



Thirteenth 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
January 2007*



Thirteenth 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
January 2007*

© Crown Copyright 2007

The text in this document (excluding the Royal Arms and departmental logos) may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document specified.

Any enquiries relating to the copyright in this document should be addressed to The Licensing Division, HMSO, St Clements House, 2-16 Colegate, Norwich, NR3 1BQ.
Fax: 01603 723000 or e-mail: licensing@cabinet-office.x.gsi.gov.uk

CONTENTS

1. Introduction
2. Paramilitary Groups: Assessment of Current Activities
3. Paramilitary Groups: The Incidence of Violence and Exiling
4. Leadership

ANNEXES

- I Articles 4 and 7 of the International Agreement
- II The IMC's Guiding Principles

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 Our reports under these provisions are normally at six monthly intervals, and our last such was in October 2006². Following the St Andrews Agreement of 13 October 2006 and subsequent developments the British and Irish Governments have asked us to produce a further report at this time³. We expect to deliver our next one in April 2007. This means that the present report comes at the halfway point in the usual six-monthly cycle and follows the precedent of twelve months ago when the two Governments asked for an extra report in the early New Year⁴.
- 1.3 In line with Article 4, this report covers the activities of all paramilitary groups, not just PIRA, although we recognise that it is PIRA which is likely to be the main focus of attention in present circumstances⁵.
- 1.4 Two things have been central to our work since we started:
- First, we are guided here, as we have been throughout, by the objective of the Commission which is set out in Article 3 of the International Agreement:

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

² IMC Twelfth Report, October 2006.

³ The timetable in the St Andrews Agreement specified that, if the necessary conditions were met and the early stages of the proposals were implemented, there would be an IMC report on paramilitary activity in January 2007.

⁴ IMC Eighth Report, February 2006.

⁵ We have produced two kinds of reports on paramilitary activities under Article 4. Of the 9 hitherto, 7 have covered the activities of all groups. The two others were ad hoc ones on particular events, produced at our initiative. The first category consisted of our First (April 2004), Third (November 2004), Fifth (May 2005), Seventh (October 2005), Eighth (February 2006), Tenth (April 2006) and Twelfth Reports (October 2006). The second category consisted of our Fourth and Sixth Reports (February and September 2005, dealing respectively with the Northern Bank Robbery and the UVF/LVF feud).

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 democratic government which we published in March 2004, and which we set out in Annex II.

1.5 Two other things are also relevant to all our Article 4 reports:

- We believe we are fair and thorough in our analysis and in our collection of information, and careful in the assessments we make. We have explained at some length before how we go about our work⁶. We continue to approach it in the same way, always seeking to improve our methods by building on the experience of successive reports and learning from the debate to which they give rise;
- We think it is worth re-emphasising that these reports contain our own assessments of the matters within our remit. We present them to the British and Irish Governments, who publish them. Their subsequent standing depends on the conviction they carry. They are not, and cannot be, statements of official policy, which is not for us. In so far as they make recommendations – this one does not – it is for the Governments to decide whether or not to act on them.

1.6 We are examining the statement issued by the Police Ombudsman for Northern Ireland on 22 January 2007 about the murder of Raymond

⁶ IMC Fifth Report, May 2005, paragraphs 1.9-1.13.

McCord Junior and related matters and have noted her conclusions⁷. In our Third Report in November 2004 we said:

“If there was current collusion of a kind which was material to the present activities of paramilitary groups, we would consider it within our remit. The term collusion is used in a number of different senses. One means active illegal co-operation between public agencies and criminals, specifically paramilitaries in this context. As Judge Cory said, this collusion includes turning a blind eye to or ignoring wrongful acts. The term is also used to cover co-operation by rogue elements within official agencies. Corruption can also be a form of collusion⁸.”

The Ombudsman’s statement covers 1991-2003, before the establishment of the IMC on 7 January 2004. We are considering any implications her report may have for our remit to monitor the continuing activities of paramilitary groups.

⁷ Statement by the Police Ombudsman for Northern Ireland on her investigation into the circumstances surrounding the death of Raymond McCord Junior, and related matters, 22 January 2007.

⁸ IMC Third Report, November 2004, page 41.

2. PARAMILITARY GROUPS: ASSESSMENT OF CURRENT ACTIVITIES

- 2.1 We give below our assessment of the current activities and state of preparedness of paramilitary groups, focusing on the three months 1 September to 30 November 2006⁹.
- 2.2 We have produced this report following the request which the British and Irish Governments made as a consequence of the St Andrews Agreement of October 2006. It follows only three months after our last one, and we will deliver our next one three months hence, in April 2007.

Dissident Republicans Generally

- 2.3 In our last report we referred to some activities which we were satisfied were undertaken by dissident republicans but which we could not attribute to a particular group. We believed that dissidents had undertaken an attempted attack with a viable explosive device on a PSNI station and had been responsible for another such device found in County Louth. They had been responsible for a number of sectarian attacks, including violence against loyalist parades and in one instance arson. We also said that the relatively new dissident grouping *Óglaigh na hÉireann* (ONH) had remained active, seeking to recruit and to obtain weapons and being responsible for a number of bomb hoaxes.
- 2.4 In the three months under review dissident republicans have undertaken assaults (some of them sectarian), have targeted police officers and have gathered intelligence on drug dealers but we are unable to attribute these activities to a particular organisation. We also believe that dissidents from South Derry have held a training camp.

⁹ Our succession of Article 4 reports – which we list in footnote 5 attached to paragraph 1.3 above – gives a comprehensive account of our views over the whole period of our existence. Our First Report in April 2004 additionally gave an account of the origins of the groups and of their structures at that time. In our Twelfth Report we also included a separate comparative analysis of paramilitary activities and leadership in late 2003 and those three years later – see Section 5.

2.5 ONH has become more dangerously active. We believe it was responsible for two pipe-bomb attacks against PSNI officers and premises in September and November and for a bomb which failed to detonate at a travellers' site in Coalisland in November 2006. These are the first explosive devices that ONH has deployed. Members of ONH undertook a "tiger" kidnapping in October, we think largely for personal gain. ONH continued its attempts to recruit disaffected republicans, in which it had little success, and it was responsible for bomb hoaxes, of which three were discovered in the Castlerock area in September.

Continuity Irish Republican Army (CIRA)

2.6 In our previous report we said that CIRA had continued to be active. It had undertaken sectarian attacks and members had been involved in a shooting, exiling and bomb hoaxes. They were also engaged in other crime, including burglary designed to acquire weapons. Some had been arrested in possession of components of an explosive device. CIRA had continued efforts to sustain itself as an organisation through recruitment, training members in engineering and firearms, and the procurement and development of munitions. It gathered information on serving and former members of the security forces and its members monitored police officers and stations to assess the potential for attack. We concluded that CIRA was still committed to terrorism and that it remained an active and dangerous threat although not a widespread one. We believed that it would undertake acts of violence if it was able to do so and judged them to be in its interests.

2.7 The position in the period under review was broadly similar. CIRA was responsible for a number of paramilitary incidents. We think that it fired shots at Keady PSNI station in November. It was responsible for two shootings (and probably also a third), for one assault and for issuing threats against a number of people, although one of the shootings and the threats

were not in our view sanctioned by the leadership¹⁰. Members of the organisation also continued to engage in other criminal activity. CIRA continued to seek to sustain its paramilitary capability through efforts to recruit and to procure weapons, by training members in the use of firearms, and by developing and test-firing explosives. Our overall assessment does not change.

Irish National Liberation Army (INLA)

2.8 In our previous report we concluded that INLA's level of activity remained low. We believed it was not capable of undertaking a sustained campaign and that because of its "no first strike" policy it did not aspire to. Members of INLA had undertaken shootings and assaults against some people they believed to be acting anti-socially. The organisation was responsible for an arson attack and for forcing people to leave their homes. It raised funds from the smuggling and distribution of tobacco, was involved in drug dealing, and had demanded protection money. Overall, we concluded, as we had in earlier reports, that notwithstanding the low level of activity there remained a threat that it might become more active than it had been in the recent past.

2.9 The position is not materially different as regards either terrorist or other criminal activity in the period under review. We believe INLA was responsible for two shootings, in September and November 2006, two assaults, both in October, and for exiling some people from Strabane in October. Overall, our assessment remains the same.

Loyalist Volunteer Force (LVF)

2.10 In our previous report we noted that there had been no material change in the nature and level of activity of the LVF over the six months under review. The organisation was very small compared to other paramilitary groups, it

¹⁰ We deal in paragraph 2.23 below with some claims that CIRA made about other paramilitary activity.

was fragmented, and its activities of a paramilitary kind were limited. It had been involved in a campaign of intimidation against a Catholic family and some threats were attributable to it, but we were aware of no shootings or assaults for which it was responsible. But it was heavily engaged in organised crime, especially major drug dealing, and we believed that the perpetrators kept the majority of the proceeds for themselves.

2.11 In the light of statements to the effect that it had ceased to function as a paramilitary organisation we addressed the question of the nature of the LVF. Although it had no coherent political purpose and was primarily a criminal concern we concluded that it did exist as a paramilitary organisation. We recognised that some senior figures had dissociated themselves from criminal activity, though others from within the leadership remained involved in it. We also welcomed the involvement of some associated with the LVF in community development work, under the title of the Ulster Community Network.

2.12 The position has not materially changed over the period under review. They have not decommissioned weapons. So far as paramilitary activities are concerned, we are aware of two incidents. First, of the loyalist paramilitary assaults which it is possible to attribute to a particular organisation we believe that one, in October 2006, was the responsibility of the LVF. Second, we believe that people using the LVF name were responsible for intimidating an individual with UDA connections. Both these incidents were in Antrim where there has been a feud between people operating under the name of the LVF and the UDA. So far as other criminal activity is concerned, people using the organisation's name remain heavily involved, including in drug dealing and money laundering. It is likely that the proceeds were mainly for personal gain although the LVF still raises organisational funds from drug dealing and some senior figures are heavily involved in it, including in some instances with members from whom they dissociate themselves publicly. Some people who were associated with the organisation claim it no longer exists and that those taking its name should be considered only as criminals; they have let it be known that the Antrim

incidents were nothing to do with the LVF. However others claim to represent the organisation. At present we have no grounds for changing our previous assessment that the LVF can be said to exist as a paramilitary organisation, and we think that our previous description is still apt – primarily a criminal concern which in our view does not have any coherent political purpose.

Provisional Irish Republican Army (PIRA)

2.13 In our previous report we said that we remained of the opinion that the PIRA leadership had committed itself to following the political path and that we had seen further evidence to support this. We described our overall view as positive, the developments over the six months having been in the right direction. In support of this we noted the disbandment of paramilitary structures; the continuation of instructions to members not to use physical force; the leadership's maintenance of a firm stance against the involvement of members in criminality; and the key and personal role played by senior members to secure a peaceful parades season. We also said that PIRA had not engaged in terrorist-type activity such as recruitment, training, targeting, the procurement of weapons, engineering activity or intelligence gathering. Nor in our view had there been any organisational involvement in robbery or other such organised crime.

2.14 The firm stance the leadership had taken against the use of force, and its eschewing of terrorist and other forms of crime, had not prevented some members from being involved in violence or threats, or in other crimes for personal gain. But we were satisfied these individual activities were contrary to the express injunctions of the leadership. How the organisation was handling the question of previously illegally obtained funds was not entirely clear to us. We noted that these were being pursued by the law enforcement agencies North and South and that in a number of instances vigorous steps had been taken.

2.15 The overall picture was in our view therefore clear, both so far as the nature of PIRA's strategy of following a political path was concerned and in terms of its firm implementation. We did not think that such differences of view as there were within the organisation would divert the leadership from implementing this strategy.

2.16 There have been a number of developments in the three months under review. Taking the main issues in turn:

- *Terrorist activity* - PIRA has not been involved either in incidents (such as attacks on the security forces) or preparatory acts (such as recruitment, training, weapons procurement and development, or targeting). The disbandment of paramilitary structures to which we referred last time and the absence of activity means that the deterioration of terrorist capability continues. Some members who had shown an interest in acquiring small arms for their own purposes appear not to have followed their inclinations through; to do so would have been in clear contravention of instructions. A number of PIRA members have taken up political roles in Sinn Féin in furtherance of the commitment to follow the political path;
- *Shootings and assaults* – We are satisfied that PIRA has not been responsible for either. This is despite some community pressure to allow violent measures against those thought to be acting anti-socially;
- *Intelligence gathering* - It remains our view that PIRA is not gathering intelligence for paramilitary or other unlawful purposes. It does gather information to support its political strategy and it continues to receive information from sympathisers. Within communities members are sometimes involved in gathering information about alleged criminal or anti-social behaviour but there is no indication that such information is then used for violent or other improper purposes. The organisation continues to gather

information about suspected informers or dissidents, but again there is no indication that it has been used to support illegal activity;

- *Sectarian violence or intimidation* - We do not believe that PIRA has been engaged in any such activity;
- *Other forms of crime* – PIRA as an organisation continues not to be involved and there are indications that in response to the leadership the involvement of individual members has declined. Nevertheless, some continue to be engaged in crime, including offences such as smuggling, fuel laundering and tax evasion. Such activity is now contrary to the policy of the organisation;
- *Exiling* - We do not think that PIRA has been involved. Its approach has significantly changed for the better in the past few months. While the organisation has not positively invited people to return to Northern Ireland some have recently done so and we believe that PIRA has neither directed nor sanctioned reprisals in such circumstances;
- *Fund raising* – There is no indication that PIRA is using criminal methods to raise funds, although it continues to seek and receive contributions towards wider social, political and cultural activities through lawful means. As before, we are unable to assess how it is handling the question of previously illegally gained funds. However the law enforcement agencies North and South continue actively to pursue such assets.

2.17 The directions from the PIRA leadership to members have remained clear and consistent. Terrorism and violence have been abandoned. Members have been instructed not be involved in paramilitary activities such as weapons procurement, in criminality or in the use of force. The organisation had already moved a very long way, and it has continued to

move in the same direction in the three months under review. Instructions from the leadership of this kind reflect the continuing commitment to the strategy of following a political path to which we referred in our previous report and which we are fully satisfied remains firmly in place.

- 2.18 The decision of the Ard Fheis held on 28 January 2007 to support policing and the criminal justice system was a very major development. That decision and the efforts invested by the leadership of the republican movement in presenting the arguments in favour of the change were further substantial evidence of their commitment to the democratic process. We deal more fully with the Ard Fheis and the issue of policing in paragraphs 4.4-4.6 below.
- 2.19 Opposing opinions on the issue of policing became more widely expressed within the movement in the months under review and significant leadership effort was made to sustain the momentum of the strategy. The expression of differences of opinion is of itself a healthy part of the democratic process and these disagreements have been articulated by political rather than violent means. Some people left the movement but we have no reason to believe that they were threatened with violence. In addition to the two groupings we previously mentioned – *éirígí* and the so-called Republican Defence Army – a new loose-knit one emerged calling itself both Republican Congress and Concerned Republicans, which has focussed particularly on the issue of policing. The leadership engaged in dialogue with this grouping, as it did with the movement generally in advance of the Ard Fheis.
- 2.20 As regards the use of violence or intimidation, we are clear that the organisation has eschewed the use of violence, as we have said in successive reports and repeat above, and its activities have not been either for the purpose of or led to violence. In some cases members or the wider community have expressed strong views about those believed to be responsible for anti-social behaviour or other low-level crime, but PIRA has not responded by using violence. However there have been incidents when

members, acting independently, have either threatened or used violence against such people; in some instances this has arisen in confrontations with local troublemakers.

2.21 Our overall view therefore remains positive, as it was when we reported three months ago. The strategy of pursuing the political path is clear, as in our view is the commitment of the leadership to it. We have seen additional evidence of the trends we noted before, including the continuing efforts of the leadership to ensure its successful implementation of the strategy. We have also seen evidence of its further consolidation, most notably the decision to support policing and the criminal justice system.

Real Irish Republican Army (RIRA)

2.22 In our previous report we reported a number of violent incidents in which RIRA members had been involved. They included an attack on a police vehicle, at least one assault, incendiary devices which caused extensive damage and viable devices which failed to explode. RIRA had also given a number of hoax alerts. We said that in our view this represented an escalation in RIRA activity, which had been at a relatively low level for a year and a half. We also noted that RIRA members had been involved in other criminal activity including the intimidation of Protestants and foreign workers, extortion, robbery and assault. Finally, we reported that RIRA continued to seek to sustain itself as an organisation through recruitment, the gathering of information, monitoring people as potential targets and efforts to procure and develop weapons.

2.23 This heightened level of RIRA activity has continued in the three months under review and both factions of the organisation have shown increased determination. Incendiary devices were targeted against six DIY stores and two other shops in different parts of Northern Ireland on several days during October and November. There were also two bomb hoaxes in Newry in the middle of November. We believe that RIRA was responsible for these incidents despite some claims of responsibility by CIRA. We attribute one

shooting to RIRA. In addition – slightly outside the period we are reviewing but significant – was the mortar attack on Craigavon police station in December. This amounts to the highest level of sustained paramilitary activity since RIRA's incendiary campaign in the winter of 2004-05. The position is broadly unchanged both as regards RIRA seeking to sustain itself as an organisation (through efforts to recruit and train members, monitor potential targets, gather intelligence and attempt to procure weapons), and as regards criminal activity by members. We think that the organisation continues to aspire to mount an attack in Great Britain. We note that the continuing efforts of the law enforcement agencies North and South against RIRA have brought a number of successes. Overall, our assessment is as it was in our previous report, namely that RIRA remains active and dangerous and seeks to sustain itself as a terrorist organisation.

Ulster Defence Association (UDA)

2.24 In our previous report we described the picture of UDA activity as mixed. We believed that people connected with the UDA were likely to have been responsible for one murder, though we had no indication that it was sanctioned. Members were responsible for sectarian attacks, including serious ones, had continued to undertake shootings and assaults, and had monitored the activities of dissident republicans. Members were also involved in a wide variety of serious crime including drugs dealing, the sale of counterfeit goods, robbery and extortion. The UDA also continued its efforts to sustain itself as an organisation: some units recruited members; some sought to obtain weapons¹¹.

2.25 There were some encouraging signs. We said we thought that some leading members genuinely wanted to steer the organisation away from crime and that they had had mixed success. The expulsion of some North Belfast members and the subsequent avoidance of bloodshed were

¹¹ A question has been raised with us about the attribution to members of the UDA which we made in our previous report of those who attacked Paul McCauley in Derry (IMC Twelfth Report, October 2006, paragraph 2.30). Because a person has been charged with the offence we are inhibited in what we can now say. We hope to be able to return to the matter in a later report.

important and senior figures made efforts to ensure that members did not engage in violence during the parades season. In some areas there had been a reduction in drug dealing though other crimes might have taken their place.

2.26 The picture in the three months under review showed some improvement. However UDA members committed acts of violence, attacking PSNI officers in Newtownabbey in October 2006 and foreign nationals in Antrim, and attempting to force other foreign nationals from their homes. One attack on a foreign national involved the petrol bombing of his home. A senior member sanctioned sectarian attacks in Larne and there were others in Castlederg. Of the loyalist shootings and assaults which we are able to attribute to a particular paramilitary organisation, UDA members were responsible for the majority; we think that many reflect either internal friction or are directed against those believed to be behaving anti-socially and we note that senior UDA figures continue to brief members not to undertake such attacks. Members continue to be heavily involved in other forms of crime, including drug dealing, although some leading figures are continuing their efforts to reduce the level of criminality in the organisation. The position on maintaining the capability of the organisation is essentially as before, with some local units recruiting (despite senior figures talking of plans to cease doing so) or aspiring to acquire weapons (though there is no organisational strategy for this). We think that the UDA has decided against early decommissioning.

2.27 There are some encouraging indications. We note that some senior figures continue to steer the organisation towards involvement in community development, democratic politics and the avoidance of sectarian conflict. For example, members have been threatened with expulsion if they do not desist from crime. We also note that there is now a code of conduct covering members' behaviour. The impact of efforts such as these is greater in some places than others and in respect of some activities than of others. Overall we believe the UDA has moved a little way in a more positive direction, but the pace of movement has been too slow.

*Ulster Volunteer Force (UVF) and Red Hand Commando (RHC)*¹²

- 2.28 In our previous report we said that the UVF had remained involved in violence. Members of the organisation were in our opinion responsible for one murder (which was not sanctioned by the leadership) and for two attempted murders (of which one was sanctioned). They were also involved in shootings, assaults and threats and in sectarian incidents. Criminality remained prevalent in the organisation, including robbery, extortion, smuggling, the sale and distribution of counterfeit goods and loan sharking.
- 2.29 On a more encouraging note we reported that there were signs of some people continuing their efforts to tackle criminality in the organisation and to reduce its capacity. Senior UVF figures had acted to prevent members engaging in violence during the parades season and we noted the development of a new code of conduct for members, efforts to scale down recruitment and briefings about the intention to downsize the organisation and about moving away from criminality.
- 2.30 As regards paramilitary activity in the three months under review, there has been less violence. We are aware of no shootings and of two assaults for which the organisation was responsible; this is less than hitherto. In South Derry, on a local basis, senior members have sanctioned sectarian attacks against buildings and symbols associated with republicans. Members have also been involved in the intimidation of foreign nationals (in one case involving an explosive device) and in both protests and threats against a hostel where some sex offenders had been placed. There has been no very major change in the involvement of members of the organisation in other forms of crime, but we do believe that there are indications of some reduction in the level of drug dealing by members. Nor has there been

¹² We refer in paragraph 1.6 above to the recent statement by the Police Ombudsman for Northern Ireland on her investigation into the circumstances surrounding the death of Raymond McCord Junior.

material change as regards the maintenance of paramilitary capability. We think that the organisation has decided against early decommissioning. Some individual units have recruited members. We believe that the leadership has sought to enhance its ability to gather intelligence on dissident republicans and on other loyalist paramilitary organisations. We think the organisation seeks to retain small paramilitary teams on the pretext of enabling it to respond if necessary to future attack by republicans.

2.31 These events have occurred despite instructions to members to desist from crime and some expulsions in cases where this has not happened. We do not believe there have been sanctioned attempts to acquire or develop weapons (though individual members may have sought to acquire them without sanction) and there are no plans to do so. There is considerable discussion of possible future restructuring, downsizing and re-orientation of the organisation. We recognise therefore that some in the leadership are trying to guide the UVF towards reducing criminality, engaging more positively in the development of their communities and avoiding sectarian conflict. But the impact of these efforts remains mixed and limited and the pace of movement has been slow.

3. PARAMILITARY GROUPS: THE INCIDENCE OF VIOLENCE AND EXILING

3.1 Article 4 requires us to monitor trends. In this Section we follow the approach we adopted on the previous occasion when the British and Irish Governments asked us to produce an additional report on paramilitary activities three months after the previous one¹³. Because we are reporting on three rather than on six months, upon which it is harder to draw firm conclusions about trends, we:

- set out below the data for 1 September to 30 November 2006 alongside that for the six month periods we have previously examined;
- draw brief conclusions at the end of the Section, but do not include an analysis of percentage changes because of the small numbers involved;
- will give that full analysis for the six months 1 September 2006 to 28 February 2007 when we next report in April 2007.

3.2 What we have said in every report of this kind about the unavoidable limitations of any statistical analysis of the incidence of paramilitary violence remains just as important now. We know that we cannot report in the statistics those acts of violence which do not come to the notice of the police. Nor can we quantify intimidation short of violence. And any statistics must of their nature fail to capture the trauma inflicted on victims and their families – an issue which concerns us greatly and to which we will return.

¹³ IMC Eighth Report, February 2006, Section 4.

3.3 Over the period from 1 March 2003 to 30 November 2006 we believe that the number of *paramilitary murders* was as follows¹⁴:

	1 Sept – 30 Nov 06	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								
INLA								
LVF								1
PIRA								
RIRA								1
UDA			2	1	1		1	1
UVF				4		2	1	
Not attributable						1		2
TOTAL	0	0	2	5	1	3	2	5

3.4 Our previous report was the first occasion on which we were able to say that no sanctioned paramilitary murders had taken place in the six months under review. Nor were there any in the 3 months now being reported on, 1 September to 30 November 2006. We remain unable to attribute responsibility for the murder of Denis Donaldson in County Donegal in April 2006.

3.5 The number of *casualties of paramilitary shootings and assaults* in the 3 months from 1 September to 30 November 2006 was as follows:

Shooting Casualties

Responsible Group	1 Sept- 30 Nov 06	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	14	36	36	37	39	69	34
Republican	7	4	2	4	7	11	19	35
TOTAL	9	18	38	40	44	50	88	69

¹⁴ In successive earlier reports we have included extensive annotations to the following table, for example indicating why we had not included particular murders. The most recent were on page 18 of our Twelfth Report. We do not think it is necessary to continue to do this and we refer readers to those earlier reports for the full details.

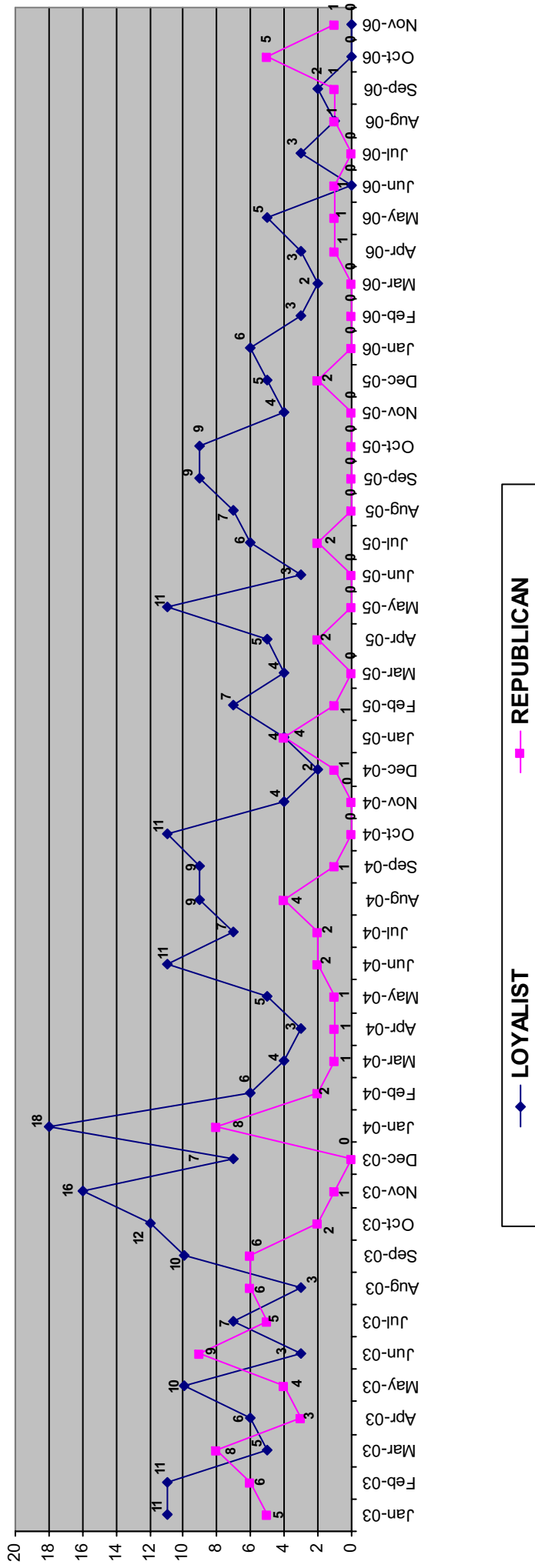
Assault Casualties

Responsible Group	1 Sept-30 Nov 06	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	4	19	20	39	29	42	57	46
Republican	4	9	6	16	25	18	26	24
TOTAL	8	28	26	55	54	60	83	70

3.6 The number of shootings by loyalist paramilitary groups has continued to decline sharply, even allowing for the fact that the period under review is half the usual length. For the first time since 1 March 2003 – the starting date for our analysis – there have been fewer victims of loyalist shootings than of republican in the months in question. The rate of victims of republican shootings was higher (7 in 3 months as compared with 4 in 6 months), whereas the rate for victims of republican assaults continued about the same (4 in 3 months compared with 9 in 6 months). The incidence of loyalist assaults is also lower. PIRA was not responsible for any incidents of shooting or assault; all other loyalist and republican paramilitary groups were responsible for at least one.

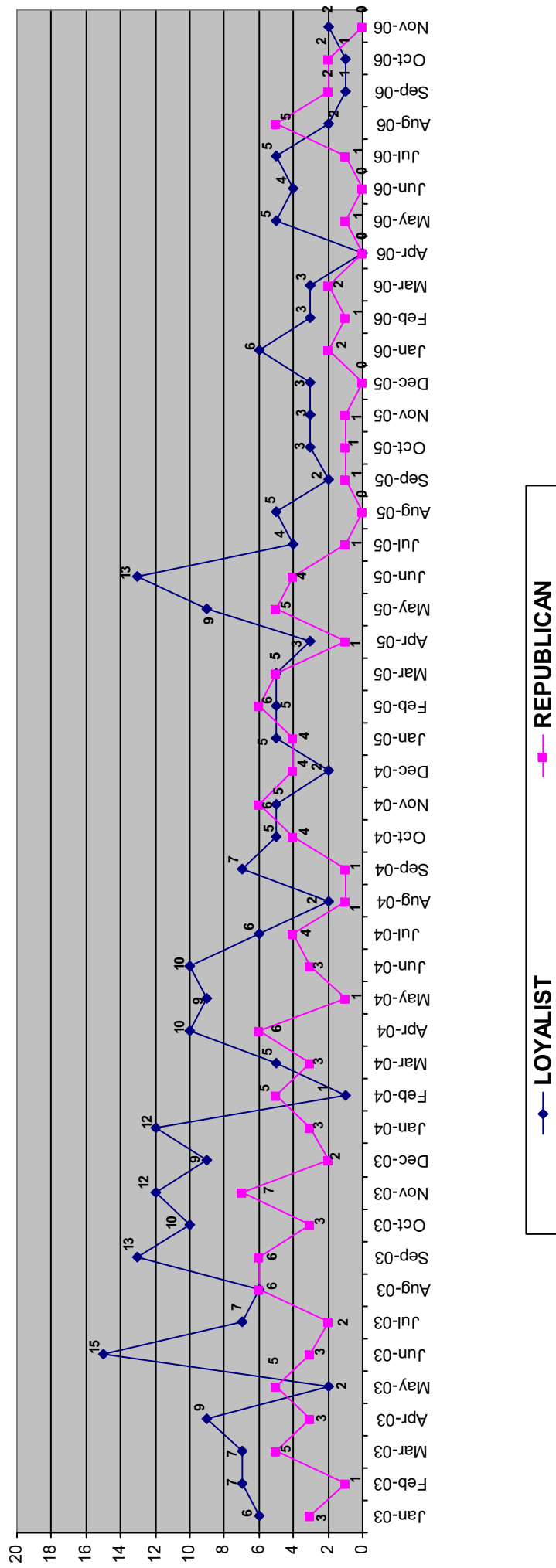
3.7 The following graphs include the monthly figures we have previously published, extended by 3 months from 1 September to 30 November 2006.

**PARAMILITARY-STYLE SHOOTINGS: NUMBER OF REPORTED CASUALTIES BETWEEN
JANUARY 2003 TO NOVEMBER 2006**



TOTALS OVER THE PERIOD: Loyalist Shooting Casualties - 289 Republican Shooting Casualties - 100

**PARAMILITARY-STYLE ASSAULTS : NUMBER OF REPORTED CASUALTIES BETWEEN
JANUARY 2003 TO NOVEMBER 2006**



TOTALS OVER THE PERIOD: LOYALIST PARAMILITARY-STYLE ASSAULTS – 269 REPUBLICAN PARAMILITARY-STYLE ASSAULTS - 132

Conclusions

3.8 We say above that we think it would be better to undertake our usual analysis of the percentage changes in the incidence of violence on a full 6 month period. We will include it in our report in April 2007 for the 6 month period 1 September 2006 to 28 February 2007. We do however note that in the 3 months under review here, 1 September to 30 November 2006:

- There were no paramilitary murders;
- The number of victims of loyalist paramilitary shooting continued to decline sharply and for the first time since 1 March 2003 there were fewer than of republican shootings;
- The overall rate of shootings was about the same, because of an increase on the part of republicans;
- There was a lower incidence of loyalist assaults;
- PIRA was not responsible for any incidents of shooting or assault. All the other loyalist and republican paramilitary groups were responsible for at least one.

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 In our Fifth Report in May 2005 we enunciated standards which we believed should be observed by people in positions of leadership in political parties and groupings associated with paramilitary groups¹⁵. Those standards, to which we continue to hold, state that they should articulate their opposition to all forms of illegality, should exert their influence against members of paramilitary groups who have not given up crime, and should give clear support to the criminal justice system.
- 4.3 These standards are relevant to Sinn Féin in respect of PIRA, the Progressive Unionist Party (PUP) in respect of the UVF, and the Ulster Political Research Group (UPRG) in respect of the UDA.

Sinn Féin and PIRA

- 4.4 In our Fifth Report in May 2005 we said that if Mr Gerry Adams was able to develop and deliver on the issues set out in his statement of April that year he would have demonstrated leadership of a high order¹⁶. In our previous report we set out the steps subsequently taken by Sinn Féin and PIRA to follow a political path, particularly the PIRA statement of 28 July and the decommissioning reported by the IICD on 26 September that year. We also said then that we were firmly of the view that PIRA was set on a political path and that the leadership of the republican movement as a whole was implementing the strategy. We noted too that in the period since Mr Adams's statement Sinn Féin had delivered on the intent set out in it and had shown clear leadership on ending criminality. We concluded that Mr Adams's statement continued to be built upon.

¹⁵ IMC Fifth Report, May 2005, paragraphs 8.9-8.10.

¹⁶ IMC Fifth Report, May 2005, paragraph 8.13.

- 4.5 The position has developed very significantly since our last report. The decision taken by the Sinn Féin Ard Fheis on 28 January 2007 was a major step forward, reached because of the commitment and efforts of the Sinn Féin leadership. The motion proposed by the leadership and passed spoke of the commitment of Sinn Féin to: justice and law and order; support for the PSNI and the Criminal Justice System; authorising representatives to participate in local policing structures; and holding the police and justice system to democratic account, including in the Northern Ireland Assembly. It also spoke of actively encouraging everyone in the community to co-operate fully with the police services in tackling crime in all areas and actively supporting all the criminal justice institutions. It mandated appointment of Sinn Féin representatives to the Policing Board and District Policing Partnerships and authorised Sinn Féin ministers to take the ministerial pledge of office. In this way it contained all the necessary elements of support for policing and criminal justice set out in the St Andrews Agreement of October 2006.
- 4.6 More generally, we are clear that the leadership of Sinn Féin and the republican movement as a whole remains firm in its commitment to the political strategy and continues to give appropriate instructions to the membership of the movement. The existence of some opposing opinions on policing and criminal justice which were expressed and debated at the Ard Fheis and at earlier public meetings has neither weakened nor diverted the leadership.

The PUP and the UVF

- 4.7 In our previous report we drew attention to the efforts of senior people in and associated with the UVF to tackle criminality in the organisation. We also said that we thought senior UVF figures had acted to prevent members from engaging in violence during the parades season. We noted that internal consultation appeared to have led to a new code of conduct for members and we referred to instructions to units to scale down recruitment. We reported that units had been briefed to move away from criminality (with

units which persisted being threatened with expulsion) and that they had also been told the leadership intended to downsize the organisation. Finally, we noted the emphasis placed on community development.

4.8 These moves were all welcome and were a sign of progress. We recognised that changes of this kind would be difficult and complicated. But they had not prevented members of the organisation from undertaking a significant level of violent and other crime. And we described as “unfortunate” the UVF’s statement in April 2006 that it would not make any announcement about its future until after the deadline for political developments in the Northern Ireland Assembly on 24 November.

4.9 The questions for this report are whether these moves have had a further impact and whether there has been other progress in the same direction. We know that a number of people associated with the organisation advocate the need for change, and there appears to be recognition that PIRA does not now represent a real threat. The code of conduct is in place and people can be liable to expulsion from the UVF for breaches of it. A protocol has been issued to facilitate communication with representatives of republican communities - recognition that inter-community conflict and friction is counterproductive for all. We also note the continuation over these three months of signs of the kind we reported before, for example, the leadership has continued to brief on the need to downsize the organisation. We believe that the PUP and some others associated with the UVF are committed to leading change, and that they will continue to do so. We are aware of the development of strategic thinking for the future when the organisation might be restructured and reformed but we have seen no evidence of the pace accelerating over the three months under review. The account of UVF activity we give in paragraphs 2.30 and 2.31 above shows that there is still a very long way to go. To maintain the credibility and momentum of the process of change these positive developments need to start moving more speedily and visibly.

The UPRG and the UDA

- 4.10 In our previous report we noted that there was a genuine desire on the part of some leading members of the UDA to steer the organisation away from crime and that in the six months then under review there had, for the first time, been some impact, albeit limited. We drew attention to how senior figures had successfully restrained members from violence following the expulsion of members of the North Belfast Brigade. There had been some reduction in drug dealing in certain areas, though other crimes might have taken its place, and senior members made efforts to ensure that other members did not engage in violence during the parades season.
- 4.11 We also drew attention to the work of the UPRG in support of community development and to its acknowledgement that paramilitary activity was harming the communities from which the UDA traditionally drew support. We recorded the UPRG's view that inter-communal violence must stop. We recognised that changes of this kind were bound to be difficult and we commended those giving the lead.
- 4.12 We have examined whether during the three months presently under review these developments have had further impact on the ground and whether there have been other ones of the same kind. We have found similar continuing leadership, of which we give some examples in paragraphs 2.26 and 2.27 above; this is despite occasions on which some senior members have been involved in or supported criminality. There have been some expulsions from the UDA for unacceptable conduct. We welcome moves to stop the use of military-style dress and are persuaded that amongst the leadership there are some who recognise that criminality (particularly drug use and dealing) has to be reduced and that there can be no turning back to more violent times. The UPRG continues its initiatives in support of community development. However, the pace of all these various efforts is steady rather than urgent. There are said to be loyalist concerns about the threat from dissident republicans and it has been put to us that until there is more assurance of political stability this pace is not likely to

change. However, despite the personal commitment on the part of people directly involved and the progress that has been made, there is still a very long way to go, as paragraphs 2.26 and 2.27 above indicate. If the work on conflict transformation is to remain credible the pace of change needs to quicken or any momentum will be lost.

Conclusions on Leadership

- 4.13 As when we reported three months ago, there thus remains a very clear distinction between Sinn Féin and PIRA on the one hand and the PUP and the UVF, and the UPRG and the UDA, on the other. In the case of Sinn Féin we believe the position is clear: the leadership of the movement remains committed to the strategy of pursuing the political path and continues to exert itself to ensure its successful implementation. It has not been diverted from this by the existence of differences of opinion and the decision of the Ard Fheis to support policing and the criminal justice system was a very significant development.
- 4.14 On the loyalist side we believe that amongst the leaderships are people still working to guide the respective organisations away from criminality and towards both involvement in community development and democratic politics. There have been some signs of progress but it has been patchy and there remains a long path still to be trodden. It seems to us that if the initiatives in support of community development are to remain credible the pace needs to quicken and the results to become more apparent.

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.

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office
ID5509074 01/07 358738 19585

Printed on Paper containing 75% fibre content minimum.

Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich NR3 1GN

Telephone orders/General enquiries 0870 600 5522

Fax orders 0870 600 5533

Order through the Parliamentary Hotline *Lo-call* 0845 7 023474

Email bookorders@tso.co.uk

Textphone 0870 240 3701

TSO Shops

123 Kingsway, London WC2B 6PQ

020 7242 6393 Fax 020 7242 6394

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

The Parliamentary Bookshop

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone orders/General enquiries 020 7219 3890

Fax orders 020 7219 3866

Email bookshop@parliament.uk

Internet bookshop.parliament.uk

TSO@Blackwell and other Accredited Agents

ISBN 978-0-10-294431-0



9 780102 944310