

TENTH 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 26th April 2006

TENTH 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

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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 Our reports of this kind are normally at six monthly intervals. The British and Irish Governments published our Seventh Report in October 2005 and asked us for an additional one in January 2006, half way through the six monthly cycle, which they published in February². This present report accordingly comes at the normal six month point but the new material is for three months (December-February) rather than six. In the ordinary way our next six monthly report will be due in October 2006.
- 1.3 We return again, as we have with all these reports, to two points which we believe are at the heart of our work:

- First, we continue to be guided by the objective of the Commission set out in Article 3 of the International Agreement;

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

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

Our Role and Our Reports

- 1.4 We are aware of the view that, notwithstanding the major progress made in the two years since we first reported, by focusing on incidents of criminal paramilitary activity

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

² IMC Seventh Report, published October 2005. IMC Eighth Report, published February 2006. Our Ninth Report, published March 2006, was on security normalisation under a separate part of our remit.

our reports present an unbalanced picture. It has been argued that we tend to give undue prominence to individual incidents or fail to present the wider context. It is also suggested that we draw unnecessary attention to criminal activity at a time when it would be better to raise our sights from the particular to the broader picture. We know some believe that in this way we impede political progress. We recognise that amongst those who hold views of this kind are people who are by no means inimical to our work and who are as determined as any to see an end to paramilitary activity. Because these views go both to our remit and to how we have consistently sought to discharge it, we feel obliged to make some comment. There are two main issues.

1.5 First, as we have just mentioned, Article 3 sets out our objective. At the same time, our remit is clear: to monitor and report on continuing activity by paramilitary groups. From the start we have tried our best to describe what we found, without either embellishment or concealment. We have gone where the facts have led us, and have set things out as honestly as we can. We have always sought to give a full picture which fairly represents the totality of what is happening, pointing to progress where it has been made at the same time as drawing attention to paramilitary crime when it has occurred. We have been careful in the words we have chosen. For example, when we have referred to members rather than to the organisation undertaking some activity, we have not been saying that the organisation itself was necessarily responsible. We have distinguished where appropriate between members and former members. We are of course open to challenge, and though we have said before that we believe we are “thorough in our methods and measured in our assessments” we know that we are not immune from error, and we will always acknowledge in a subsequent report if ever one of our conclusions does not stand up in the light of later information³.

1.6 Second, we are well aware that the terms of our reports, which we craft with great care so as to give as fair and accurate a picture as possible, cannot for various reasons always be fully reported in the media. The general public will not read our reports in full⁴. It is inevitable that should there happen to be a particular focus or

³ IMC Fifth Report, paragraph 1.13 (May 2005). In the footnote accompanying this paragraph we referred to our correcting in our Third Report the attribution of a murder which we had made in our First Report, and to ourselves and the PSNI having offered an explanation and apology to the family.

⁴ All our reports are available in full on our website (www.independentmonitoringcommission.org). On the day of publication of our Eighth Report there were 37,537 hits on the IMC website. This was one third higher than the previous highest number of hits in one day.

angle in the media reports, either of what is said in our reports or of political commentary about it, this will colour the picture people gain. After our Eighth Report in January 2006, for example, some people felt we had failed to give the full story, particularly in relation to PIRA. We are satisfied that, read as a whole, what we said then fairly represented the situation we found at that time, not least in emphasising the very considerable progress PIRA had made to follow a political path.

- 1.7 We are therefore clear about some fundamental points. We will follow the facts and will continue to report things as we find them, taking care in what we write to give as full and fair a picture as we possibly can of the complete situation. We cannot do more than this and we will certainly not do less. In our view there would be neither value nor credibility in an IMC which on the one hand deliberately concealed facts or fudged issues, or on the other hand embellished facts or exaggerated problems, because of what it believed to be the political circumstances at the time of reporting. This is how we think we can best fulfil our Article 3 remit. It is for politicians and the public at large to draw their own conclusions from our reports. Those who do not like our approach are not really challenging our reports; they are challenging the remit we have received from the two Governments.

Transition and Culture of Lawfulness

- 1.8 We have referred in the past to our hope that we will see a transition away from a situation where paramilitary groups engage in terrorist and other crime and where they exercise control over certain local communities through the use of violence and/or intimidation. We have expressed the hope that we will see the progressive marginalisation and eventual elimination of paramilitarism. By this we mean three main things. First, that paramilitary groups cease to be engaged in any form of crime, and in so far as they survive that they are acting lawfully on behalf of their old comrades or in other ways supporting their communities. Second, that they cease to exercise improper kinds of control or influence within their communities, with the corollary that they offer no hindrance to the normal operation of the criminal justice system or of other public services. Third, and flowing directly from the first two, that democratic politics are able to operate freely, openly and in full accordance with the law.

- 1.9 In this report we refer once again to some significant developments in this direction, though progress as between the various groups remains extremely uneven. Dissident republicans remain determinedly committed to terrorism and deeply engaged in other crime, but they are not always capable of fulfilling their paramilitary ambitions and have recently been foiled by successful police operations. The indications on the loyalist side that some would like to wean the paramilitary groups from violence to community and other lawful activities have still to bear significant fruit. In the case of PIRA we have found further welcome signs of the organisation moving in the direction indicated in its July 2005 statement, and we remain clear that the leadership is committed to following a political path.
- 1.10 We have also referred in the past to a culture of lawfulness. By this we mean a situation where communities recognise the need to observe the law and support those who enforce it. With such recognition goes acceptance of the importance of observing individual and collective human rights – an acceptance that carries with it a belief in the duties that everybody has towards others. The notion of a culture of lawfulness is valuable in the context of our remit of reporting on continuing paramilitary activity. In many of the communities in which paramilitary groups are most deeply rooted it exists only to a limited extent. This is partly for historical reasons. It is also because of the influence of paramilitaries and the role they have often performed as an alternative to the legitimate organs of criminal justice. The growth of such a culture will thus bear directly on the role of the paramilitaries because the stronger it is the less will they be able to exert the kind of control or to undertake the kind of activities which have for many years been theirs. Such a growth can contribute in another valuable way. As we have noted before, there are some welcome signs of an increased acceptance of policing in communities which have for a long time been antagonistic to it, and many initiatives by PSNI to encourage this. A stronger culture of lawfulness can only help bridge the gap between people and policing where it still exists. Accordingly the establishment of a culture of lawfulness is both an influence on paramilitarism and a measure of what is happening to it. Participation in the structures of policing and justice is a political manifestation of the culture of lawfulness.

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 deal with the period from 1 September 2005 to 28 February 2006, adding to and updating the assessments of our Eighth Report which was published in February 2006 and focused on the months of September, October and November 2005. Our account of the origins and structures of the groups was in our First Report⁵.
- 2.2 We think it is helpful to note that the activities to which we refer in this Section, like the violence which we analyse in Section 3, is geographically spread very unevenly. In large parts of Northern Ireland activities of the kind described below are nearly or entirely non-existent. People in different areas may or may not therefore feel that the report reflects their personal experience.
- 2.3 In our Eighth Report we also noted for the first time two small new groupings – *Óglaigh na hÉireann* (ONH) and *Saoirse na hÉireann* (SNH) – saying that at that stage it was unclear whether they would be long lasting. The two groupings still exist but neither in our view merits comparison with the long established dissident organisations. Both ONH and SNH have sought to recruit members from elsewhere in the dissident movement and ONH has attempted to acquire weapons. We believe that SNH was responsible for a hoax bomb alert at Down Royal race course in December 2005. We will continue to monitor and report on the activities of these two groupings.

Continuity Irish Republican Army (CIRA)

- 2.4 In our Eighth Report we said that CIRA had continued to be active, particularly through the planting of hoax and viable explosive devices, that it considered members of the police and military as priority targets, and that it was seeking both to recruit members and enhance its capacity. We concluded that it would remain active and was still a threat.

⁵ IMC First Report, April 2004, Section 3.

- 2.5 In the three months from December 2005 to the end of February 2006 CIRA was active and showed that this position was essentially unchanged. On two occasions – at Armagh in January 2006 and Belfast in February – viable explosive devices were placed near PSNI stations. In the first instance a statement to the press claiming to be from CIRA said that the intended target also included a nearby hotel used by members of the security forces and the local District Policing Partnership; in the second a member of CIRA was subsequently arrested in connection with the attack. We think it likely that CIRA was also responsible for a suspect device placed near Probation Board offices in Belfast in January. It was responsible for an unsuccessful device directed at the railway in Lurgan in the same month.
- 2.6 There were other indications of CIRA's wish to remain an active paramilitary organisation. It continued efforts to recruit and train members; it monitored possibilities for attacks; and it aspired to further arm and equip itself. Within certain communities it continues to exert its position through intimidation. For example, it ordered an individual to leave an area in County Down and on a separate occasion ordered an alleged drug dealer to leave having first sent him a bullet. We do not however have reason to believe that the organisation was involved in planning the riot against the Love Ulster march in Dublin in February. In addition to the arrest mentioned above, the police have had other recent successes against CIRA, including arrests in the North and the South.
- 2.7 CIRA remains committed to terrorism. Looking back over about a year, it has been the most active of the dissident groups. Despite the fact that it has not always had the success it sought – for example, it did not carry out the expected campaign of disruptions over Christmas 2005 – and the organisation is in some respects disjointed, we do not doubt its intentions. We conclude that it remains an active threat and that it will undertake serious acts of violence if it is able to do so.

Irish National Liberation Army (INLA)

- 2.8 In our Eighth Report we said that INLA continued a low but potentially serious level of activity and that it remained involved in organised crime, including drugs and

smuggling. We concluded that there was a threat of the organisation becoming more active although it did not at that time have the capacity for a sustained campaign.

- 2.9 The position with INLA remains essentially unchanged. It has not been very active but it aspires to do more. The organisation continues efforts to recruit. It has undertaken assaults with a view to exerting control over communities and in Strabane it ordered a suspected burglar to leave the area. We believe that the organisation was involved in an armed robbery in Sion Mills in January 2006 and we think it likely that its members were involved in a robbery in Strabane in the same month and in a major robbery from the Ulster Bank, Belfast in February. Its pattern of other criminal activity is unchanged. Our overall view remains the same as in our Eighth Report.

Loyalist Volunteer Force (LVF)

- 2.10 In our Eighth Report we noted that following the end of the feud between the LVF and the UVF in the autumn of 2005 the LVF's level of violent activity had not been high but that the organisation remained heavily involved in organised crime, including drugs. We repeated our earlier conclusion that the LVF was a deeply criminal organisation.
- 2.11 LVF activity remains broadly the same. Its level of violence continues at a relatively low level as compared with what it had previously been responsible for. The LVF continues to be heavily involved in serious crime, including in drugs and extortion. We make no change to our earlier assessment that the LVF is a deeply criminal organisation.

Provisional Irish Republican Army (PIRA)

- 2.12 In our Eighth Report we examined developments since the PIRA statement of 28 July 2005. We found definite signs that the organisation was moving in the direction indicated in that statement and we expressed the firm view that there was a clear strategic intent to eschew terrorism and follow a political path⁶. We noted

⁶ We deal with Sinn Féin below in Section 5 on leadership.

that where members of PIRA had engaged in acts of violence this appeared to be contrary to the instructions of the leadership and that certain PIRA units were closing down criminal operations, although some members were still involved in serious organised crime. We noted however that PIRA continued to engage in intelligence gathering, predominantly to support the political strategy, an activity which we believed was authorised by the leadership and involved senior members. Some senior members were also involved in money laundering and other crime. We believed that money had become a key strategic asset, noting the exploitation of the proceeds of earlier crimes through the purchase of property and other businesses. We referred to reports that not all PIRA's arms had been decommissioned, but we were not in a position to draw conclusions from those reports. Whilst the information available to us as a whole led us to the general conclusion that the position was not entirely straightforward, we reiterated our strong view that the overall strategy was to turn the organisation on to a political path, and we noted the significant changes made in the direction indicated in the July statement.

2.13 It remains our absolutely clear view that the PIRA leadership has committed itself to following a peaceful path. It is working to bring the whole organisation fully along with it and has expended considerable effort to refocus the movement in support of its objective. In the last three months this process has involved the further dismantling of PIRA as a military structure. We have noted the remarks by Gerry Adams, President of Sinn Féin, at the party Ard Fheis in February clearly stating that for republicans the war is over and that the movement is committed to the alternative political path. We also welcome his separate comments in which he supported the pursuit of criminal assets and said that anybody involved in criminality should face the full rigours of the law. His public remarks at the Ard Fheis are consistent with the position the PIRA leadership set out in its Easter 2006 statement. This clear strategic will is of fundamental importance and underpins everything else that we say about PIRA below.

2.14 We recognise, as we did when we reported three months ago, that the leadership is engaged in a challenging task in ensuring full compliance with this strategy. The response of members will naturally enough be influenced by the surrounding political circumstances as well as by long-held personal views. It is to be expected

that there may be instances where members or associates do not always follow the leadership's line. This might be the case in particular instances even if those individuals accept the broad direction, and some are bound to find that direction difficult to accept. The surprising thing would be if there were no such lapses or disagreements, not that they occur. In making our assessment we have been careful, as we would equally be in respect of any other paramilitary group which was making a transition, to assess the situation in the way we outline in paragraphs 1.5-1.7 above.

2.15 We are not aware of current terrorist, paramilitary or violent activity sanctioned by the leadership. We have had no indications in the last three months of training, engineering activity, recent recruitment or targeting for the purposes of attack. There has now been a substantial erosion in PIRA's capacity to return to a military campaign without a significant period of build-up, which in any event we do not believe they have any intentions of doing. The instructions we have previously mentioned to refrain from violence or rioting still stand. On this last, PIRA members were instructed not to attend the Love Ulster march in Dublin in February. The leadership has actively redeployed members and has encouraged them to undertake other things such as working for Sinn Féin or community activities. There have been no paramilitary shootings or attacks attributable to PIRA in this period. We nevertheless have information on instances of PIRA members being involved in assaults or other violence, largely arising from personal or local disputes. There is nothing to suggest that these individuals were involved in these actions either at the behest of the organisation or in their capacity as members of it. In some of these cases the PIRA leadership has investigated the incidents though we cannot say what if any action it may have taken. Following the murder of Gerard Devlin in Belfast in February we believe that the organisation sought to defuse the tensions and that despite popular pressure it declined to take violent action. We think nevertheless that PIRA did seek to secure the departure from the area of one of the families involved in the dispute but did not sanction the use of violence. We also believe that in a separate incident PIRA itself may have been associated with the forced departure of somebody from the area where he lived.

2.16 We have found signs that PIRA continues to seek to stop criminal activity by its members and to prevent them from engaging in it. We believe that some senior PIRA

members may be playing a key role in this. This seems to us to be in accordance with the publicly articulated strategy. We believe that volunteers who had previously engaged in illegal fundraising have been told to refrain from doing so. That said, there are indications that some members, including some senior ones, (as distinct from the organisation itself) are still involved in crime, including offences such as fuel laundering, money laundering, extortion, tax evasion and smuggling. Some of these activities are deeply embedded in the culture of a number of communities, not least in the border areas, and increasing proportions of the proceeds may now be going to individuals rather than to the organisation. We have no reason to amend our earlier view that money is a strategic asset and that the organisation will look to the long-term exploitation of discreetly laundered assets which were previously gained illegally⁷.

2.17 We referred in our Eighth Report to our having received reports that not all PIRA's weapons and ammunition had been handed over for decommissioning in September 2005. We did not say three months ago that the PIRA leadership had in any way given instructions to retain arms. Indeed, our present assessment is that such of the arms as were reported to us as having been retained, would have been withheld under local control despite the instructions of the leadership. We note that, as reported by the Independent International Commission on Decommissioning (IICD), the leadership claimed only to have decommissioned all the arms "under its control"⁸. The relevant points are that the amount of un-surrendered material was not significant in comparison to what was decommissioned and that these reports do not cast doubt on the declared intention of the PIRA leadership to eschew terrorism and to follow the political path. We will continue to monitor the position.

2.18 As we mention above, we said in our Eighth Report that PIRA had engaged in intelligence gathering. Since that Report the situation appears to have moved more into line with the aims of the July statement. Though PIRA has access to people in positions in public and private organisations who could provide them with sensitive information on individuals which might be of use to them, we have no indication that people are currently being tasked to supply such information. While PIRA continues

⁷ See paragraphs 4.7–4.9 below for a discussion of paramilitary assets and their recovery.

⁸ IICD report published 1 February 2006, paragraph 7.

to receive information from members and sympathisers we do not know of information being proactively sought. We think that PIRA members aspire for political purposes to gather information on political opponents, just as they remain concerned about and keen to monitor the activities of dissident republicans so as to maintain their own position. We are currently not aware of intelligence-related activity which is outside the aims of the July statement.

- 2.19 We think it would be useful to refer briefly to the question of support for policing because it is illustrative of a transition within the organisation and of the authority required to bring about change. We believe that the leadership has accepted the need to engage in policing if it is to achieve its aim of devolution of policing and justice to an Assembly and Executive in Northern Ireland. It has not however yet determined how this might be delivered. The issue is still very controversial on the ground and has not been resolved to date within PIRA despite robust discussion. It remains to be seen how progress might be made on these two linked issues.
- 2.20 The hijacking in County Meath on 10 March 2006 of a lorry containing a consignment of spirits occurred after the end of the period covered by this report. Three men have been arrested and are facing charges in connection with the incident. Two of them are known to have been members of PIRA, one of whom was released from prison in the South under the terms of the Belfast Agreement. Participation in criminal activity of this kind is contrary to the position taken in the PIRA statement of July 2005 and since reiterated to the members, as we indicate in paragraph 2.16 above. The robbery has also been condemned unreservedly by Sinn Féin, most notably by Martin McGuinness who said that “anyone involved in activity of this nature, no matter what political party they support, needs to be arrested, charged and brought to court before a jury of their peers.” At this stage the indications are that the robbery was carried out for personal gain, which suggests that the republican movement is having some difficulties in ensuring that all members live up to the commitments in the July 2005 statement.
- 2.21 Overall therefore, our assessment is positive. We emphasise what we said before about the commitment of the PIRA leadership to following the direction set out in the July 2005 statement. Furthermore, we believe there have been definite further

developments to that end since we reported three months ago. Although differences of view within the organisation still remain, the leadership continues to work to secure full compliance.

Real Irish Republican Army (RIRA)

- 2.22 In our Eighth Report we said that RIRA continued to seek to enhance its capacity, including through recruitment and the acquisition of munitions and through the acquisition of intelligence on members of the security forces. It had committed acts of violence and intimidation and was involved in organised crime. We adhered to our previous assessment that RIRA was violent, dangerous and ruthless.
- 2.23 As with the other dissident republican groups, the position with RIRA is broadly the same. The organisation has been involved in acts of violence, including shootings. It has gathered information on a variety of perceived targets. RIRA was, we believe, responsible for hoax devices in Derry and Ballymena in December and at Newry police station the following month.
- 2.24 RIRA remains involved in serious crime. We believe it was responsible for a kidnapping/robbery in Derry in February which secured £30,000 and that its members, apparently without leadership sanction, had undertaken an armed robbery in Ballymena the previous month. It has also been involved in extortion.
- 2.25 RIRA continues efforts to recruit and train members. It has a continuing aspiration to arm and equip itself. Overall we believe that although RIRA's level of activity is not very high it is still engaged in efforts to maintain its position as a paramilitary organisation. This is despite the fact that within its two factions there is a good deal of infighting and in one of them a tendency to focus on the immediate rather than the longer term. We think that its aspirations and readiness to use extreme violence are undiminished.

Ulster Defence Association (UDA)

- 2.26 In our Eighth Report we noted that the UDA had continued to engage in paramilitary activity including acts of violence and that its members were involved in a wide range of organised crime. Members of the UDA had been responsible for the one paramilitary murder in the 3 months September-November 2005. Notwithstanding these activities we also referred to signs that some people in the UDA or associated with it wanted to steer the organisation away from crime into community development, and we hoped that these efforts would progress. We urged the Ulster Political Research Group (UPRG) to give a clear and robust lead to the UDA to stop the targeting of nationalists and ethnic minorities⁹.
- 2.27 The picture of UDA paramilitary activity remains broadly the same in the three months from December. We believe that members of the UDA were responsible for the murder of Thomas Hollran on 18 February 2006 though we have no indication that the senior leadership of the organisation sanctioned his death. The UDA continues to act violently, undertaking both shootings and assaults. The organisation aspires to arm and equip itself. The UDA's heavy involvement in crime, including drug dealing and blackmail, continues and in some parts of the organisation criminality can be described as endemic.
- 2.28 Despite this, we have also found again some of the more positive signs to which we referred in our previous report. We continue to believe that there are some people who understand the futility as well as the unacceptability of continued criminality and the harm it inflicts on local communities. We think there are leading elements in the organisation who are continuing efforts to reduce criminality; in some instances, for example, members have been told that they will be disciplined if they continue to commit crime. Efforts of this kind have however had a mixed success, there is some tension at the senior levels and the clear lead to stop targeting nationalists and ethnic minorities has not as yet emerged. We still hope that people with these views will secure a stronger voice and that in future we will see signs of a real shift in the organisation's behaviour but at this stage we cannot change our overall assessment of the organisation, namely that it remains an active threat to the rule of law.

⁹ We deal further with the UPRG below in Section 5 on leadership.

- 2.29 In our Eighth Report we said that the UVF had continued to engage in violence, including shootings, assaults, and sectarian attacks. The broad pattern of its involvement in organised and other crime remained unchanged and we concluded that it was an active, violent and ruthless organisation which remained a continuing and serious threat to the rule of law. At the same time we welcomed the fact that some elements in the leadership were trying to reduce the level of criminality within the UVF and hoped that they would make progress. We urged the Progressive Unionist Party (PUP) to give a clear and robust lead to the UVF and RHC to stop the targeting of nationalists and ethnic minorities¹⁰.
- 2.30 The reduced level of activity on the part of the UVF following the end of the feud with the LVF to which we referred in our Eighth Report has remained apparent. But the organisation nevertheless continues to be responsible for a range of criminal activities, including violence, and it continues to display behaviour indicating that it intends to remain in paramilitary business. The UVF undertook both shootings and assaults over the recent period. It continues to recruit new members throughout Northern Ireland. We believe that the weapons, explosives and other paramilitary equipment which the police seized from premises in Belfast in February belonged to the UVF. Crime is prevalent throughout the organisation.
- 2.31 There has been some effort by elements of the UVF leadership to tackle criminality. As with the leadership of the UDA, we recognise that there are certain people who want to move away from criminality. We welcome this wherever it occurs but at this stage we do not see any significant impact on the behaviour of the organisation as a whole. Nor has there as yet been the positive move to stop targeting nationalists and ethnic minorities for which we called in our Eighth Report. We do not therefore change our overall assessment that the organisation is active, violent and ruthless, and the recent statement from a spokesman that it does not intend to do more before 24 November 2006 is not encouraging.

¹⁰ We deal further with the PUP below in Section 5 on leadership.

3. PARAMILITARY GROUPS: THE INCIDENCE OF VIOLENCE AND EXILING

- 3.1 Because Article 4 requires us to monitor trends, and because in our view three months is only a short period for that purpose, in our Eighth Report we offered only brief conclusions about the incidence of violence. In this report we therefore draw conclusions from the whole of the six months 1 September 2005 to 28 February 2006.
- 3.2 We think it is essential to repeat, once again, that we understand how little statistics alone can do to bring home the cruelty inflicted on the victims, and the heartache and trauma that they and their families suffer, as a result of the kind of violence outlined below. Moreover we know that the figures tell nothing of unreported incidents or of threats which stop short of violence. We also draw attention to what we said in our Seventh Report about the uneven geographical spread of paramilitary violence; in many places, no such incidents were reported¹¹.
- 3.3 Over the period from 1 March 2003 until 28 February 2006 we believe that the number of paramilitary murders was as follows:

¹¹ IMC Seventh Report, paragraphs 4.7–4.11 and accompanying maps (October 2005).

	1 Sept 05– 28 Feb 06	1 Mar – 31 Aug 05	1 Sept 04 – 28 Feb 05	1 Mar – 31 Aug 04	1 Sept 03 – 29 Feb 04	1 Mar – 31 Aug 03
CIRA						
INLA						
LVF						1
PIRA		**	*			
RIRA						1
UDA	2	1	1 ¹²		1	1
UVF		4		2	1	
Not attributable				1 ¹³		2 ¹⁴
TOTAL	2 ¹⁵	5 ¹⁶	1	3	2	5

3.4 The two paramilitary murders over these six months represent a decline from the previous six months only because the numbers were then inflated by the UVF/LVF feud. We believe that loyalist paramilitaries committed both the most recent murders.

The following paramilitary murders have occurred since 1 September 2005:

Jim Gray, murdered 4 October 2005;

Thomas Hollran, murdered 18 February 2006.

3.5 The murder of Denis Donaldson in County Donegal on 4 April 2006 took place after the six-month period covered by this report. To date we are not in a position to attribute responsibility for the murder. We will continue to monitor the situation and will report on any further developments.

**The case is still under investigation and nothing we say must prejudice possible legal proceedings. A member or former member of PIRA may have been involved in the killing of Joseph Rafferty in Dublin in April 2005. We have no reason to believe that the murder was carried out on behalf of PIRA. However we believe that members of both Sinn Féin and PIRA were aware in advance of the threat and did not take sufficient action to prevent it.

* We do not include a figure for the murder of Robert McCartney in this table. But we remain of the view we expressed in our Fifth Report that members of PIRA were involved in the murder though we do not believe that central PIRA leadership sanctioned it in advance.

¹² Our Fifth, Seventh and Eighth Reports showed 2 murders at this point in the table. This was incorrect. The death of Stephen Nelson, which we attributed to members of the UDA, was counted twice – once at the time he was attacked on 19 September 2004 and again when he died from his injuries on 18 March 2005. We regret this error. The name of the victim and the date of his death were correctly shown.

¹³ Information suggests this death may have been linked to a republican paramilitary group but the precise motivation and attribution remain unclear.

¹⁴ One of these was abducted and murdered by a republican group but we are unable to say which group. One was a member of PIRA killed in the struggle when attempting to undertake a paramilitary attack.

¹⁵ (i) In our Eighth Report we said that we had not included the murder of Martin Conlon on 7 November 2005. Although the victim was suspected of being a member of RIRA we were not then able to say who was responsible for his death. That remains the position.

(ii) We have not included the murder of Ronald Todd, who went missing on 21 December 2005 and whose body was found on 14 February 2006. We have no present reason to conclude that this was a paramilitary murder.

¹⁶ As we indicated in our Fifth Report published in May 2005, we are not in a position to comment on the killing of Stephen Montgomery. We said in our Sixth Report on the UVF/LVF feud published in September 2005, that we recognise that people may have expected us to refer here to the disappearance of Lisa Dorrian on 28 February 2005 and her murder, and to the murder of Thomas Devlin on 10 August 2005. It remains the case that we have no reason to believe that either murder was carried out on behalf of a paramilitary group.

3.6 As we said in our Eighth Report, in these statistics we necessarily use figures on incidents reported to the police, (whether by the victims or somebody else), but we recognise that not all incidents are reported. To gain as full a picture as possible we therefore invite readers to note what we say about individual paramilitary groups in Section 2 above. We deal with the issue of the reporting of crime generally in the text box, following paragraph 3.12.

3.7 The number of casualties of paramilitary shootings and assaults in the 6 months from 1 September 2005 to 28 February 2006 is as follows:

Shooting Casualties

Responsible Group	1 Sept 05 – 28 Feb 06	1 Mar – 31 Aug 05	1 Sept 04 – 28 Feb 05	1 Mar – 31 Aug 04	1 Sept 03 – 29 Feb 04	1 Mar – 31 Aug 03
Loyalist	36	36	37	39	69	34
Republican	2	4	7	11	19	35
TOTAL	38	40	44	50	88	69

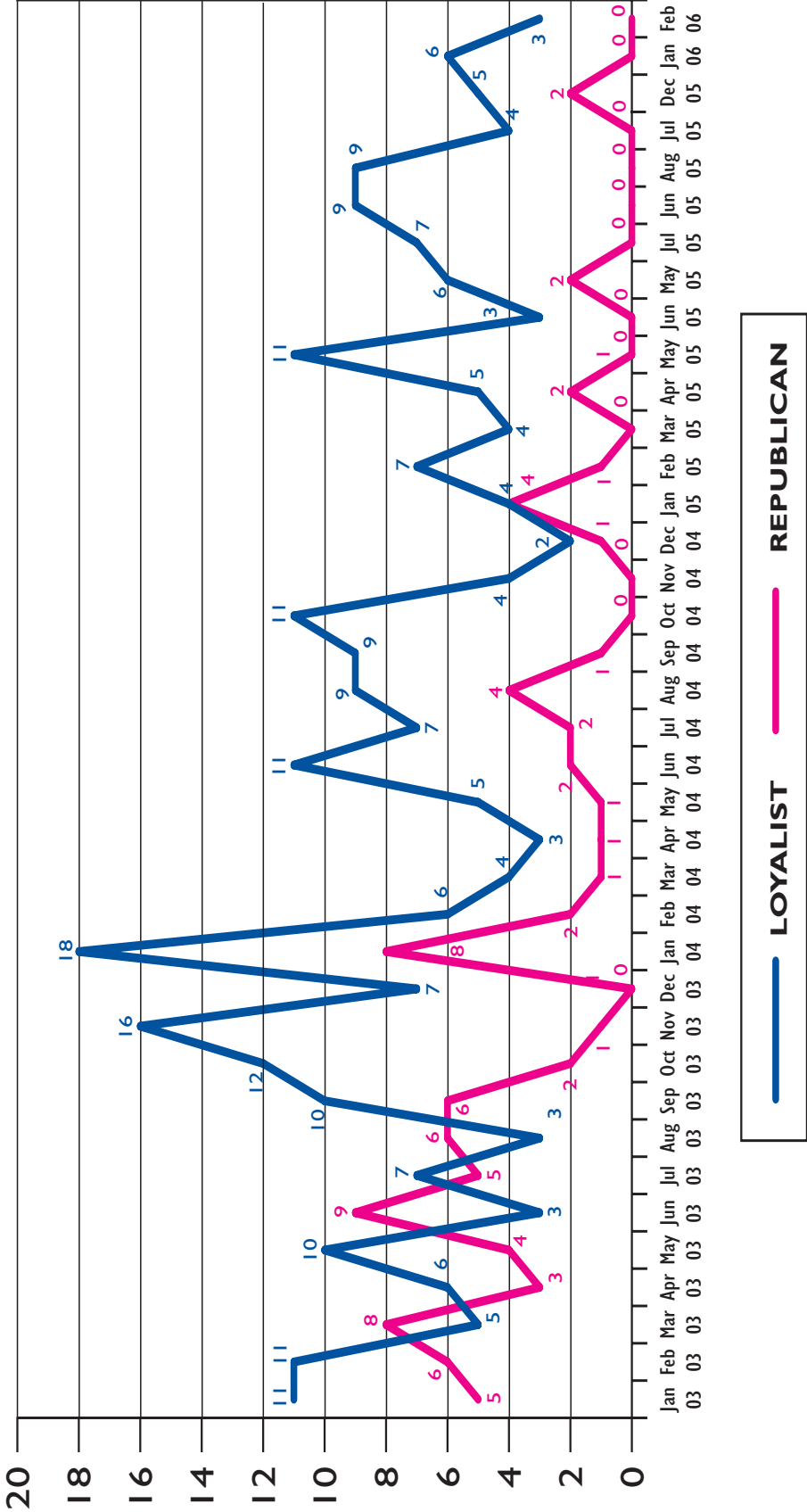
Assault Casualties

Responsible Group	1 Sept 05 – 28 Feb 06	1 Mar – 31 Aug 05	1 Sept 04 – 28 Feb 05	1 Mar – 31 Aug 04	1 Sept 03 – 29 Feb 04	1 Mar – 31 Aug 03
Loyalist	19	39	29	42	57	46
Republican	6	16	25	18	26	24
TOTAL	25	55	54	60	83	70

3.8 These tables show the continuing downward trend in republican incidents of all kinds, and a reduction in the number of casualties of loyalist assaults. None of the republican incidents are attributable to PIRA as an organisation. We analyse the figures in paragraph 3.13.

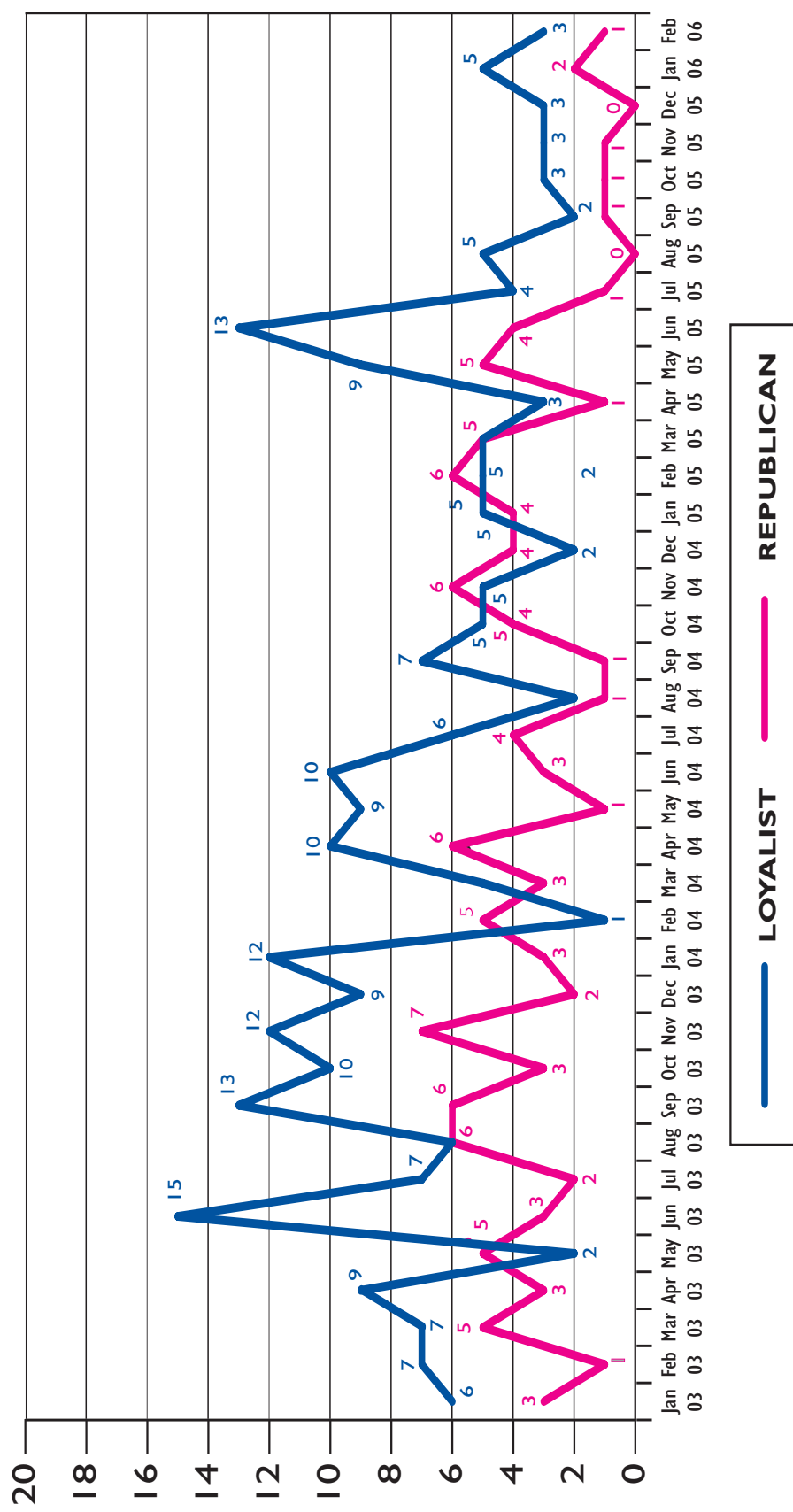
3.9 Our remit requires us to look at trends in paramilitary crime. The following graphs include the monthly figures we have previously published, extended by three months from 1 December 2005 so that the trends in shootings and assaults are clear.

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



TOTALS OVER THE PERIOD:
LOYALIST SHOOTING CASUALTIES – 273 REPUBLICAN SHOOTING CASUALTIES – 89
Figures and attributions for the above period are both subject to minor statistical adjustment

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



TOTALS OVER THE PERIOD:
LOYALIST PARAMILITARY-STYLE ASSAULTS – 245 REPUBLICAN PARAMILITARY-STYLE ASSAULTS – 119

Figures and attributions for the above period are both subject to minor statistical adjustment

Exiling

- 3.10 Exiling remains an important issue for us. It is a manifestation of paramilitary activity and one which has a lasting harmful effect on the victims and their families. It is a striking example of the way in which paramilitaries seek to exercise control through fear and threat. And it exemplifies the readiness of paramilitaries arrogantly to take upon themselves the role of community disciplinarians – sometimes quite wrongly called an unofficial justice system since justice is the very thing it lacks.
- 3.11 Exiling matters to us in another way, as an indication of whether paramilitary groups are changing, and if they are, how fundamentally. Only when a group has both ended the practice of exiling and has allowed those it had previously exiled freely to return home if they wish to do so, can it be said to have given up illegal activity in this regard.
- 3.12 It is not possible to give an accurate assessment of the amount of exiling, or to attribute it to individual groups. Of its nature, exiling is something which is not comprehensively reported to the authorities or to voluntary agencies. Nevertheless there are a number of things which we believe we can say in very broad terms about the recent situation. Overall, the number of people exiled from Northern Ireland appears to be less than it has been in the past, but there is still a steady stream. In some months in late 2005 and early 2006 we know the total numbers of individuals involved (as distinct from cases) was in double figures; in none of those months was nobody forced to leave. The majority of the cases which come to light have been driven from Northern Ireland by loyalist paramilitaries. There is one other point we must emphasise, which is crucial to an understanding of this: behind the people actually exiled lie, we firmly believe, a considerably larger number who have been subject to severe intimidation and who as a result live their lives in fear. This is a phenomenon on both the loyalist and republican sides.

A Note about Reporting of Crime in General

The under-reporting of incidents is a well known phenomenon when measuring crime of all kinds, in principle in Northern Ireland no differently from elsewhere. The paramilitary murders, shootings and assaults covered in this Section are all included within the published PSNI figures of recorded crime. But the published criminal statistics are not the only way to measure the incidence of crime. An alternative and complementary method is by extrapolation from surveys of people's experience, undertaken through personal interviews. Northern Ireland, like the rest of the UK and like Ireland, conducts such surveys, the most recent being in 2003/04¹⁷. The aim is to capture crime victimisation whether or not incidents have been reported to the police and independently of the recording practices of the police.

In our previous report we said we believed that over the period we had reviewed in our successive reports, that is to say from January 2003, the figures had generally illustrated the changing position and therefore enabled us to fulfil our remit to monitor trends. The Northern Ireland survey for 2003/04 does not specifically address paramilitary crime but it nevertheless provides contextual points which we think are relevant to us and so helpful to those who wish to make their own judgements about what we say.

As general background to the incidence of paramilitary crime it is important to note that, somewhat counter intuitively given the view some outside observers have, Northern Ireland experiences lower overall rates of crime than England and Wales as a whole. In 2003/04 about 21.5% of people in Northern Ireland were victims of crime compared with nearly 26% of people in England and Wales. The differences vary according to the type of crime but are a feature of most types of offence, including violence.

¹⁷ Crime Victimisation in Northern Ireland: Findings from the 2003/04 Northern Ireland Crime Survey, Northern Ireland Office, Belfast, Research and Statistical Bulletin 4/2005.

Crime in England and Wales 2003/04, Home Office, London, Statistical Bulletin 10/04.

Quarterly National Household Survey: Crime Victimisation 1998 and 2003, Central Statistics Office, Dublin, July 2004. Differences between the jurisdictions in legislation, definitions, counting rules and recording practices mean however that it is difficult to make useful comparisons between Northern Ireland and Ireland of the kind made in the following paragraphs between Northern Ireland and England & Wales.

The main relevant points are:

- Overall, people are slightly more likely to report crime to the police in Northern Ireland than they are in England and Wales – approximately 45% of recordable crime compared with 42%;
- The overall reporting rate for violent crime is 42% in both jurisdictions;
- It seems that the proportion of victims or witnesses in Northern Ireland who decline to give evidence, with the result that prosecutions cannot be brought, which is just over a third, is considerably higher than that in England and Wales.

We recognise that special factors will very often apply in the case of paramilitary offences, particularly as regards the fear of reprisals, the belief that telling the police would only make things worse, and dislike or fear of the police themselves. And because paramilitary offences are a very small proportion of the total it is not possible to relate what we say above directly to paramilitaries or the impact they have. We do not therefore draw any precise or specific lessons from these figures for our remit. Nevertheless, in the context of our monitoring of trends in paramilitary crime, we think it is worth noting the broad conclusions we set out above.

Conclusions

3.13 As we say in paragraph 3.1, we draw conclusions on the incidence of violence from the whole of the 6 month period 1 September 2005 to 28 February 2006 because we believe this more clearly illustrates the trends which it is our remit to monitor. Our conclusions are:

- **Loyalists committed the two paramilitary murders over this six month period;**

- Overall, the number of casualties of paramilitary shootings and assaults has fallen compared with both the preceding six months and the same period in 2004/05. The totals for the six months, both for all groups combined and for loyalists and republicans separately, are the lowest of any six month period since 1 March 2003, when we started our analysis of trends;
- Averaged out, there were 1.5 victims of shooting a week (the same as in the preceding six months) and nearly 1 victim of assault a week (about half the rate of the preceding six months);
- The number of casualties of loyalist shootings was the same as in the preceding six months while the number of casualties of loyalist assaults was reduced by over half. In contrast on the republican side there were half the number of shooting casualties as in the preceding six months, and there were nearly two thirds fewer assault casualties. None of the republican incidents are attributable to PIRA as an organisation;
- Loyalists caused 95% of the casualties of shootings and 76% of the casualties of assaults;
- The change may be summarised as follows:

Republican Groups

- Shooting casualties were down by 50% compared with the preceding six months, and were down by 71% compared with the corresponding period in 2005;
- Assault casualties were down by 63% compared with the preceding six months and were down by 76% compared with the corresponding period in 2005;

Loyalist Groups

- Shooting casualties remained the same when compared with the preceding 6 months, and were down by only 3% compared with the same period in 2005;
- Assault casualties were down by 51% compared with the preceding 6 months, and were down by 34% compared with the same period in 2005.
- There is still a steady stream of people being exiled from Northern Ireland, though overall it is less than it has been in the past. The majority of people have been driven from Northern Ireland by loyalist paramilitaries.

4. PARAMILITARY GROUPS: ORGANISED CRIME

- 4.1 From our First Report in April 2004 we have consistently drawn attention to the threat posed by paramilitary involvement in organised crime¹⁸. We have looked at the range and nature of these activities and at the number of gangs involved, and we have given examples of crimes that individual paramilitary gangs have engaged in. We have described ways in which paramilitary organised criminals have penetrated businesses. We have examined in depth certain kinds of crime, such as the exploitation of security firms and the trade in illicit fuel. And we have shown how different paramilitary groups tend to engage in rather different patterns of organised crime, loyalist paramilitaries for example being more heavily involved in drugs but less in the smuggling and laundering of fuel than republican ones.
- 4.2 Paramilitaries bring to organised crime networks of associations familiar with operating clandestinely, experience and a readiness to resort to violence and to threats which is unique. These networks can include people who are not themselves paramilitaries but who have family or personal connections, in some cases going back a long way and unconnected with the Troubles. Paramilitaries have roots in some parts of the community which enable them to profit more readily from major crime. For example, they control outlets for illicit alcohol, fuel and tobacco and sell goods within those communities. There is thus often what has been described as a symbiotic relationship between the paramilitary criminal and the community, the former supplying goods for which there is a public demand and the latter tending to view the illicit trade as both beneficial because of the lower prices it offers and as victimless. In addition – especially amongst loyalists – some paramilitaries deal in drugs. These community roots also mean that paramilitary criminals are able to operate with a reduced risk of being reported to the authorities.
- 4.3 Paramilitary crime of this kind is of course not victimless. The damage inflicted in the case of drugs is self-evident. Other activities undermine legitimate businesses, thus reducing job opportunities and discouraging investment, and so harming the interests of the very communities the paramilitaries claim to protect. They undercut

¹⁸ IMC First Report (April 2004), Section 6; IMC Third Report (November 2004), Section 5; IMC Fifth Report (May 2005), Section 6; IMC Seventh Report (October 2005), Section 5. Each of these reports, and the Eighth Report (February 2006), also examined all the individual groups and gave examples of organised crimes as well as of other activities.

competitors not only by obtaining cheap supplies on the black-market but by acting partly or wholly outside the tax and regulatory systems, ignoring insurance as well as health and safety. We noted before, for example, that the major national fuel operators sold their outlets in Northern Ireland because they thought that the size of the illicit fuel trade made the market unsuitable for them¹⁹. We also observed then that this same trade endangered lives and risked people's health, and caused environmental damage, because of its methods of laundering, transporting and storing fuel. Damage to livelihoods and safety arising from these activities only exacerbates the other harmful effects that paramilitaries have on the economy of Northern Ireland generally, and on the prosperity of these communities in particular, because of the use of intimidation and extortion, all of which serve to discourage the investment and entrepreneurship which is so sorely needed.

4.4 We recognise that organised crime is an international phenomenon from which Northern Ireland cannot be isolated. The scene is also complex and shifting wherever such crime occurs. But the presence of paramilitaries makes the problem more serious than it otherwise would be. The process of paramilitary transition to which we referred above²⁰ may also create a situation of added turbulence from which paramilitaries can benefit and which some may exploit as they look for alternative ways of life and for new means of funding lifestyles they have become used to.

4.5 Paramilitary involvement in organised crime is therefore not a surprise. But nor should it be taken for granted. It is a major additional challenge that law enforcement has to face in the North and the South. Law enforcement agencies can meet that challenge, and can address the different patterns of criminality in different paramilitary groups, only over the long term and in a strategic way, developing sources of intelligence and constantly adapting methods as the criminals adapt theirs. We know that the agencies in both the UK and Ireland understand this need and adopt this sort of approach.

¹⁹ IMC Seventh Report (October 2005), paragraph 5.14. There is a full discussion of paramilitary involvement in illicit fuel in paragraphs 5.6-5.16.

²⁰ Paragraph 1.4.

- 4.6 We are glad therefore to note the successes against organised crime as a whole that the PSNI, HM Revenue and Customs, and other partners in the Organised Crime Task Force (OCTF) secured last year in the North and that the Garda and other agencies secured in the South. (We refer in more detail below to the work of the Assets Recovery Agency in Northern Ireland and of the Criminal Assets Bureau in the South.) We welcome too the emphasis the OCTF gives to paramilitary organised crime in its latest threat assessment²¹ and share its concern that paramilitaries will increasingly turn to more sophisticated methods of operation to fund their activities.

Paramilitary Assets and their Recovery

- 4.7 Money lies at the heart of much paramilitary criminal activity. It is a prime motive of the paramilitary criminals, whether for the benefit of the organisation, of themselves personally, or of both. It can be the instrument whereby they are able to function effectively. And it can serve as one of the most important ways of tracking them down and so of disrupting or preventing what they do. Over time organised criminals, including paramilitary ones in Ireland North and South, have developed more sophisticated means of protecting the assets they have secured, often over many years of criminality of one kind or another. In some cases paramilitaries have built up very substantial property portfolios, stretching further than is normally found with other organised crime groups and involving much more extensive networks of people. These networks may, for example, include the legal owners of property the purchase of which was funded by assets originally obtained illegally and which these present owners undertake not to sell without the agreement of the organisation concerned. Such people are a source of continuing funding for the organisation, holding well laundered assets. The ability to act in this way depends among other things on the employment of professionals, such as lawyers and accountants.
- 4.8 It is for this reason that we so strongly support the work of all the law enforcement agencies involved in investigating and recovering illegally gained assets and in investigating other associated offences such as money laundering. This includes the

²¹ The Organised Crime Task Force, Annual Report 2005, www.octf.gov.uk

police services and customs authorities North and South. Assets recovery is the focus of the work of the Criminal Assets Bureau (CAB) and of the Assets Recovery Agency (ARA). We believe that both have a key role to play in the continuing fight to confiscate assets originating from paramilitary organised crime, including that illegally obtained long ago. Strategically, their work is long-term, and individual cases can take a long while to bring to fruition because of the sophisticated methods paramilitaries use to launder the proceeds of crime and to hide the resulting assets; we note that this matter is one of those that both CAB and ARA are presently addressing.

- 4.9 We are therefore glad to note the continuing activities of CAB as well as the increasing North-South co-operation in this area of law enforcement. In the case of ARA, which is a much newer organisation, we welcome the fact that the Northern Ireland operation has doubled in size since we last examined assets recovery in the autumn of 2004²². It now accounts for about a third of the resources of the ARA UK-wide. The new arrangement whereby ARA can secure half of the proceeds of confiscation can only be helpful²³, and the arrangement for sharing these proceeds with the originating law enforcement agency is a laudable recognition of how it is essential to work co-operatively to bring maximum pressure to bear. Some 85% of ARA's cases in Northern Ireland originate with the PSNI, which across the UK as a whole refers the second largest number of cases of any law enforcement agency, and more than any other police force. There is close co-operation on relevant intelligence and there have been changes in regulations to facilitate the early intervention of ARA in parallel with others²⁴.

Previous IMC Recommendations relating to Paramilitary Organised Crime

- 4.10 We have made a number of recommendations relating to organised crime in previous reports. We thought it would be useful at this stage, after two years of reporting, to recap what we had proposed. In summary, we recommended that²⁵:

²² IMC Third Report, paragraphs 5.16-5.17 and 8.5 (November 2004).

²³ This arrangement is subject to the payment of certain costs, such as legal aid and bankruptcy fees.

²⁴ Other statutory changes will also assist law enforcement agencies such as the PSNI and HM Revenue and Customs. From the end of March 2006 additional powers have been brought in to secure information on the financial affairs of people convicted of certain serious offences.

²⁵ In the following list, the first four items were in our Third Report (November 2004), the fourth fifth and sixth in our Fifth Report (May 2005) and the last one in our Seventh Report (October 2005).

- All the UK agencies involved in the Organised Crime Task Force should ensure that their strategies fully reflected the significance of the threat posed by paramilitary organised crime in Northern Ireland;
- All relevant agencies should maximise the benefits of assets recovery, and the British Government should provide the Assets Recovery Agency with the resources necessary for its work in Northern Ireland;
- The UK Inland Revenue²⁶ should ensure that its priorities for the enforcement of the tax laws fully reflect the special challenge of organised crime in Northern Ireland;
- The British and Irish Governments should ensure that in the forthcoming introduction of regulations on charities they take account of the need to reduce the opportunities for paramilitary groups to launder funds through charities;
- The review the NIO was then undertaking of the licensing regime for the security industry should take account of the need to bear down to the maximum extent possible on paramilitary involvement, in conjunction with other control regimes and other aspects of law enforcement;
- The arrangements for supervising the alcohol and taxi trades should be examined with the same end in mind;
- The British and Irish Governments should introduce licensing regimes for retail outlets which would enable the closure of businesses that have been engaged in the illicit fuel trade and would keep out of the fuel industry all those who have been involved in that trade, together with anybody fronting for them.

4.11 We are aware that there have been developments in some of these areas since we reported. For example, the Organised Crime Task Force has reorganised and

²⁶ Following reorganisation, now HM Revenue and Customs.

refocused its work²⁷. The Irish Government recently published a detailed scheme for legislation to regulate charities, and in Northern Ireland the British Government is developing proposals for legislation following a public consultation²⁸. The Northern Ireland Affairs Committee of the British House of Commons is conducting an enquiry into organised crime. We refer to developments on assets recovery above. We will continue to examine progress on all these recommendations.

²⁷ The British Government announced the first meeting of the new OCTF Stakeholder Group on 7 February 2006.

²⁸ The Minister of State for Community, Rural and Gaeltacht Affairs announced the detailed proposals for the forthcoming legislation on 9 March 2006 www.pobail.ie. In Northern Ireland the consultation was undertaken in 2005 and we understand that draft legislation will be published shortly. The law on charities in Scotland was changed in 2005, and the Charities Bill covering England and Wales is expected to receive Royal Assent in 2006.

5. LEADERSHIP

- 5.1 Under Article 4 of the International Agreement we are required to assess whether the leadership of paramilitary groups is directing illegal activities or seeking to prevent them.
- 5.2 It remains our view that those in positions of leadership in political parties associated with paramilitary groups or able to influence them should observe the standards we first set out in our Fifth Report in May 2005²⁹. By this we mean that they should articulate their opposition to all forms of illegality, should exert their influence against members of paramilitary groups who were still engaged in crime, and should give clear support to the criminal justice system.
- 5.3 These standards are relevant to Sinn Féin, the Progressive Unionist Party (PUP) and the Ulster Political Research Group (UPRG).
- 5.4 In our Eighth Report we noted the sequence of events involving *Sinn Féin*, from the statement its President Gerry Adams made in April 2005, through the statement by PIRA on 28 July, to the act of decommissioning reported on 26 September. We concluded that in the circumstances we then described financial measures against Sinn Féin should not continue. Following the action of the Secretary of State in October 2005 in respect of the Northern Ireland Assembly and the decision of the House of Commons on 8 February 2006, no such measures are now in force.
- 5.5 The last three months have seen further evidence of positive leadership on the part of Sinn Féin and that the statement by Mr. Adams in April 2005 continues to be built upon.
- 5.6 In the case of the *PUP*, we noted in our Eighth Report the lead it had given to end the UVF's feud with the LVF in the late summer of 2005 and the energy it had put into its subsequent efforts to persuade the UVF to change its attitude to violence and

²⁹ IMC Fifth Report, May 2005, paragraphs 8.9-8.10.

other crime. We expressed the hope that these efforts would show success and concluded that financial measures against the PUP in the Assembly were not appropriate. We also said that we hoped the PUP would give a clear and robust lead to the UVF to stop targeting nationalists and ethnic minorities. The last three months have shown little tangible evidence of progress and the recent statement from a spokesman of the UVF that it does not intend to do more before 24 November 2006 is not encouraging. We very much hope that there will be significant progress before our next report.

- 5.7 We also noted in our Eighth Report that the *UPRG* had begun to make progress. It had engaged in efforts to influence the UDA and in discussions designed to move things in a better direction, including about community development. We welcomed these steps and expressed the hope that they would progress much further. As with the PUP, we said we hoped the UPRG would give a clear and robust lead to the UDA to stop targeting nationalists and ethnic minorities. We still await evidence of progress in this regard. We very much hope that there will be significant progress before our next report.

6. CONCLUSIONS

6.1 We draw the following points from the preceding sections:

- The function of the IMC is to monitor and report on paramilitary activity. We will do this in as accurate, balanced and fair a way as we can, following the facts and giving a full picture of all that we find. Our task is not political, and it is not for the IMC to conceal or embellish facts, or to fudge issues or exaggerate problems, because of what it believes to be the political context at the time of reporting. It is for politicians and the public to draw their own conclusions from our reports;
- Dissident republicans are still committed to terrorism and heavily involved in serious, including violent, crime. We have found continuing evidence of the commitment of the PIRA leadership to following a political path and of the efforts it is making to secure full compliance with this strategy. There are clear indications that the organisation has moved further in the direction set out in its statement of July 2005 and overall our assessment is positive. The pattern of violent and other crime on the part of loyalist paramilitary groups is unchanged, and the efforts of some on the loyalist side to wean their organisations away from these activities have yet to bear significant fruit;
- Loyalists committed the two paramilitary murders over the six months 1 September 2005 to 28 February 2006. There has been a considerable fall in the number of casualties of paramilitary shootings and assaults over these months, with the exception of those of loyalist shootings which have stayed at the same level. The reductions have been largest on the republican side. None of the republican incidents are attributable to PIRA as an organisation. Loyalists caused 95% of the casualties of shootings and 76% of the casualties of assaults during the period;
- Paramilitary organised crime is a major challenge to law enforcement in Northern Ireland. There have been welcome developments in relation to the Criminal Assets Bureau in the South and the Assets Recovery Agency in the

North, including in respect of the long-term exploitation of assets obtained by criminal means.

- The last three months have seen further evidence of positive leadership on the part of Sinn Féin and that Gerry Adams's statement of April 2005 continues to be built upon. In the case of the PUP and UPRG, we are aware of the efforts of some to move things in a better direction. But we still await evidence of tangible progress and are not encouraged by the recent statement by a representative of the UVF that it does not intend to do more before 24 November 2006. We hope there will be significant progress before our next report.

ANNEX I

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

Article 4

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

- (a) monitor any continuing activity by paramilitary groups including:
 - i. attacks on the security forces, murders, sectarian attacks, involvement in riots, and other criminal offences;
 - ii. training, targeting, intelligence gathering, acquisition or development of arms or weapons and other preparations for terrorist campaigns;
 - iii. punishment beatings and attacks and exiling;
- (b) assess:
 - i. whether the leaderships of such organisations are directing such incidents or seeking to prevent them; and
 - ii. trends in security incidents.
- (c) report its findings in respect of paragraphs (a) and (b) of this Article to the two Governments at six-monthly intervals; and, at the joint request of the two Governments, or if the Commission sees fit to do so, produce further reports on paramilitary activity on an ad hoc basis.

Article 7

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

ANNEX II

THE IMC'S GUIDING PRINCIPLES

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

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

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