

Twentieth 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
10 November 2008

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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 May 2008². It focuses mainly on the six month period 1 March to 31 August 2008. In the interim the British and Irish Governments asked us for an ad hoc report on the leadership structures of PIRA, which we presented in September³.

1.3 Two things have been central to all our work:

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

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

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

1.4 We also draw renewed attention to three points about the nature of our work:

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

² IMC Eighteenth Report, May 2008.

³ IMC Nineteenth Report, September 2008.

- We have explained how we approach our task⁴. We believe that our methods are fair and thorough; we take great care in our assessments; and we have always tried to learn from the experience gained in each report and from what people have said to us about them. We welcome frank comment, as much on this report as on its predecessors;
- We appreciate that while the report addresses the situation in Northern Ireland as a whole, the situation varies very considerably from place to place. People may therefore find that the picture we paint does not tally with their personal experience;
- The views we express in our reports are ours alone. We are independent and expect to be judged by what we say. We do not make statements of official policy. It is for the two Governments and, if appropriate, the Northern Ireland Executive and Assembly, to decide how to respond to our reports.

⁴ IMC Fifth Report, May 2005, paragraphs 1.9-1.13.

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 March to 31 August 2008. The assessment extends those we have given in previous such reports, to which the reader can refer for a comprehensive account of our views over the four and a half years since we started reporting in April 2004⁵. Our First Report gave an account of the origins of the groups and their structures at that time.
- 2.2 In all our previous reports of this type we have taken the individual groups in alphabetical order. On this occasion we have decided to take all the republican groups first and then to deal with the loyalist ones.

A. REPUBLICAN PARAMILITARY GROUPS

Dissident Republicans Generally

- 2.3 Since our Twelfth Report in October 2006 we have looked separately at activities which we believe were undertaken by dissident republicans but which we could not at the time attribute to a particular dissident group or for which smaller groupings were responsible. We do the same again here. In addition on this occasion, we offer in paragraphs 2.9-2.11 an overview of dissident republican crime in the light of the increasing seriousness of their recent activities.
- 2.4 In our Eighteenth Report six months ago we said that Óglaigh na hÉireann (ONH) had been more active in the six months under review than it had been in the preceding six month period. We thought that members had been responsible

⁵ We have produced two kinds of reports under Article 4. Of the 14 hitherto, 11 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) and Eighteenth (May 2008). The three other reports under Article 4 were ad hoc ones. The first two of these were produced at our own initiative: our Fourth (February 2005) which dealt with the Northern Bank robbery and our Sixth (September 2005) which dealt with the UVF/LVF feud. The third ad hoc report was at the request of the British and Irish Governments: our Nineteenth (September 2008) which dealt with the leadership of PIRA.

for a murder and other attacks and that the grouping was engaged in recruiting, training, targeting and the attempted procurement of weapons. Members were also involved in serious crime. We concluded that ONH remained a continuing and serious threat, including to the lives of members of the security forces⁶. In the same report we also noted that another dissident splinter grouping calling itself the Irish Republican Liberation Army (IRLA) had emerged in the Ardoyne area of West Belfast; that amongst dissidents generally there remained a desire to mount attacks and to cause disruption in other ways; that no progress had been made in promoting co-operation between dissident groups; and that the police and intelligence agencies North and South maintained a high level of activity against them, and had had a number of successes.

2.5 A find in the South in April was associated with ONH, which continued attempts to obtain weapons. In August suspect items were found in searches in Fermanagh which were also associated with ONH. The organisation continued to seek to raise funds, and although we believe that most of the proceeds go to the individuals involved in collecting them, some may go to the organisation. It also sought to recruit members, though we think with limited success. ONH continued to plan and engage in criminal activity such as drug dealing, robbery, fuel laundering and smuggling, especially of tobacco. In March a member of ONH carried out an armed robbery in the Strabane area. We believe that ONH continues to pose a serious threat, both as a paramilitary group capable of extreme violence and because of the criminal activities of its members.

2.6 IRLA continues to exist although we believe that it is essentially a group of criminals taking a republican banner in order to give supposed status to their activities. We believe that it was responsible for a shooting in Belfast in August. It claimed responsibility for more incidents than it may have actually carried out. Although we think that at the moment it does not present a significant threat we will continue to monitor it closely.

⁶ The Secretary of State announced on 14 May 2008, a fortnight after the publication of our Eighteenth Report, that ONH would be specified under the Northern Ireland (Sentences) Act 1998.

- 2.7 In our Twelfth and Thirteenth Reports we referred to *éirígí*, which we described as a small political grouping based on revolutionary socialist principles⁷. The grouping remains a political one with a focus on aggressive protest activities. We have no information to suggest that it is involved in paramilitary activity.
- 2.8 We believe that dissidents were responsible for a number of incidents involving explosive devices although we cannot be certain which group was involved: one was on the railway at Lurgan in April (possibly an elaborate hoax – it did not function); another on the railway near Portadown in May (possibly intended to disrupt the international investment conference at that time); two incendiary devices in a shop in central Belfast in the same month; a crude pipe bomb attached to flammable liquid found at the Newry Customs Post in June; and an attempt to place a device (which did not explode and may have been intended as a hoax) in a vehicle in August, possibly to lure the police into a vulnerable position. Dissidents were involved in disorders in March, and sought to raise tensions with loyalists during the parades season. We are unable to attribute precisely a number of the republican shootings and assaults to which we refer in Section 3 below, although all were the responsibility of dissidents⁸. Some were a violent response to alleged anti-social behaviour.
- 2.9 We discuss later in this Section the recent activities of each of the main dissident republican groups but in view of the increasing seriousness of what they have done we think it useful to offer an overview first. Three things are clear. First, in the six months under review (and indeed in the weeks following the end of that period) dissidents – mainly CIRA and RIRA - have been especially active. From May to the end of the period under review there was a more concentrated period of attacks than at any time since we started to report on them four and a half years ago. We believe that dissidents have also been undertaking planning and preparation for other attacks. Second, if it were not for the fact that the police on both sides of the border have been successful in disrupting dissident operations and arresting suspects, the number of reported incidents would have been

⁷ IMC Twelfth Report, October 2006, paragraph 2.20; IMC Thirteenth Report, January 2007, paragraph 2.19.

⁸ Paragraphs 3.5 – 3.8 and the accompanying graphs.

higher. Thirdly, dissidents have turned their efforts more directly to trying to kill PSNI officers, using a variety of tactics and methods.

2.10 We do not think that there has been any overall material increase in the number of dissident activists or in their access to weapons and explosives. Nor do we think that during the period under review the different groups have been much more successful at concerting their activities at a strategic level than they have been in the past, though it has long been the case that individual members have from time to time co-operated with people from another local group, and there may have been a somewhat greater incidence of this. There were changes in dissident leadership structures, partly caused by arrests and partly by jockeying for position. As our successive reports have shown, dissident activity has often fluctuated, but the pattern has tended to be fairly uneven – when one was more active, another could be less so. In the past few months RIRA and CIRA have both been more active at the same time. One possible reason for this may be a perception that the absence of progress on the devolution of justice and policing has created a political vacuum, or may have caused disaffection among republican supporters, which the dissidents think that they are able to exploit. Another may be an attempt to deflect the PSNI from maintaining the Patten approach and to prevent normal policing in certain areas.

2.11 We view the focus on PSNI officers as very serious. Dissidents – especially CIRA - not only undertook direct attacks but also engineered public disorder with a view to exploiting the exposure of police officers which they expected to result from it. In addition, they undertook clandestine activities designed to enable them to make attacks in the future. In our view this underlines the importance of doing everything possible to encourage widespread community support for the police so that information on dissident activity – as indeed on any form of crime - is available to the police to the maximum possible extent and at as early a stage as possible.

2.12 As we said in our Eighteenth Report, the police and intelligence agencies North and South have maintained a high level of effort against dissident republicans.

These efforts have led to significant successes which in their turn have helped to curtail dissident activity.

Continuity Irish Republican Army (CIRA)

2.13 In our Eighteenth Report we said that CIRA had remained active in the period under review. It had been responsible for an explosives incident and had orchestrated a stone throwing attack on members of the PSNI. Members had been responsible for assaults and had been involved in a wide range of serious crimes. It had also continued to seek to enhance the capability of the organisation through recruitment, training, the acquisition and manufacture of weapons and raising funds. We concluded that CIRA remained active, dangerous and determined and had the potential for a higher level of violent and other crime.

2.14 CIRA was active in undertaking and planning attacks on PSNI officers in the period under review. In June a police patrol was the target of a CIRA explosive device set off by command wire; the officers escaped serious injury. Another police patrol was the target of an attempted rocket grenade attack in Lisnaskea in August; CIRA, RIRA and IRLA have each claimed responsibility but we believe that CIRA was likely to have been responsible. On 25 August CIRA hijacked and set fire to vehicles in Craigavon, possibly to lure the police into positions where they could be attacked. The following day there were disorders in the same area involving stones and petrol bombs, during which shots were heard; we believe CIRA members orchestrated these incidents. In June and August the PSNI undertook operations to disrupt CIRA activity. Of the paramilitary shootings and assaults to which we refer in Section 3 below⁹, Armagh CIRA members were responsible for a particularly serious incident in May. CIRA undertook a number of assaults in April and May. They continued to plan and take part in a range of serious criminal activity, including drug dealing, robbery and “tiger” kidnapping, extortion, fuel laundering and smuggling.

⁹ Paragraphs 3.5 – 3.8 and the accompanying graphs.

2.15 CIRA continued its efforts to recruit and train members, including in the manufacture of explosive devices and the construction of weapon hides. Like other dissident groups, it sought to recruit disgruntled former members of PIRA though we do not have information indicating that it had any material success. CIRA continued its attempts to obtain weapons, both from others and by making its own. It also sought to raise funds for the organisation. In addition to the targeting which has been general amongst dissident groups, CIRA indicated in July that staff of HM Revenue and Customs and of the Northern Ireland Vehicle Licensing Authority would be targeted if they continued to help the PSNI.

2.16 We conclude that CIRA was active in the period under review and that it focused particular efforts on attacks on members of the PSNI which could have resulted in the loss of life. This focus was most evident during the latter part of the period and continued afterwards. At the same time it continued to try to enhance the organisation's capability and it engaged in the same range of serious criminal activity as before. The organisation remains a very serious threat.

Irish National Liberation Army (INLA)

2.17 In our Eighteenth Report we said that INLA had been less active in the six months then under review than it had been in the previous six months, save for serious crime. We concluded that it was serious crime which constituted its main common purpose. Nevertheless, in common with other dissident republican groups, it undertook targeting for the purpose of possible attacks and we believed it retained a desire to mount attacks. Overall we believed that despite its recent low level of activity it remained a threat and had the capacity for extreme violence.

2.18 In the six months under review members of INLA were, we believe, responsible for the one paramilitary murder which was committed in Derry in June. The victim was apparently going to the aid of a man who might have been the intended target of the assailants. The organisation continued to plan and to perpetrate a number of serious crimes, including drug dealing, extortion, robbery and offences against the revenue such as fuel laundering and smuggling. It also

targeted individuals. We think it also may have sought to exploit tension at community interfaces, for example by inciting young people to engage in public disorder or through shows of strength. There were significant numbers of arrests, charges and convictions of INLA members in the South. Overall INLA remains a threat and is capable of serious violence.

Provisional Irish Republican Army (PIRA)

2.19 We commented on PIRA in both our Eighteenth and our Nineteenth Reports, in the latter case focusing mainly on the leadership structures of the organisation. We said in both that we were certain that PIRA was committed to following an exclusively political path, that it was not involved in any form of terrorist activity and that the so-called “military” departments had been disbanded and ceased to function. We considered that the organisation’s former terrorist capability had been lost. We did not think it was involved in illegal activity, though some individual members were, despite the clear instruction to refrain from crime. We concluded that PIRA would stay on its present course and that the organisation was being allowed to wither away, though we did not foresee formal announcements about the disbandment of all or parts of the structure. We did not think that the PIRA of the recent violent past could re-emerge. Finally, we thought that the Army Council was by conscious decision being allowed to fall into disuse and that by taking these steps PIRA had by design completely relinquished the leadership and other structures appropriate to a time of armed conflict.

2.20 Only two months have passed since the comments we made in our Nineteenth Report. The situation described there has not changed and the exclusively political path is being maintained. Where some individuals were involved in violence or other forms of crime it was contrary to instructions and without sanction from the leadership. Most of the incidents of violence or the use of threats by individual members were in response to alleged anti-social behaviour or arose from personal altercations. A more serious incident of this kind in May had some of the characteristics of a paramilitary assault, but we are satisfied that

what we say about the absence of sanction applied in this case too. We have nothing further to add to the judgement we made in our Nineteenth Report.

Real Irish Republican Army (RIRA)

2.21 In our Eighteenth Report we said that RIRA – in which there are at least two factions - had been active and dangerous in the period under review. It had been responsible for shooting attacks against off-duty PSNI officers and for planting an explosive device. It had sought to enhance its capability through recruitment, training and the attempted procurement of weapons, and it had attempted to raise funds. Members had been involved in violent and other serious crimes. We concluded that RIRA was active and dangerous and that it remained a threat and capable of extreme violence though we believed that some members were starting to realise the political futility of what they were doing.

2.22 RIRA, like CIRA, was particularly active during the period under review. On two separate occasions in March RIRA members were arrested in the South in possession of terrorist material. Four members of the organisation are now awaiting trial on membership charges. In May a PSNI officer was seriously injured by an explosive device detonated under his car; RIRA claimed responsibility. In the same month it also claimed responsibility for an incendiary device which caused damage to a store in Cookstown and for another at a store in Lurgan. We believe RIRA was responsible for two incendiary devices which caused some damage at a restaurant in Cookstown, again in May, though on this occasion the organisation did not claim responsibility. RIRA members were amongst the dissident republicans who made a significant number of hoax telephone calls over the period under review, for example during the international investment conference in May. The great majority of the republican shootings and assaults over the period, to which we refer in Section 3 below¹⁰, were the responsibility of RIRA members. In a brutal attack in April RIRA members burst into the victim's home in Belfast and shot him in both legs; arrests and weapon finds followed this incident. Two other vicious RIRA shootings occurred in June. Members assaulted a Sinn Féin MLA in July. Members of RIRA remain heavily

¹⁰ Paragraphs 3.5 – 3.8 and the accompanying graphs.

involved in broadly the same wide range of serious crime as other dissident republicans, to which we referred above.

2.23 RIRA continued the efforts it had been making for a considerable period to enhance the capability of the organisation. It sought to recruit (though with limited success) and it trained members, including in weapons use and manufacture. It was eager to recruit disgruntled members of PIRA though we do not have information indicating that it had any material success. Like other dissidents, it undertook targeting, mainly of security force personnel, and it gathered information about them. It continued to seek to obtain weapons from associates, criminals and from overseas as well as by manufacturing them itself. PSNI searches in July and August led to the discovery of a number of weapons which we believe were associated with RIRA.

2.24 We conclude that RIRA is a serious and continuing threat and that it is likely to remain so. It presents a continuing threat to lives.

B. LOYALIST PARAMILITARY GROUPS

Loyalist Volunteer Force (LVF)

2.25 The assessment we made of the LVF in our Eighteenth Report was essentially unchanged from the one we had been making for some time. We said that it was a small organisation without any political role and that it existed as a loose association of people who used its name for criminal purposes. The crimes committed by those with historic links to the LVF included drug dealing and sporadic violence in pursuit of crime and the proceeds appeared to be for personal gain rather than for the organisation.

2.26 Once again, our assessment of the LVF is the same. The organisation is a small one without any political purpose. People historically linked to it are heavily involved in serious crime such as drug dealing and sporadic violence, the latter generally for criminal rather than paramilitary purposes. These people sometimes claim to represent the LVF when they judge it is in their interests to

do so. The proceeds of these crimes are for personal gain, not that of the LVF. We believe that this situation is likely to change only through the action which the police continue vigorously to pursue against those concerned.

Ulster Defence Association (UDA)

2.27 In our Eighteenth Report we said that the continuing split between the mainstream and the South East Antrim faction remained a key factor for the organisation. We noted its November 2007 statement about the “war” being over and that there had been some attempts to reduce the organisation’s size. We recognised that some senior figures wanted to turn the efforts of members from illegal activity to community development. But we thought that there had been limited success in making moves of this kind. The split, the views of members and the lack of strategic coherence at the top all militated against the UDA significantly changing itself. Some units continued to recruit and members were widely involved in violent and other serious crime. We concluded that although the statement was an important declaration of intent it had had a limited impact and that there remained no clear strategy for transforming the organisation. Nor had there been any general attempt to make progress towards decommissioning weapons.

2.28 In this report we make some comments in paragraphs 2.33-2.35 below on the South East Antrim break-away group of the UDA. In paragraphs 2.29-2.32 immediately below we have the mainstream UDA mainly in mind. We note in so doing that the mainstream remains active in the South East Antrim area although it is considerably outnumbered there by members of the break-away group.

2.29 The declaration of intent in the November 2007 statement remained in place and we still believe that the leadership genuinely wants to make progress in that direction. But the organisation remains hampered by the split, by a structure which makes it difficult to drive through change and the fact that some members appear still resistant to change. Despite this, most elements of the leadership continued to seek to downsize the organisation, encouraged members to report

crime to the police, engaged constructively in interface issues and showed a determination to avoid inter-community conflict.

2.30 There were nevertheless continuing examples of individual members taking their own initiative contrary to the declared aspirations of the leadership. Some individual members attempted to manufacture a pipe bomb and some - including at a senior level - indicated an interest in acquiring weapons. We believe that this is likely to have been on an individual and opportunistic basis. Members tried to identify people they believed were acting as informants and some, including at a very senior level, identified a number of people for attack over the period under review; the potential targets included fellow members suspected of anti-social behaviour or of other activities deemed unacceptable. In some parts of the UDA recruitment continued.

2.31 It is important to note that there has been a significant reduction in assaults on the loyalist side, though almost all the assaults attributable to loyalists were committed by UDA members. That does not necessarily mean they were sanctioned. Members of the UDA were however engaged in a number of activities associated with a paramilitary group, though not in attacks on the security forces. But they were involved in attacks and intimidation against foreign nationals in Antrim and West Belfast. At least three people were ordered to leave their homes by UDA members, though one was subsequently "allowed" to return. UDA members were involved in disorders in Coleraine on 8 August when loyalists gathered to intimidate republicans, though we do not think this was pre-planned or had leadership sanction. The leadership continued its efforts to reduce levels of criminality and had some success in this regard. Nevertheless, members remained involved in a range of crimes, including drug dealing, extortion, money laundering, loan sharking and the sale of counterfeit goods, and some of these crimes involved senior members. We believe that in most cases the proceeds from these crimes went to the individuals rather than the organisation.

2.32 In the six months under review the leadership of the UDA has continued to show what we believe is a genuine desire for change and has worked for it. We

recognise that the position the leadership has adopted in encouraging people to rely on the police to respond to crime has created some community tension. We also think that some members may have been expelled for activities deemed unacceptable. We will continue to monitor the leadership's efforts to address the remaining issues.

UDA – South East Antrim Break-Away Group

2.33 For the first time we have decided to look separately at the South East Antrim break-away group of the UDA. Although it still employs the title of the UDA we are satisfied that at this stage it is effectively a separate organisation. It is not however possible to distinguish clearly between all the activities in that area attributable to the UDA in order to be certain which were the responsibility of the mainstream or its members and which of the South East Antrim break-away group or its members.

2.34 We recognise that the South East Antrim break-away group is also pursuing a policy of community development and is engaging with public agencies to that end. It has said that its members should not engage in crime. This has had some impact but serious crime is still as prevalent on the part of its members as it is on the part of members of the mainstream. For example, we are aware of two people who were assaulted in that area by members of the South East Antrim break-away group and there have been recent arrests for extortion and drugs offences. We think it is also possible that the leadership may recognise the inevitability of the decommissioning of weapons. We will judge this by results.

2.35 In future reports we will make as clear a distinction as we can between the mainstream and the South East Antrim break-away group.

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

2.36 In our Eighteenth Report we said that the leadership of the UVF continued to pursue its statement of May 2007 by, for example, downsizing the organisation

and reducing the incidence of criminality on the part of members, though some members continued to be involved. We did not think that the UVF was recruiting, training or trying to enhance its capability. We concluded that in the six months under review there had been further progress along the path set out in May 2007 but that more remained to be done, including on the decommissioning of weapons. We invited the British Government to revisit the question of the despecification of the UVF. A fortnight after the publication of our report the Secretary of State announced that it would do so, and the change was implemented in July.

2.37 The direction being taken by the UVF remained broadly unchanged over the six months under review. The leadership continued to make efforts to put weapons “beyond reach” (the term used in the May 2007 statement), to downsize the organisation and to reduce the level of criminality on the part of members. Paramilitary leadership structures remain in place, as arguably they need to in order to pursue this policy, but the organisation itself is running down and is not involved in either preparatory or violent terrorist activities.

2.38 As we said in our previous report, this has not meant that all members have refrained from illegality. Although we do not believe that the UVF has engaged in any material level of recruiting there appears to have been limited localised recruitment in some areas. Members have targeted people allegedly engaged in anti-social activity or suspected of passing information, though we do not think that this has been with leadership sanction. Members have also undertaken internal investigations, including to identify suspected informants. We believe that some members, including one senior one, sought to acquire weapons; in one case this was apparently to undertake an incendiary attack. The incidence of other forms of crime on the part of UVF members seems to have fallen over the period, presumably at least in part due to the steps the leadership has taken to discourage it. This is particularly the case with assaults and shootings, where there has been a significant reduction on the loyalist side. Some members or former members continue to engage in a range of criminal activity though without leadership sanction. The recent find of weapons in Belfast falls outside the

period covered by this report. We have no grounds at present for concluding that the weapons belong to the UVF but we continue to examine the matter.

2.39 The UVF thus remained on the path it set out some eighteen months ago and it made further progress along it. We believe some elements in the UVF may be moving to recognise that it must tackle the decommissioning of weapons but from what we observed in the period under review it was not clear that there would be early steps actually to do so.

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 March to 31 August 2008 set against similar information for earlier six month periods.

3.2 We again draw attention to the unavoidable limitations of any statistical examination of the incidence of paramilitary violence. These statistics include only those acts of violence which come to the notice of the police, and not all incidents are reported. It is not possible to quantify intimidation short of violence, which may also not be reported. And nothing we say about the statistics can adequately convey the dreadful experiences of the victims and their families.

3.3 Over the period from 1 March 2003 to 31 August 2008 we believe that the number of *paramilitary murders* was as follows¹¹:

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

3.4 We have the following comments on paramilitary murders:

- The one paramilitary murder is the same number as in the preceding six month period. As then, it was committed by dissident republicans;

¹¹ In successive earlier reports we included extensive annotations to the following table, for example indicating why we had not included particular murders. We discontinued this practice in our Twelfth Report in October 2006 and we refer readers to those earlier reports for the full details.

- We repeat the comment we have made in each of these reports since the murder of Denis Donaldson in April 2006¹²: we are unable to attribute responsibility for it; the investigation is still continuing.

The following paramilitary murder took place in the period 1 March to 31 August 2008:

Emmett Shiels, murdered 24 June 2008.

3.5 The number of *casualties of paramilitary shootings and assaults* from 1 March 2003 to 31 August 2008 was as follows:

Shooting Casualties

Responsible Group	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	1	1	2	14	36	36	37	39	69	34
Republican	8	6	0	8	4	2	4	7	11	19	35
TOTAL	9	7	1	10	18	38	40	44	50	88	69

Assault Casualties

Responsible Group	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	9	26	13	14	19	20	39	29	42	57	46
Republican	5	6	3	5	9	6	16	25	18	26	24
TOTAL	14	32	16	19	28	26	55	54	60	83	70

3.6 The number of shooting casualties in the six months under review represents a further increase, from 7 to 9. In the same period in 2007 there had been 1, the victim of a loyalist attack. The number of shooting casualties of loyalists has now been level at that figure for eighteen months. The increases since 2007

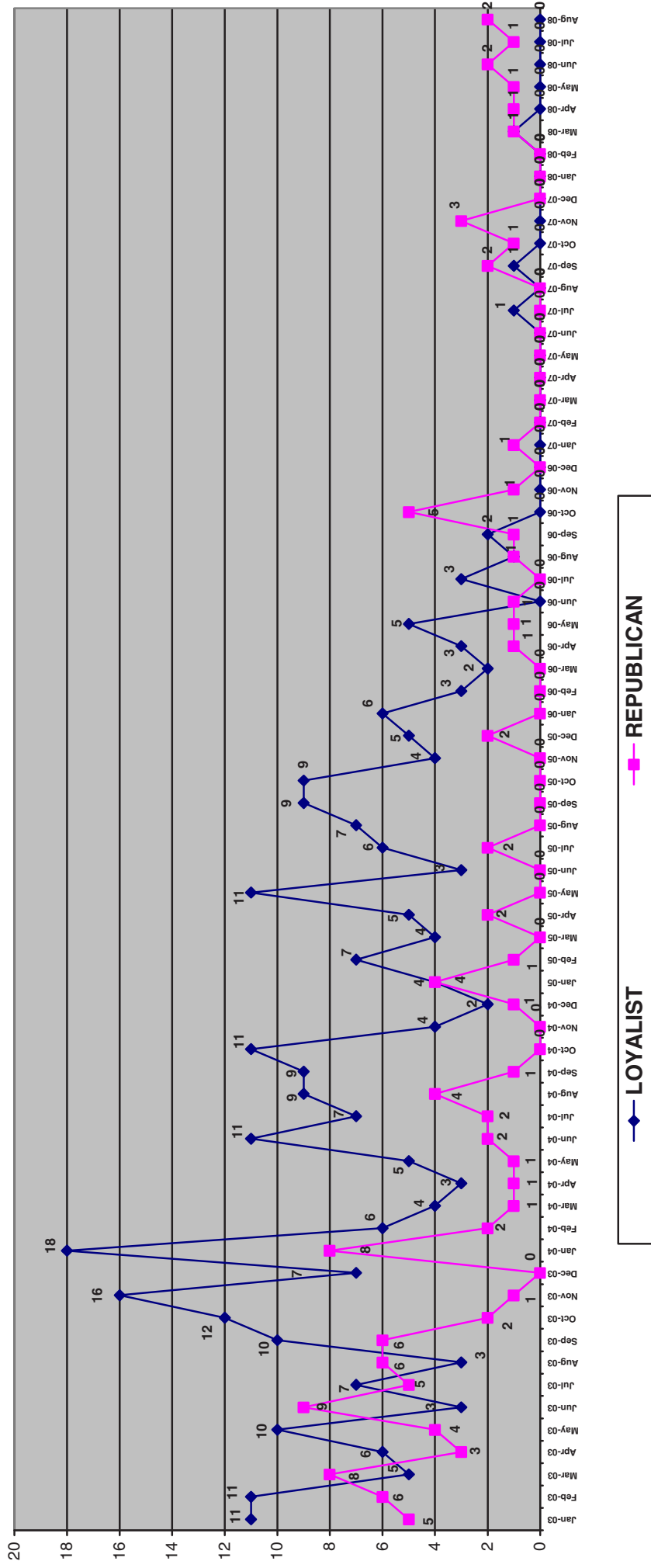
¹² IMC Tenth Report, April 2006, paragraph 3.5.

have been entirely attributable to dissident republicans¹³. None were the result of attacks by PIRA.

- 3.7 In contrast, the total number of assault casualties has more than halved compared with the previous six month period, from 32 to 14, and as such is the lowest it has been since March 2003. This fall is virtually all attributable to a decline in the number of victims of loyalist assaults, which in the previous six months had been higher than it had been at any time since 2005. The loyalist figure is the lowest we have reported for any six month period.
- 3.8 The following graphs include the monthly figures we have previously published, extended by six months to 31 August 2008.

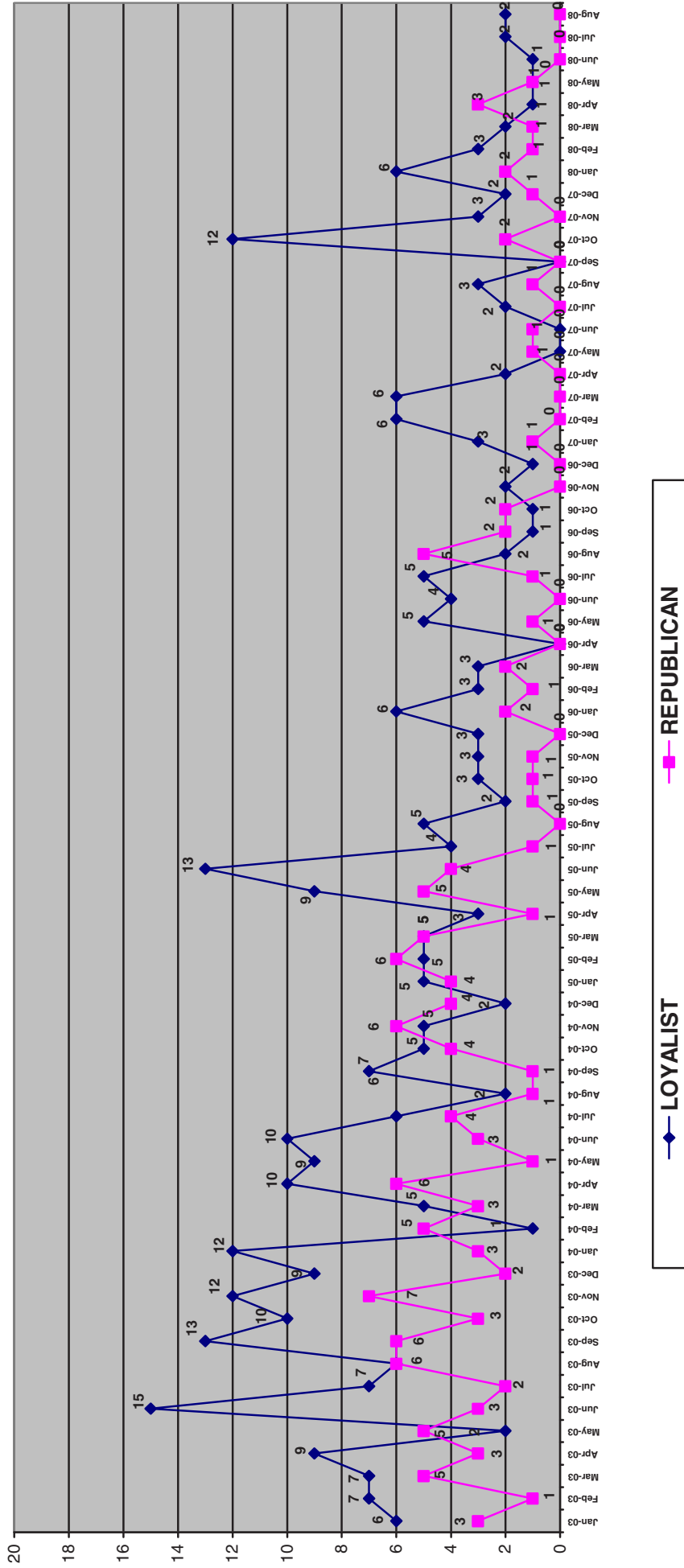
¹³ We deal more fully with the recent increase in the incidence and seriousness of dissident republican violence in Section 2 above.

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



TOTALS OVER THE PERIOD: LOYALIST SHOOTING CASUALTIES - 292 REPUBLICAN SHOOTING CASUALTIES - 115

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



TOTALS OVER THE PERIOD: LOYALIST PARAMILITARY ASSAULTS - 327 REPUBLICAN PARAMILITARY ASSAULTS - 147

Geographical Variations in Paramilitary Violence

3.9 In our three previous autumn reports on paramilitary activity we commented on the very considerable variation in the geographical distribution of the incidents of paramilitary violence and included maps which illustrated it¹⁴. We think that it would be helpful to continue this analysis by looking at the position over the 12 months 1 September 2007 to 31 August 2008.

3.10 The maps of Northern Ireland as a whole are produced on the same basis as those in our previous reports and so are directly comparable. The first 3 show:

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

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

3.12 The numbers in these maps relate to the local government districts. Annex III gives a key to these districts and contains a technical note.

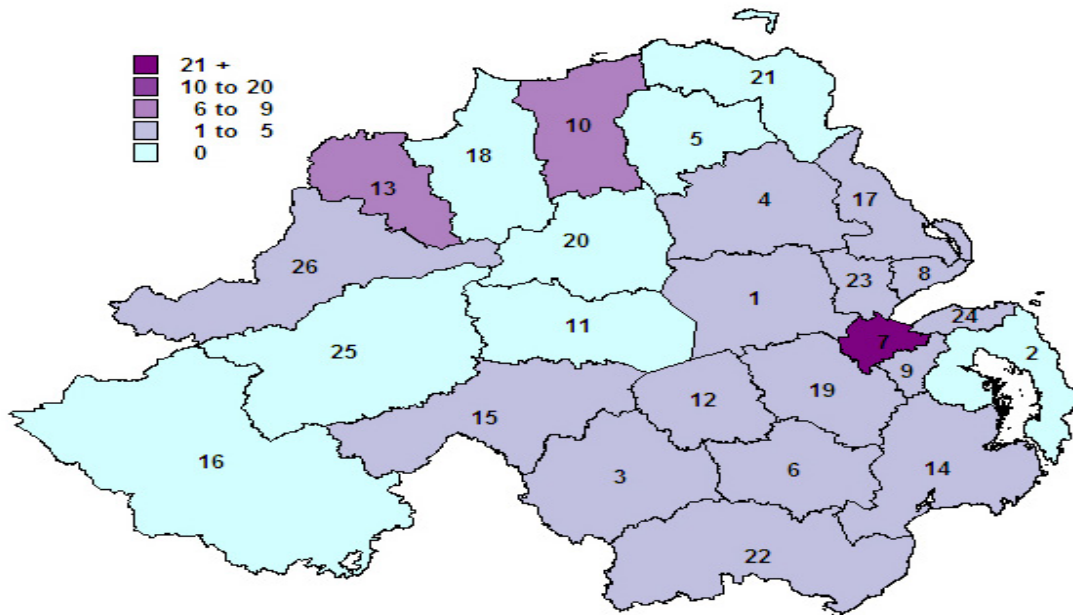
3.13 In broad terms these maps show that:

- The total number of casualties of republican and loyalist attacks combined over the twelve months under review was higher than in the same period in 2006-07, at 62 as against 45. Although once again most of Northern Ireland experienced no or very few casualties, the number of local council districts with none decreased from 11 in 2006-07 to 8 in 2007-08, and the number in the 1 to 5 band rose from 13 to 15;

¹⁴ IMC Seventh Report, October 2005, paragraphs 4.7-4.11; IMC Twelfth Report, October 2006, paragraphs 3.14-3.18; and IMC Seventeenth Report, November 2007, paragraphs 3.9-3.13.

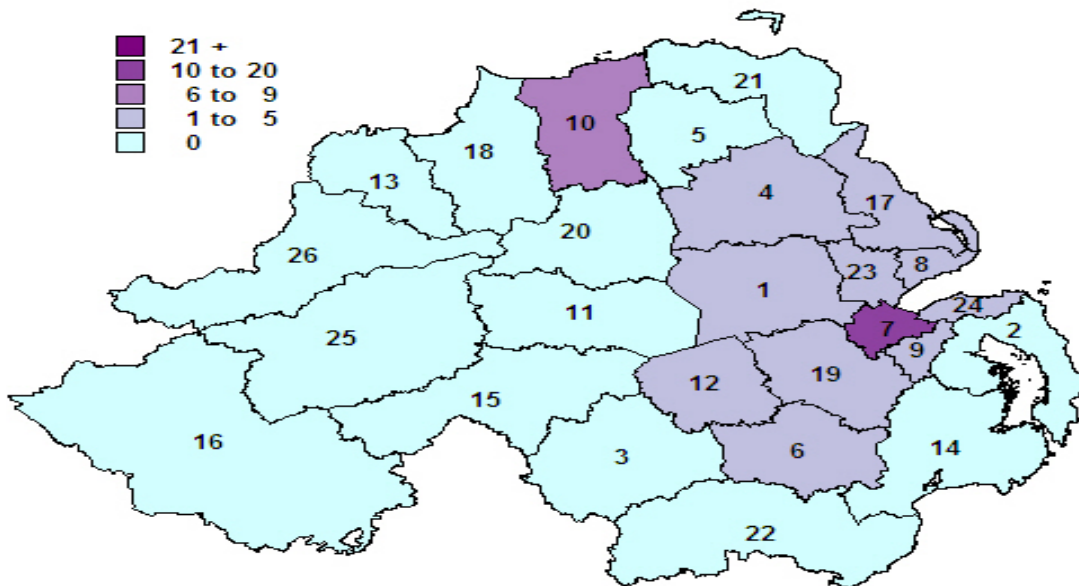
- Belfast (22 casualties caused by loyalists and republicans combined compared with 19 in 2006-07) was the only district with over 9 casualties;
- The casualties of loyalist attacks (37 in the twelve months under review as against 30 in the same period in 2006-07) were concentrated in Belfast and, to a lesser extent, in Coleraine. All the other attacks were in an area around Belfast bounded by Ballymena in the North and Banbridge in the South;
- The geographical distribution of the casualties of republican attacks (25 in the twelve months under review as against 15 in 2006-07) was broadly speaking similar. In contrast to loyalist attacks they were spread more to the South and West in addition to Belfast itself;
- Within Belfast the number of wards in which there were no casualties was hardly changed (37 as against 38). The pattern of wards experiencing casualties was however considerably different: of the 14 wards with casualties in 2007-08, only 3 had experienced casualties in 2006-07; 10 of the 13 wards with casualties in 2006-07 had none in the recent twelve month period. The wards with the largest number of casualties in 2007-08 were Waterworks and Woodvale, whereas in 2006-07 it had been Clonard, in which this time there were none.

Casualties as a result of paramilitary attacks in Northern Ireland by Local Government District: September 2007-August 2008†



Total number of attacks in Northern Ireland = 62

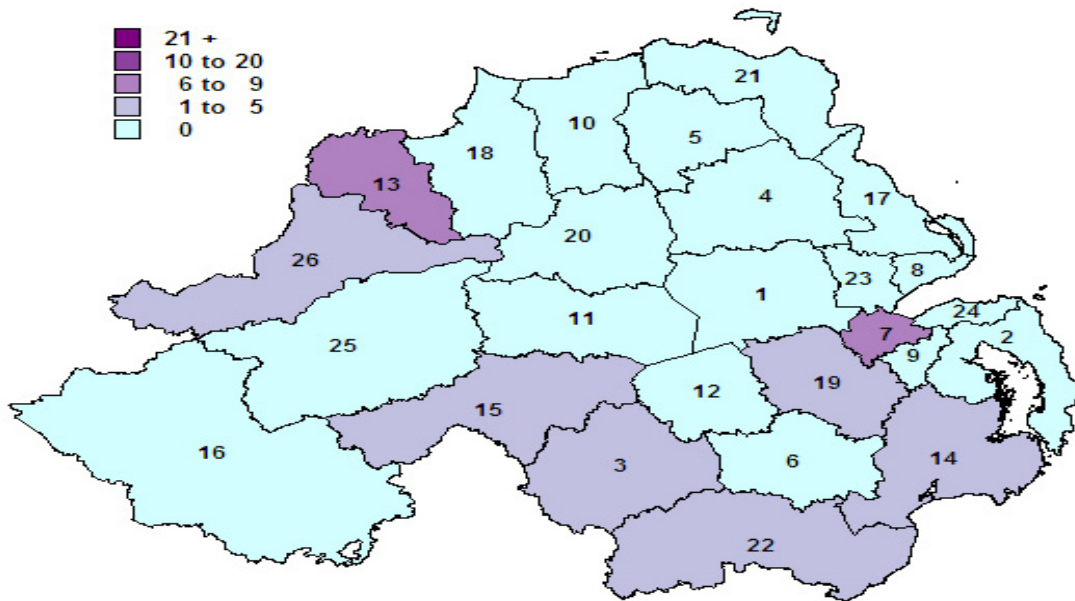
Casualties as a result of paramilitary attacks in Northern Ireland where attribution is perceived as Loyalist: September 2007-August 2008†



Total number of Loyalist attacks = 37

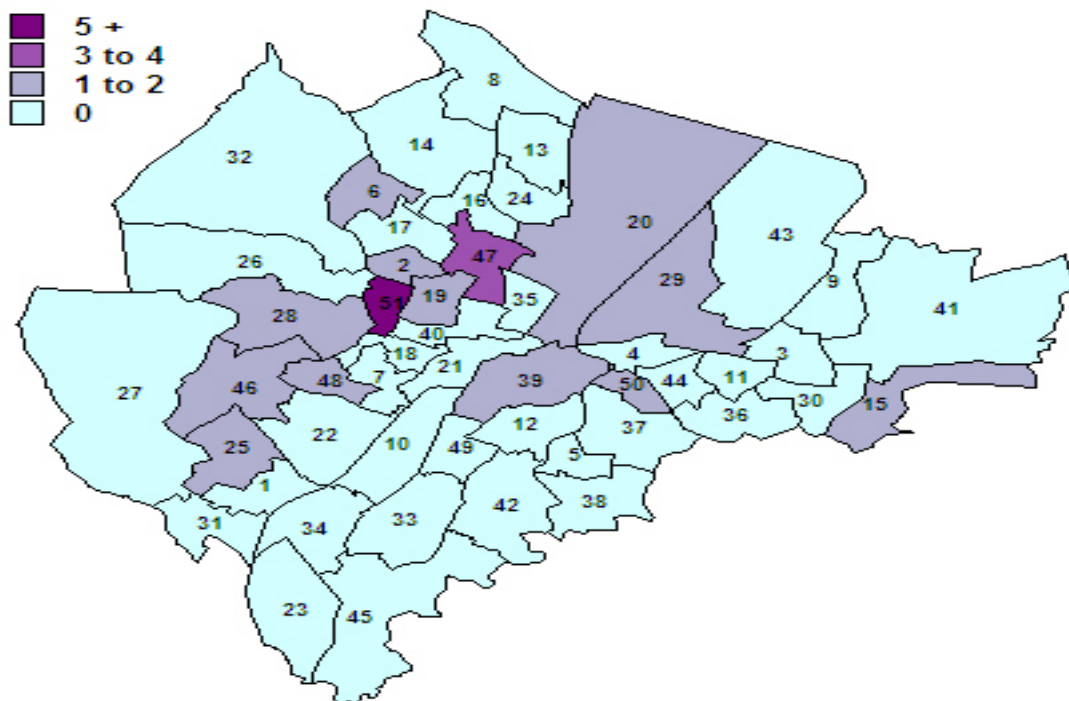
† The numbers on the maps refer to Local Government Districts (see the key in Annex III) – and not to acts of violence

Casualties as a result of paramilitary attacks in Northern Ireland where attribution is perceived as Republican: September 2007-August 2008[†]



Total number of Republican attacks = 25

Casualties as result of paramilitary attacks in the Belfast Local Government District by Ward: September 2007-August 2008[†]



Total number of attacks in Belfast = 22

[†] The numbers on the maps refer to Local Government Districts or Wards (see the key in Annex III) – and not to acts of violence

Conclusions

3.14 In recent Article 4 reports we have sounded a cautionary note about these statistics¹⁵. Because there are few paramilitary attacks compared with the earlier part of the period on which we have reported, small movements in the figures result in considerable percentage changes. The conclusions we set out below illustrate the trends and enable readers to make comparisons with our earlier reports, but **the percentages must therefore be interpreted with care.**

3.15 Our conclusions for the six months 1 March to 31 August 2008 are:

- **There was one paramilitary murder in the period under review, the same number as in the preceding six month period;**
- **The number of casualties from both shootings and assaults fell from 39 to 23, a fall of 41% compared with the previous six month period. Compared with the same six month period in 2007 it rose from 17 to 23, an increase of 35%;**
- **The combined figure of shooting and assault casualties from loyalist attacks – 10 – was 17 lower than in the previous six month period. This represents a decrease of 63%. Compared with the same period in 2007 there was a fall of 4, or 29%. In the latest period the total was made up of 1 shooting casualty (the same as in the preceding six months) and 9 assault casualties (26 in the preceding six months);**
- **The combined figure of casualties from republican shootings and assaults - 13 – was an increase of 1 or 8% over the previous six month period. Compared with the same period in 2007 the latest figure is 10 higher - 333%. On this occasion the total is made up of 8 shooting casualties (6 in the preceding six months) and 5 assault casualties (6 in the preceding six months);**

¹⁵ IMC Fifteenth Report, April 2007, paragraph 3.9; IMC Seventeenth Report, November 2007, paragraph 3.14; and IMC Eighteenth Report, May 2008, paragraph 3.9.

- Averaged out for all paramilitary groups, there was nearly 1 victim every week;
- Dissident republicans caused 89% of the shooting casualties and loyalists 64% of the assault casualties;
- PIRA was not responsible for any of these incidents¹⁶;
- The changes may be summarised as follows:

Loyalist Groups

- The number of shooting casualties – 1 – was the same as it had been in the two previous six month periods. These are the lowest since March 2003;
- The number of assault casualties was down by 65% from 26 to 9 compared with the preceding six months and down by 31% from 13 to 9 compared with the same period in 2007;

Republican Groups

- Shooting casualties were up by 2 from 6 to 8 compared with the preceding six month period, an increase of 33%, and up from 0 to 8 compared with the same period in 2007;
- Assault casualties were down by 17% from 6 to 5 compared with the preceding six month period, and up by 67% from 3 to 5 compared with the same period in 2007.

Geographical Variations

- The number of local government districts experiencing at least 1 casualty rose from 15 in 2006-07 to 18 in 2007-08.

¹⁶ We have noted in all our reports of this type since our Eighth in February 2006 that PIRA 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 in the Spring of 2005¹⁷. They are that those in leadership should articulate their opposition to all forms of illegality, should exert their influence against members of paramilitary groups who had not given up crime, and should give clear support to the criminal justice system. In so far as Sinn Féin and PIRA are concerned we also have in mind what we said in our recent ad hoc report.

Sinn Féin and PIRA

- 4.3 We commented on the role of leadership in our Eighteenth Report six months ago and in our ad hoc Nineteenth Report in September 2008. We said that the leadership remained firmly committed to following the political path and would not in our view be diverted from it. We concluded that PIRA had completely relinquished the leadership and other structures appropriate to a time of armed conflict.
- 4.4 As we say above in respect of PIRA¹⁸, the position has not changed since our Nineteenth Report and we therefore have nothing else to add.

¹⁷ IMC Fifth Report, May 2005, paragraphs 1.15-1.17 and 8.9-8.10.

¹⁸ Paragraph 2.20.

The PUP and the UVF

- 4.5 In our Eighteenth Report we said that the leadership of the UVF remained committed to its statement of May 2007 and that it was continuing to implement it. We pointed however to the continuing failure to face the issue of decommissioning, difficult though it clearly was for some members. We hoped that the PUP would exert any influence it had to encourage the UVF to move further, including on decommissioning.
- 4.6 We remain convinced of the UVF leadership's commitment to the May 2007 statement, and as we report in Section 2 above¹⁹, there has been continuing progress. There has been engagement with republicans, for example to avoid conflict at community interfaces. The leadership consults members, as we recognise it has to, and much has happened in terms of a reduction in assaults and criminal activity and in the winding down of operational structures. An important outstanding issue is decommissioning and we hope that the clear improvements we have outlined above will continue through to the addressing of this issue as soon as possible. We encourage the PUP to continue to exert a positive influence to that end.

The UPRG and the UDA

- 4.7 In our Eighteenth Report we said that the divisions within the UDA remained and had been a factor in inhibiting progress. Another factor remained the absence of clear strategic direction. At the same time, we did not doubt that many in the leadership continued to want to promote the development of their communities and to wean members away from crime. We concluded that the leadership remained high on good intentions but that it had an uncertain capacity to deliver.
- 4.8 The intentions on the part of the leadership of the mainstream UDA remain constructive. They wish to secure the development of their communities and to reduce crime and they have made clear that violence is not acceptable as a

¹⁹ Paragraphs 2.37 - 2.39.

means of dealing with anti-social behaviour or for any other purpose. They played a constructive part in ensuring that the 2008 parades season was calm. They have faced criticism from local communities for their stand on having recourse to the police. But the UDA is loosely structured, which makes progress harder. We make no apology for focusing on delivery, and we will continue to do so. On that test, the mainstream UDA still has some way to go. It must recognise that the organisation's time as a paramilitary group has passed and that decommissioning is inevitable. We refer further to this subject in paragraphs 4.10–4.12 below.

- 4.9 Similar observations could be applied to the leadership of the South East Antrim break-away group.

The Continuing Challenge to Loyalist Leaders

- 4.10 In recent reports we have referred to the importance of loyalist leaders recognising the need for change and searching for every opportunity to bring it about. We have done so fully aware of the difficulties they are encountering. But those who hold positions of leadership in paramilitary groups have to face their responsibilities just as do leaders in any other walk of life.
- 4.11 Decommissioning remains the biggest outstanding issue for loyalist leaders, although not the only one. We note the remarks of the Secretary of State in May 2008 that the IICD (like the IMC) was a time limited institution and that the legal protection for decommissioning which comes with it will go sooner rather than later. We welcome these comments and hope that their implications are fully understood by loyalist leaders.
- 4.12 Progress to date on loyalist decommissioning has been disappointing. We believe that the time is fast coming when it may be advisable publicly to set a clear deadline beyond which the protections of the decommissioning legislation will cease to apply. The matter will arise in relation to the parliamentary renewal of the powers in February 2009. Whether that is itself a suitable outer limit is for others to determine.

5. NORMALISATION: WHERE NEXT?

- 5.1 For three years we have been able to report developments towards a more normal situation in Northern Ireland. PIRA has transformed itself; loyalists have embarked on change (though with varying degrees of success) and the level of loyalist violence has significantly reduced; the British Army's Operation Banner has ended; the dissident republicans remain committed to terrorist violence and are a serious threat to public safety. In parallel, the Assembly and Executive are in place, albeit that some current political difficulties remain to be resolved, and the people of Northern Ireland are directly responsible for all the functions capable of devolution save for justice and policing. People are generally confident that there will not be a return to the former troubles.
- 5.2 We referred in our Eighteenth Report to the process of transition to normality, both as it affected paramilitary groups and the institutions such as ourselves designed to facilitate it²⁰. We argued that the process could not continue indefinitely and we said that the devolution of justice and policing would be a further indication of progress towards the end declared in Article 3 of the International Agreement under which we are established: "the transition to a peaceful society and stable and inclusive devolved Government in Northern Ireland"²¹.
- 5.3 The devolution of justice and policing has yet to be achieved but we think it is now timely to look ahead to when that happens. It will provide two important opportunities. First, it will facilitate the closer integration of law enforcement with other domestic policy. Second, it will enable the Executive and Assembly to ensure that the functioning of the criminal justice system is fully aligned to the new circumstances. Behind both these issues lies the concept of an overarching law enforcement strategy tailored to the needs of a normalised Northern Ireland.
- 5.4 On the first issue - integration - it is a commonplace that there is no form of crime which the police and criminal justice agencies can defeat on their own. They need the support of the whole community and of public bodies. Criminals – not least continuing and former paramilitaries who remain criminally active – are experienced and resourceful. It is essential in our view that the full weight of public agencies is directed against them. We ask, for example, whether the

²⁰ IMC Eighteenth Report, May 2008, Section 6.

²¹ We have cited this Article in each of our reports; see paragraph 1.3 above.

maximum effort is being made to ensure that they are not able to defraud industrial or agricultural subsidies. Do public agencies direct their full efforts against criminals who fraudulently claim benefits? Where they incur debts with utility companies are any ensuing court orders rigorously pursued? Can the Assembly and Executive play a part in persuading financial institutions not to support businesses which may be a cover for illegal activity?

- 5.5 On the second issue, it will be important to ensure that as Northern Ireland becomes more normal so the operation of the whole criminal justice system is directed to its evolving needs. The terrorist campaigns have inevitably left a long tail, not least in the operation of that system. We have been looking at the nature of the arrangements for the disclosure of prosecution material in Northern Ireland as compared with the arrangements elsewhere in the UK and in Ireland. We note the views of the Criminal Justice Inspectorate for Northern Ireland in its recent report on the Public Prosecution Service and welcome the fact that it will look more closely at disclosure in a future inspection²². We intend to look further at the issue.
- 5.6 The devolution of justice and policing will provide an entirely fresh opportunity for a strategic approach to both these issues. The closer integration of law enforcement with other public services and the operation of the criminal justice system can then be viewed as a whole and policy can be tailored by the Assembly and Executive to meet the challenges which Northern Ireland will certainly still face. While the devolution of justice and policing has not yet been achieved, it is not too early to start considering these issues.

²² Criminal Justice Inspection, Northern Ireland, (i) An Inspection of the Public Prosecution Service for Northern Ireland, July 2007, pages 59-61 and (ii) Business Plan 2008-09, The Inspection Programme 2008-09.

ANNEX I

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

Article 4

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

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

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

(b) assess:

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

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

Article 7

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

ANNEX II

THE IMC'S GUIDING PRINCIPLES

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

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

ANNEX III

MAPS SHOWING THE GEOGRAPHICAL DISTRIBUTION OF PARAMILITARY VIOLENCE IN SECTION 3: TECHNICAL NOTE AND KEY TO LOCAL GOVERNMENT DISTRICTS

The maps following paragraph 3.13 showing the geographical distribution of paramilitary violence over the 12 months from 1 September 2007 to 31 August 2008, are based on District Council areas for Northern Ireland as a whole and on wards for Belfast. The maps below give a key by which individual areas can be identified.

Technical Note

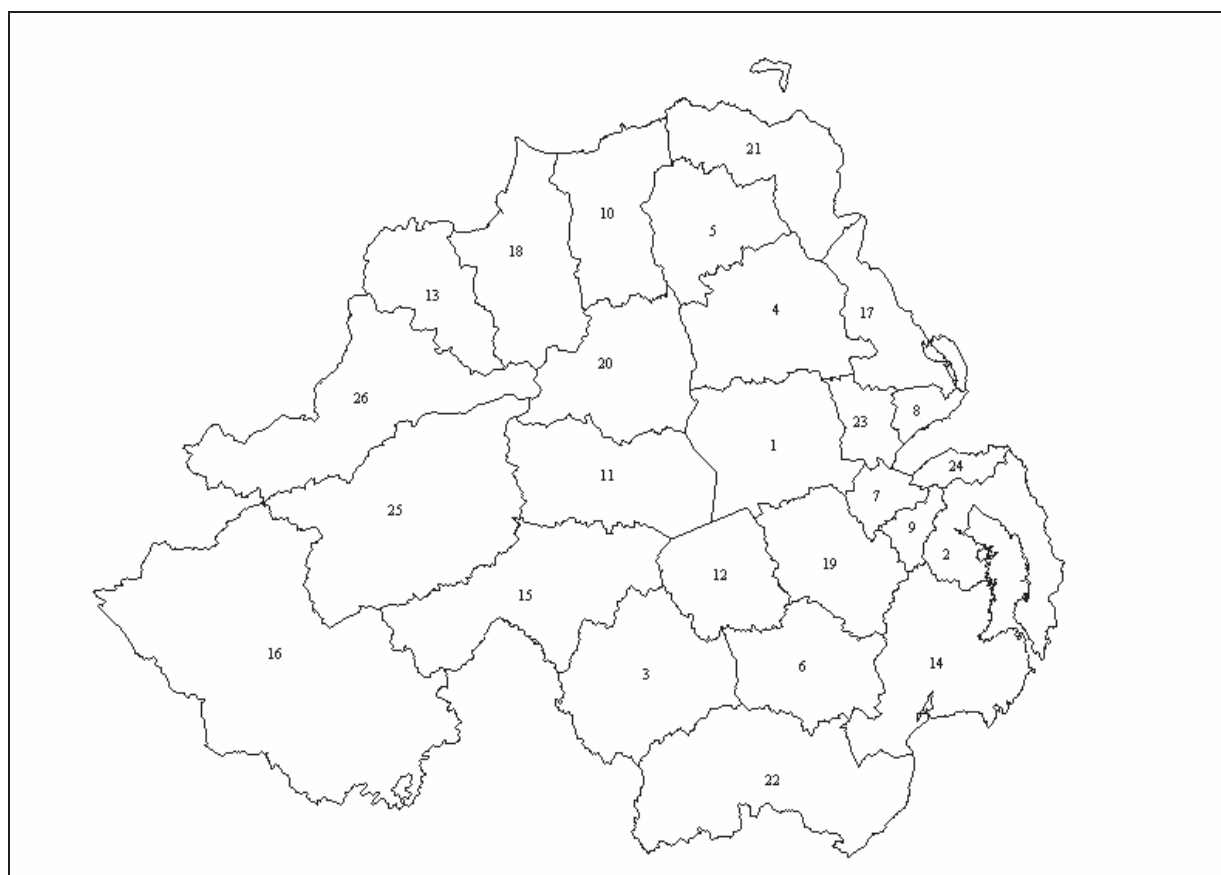
Maps of this kind can be produced only if a valid postcode is associated with the incident. All of the 62 paramilitary attacks (which include both shootings and assaults) during the period 1 September 2007 to 31 August 2008, had a valid postcode (as verified against the 2005 Central Postcode Directory), for the location of the attack and are therefore included in this analysis. The maps use 1993 Local Government District and Ward boundaries. The keys are in Tables 1 and 2 below.

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

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

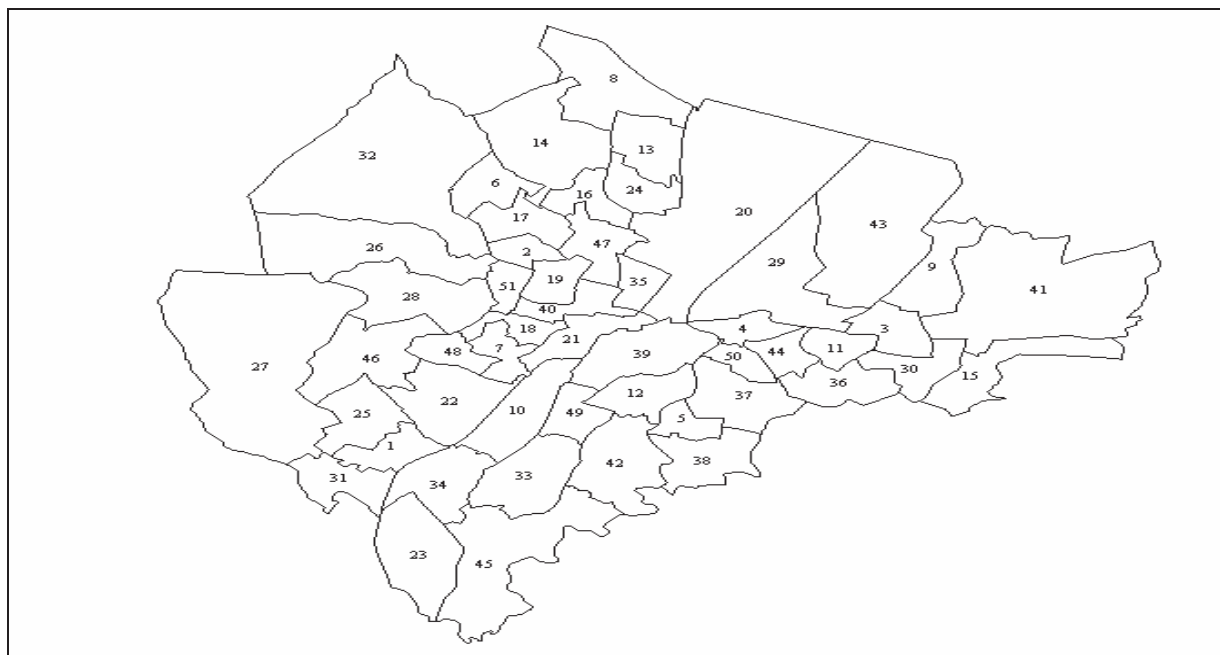
Table 2, below the map of Belfast local government wards, identifies the community background split within the ward as defined by a person's current religious group, if any, or the religious group in which they were brought up for people who do not regard themselves as belonging to any religion. The proportions are based on data from the 2001 Census, which took place on 29 April 2001 and have been rounded to the nearest whole number. The category 'Protestant' includes those respondents who gave their religion as Protestant or other Christian/Christian related. The category 'Catholic' includes those who gave their religion as Catholic or Roman Catholic.

Outline of Northern Ireland by Local Government District



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

Outline of Belfast Local Government District by Ward



<i>Ward</i>	<i>Map reference number</i>	Protestant / Catholic Population (%)	<i>Ward</i>	<i>Map reference number</i>	Protestant / Catholic Population (%)
Andersonstown	1	1 / 99	Glencolin	27	1 / 98
Ardoyne	2	3 / 96	Highfield	28	94 / 4
Ballyhackamore	3	80 / 12	Island	29	90 / 5
Ballymacarrett	4	47 / 51	Knock	30	90 / 5
Ballynafeigh	5	33 / 59	Ladybrook	31	12 / 87
Ballysillan	6	91 / 4	Legoniel	32	59 / 38
Beechmount	7	4 / 92	Malone	33	38 / 56
Bellevue	8	35 / 61	Musgrave	34	37 / 60
Belmont	9	90 / 4	New Lodge	35	2 / 97
Blackstaff	10	91 / 4	Orangefield	36	91 / 3
Bloomfield	11	88 / 5	Ravenhill	37	67 / 26
Botanic	12	23 / 67	Rosetta	38	37 / 58
Castleview	13	64 / 31	Shaftesbury	39	58 / 37
Cavehill	14	45 / 51	Shankill	40	94 / 3
Cherryvalley	15	85 / 9	Stormont	41	85 / 9
Chichester Park	16	20 / 75	Stranmillis	42	44 / 48
Cliftonville	17	29 / 68	Sydenham	43	90 / 4
Clonard	18	3 / 96	The Mount	44	90 / 4
Crumlin	19	94 / 4	Upp. Malone	45	69 / 25
Duncairn	20	90 / 6	Upp. Springfield	46	3 / 97
Falls	21	3 / 97	Waterworks	47	7 / 91
Falls Park	22	2 / 98	Whiterock	48	1 / 99
Finaghy	23	50 / 45	Windsor	49	47 / 43
Fortwilliam	24	64 / 33	Woodstock	50	87 / 6
Glen Road	25	2 / 97	Woodvale	51	95 / 3
Glencairn	26	85 / 12			

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