated with the peace process such as District Policing Partnerships.

- Both CIRA and RIRA have continued throughout the period to try to enhance their capability, for example through recruitment, training and the attempted procurement of weapons. Some of these efforts have been successful, others not. At no time have we reported that we were aware of very significant and lasting changes in CIRA's or RIRA's capability as a result of their efforts. A number of the successful police operations, including some overseas, have been directed against activities of this kind;
- Over the period there has been occasional discussion about trying to achieve greater cohesion between all the dissident republican groups but this has not led to any material strategic co-operation. Individual members have however sometimes co-operated with those from other organisations, often on a local and personal basis.

Other crime

7. Throughout the period since March 2003 members of all the dissident republican groups have been heavily engaged in a range of other forms of crime. They have tended to be mainly drug dealing, robbery (including "tiger" kidnapping), extortion and offences to defraud the UK and Irish Exchequers through smuggling and fuel laundering.

Law Enforcement

8. Had it not been for the successes of law enforcement and partner agencies North and South there would have been more dissident republican activity.



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