

Twenty-Third 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
26 May 2010*

TWENTY-THIRD 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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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 2009². It focuses mainly on the six month period 1 September 2009 to 28 February 2010.

1.3 Two things have continued to be central to all our work:

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

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

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

1.4 We repeat three points we have made before 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

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

² IMC Twenty-Second Report, November 2009.

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

report and from what people have said to us about them. We welcome frank comment, as much on this report as on its predecessors;

- The report addresses the situation in Northern Ireland as a whole, and we appreciate that 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 in their area;

- 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, so far as is appropriate, given the devolution of policing and justice, the Northern Ireland Assembly and Executive, 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 2009 to 28 February 2010. 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 six 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.

A. REPUBLICAN PARAMILITARY GROUPS

Dissident Republicans Generally

2.2 We noted in our Twenty-Second Report that the overall threat from dissident activity in the six months then under review had been higher than at any time since we first met in late 2003. The seriousness, range and tempo had all changed for the worse. The murders in March 2009 of two soldiers and a police officer were the most serious examples of a large number of incidents which involved extreme ruthlessness and demonstrated a capability to plan and organise. They posed a challenge to law enforcement and other agencies on both sides of the border, without whose work more lives would have been lost. We noted two particular things about this dissident activity:

- First, there were indications that former republican terrorists had in some instances, as individuals, provided assistance to dissident groups. Even if occasional, this could significantly add to the threat;

⁴ We have produced two kinds of reports under Article 4. Of the 17 hitherto, 14 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), Twentieth (November 2008), Twenty-First (May 2009) and Twenty-Second (November 2009). 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.

- Second, there had continued to be tactical ad hoc co-operation between individuals from different groups and backgrounds but it remained our view that there had been no effective strategic collaboration between the groups themselves.

2.3 Our detailed analysis below shows that in the six months under review dissident groups remained highly active and dangerous. They were responsible for one murder and for numerous other incidents in which victims might have died, as the dissidents clearly intended that they should. They were involved in a wide range of other non-terrorist crime and sought to increase the capability of their organisations. In particular, the range and nature of RIRA's activities in the six months under review were, by any yardstick, a very serious matter. However it is important to point out that this is in no way a reappearance of something comparable to the PIRA campaign. There are a number of ways in which RIRA's present activities differ from that campaign. For example, the political context is entirely different, with the Belfast Agreement in 1998, supported by the overwhelming majority of the people of Ireland North and South, and the community support for the developments which have flowed from it, most recently the devolution of policing and justice. Operationally, RIRA does not have comparable resources in terms of personnel, money, organisation and cohesion, or range of weaponry and expertise, and it has not matched the range and tempo of PIRA's activities. It has neither significant local nor international support. While the threat from RIRA is dangerously lethal, it is also politically marginal.

2.4 The two points mentioned at the end of paragraph 2.2 above, about assistance provided by former republican terrorists and tactical ad hoc co-operation between members of different groups, remained true over this period. On assistance from former republican terrorists, the issue is not a drift of significant numbers of people, which we do not believe has happened, but the provision of developed skills by a few people. This remains a concern: skills are more significant than mere numbers. On co-operation, we draw a distinction between on the one hand the tactical and ad hoc collaboration of which there have been some instances and on the other a formal united dissident front, which we do not believe to have come about. This is despite the aspirations of some people, such as those associated

with the Republican Network for Unity. There were also some individuals involved in dissident activity who were unaffiliated in that they saw no need to assign themselves to a particular group.

2.5 As in the past, we have found that there are some aspects of dissident activity which it is not possible to ascribe to a particular group.

2.6 Once again, the impact of the law enforcement and other agencies North and South deserves special mention. Their work has undoubtedly saved lives, as it has led to a number of important arrests and to the disruption of other dissident operations which might have been as dangerous as some of those which did take place. It is clear that while others are at risk the primary current strategic intent of dissidents is the murder of police officers and in addition making community policing more difficult. Amongst the many dilemmas faced by the Police Service of Northern Ireland (PSNI) therefore is how far to risk the lives and safety of police officers in rapid response to bombs and suspicious activities, and how far such risks are necessary for community safety and confidence.

2.7 We note the following:

- In parallel with the high pace of visible dissident activity there has been an increased level and range of covert terrorist activity, for example to target potential victims and gather other intelligence;
- Localised sporadic public disorder occurs in some republican residential areas from time to time outside the parades season, as it did in the six months under review. The incidents are sometimes in response to action taken by the PSNI. The most common places where disorders occurred were Belfast, Londonderry, Lurgan and Craigavon. There were some cases where dissidents were involved in orchestrating the disorders. Examples included those in Strabane and Derry in October 2009 following the death of a former RIRA member and in the Markets area of Belfast in January 2010 following a PSNI search operation.

2.8 In common with CIRA and RIRA, members of the smaller dissident groupings were engaged in a range of serious crime and in shootings and assaults. They also made hoax calls. We note the following particular activities of these groupings:

- Like CIRA and RIRA, Óglaigh na hÉireann (ONH), which mainly comes from around Strabane, continued to try to obtain weapons⁵. It was also responsible for an attack by a large group of men armed with iron bars and hammers on a man in Strabane in September 2009. We believe that members of an offshoot may have been responsible in the same month for two crude under-vehicle explosive devices deployed against people in the Dundalk area, apparently to intimidate them because of alleged drug dealing;
- In our Twenty-Second Report we referred for the first time to Republican Action Against Drugs (RAAD) in Derry⁶. Its stated aim is to “clean up” (not our term) local communities from drug dealing. RAAD remained active and was, we believe, responsible for at least seven shootings during this period. While its activities are not properly described as “terrorist”, this vigilante group, through its gross abuses of human rights, certainly does spread terror in those parts of the community where it operates, and it undermines proper local policing. It has former republican terrorist involvement as well as dissident associations.

Continuity Irish Republican Army (CIRA)

2.9 In our Twenty-Second Report we referred to CIRA’s claim to have been responsible for the murder of PC Carroll in March 2009 which, if true, would have marked a further escalation of the organisation’s activity. We identified a large number of serious paramilitary incidents, including attacks on the security forces, and other crimes in which members were involved such as armed robbery, “tiger” kidnapping and extortion. We also noted the efforts the organisation had made to

⁵ As we have pointed out before, it is important to distinguish this group from the faction of RIRA which also uses the term “ONH” and which, for example, claimed responsibility for the bomb outside Palace Barracks near Belfast on 12 April 2010.

⁶ IMC Twenty-Second Report, November 2009, paragraph 2.11.

enhance its capability through recruitment, training, the production of explosive devices, the procurement of weapons and targeting. We concluded that CIRA was in a state of heightened activity, was ruthless, violent and prepared to kill, and was committed to undermining the peace process.

2.10 During the six months under review, while CIRA was not as active or as violent as RIRA, it was responsible for a large number of incidents. The terrorist activity was mainly preparatory in nature rather than directed against individuals and premises. Members of the organisation are mainly in the Belfast, Fermanagh, Newry and Craigavon areas in the North and in Dublin, North Louth and Limerick in the South.

2.11 So far as terrorist activity was concerned, during the period under review CIRA continued to:

- Train members in a variety of skills, including the handling of weapons and the construction of explosive devices. The training took place both North and South;
- Recruit new members, the majority young men without previous terrorist experience;
- Attempt to acquire weapons in Ireland North and South and elsewhere in a variety of different ways;
- Undertake the targeting of potential victims as well as a heightened level of covert activity.

2.12 During the period under review CIRA and its members committed acts of violence and intimidation as follows, many against people allegedly involved in drug dealing or other anti-social behaviour:

- In October a man was shot in his home in Belfast and shots were fired at a house in Newry, apparently to intimidate the occupants;

- In November a man was shot three times in the leg as he was making a delivery of food in Belfast;
- In separate incidents in December members shot two men repeatedly in the legs, on the second occasion having first kidnapped the victim;
- In separate incidents in January 2010 two men were shot in Armagh and Lurgan.

2.13 We believe that CIRA members were responsible for instigating public disorder in the Craigavon area in September 2009, probably in response to the sentencing of three local CIRA members for explosives offences.

2.14 CIRA and its members remained heavily involved in a range of other serious crime. The offences included robbery, “tiger” kidnapping, smuggling, extortion and fuel laundering. CIRA as an organisation profited from offences of this kind. Amongst many incidents were:

- An armed bank robbery in Belleek in September 2009. The get-away vehicle was found in the South and An Garda Síochána (AGS) subsequently made a number of arrests. Investigations are continuing;
- The theft of some £15,000 from a vehicle in Newry in January 2010.

2.15 We conclude that CIRA remained a major threat. It was bent on improving its terrorist capability through recruitment, training and the acquisition of weapons. It undertook a number of shootings and other violent attacks, instigated public disorder and its members remained heavily engaged in a wide range of serious crime, some of it involving violence.

Irish National Liberation Army (INLA)

2.16 In our Twenty-Second Report we said that members of INLA had remained involved in a wide range of serious crime. Although we had no incidents of a

terrorist nature to report, we had no reason to change the view we had expressed before that the organisation remained capable of criminal violence. We referred to INLA's announcement in October 2009 (outside the period then under review) that the armed struggle was over but said that, while welcome in itself, this would be convincing only with evidence of the decommissioning of arms and the ending of criminal activity.

2.17 During the period under review INLA provided one part of that evidence. The Independent International Commission on Decommissioning (IICD) reported in February 2010 that during that month and in December 2009 INLA had decommissioned "quantities of arms and ammunition" as well as explosives and explosive devices. The IICD said it had been informed that this materiel constituted all that was under the organisation's control⁷.

2.18 This decommissioning was a major step forward for INLA. We had reported for some time that it was not committing terrorist acts, though we were concerned about its potential for a return to the violence it had once employed. We recognise that the decommissioning provided strong evidence that the organisation has indeed ended what it termed the "armed struggle", as it said in October 2009 that it would. We hope that it also means it will not resume it. We note that three days before the October statement members of INLA in Strabane had been instrumental in organising the firing of shots over the coffin of a former member who had since moved to RIRA.

2.19 We do not however have evidence of a reduction in the involvement of members of INLA in non-terrorist criminal activity. Although the organisation may take the view that this does not amount to an armed struggle, it is illegal paramilitary activity which it is our responsibility to monitor. We will be alert for any resumption of terrorism and will watch developments closely.

⁷ Report of the Independent International Commission on Decommissioning, 25 February 2010.

Official Irish Republican Army (OIRA)

2.20 We have not previously reported on activities by the OIRA, even in our First Report in April 2004 when we surveyed the origins of the paramilitary groups⁸. This is because in our view it was not engaged in any continuing paramilitary activity and it has remained inactive during our existence. We feel it appropriate to record however that in February 2010 the IICD reported that it had decommissioned “a quantity of arms and ammunition belonging to the OIRA”. The IICD noted that it had been told the materiel was all the organisation could recover “of stocks that have been inactive over a number of years”⁹.

Provisional Irish Republican Army (PIRA)

2.21 In our Twenty-Second Report we reiterated that PIRA had not engaged in terrorist or other illegal activity; that where individuals had engaged in violence or other crime it had been without sanction or support and for personal financial gain; and that such information as had been gathered had been for the purpose of maintaining the coherence of the republican movement. We also noted that the leadership had continued to adhere to its strategy, taking a clear and public stance against terrorist activity and the involvement of members in crime and actively discouraging members from engaging in public disorder during the parades season.

2.22 Our assessment is unchanged. We remain of the view we expressed six months ago and previously: that PIRA has maintained its political course in the period under review and that it will continue to do so.

Real Irish Republican Army (RIRA)

2.23 In our Twenty-Second Report we said that RIRA had been active and violent, and had been involved with others in the murder of two soldiers in March 2009. We referred to a large number of serious paramilitary incidents, including attacks on

⁸ IMC First Report, April 2004, Section 3, pages 12-22.

⁹ Report of the Independent International Commission on Decommissioning, 25 February 2010.

the security forces, sectarian attacks, shootings and assaults, and the issuing of threats against members of the public. Members had been involved in a wide range of serious crimes. The organisation had sought to enhance its capability through recruitment, training, the manufacture of explosive devices, the procurement of weapons and targeting. We concluded that RIRA was in a state of heightened activity, was determined and ruthless and would not hesitate to use violence, particularly against the PSNI and those associated with it, and would not hesitate to kill. It was committed to undermining the peace process and presented a very serious threat.

2.24 In the period under review RIRA was responsible for a ruthless and intensive campaign of violence, directed particularly against the PSNI and others associated with it. It constituted much the most serious threat over this time.

2.25 As we have noted before, RIRA is divided into two factions. In the North, RIRA is present mainly in Belfast and in the Newry, South Armagh, Londonderry, Ballymena, Cookstown and Lurgan areas. In the South it is present mainly in Donegal, North Louth, Dublin and Cork.

2.26 RIRA committed, and publicly claimed, the one paramilitary murder which occurred during the six months. The body of a man, shot three times, stripped and bound, was found on 24 February 2010 in Derry. He was a RIRA member, murdered, RIRA alleged, because he was involved in drugs trading. We are struck by RIRA's hypocrisy in claiming to enforce a moral code by committing murder.

2.27 Over the six month period under review RIRA undertook the following sixteen attacks on the PSNI, its premises and those associated with it:

- In September 2009 vehicles parked at two Derry homes of relatives of a PSNI officer were attacked with pipe bombs. In the same month an under-vehicle explosive device was discovered at the home of a partner in an engineering company with PSNI and defence contracts. We believe RIRA was responsible for all three incidents;

- There were two further incidents in October for which we believe RIRA was responsible. In the first, the partner of a PSNI officer in Belfast was injured by an under-vehicle device. In the second, a pipe bomb was thrown at Territorial Army barracks in North Belfast;
- There were four incidents in November which we attribute to RIRA. A crude wire-operated explosive device was found in Armagh following a warning; it was probably aimed at a passing police patrol and may have been associated with an attempt to lure the police to the spot the previous day. A vehicle was crashed through the entry barrier and later partially exploded outside the offices of the Northern Ireland Policing Board in central Belfast. The same day two armed RIRA members went to the home in County Fermanagh of a PSNI recruit; police intervention prevented the attack and led to subsequent arrests. At the end of the month an explosive device was thrown at Strabane police station;
- In December shots were fired at Crossmaglen PSNI station, we believe by RIRA members;
- RIRA undertook three attacks in January 2010. A PSNI officer was very seriously injured by an under-car explosion in County Antrim. Further shots were fired at Crossmaglen PSNI station and a week later at Bessbrook PSNI station;
- In February RIRA was responsible for a pipe bomb thrown at a PSNI station in North Belfast, for a vehicle armed with a mortar which was left outside the PSNI station in Keady, South Armagh, and for a vehicle-borne bomb which exploded outside Newry Magistrates Court.

2.28 In parallel with these attacks RIRA continued its efforts to increase the organisation's capability. In both the North and the South it engaged in some training of members, including in weapons handling and manufacture and the construction of explosive devices. Some recruitment took place, usually of young men without previous terrorist experience. It targeted people and places; the

previous paragraph demonstrates the breadth of this targeting, for example to include relatives of police officers, a contractor and a court building. In common with other dissident groups, RIRA undertook a heightened level of covert activity.

2.29 RIRA also sought to obtain weapons in a variety of ways, including through robbery from licensed firearm holders and by adapting de-activated guns. The February 2010 attack on Keady PSNI station was an example of its work in developing improvised weapons¹⁰. In September and December 2009 and January and February 2010 a number of searches and arrests, including by AGS, led to the discovery of weapons and explosives and to a number of arrests of RIRA members.

2.30 RIRA and its members undertook a number of shootings and assaults, usually directed at people allegedly involved in drug dealing or other anti-social activity. Amongst the incidents were:

- In September 2009 in Strabane, an attack on a man with iron bars and a sledge hammer, leaving him with three broken limbs; the shooting of a young man in Derry in the hand and both knees; and the shooting of a man five times when he answered his front door in Belfast;
- In October RIRA abducted and shot a man in Belfast, fired shots at a house in Lurgan, and fired shots through the window of a house in Derry. In the same month RIRA was responsible for two of the most significant of the numerous dissident republican hoax calls, one about a vehicle-borne explosive device outside Newry Courthouse and the other when a taxi was hijacked and the driver told to drive with a package to Strabane Courthouse;
- In separate incidents in January 2010 RIRA shot two men in the legs in Belfast;

¹⁰ See paragraph 2.27, final indent.

- In February three masked RIRA members entered two properties in Belfast, apparently searching for people they believed were involved in trading drugs. It claimed responsibility for a pipe bomb attack on Irish Travellers in Coalisland and followed this attack with threats to force them from the area. Also in February, a statement was issued in Derry in the name of the 32 County Sovereignty Movement (RIRA's political wing) threatening local traders who had dealings with the PSNI.

2.31 RIRA was heavily involved in a variety of serious crime, including extortion, fuel laundering, robbery (for example the armed robbery of a mobile post office near Keady, South Armagh, in September 2009), "tiger" kidnapping, and smuggling, mainly of tobacco. We believe that both the organisation and the perpetrators individually benefited from the proceeds. A prominent member of RIRA was suspected by them of involvement in growing cannabis worth some €500,000 in a house in County Donegal, discovered by AGS in January 2010. This person was the victim in the murder referred to in paragraph 2.26 above. The owner of the property was facing extradition in Lithuania in connection with alleged weapons offences; he took his own life in February.

2.32 We conclude from this that in the six months under review RIRA murdered one man and tried but failed to murder many others. It was uninhibited in its use of violence and showed its determination to increase the organisation's capability. In eleven of the attacks on the PSNI and others associated with it referred to in paragraph 2.27 above RIRA used an explosive device of some form. Two of the searches and arrests mentioned in paragraph 2.29 also involved explosive material. It was heavily engaged in serious non-terrorist crime, often using violence. It remains an extremely serious threat.

B. LOYALIST PARAMILITARY GROUPS

Loyalist Volunteer Force (LVF)

2.33 In our Twenty-Second Report we gave the same assessment as we had for some time: the LVF 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 was in their interests to do so; and the proceeds of these crimes were for personal and not organisational use.

2.34 We have nothing to add to this assessment in respect of the period under review.

Ulster Defence Association (UDA)

2.35 In our Twenty-Second Report we said that the decommissioning of arms reported by the IICD had been an important indication of the intention of the leadership to deliver on an organisation-wide policy. We also noted that in some areas (though by no means all) the leadership had taken steps to reduce criminality amongst members and that in some cases it had made impressive cross-community efforts to improve the situation. Unfortunately, some members had remained involved in a wide range of serious criminal activity and we were disturbed at the sharp increase in assaults in loyalist areas. We urged the leadership to complete decommissioning and to take the other steps necessary to show that the UDA had put its paramilitary and criminal past behind it.

2.36 The IICD reported in February 2010 that it had witnessed a further act of UDA decommissioning involving substantial quantities of arms and ammunition as well as some explosives and explosive devices. It said that the leadership of the UDA had indicated that this materiel constituted all the arms under their control. The IICD also reported that in December 2009 the "Shoukri paramilitary element" of the UDA had decommissioned some arms, ammunition and explosive devices and it had been told that this too constituted all the materiel under its control¹¹.

2.37 These acts of decommissioning mark a very major step forward for the UDA. They were a determined and important break with the past. We recognise that bringing the organisation as a whole to this point required a considerable effort of leadership. The significance of the events lies not only in the decommissioning itself but in the fact that the leadership was able to act in this way. We have no indication of any attempts to acquire weapons after these acts of decommissioning.

¹¹ Report of the Independent International Commission on Decommissioning, 25 February 2010.

Nor do we believe that the UDA engaged in any acts of terrorism. Leadership influence can also be seen in the absence of a violent reaction to continuing dissident republican activity.

2.38 Some members of the UDA were however involved in a variety of illegal activity during the period under review. A number of the assaults committed by loyalists can be ascribed to members of the UDA; in certain instances some leading figures may have been aware of what was happening. Tension at interface areas sometimes involved members of the UDA, though we have no reason to believe that they committed sectarian attacks. Some members targeted people allegedly involved in selling drugs or in other anti-social behaviour. Some members remained involved in a range of serious crime, including drug dealing, intimidation and extortion; in some instances some senior figures were themselves involved or gave their sanction.

2.39 The picture within the UDA remains a complex one. As we have said on a number of occasions in the past, the UDA leadership is not fully cohesive. The structure of so-called brigades leaves a large measure of autonomy to individual areas, which is sometimes jealously guarded. We believe that the achievement of decommissioning was hard won, that some areas took a lot of convincing, and that the delivery may have been uneven. We are confident that some leading figures worked hard to achieve decommissioning, just as they sought to steer members of the organisation away from crime and actively to support local community development. Other leading figures were less committed to change. The result is an organisation in which local brigade loyalties are overlaid by differences between those promoting change and others. The UDA needs to continue to address these internal tensions, which could be exacerbated by continuing dissident republican violence. None of this detracts from what has been achieved but it is relevant for future progress.

UDA – South East Antrim Group

2.40 In our Twenty-Second Report we referred to the report by the IICD of two decommissioning events and joined the IICD in urging the group to complete

decommissioning as soon as possible. We had no significant incidents to record arising from the collective action of the group and recognised the support given to community development but said that members had continued to be involved in a range of criminal activity similar to that with members of the mainstream. We referred to the commitment to phase out membership, noted that time was passing and hoped the group would implement that commitment quickly.

2.41 We remain of the view we expressed in our previous report that the South East Antrim group of the UDA and the mainstream UDA act separately from each other. Trouble between the two factions reduced considerably.

2.42 The IICD reported in February 2010 that earlier in the month the group had decommissioned weapons, ammunition, explosives and explosive devices. This had followed the decommissioning events in October 2007 and January and May 2009. The IICD said it had been told that this constituted all the materiel under their control¹².

2.43 Once again, we have no other significant matters to report about the group. Members remain engaged in a range of serious crime comparable to that of members of the mainstream, including drug dealing and intimidation. In some cases leading figures were personally involved or gave their sanction. Members also occasionally targeted people for attack, generally because they were believed to be involved in drug-related or other crime.

2.44 The South East Antrim group does not have a structure leading to local loyalties of the kind found in the very much larger and more widespread mainstream UDA but there are nevertheless some tensions between those promoting change and others. Having completed decommissioning, the group will need to address these if it is to make further progress.

¹² Report of the Independent International Commission on Decommissioning, 25 February 2010.

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

2.45 In our Twenty-Second Report we said that the decommissioning of arms in June 2009 had been a very significant and positive development which was clear evidence of the organisation's coherence and strategic direction. There had been other evidence of this, such as the expulsion of members who had behaved unacceptably and the steps the leadership took to ensure members did not react improperly to dissident republican violence. Although some members remained involved in crime, and we could not rule out that some arms had been retained in some parts of the organisation, we increasingly saw a picture of an organisation going out of business.

2.46 Nothing has happened during the period under review to cause us to reconsider our previous assessment of the direction in which the UVF leadership is seeking to take the organisation or its commitment to the strategy it enunciated three years ago. The leadership is cohesive. In the period under review it continued its work to guide the organisation away from paramilitary activity and to reduce the incidence of criminality amongst members, and it made worthwhile progress to that end. Members were expelled for breaching the organisation's policies. It remains very significant that it was the first of the loyalist organisations to complete decommissioning, and that it did so at a time of increasing dissident republican activity. But the fact that the organisation had given up its weapons served to heighten anxiety amongst some members during the period under review. This was prompted mainly by the level and nature of dissident activity, coming at a time when some felt their communities were freshly vulnerable, and in some instances also by anxieties about police enquiries into old crimes. The leadership addressed these challenges and we are confident it will continue to do so. It is noteworthy that members did not resort to extreme measures against dissident republicans.

2.47 Notwithstanding both the commitment and the efforts of the leadership, some members of the UVF remained involved in a variety of illegal activity. Of the paramilitary-style assaults during the period that can be attributed to a particular loyalist group, the largest number were committed by UVF members. As we reported six months ago, we cannot rule out that some arms were retained in some

parts of the organisation, but we believe that any attempts by individuals to acquire weapons in the period under review were unsanctioned, just as they were outside the organisation's strategy. Some members remained deeply involved in serious crime, including drug dealing, fuel laundering, the sale of counterfeit goods, intimidation and extortion, though we believe the proceeds were generally for personal gain. We believe it was also the case that some members gathered intelligence about, or targeted, those they believed to be dissident republicans, to be involved in anti-social behaviour, or who were foreign nationals. Although senior figures may have sanctioned some of this activity in the case of dissidents, perhaps to ease anxiety on the part of members, we have no reason to believe that this implies any general change of direction. Members were amongst those who orchestrated civil disorders in Portadown in November 2009.

2.48 Overall, therefore, we believe the organisation remains committed to its path. It took some successful steps to move further along that path and we believe will continue to do so. The leadership nevertheless faced some challenges, but the fact that it addressed them is in our view an indication of its commitment to steering the UVF away from paramilitary activity.

So-Called "Dissident Loyalists"

2.49 A few disaffected loyalists have gathered in loose affiliations with names such as the Orange Volunteers and the Real UFF. They have done so mainly in response to the activities of dissident republicans. Although there have been some incidents and attempted attacks, we do not consider these affiliations to amount to paramilitary groups. They have not attracted significant support from loyalist communities. Nor have they succeeded in developing a paramilitary cohesion or capability. They have generally focused on sectarian hate crime and on causing disruption. We will continue to monitor any developments closely.

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 2009 to 28 February 2010 set against similar information for earlier six month periods.

3.2 We know that any statistical examination of the incidence of paramilitary violence has unavoidable limitations. 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 2010 we believe that the number of *paramilitary murders* was as follows.

	1 Sept 09- 28 Feb 10	1 Mar- 31 Aug 09	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		1				2								
INLA				1		1								
LVF														1
ONH					1									
PIRA														
RIRA	1	2												1
UDA									2	1	1		1	1
UVF										4		2	1	
Not attributable												1		2
TOTAL	1	3	0	1	1	3	0	0	2	5	1	3	2	5

3.4 The one murder was committed and claimed by RIRA. The organisation identified the victim as a member killed because he was involved in a “criminal organisation with links to the drugs trade”.

The following paramilitary murder took place in the period 1 September 2009 to 28 February 2010:

Kieran Doherty, 24 February 2010

3.5 The number of *casualties of paramilitary shootings and assaults* from 1 March 2003 to 28 February 2010 was as follows:

Shooting Casualties

Responsible Group	1 Sept 09-28 Feb 10	1 Mar-31 Aug 09	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	1	0	2	1	1	1	2	14	36	36	37	39	69	34
Republican	29	21	7	10	6	0	8	4	2	4	7	11	19	35
TOTAL	30	21	9	11	7	1	10	18	38	40	44	50	88	69

Assault Casualties

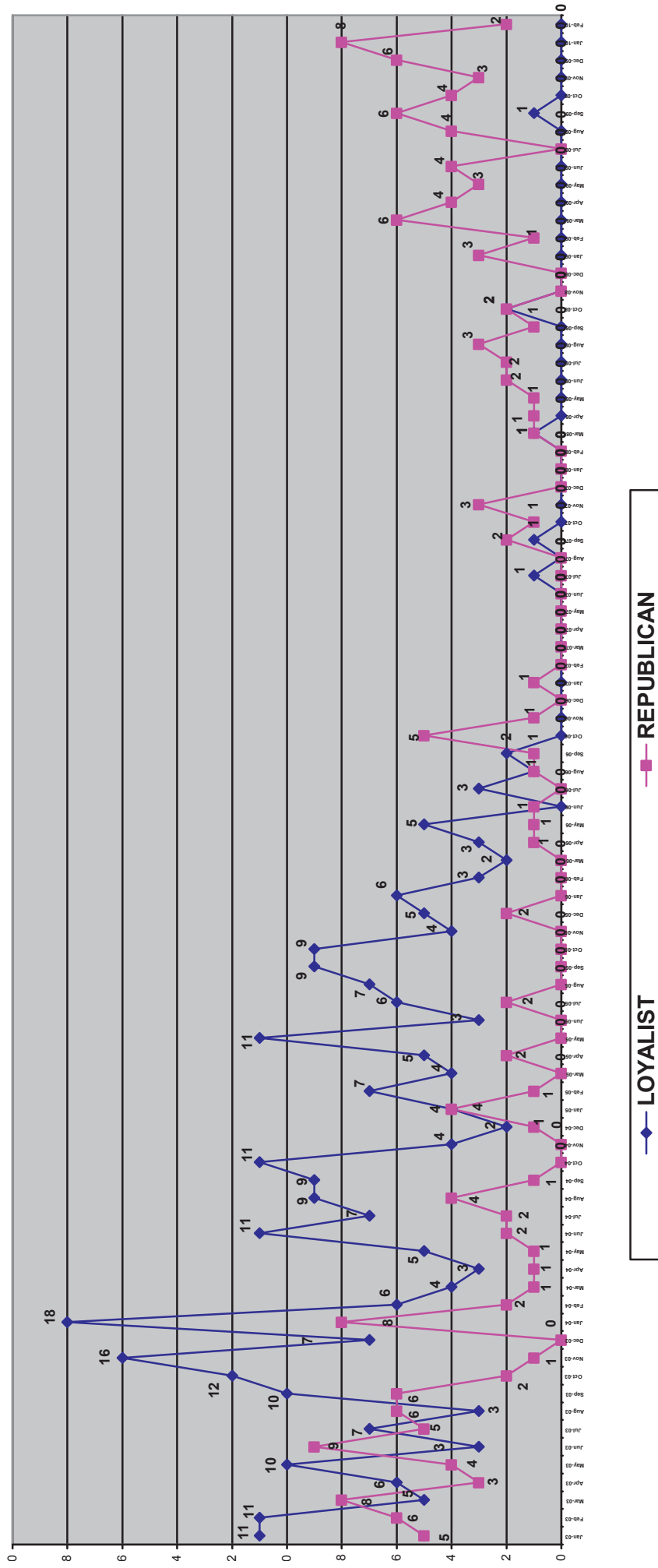
Responsible Group	1 Sept 09-28 Feb 10	1 Mar-31 Aug 09	1 Sept 08-28 Feb 09	1 Mar – 31 Aug 08	1 Sept 07-29 Feb 08	1 Mar-31 Aug 07	1 Sept 06-28 Feb 07	1 Mar -31 Aug 06	1 Sept 05 -28 Feb 06	1 Mar-31 Aug 05	1 Sep 04-28 Feb 05	1 Mar-31 Aug 04	1 Sept 03-29 Feb 04	1 Mar-31 Aug 03
Loyalist	28	38	17	10	26	13	14	19	20	39	29	42	57	46
Republican	7	5	8	6	6	3	5	9	6	16	25	18	26	24
TOTAL	35	43	25	16	32	16	19	28	26	55	54	60	83	70

3.6 As in the previous six month period, the number of shooting casualties rose sharply as a result of the activities of dissident republicans. The figure of 29 republican casualties is the second highest since we started reporting; the highest – 35 republican casualties – was in March to August 2003. Because of this the total is the highest since the same six month period in 2005-2006, when it was made up almost entirely of victims of loyalists.

3.7 The total of assault casualties fell by about a fifth and consisted predominantly of the victims of loyalist attacks – 80%, as against 20% who were the victims of republicans. The decrease in the total is because there were fewer victims of loyalists.

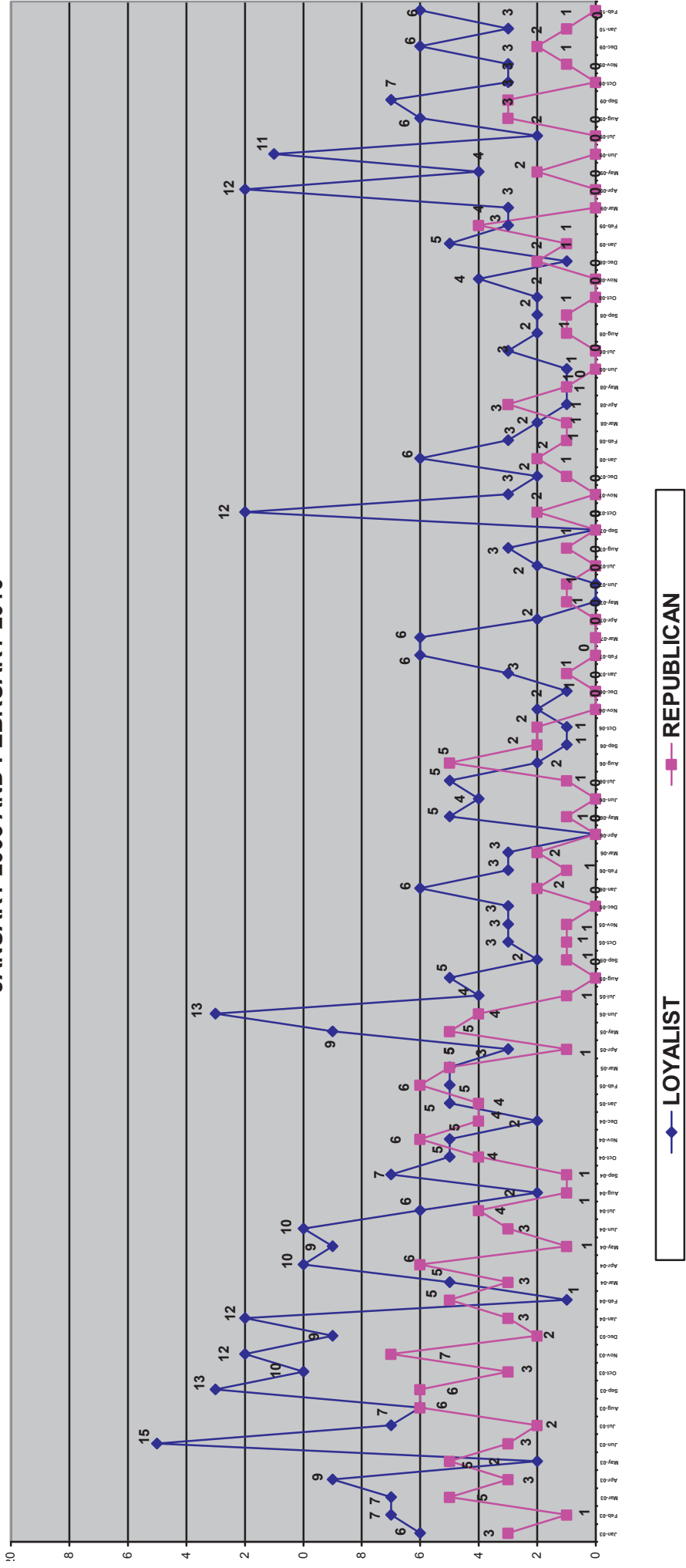
3.8 The following graphs include the monthly figures we have previously published, updated and extended by six months to 28 February 2010.

**PARAMILITARY-STYLE SHOOTINGS: NUMBER OF REPORTED CASUALTIES BETWEEN
JANUARY 2003 AND FEBRUARY 2010**



TOTALS OVER THE PERIOD: LOYALIST SHOOTING CASUALTIES - 295 REPUBLICAN SHOOTING CASUALTIES - 174

**PARAMILITARY-STYLE ASSAULTS : NUMBER OF REPORTED CASUALTIES BETWEEN
JANUARY 2003 AND FEBRUARY 2010**



TOTALS OVER THE PERIOD: LOYALIST PARAMILITARY ASSAULTS - 411 REPUBLICAN PARAMILITARY ASSAULTS - 168

3.9 Our conclusions for the six months 1 September 2009 to 28 February 2010 are:

- **There was 1 paramilitary murder in the period under review;**
- **The number of casualties of republican shootings (all the result of dissident attacks) rose sharply and was the second highest we have reported. The number of loyalist assaults fell considerably;**
- **The number of casualties from both shootings and assaults was largely unchanged, increasing from 64 to 65 compared with the previous six month period. Compared with the same six month period in 2008-2009 it increased from 34 to 65, an increase of 31, or 91%;**
- **The combined figure of shooting and assault casualties from loyalist attacks – 29 – was 9 lower than in the previous six month period. This represents a decrease of 24%. Compared with the same period in 2008-2009 there was an increase of 10, or 53%. In the latest period the total was made up of 1 shooting casualty (none in the preceding six months) and 28 assault casualties (38 in the preceding six months);**
- **The combined figure of shooting and assault casualties from republican attacks – 36 – was 10 higher than in the previous six month period. This represents an increase of 38%. Compared with the same period in 2008-2009 there was an increase of 21, or 140%. In the latest period the total was made up of 29 shooting casualties (21 in the preceding six months) and 7 assault casualties (5 in the preceding six months). The total is the highest since the same six month period in 2003-2004;**
- **Averaged out for all paramilitary groups, there were between two and three victims every week;**
- **Dissident republicans were responsible for 29 of the 30 shooting casualties (97%) and loyalists for 28 of the 35 assault casualties (80%);**

- PIRA were not responsible for any of these incidents¹³;
- The changes may be summarised as follows:

Loyalist Groups

- Shooting casualties were largely unchanged from 0 to 1 compared with the preceding six month period and slightly down from 2 to 1 compared with the same period in 2008-2009;
- Assault casualties were down by 26% from 38 to 28 compared with the preceding six month period and up by 65% from 17 to 28 compared with the same period in 2008-2009;

Republican Groups

- Shooting casualties were up by 38% from 21 to 29 compared with the preceding six month period and up by 314% from 7 to 29 compared with the same period in 2008-2009;
- Assault casualties were up by 40% from 5 to 7 compared with the preceding six month period and down by 13% from 8 to 7 compared with the same period in 2008-2009.

¹³ 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 five years ago in the Spring of 2005¹⁴. 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 have not given up crime, and should give clear support to the criminal justice system.

Sinn Féin and PIRA

- 4.3 In our Twenty-Second Report we reiterated the view we had expressed several times before, namely that the leadership of the republican movement remained committed to following the exclusively political path; that it would not be diverted from it; and that PIRA had completely relinquished the leadership and other structures appropriate to a time of conflict.
- 4.4 Once again, this remains our firm view. We cite three particular reasons for saying so. The leadership has continued to express its policy of using only peaceful means and that members of PIRA should not engage in any form of crime. On a number of occasions it condemned dissident republican attacks on the police, the Northern Ireland Policing Board as well as other security targets. And Sinn Féin demonstrated its long standing support for the devolution of policing and justice to the Northern Ireland Assembly and Executive during the negotiations which led to the enactment of devolution on 12 April 2010.

The PUP and the UVF

- 4.5 In our Twenty-Second Report we referred to the very significant and positive progress made in the six months then under review, particularly in respect of decommissioning. We saw this as further evidence of the coherence of the

¹⁴ IMC Fifth Report, May 2005, paragraphs 1.15-1.17 and 8.9-8.10.

leadership, its commitment to the May 2007 strategy and its ability to deliver to a plan. We concluded that this progress had been possible only because of the effective leadership provided at the top. We believed that the leadership would rise to the remaining challenges, as it had to earlier ones.

- 4.6 This remains our view. We are confident about the commitment of the leadership and we saw evidence that, as we predicted, it would rise to the challenges it faced. The six months under review indicated that those challenges will not quickly disappear, especially if dissident republican activity continues at its present level. Our assessment remains essentially unchanged.

The UPRG and the UDA

- 4.7 In our Twenty-Second Report we said that the progress made in the six months then under review, notably the start made on decommissioning, reflected well on the leadership of the mainstream UDA and of the South East Antrim group. So far as the mainstream was concerned, we said that the developments showed a coherence of purpose and capacity to deliver of which there had previously been little evidence. We expressed the hope that these same characteristics would be evidenced in the ensuing months to complete decommissioning and tackle the organisation's other challenges.

- 4.8 The further progress on decommissioning in both the mainstream UDA and the South East Antrim group reflects very well on the respective leaderships. For the mainstream, we do not believe that this means an end to tension within the broad leadership, in its case both between the different local areas and across the organisation as a whole between those committed to further change and those sceptical about it, especially at a time when dissident republicans are so active. The South East Antrim group also has similar tensions. Despite the very major progress made in the six months under review there therefore remain issues for the leaderships to address, not least if they are to play a larger part in the development of Northern Ireland, as some senior figures undoubtedly wish.

5. OTHER ISSUES

5.1 This is our eighteenth report on paramilitary activity¹⁵. It appears six years after our first report and at a time when two things have recently changed the landscape in which we operate: the further decommissioning of weapons and the devolution of policing and justice to the Northern Ireland Assembly and Executive. Devolution also bears on another theme to which we have referred in recent reports and to which we said we would return – the way in which the criminal justice system combats paramilitary activity¹⁶.

Decommissioning

5.2 The acts of decommissioning in the six months under review mark a sea change in paramilitary activity¹⁷. Although the groups which have recently decommissioned were not of late engaged in terrorism as normally understood, the fact that they remained armed was a signal not only locally but to the world that Northern Ireland was an abnormal place. As a result of these recent events, Northern Ireland can no longer be characterised – or caricatured - as being composed of armed opposing camps. It still faces serious paramilitary challenges, but its two main traditions have now publicly eschewed the means of resorting to violence, not least against each other, to advance political ends. We have reported on the main steps in this transformation, starting with PIRA's decommissioning in September 2005. Notwithstanding the continuing activities of dissident republicans, these further acts of decommissioning on several fronts at once, combined with the ending of the remit of the IICD by the two Governments, are important in their own terms. They are also a hugely important signal of change.

The Devolution of Policing and Justice

5.3 We have explained the importance of the devolution of policing and justice on a number of occasions in the past. Its implementation on 12 April 2010 affects us in several ways. Although we continue to report to the British and Irish Governments under the terms of the International Agreement, a number of the areas which we monitor are now the responsibility of the Northern Ireland Assembly and

¹⁵ The footnote associated with paragraph 2.1 above lists all our reports on paramilitary activity.

¹⁶ IMC Twenty-Second Report, November 2009, paragraphs 6.1 and 6.2.

¹⁷ See paragraphs 2.17, 2.20, 2.36 and 2.42 above.

Executive, the Minister of Justice and the Attorney General for Northern Ireland when appointed¹⁸. However, of course, in the North national security remains the responsibility of the UK Government and in the South all policing and security matters are the responsibility of the Irish Government.

- 5.4 The devolution of policing and justice means that the criminal justice system is owned by and accountable to the people of Northern Ireland. As such it offers a potent response to paramilitaries - most strikingly at present to the threat from the dissident republicans but also to other paramilitaries still involved in crime of any kind. It does so in particular by encouraging greater public support and confidence. The Assembly is elected by the people of Northern Ireland; Assembly Members are from Northern Ireland; responsibility for the formulation and ultimately also for policy relating to the enforcement of the criminal law is theirs. Those who resort to violent means to oppose the political settlement enshrined in the Belfast, St Andrews and Hillsborough Agreements demonstrate their complete rejection of the will of the people of Ireland North and South as expressed in the 1998 referendums and of the principles of civilised and democratic government¹⁹.

The Criminal Justice System

- 5.5 In our Twenty-Second Report we said that it was important that the operation of all the criminal justice agencies was directed to Northern Ireland's evolving needs²⁰. We also mentioned that notwithstanding the successes of law enforcement and other agencies North and South, we had some concerns about the outcomes in Northern Ireland in the kind of cases on which we had been reporting, and we indicated that we would continue to consider these issues. We remain of the view that in respect of paramilitary groups these matters fall within our remit, which is to

¹⁸ See Annex I for the text of Article 4 of the International Agreement under which we submit this Report. Article 4(c) sets out the reporting requirements.

¹⁹ This was particularly clearly spelled out by the Irish Minister of Foreign Affairs, Micheál Martin, in his statement of 23 April 2010 about the bomb attack in Newtownhamilton, Co Armagh, the previous night. He said "Those who carry out such acts and seek to justify them in the name of the Republic are wrong and misguided. The only viable road to unity on this island lies through peace, tolerance, persuasion and agreement. Violence and coercion serve no purpose in modern Ireland other than to delay reconciliation.... In the name of the Republic, I call on those who commit these acts to stop."

²⁰ IMC Twenty-Second Report, November 2009, paragraphs 6.1 and 6.2.

monitor, assess, report and recommend any remedial action we consider necessary²¹.

5.6 The activities of the dissident republicans present a particular current challenge to law enforcement in Ireland North and South, although the agencies concerned also face a continuing need to counter all those paramilitaries who remain involved in serious crime. We recognise that the criminal justice system in Northern Ireland has been continuously evolving, for example to develop the ways in which the agencies work together towards their common objectives and to ensure that the legislative framework is adequate to the challenge. But we are also clear about two things:

- We do think that there are some problems, and in this regard we believe there may be need for legislative changes. Some of the issues are to do with the operation of the system for bringing offenders successfully to justice. Others are more focused on particular areas of criminal activity. An example of the latter is whether the regulations governing money service bureaux are at all adequate to prevent them being abused for the financing of paramilitary groups and other criminal conspiracies;
- We recognise that the in-tray of the new Minister is very full. In his first months he will be addressing the continuing issues in policing, prisons and parades, amongst other things. At the same time an overarching strategic priority will be the enhancement of public support for and confidence in not only all the elements of the system but also in the system as a whole.

5.7 Since our Twenty-Second Report we have continued to be concerned about all these matters and have been involved in an active dialogue about them with the relevant agencies. We have previously noted the opportunity which the devolution of policing and justice will offer to look at things afresh and for as long as our mandate continues we will want to see how we can assist in taking them forward.

²¹ Article 4 of the International Agreement sets out our remit. Article 7 confers on us powers to make recommendations. Both are guided by our objective in Article 3. Articles 4 and 7 are set out in full in Annex I below. Article 3 is set out in paragraph 1.3 above.

ANNEX I

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

Article 4

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

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

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

(b) assess:

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

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

Article 7

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



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