

**EIGHTH 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

Ordered by the House of Commons to be printed 1st February 2006

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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. Our reports under these provisions are normally at six monthly intervals, and our last was in October 2005². The British and Irish Governments have asked us to produce a report at this time. We expect to deliver our next in April 2006, so that this report comes at the halfway point in our normal cycle.

1.2 We recognise that the two Governments have requested this additional report so that we can give a further assessment of the activities of PIRA, whose very significant statement was issued on 28 July 2005, six months ago. This report is not however confined to PIRA but examines the activities of all paramilitary groups. The PIRA statement was followed by the decommissioning of arms reported by the Independent International Commission on Decommissioning (IICD) on 26 September. We gave our first assessment of the results of the statement in our report last October.

1.3 We repeat here, as we have with all such reports, two points which we believe are central to 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.

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

² IMC Seventh Report, published October 2005.

2. SOME CURRENT ISSUES

2.1 We recognise that some readers of this report may focus particularly on PIRA, although we have significant things to say about all of the paramilitary groups. Because of the PIRA statement of 28 July 2005 and the subsequent act of decommissioning reported by the IICD on 26 September, and because of some tentative signs of change on the loyalist side, we return to one of our continuing themes. This is the hoped-for transition from a situation where paramilitaries commit terrorist and other crime, and dominate communities through intimidation, to one where politics and criminal justice operate according to the normal standards and practices of a democracy, and where as a consequence democratic politics moves centre stage and paramilitarism is moved to the margins in these communities. In such a transition the situation to avoid is one where terrorism is left behind but a culture of unlawful authority remains.

Culture of Lawfulness

2.2 We have referred before to a “culture of lawfulness” within which law enforcement operates normally and with broad public support, and where there is recognition of the need to observe human rights as well as mechanisms for ensuring that this happens³. We have recognised that in some local Northern Ireland communities this culture has been missing for a long time, with the result that paramilitaries have been able to exercise significant control in the absence of effective support on the part of some sections of the public for the organs of criminal justice. Readjustment to normal community policing may present a problem for many in these communities. We argued that this situation presents both a challenge, because the establishment of a culture of lawfulness will be difficult, and an opportunity, because its growth will play an important role in weakening the hold of paramilitary organisations and in being creative in developing more community ownership of the organs of justice. Such a culture is not of course one sided: the criminal justice system must have palpable integrity.

³ IMC Seventh Report, Section 1, published October 2005.

Transition

- 2.3 Examples elsewhere in the world show all too clearly that the process of coming out of paramilitary violence and crime will never be easy and that it will almost certainly be confused and messy. This is the case in Northern Ireland too, and by no means only in relation to PIRA. Indeed, following the PIRA statement last summer and the developments since then to which we referred in our last report and describe further below, it is all too clear that some other paramilitary groups have to date made much less progress along the road. We recognise, for example, that groups will need to go through a process of consultation and debate as they change their role, and that lasting change is unlikely unless this process is successfully completed. The role and influence of the leadership is key to this. Changes taking place within communities, in some cases involving a greater readiness to co-operate with the police, also create a different environment and can bring influence to bear on paramilitarism. Out of this may well emerge more people with paramilitary backgrounds committed to helping their communities to develop in a peaceful and entirely lawful and democratic way. They will join others – including ex-prisoners – who have already trodden this path and who already make valuable contributions.
- 2.4 We believe that changes are taking place amongst paramilitary groups on both the loyalist and republican sides – indeed that there is a dynamic of change which is likely to encompass associated political parties and other political groupings, although it is patchy in its occurrence and impact. We refer to particular examples in Section 3 of this report although it is sometimes hard to be precise about what is happening. We believe that there is no intention on the part of a number of those groups, in particular PIRA, to revert to terrorism but there still remain questions about how far this dynamic will develop. There seems to be a growing awareness within groups on both sides that violence and crime – even if they had been considered an acceptable option in the past – do not now offer a way forward which is either right or likely to bear political fruit in the longer term. There are signs too in both loyalist and republican communities that increasing numbers of people want to break free of the grip of paramilitary groups. As they do so they can restore a more normal way of life. Instead of turning to paramilitaries to solve local issues they can turn to an accountable and much changed criminal justice system, just as

they do to other public services. The more they do this, the less paramilitary groups will be able to exercise the community control to which they have for long been accustomed.

- 2.5 In pursuit of Article 3 of the International Agreement⁴ we support this dynamic. Our core remit – to monitor and report on continuing paramilitary activity – is at the heart of it. Indeed, people close to or associated with paramilitaries as well as from the general public have told us that exposure of the facts is a valuable means of helping secure change and can assist those within paramilitary groups who are working for it. Beyond that, we want to support this dynamic through the recommendations we make and the conclusions we draw from our analysis.
- 2.6 The fact that these changes are likely to be complicated and to take time does not however detract from some key principles, which we have enunciated from the start of our work and which apply to all paramilitary groups. There can be no compromise over the need to adhere to the rule of law. The half way houses which may mark the process of abandoning paramilitary criminality must not be other than transitory. The abandonment has to be total. As we have made clear before, it must embrace not only terrorism but also organised and all other forms of crime. This includes, for example, offences involving the sale of illicit or smuggled goods, or the laundering of illegal funds, through local retail outlets. It includes all forms of extortion and intimidation, as it does exiling; on this last, as we have repeatedly said, we will monitor whether paramilitary groups have generally and credibly allowed those they had exiled to return home freely, should they wish to do so.
- 2.7 We recognise, as we always have, that in monitoring paramilitary activity it is essential for us to distinguish as clearly as we can between what has been done with the sanction of the leadership (and if activities have been sanctioned, at what level), and what may have been done by Individuals (whether current or former members) acting on their own initiative or for their own benefit⁵.

⁴ See paragraph 1.3 above.

⁵ We explored the issues associated with the attribution of paramilitary activities in depth in our previous report – see IMC Seventh Report, paragraphs 2.6-2.9 and Annex VIII.

Community Restorative Justice

- 2.8 It is against this background that we think it right to return to the issue of community restorative justice⁶. We have made clear our support in principle for schemes which operate accountably and to acceptable standards⁷. We have said this because we think that in some communities, where the culture of lawfulness is not well embedded, such schemes can offer people an acceptable alternative to turning to paramilitaries. Over time schemes can help integrate official law enforcement and justice procedures into communities which have for too long been estranged from them, and can do so in a manner which reflects the circumstances and traditions of those communities.
- 2.9 We know that properly structured community restorative justice schemes have addressed the cases of hundreds of persistent repeat young offenders and that many of these people have as a result been saved from threats, exiling or violence at the hands of paramilitaries. The schemes have also offered routes for the peaceful resolution of other local disputes, often of a minor but nevertheless very aggravating kind. And where they co-operate with official agencies the schemes can help foster local-level relations with the police even when political and community leaders are not yet prepared to give their general support to co-operation with the police. In all these sorts of ways the schemes can help loosen the control that paramilitaries have had in those communities – something which is at the heart of our remit and which we believe is essential if paramilitary control and criminality are to be removed from any role in the life of Northern Ireland.
- 2.10 Our emphasis on accountability and standards is central to this view. Community restorative justice must never be a cover for the paramilitary groups, whereby they are able to continue to exercise an unhealthy influence under a more respectable label. The schemes must be open as well as accountable, including by having procedures for individual complaints, arrangements to ensure that only suitable

⁶ Our earlier comments are in: IMC Third Report, paragraphs 6.2-6.5, published November 2004; and IMC Fifth Report, paragraphs 7.2-7.7, published May 2005.

⁷ By this we mean that the schemes fully respect human rights, that is to say that they act in a way which is proportionate, legal and accountable, and where the interventions are both necessary and are based on the best information.

people are employed, oversight and external inspection and an unambiguous relationship with the criminal justice system as a whole. As they develop the schemes must be increasingly associated with the agencies of the official criminal justice system, including the police. There can never be any question of alternative or parallel justice systems. To allow that would run the risk of legitimising the paramilitaries under a new guise, and so prolong exactly the thing the schemes are capable of helping to curtail.

2.11 Since we commented on community restorative justice in November 2004 and May 2005 we have heard from a number of people about their concerns over some developments. Views have reached us from organisations and from individuals, the latter speaking with first hand personal experience within the very communities where the paramilitaries have been most active and have had the tightest grip.

2.12 These accounts have had two main features. First, that there have been some instances of people known for their involvement in community restorative justice schemes, and sometimes apparently speaking in the name of such schemes, who have tried to exert improper pressure on individuals, whether victims, alleged offenders, or members of their families. Those who have exerted this pressure are sometimes also known for their paramilitary connections. As reported to us, this pressure is seen by those on whom it is exerted as intended to secure the disposal of the crime without recourse to the criminal justice system, including police, for example by requiring the alleged offender to move to another location or to refrain from visiting certain places in future. While the allegations put to us may not always have involved actual violence against victims or alleged offenders they have sometimes referred to what has been described as an “undercurrent of threat” – and threat has been sufficient. The second feature of the accounts has been the type and seriousness of some of the offences, which fall well outside the scope of ordinary restorative justice schemes. As a matter of general principle, for example, violent offences against the person and sexual offences are not appropriate for restorative justice.

- 2.13 In short, we have been told of a number of instances of restorative justice being invoked as a means of continuing to exert paramilitary control within communities, and of what seems to at least some people living and working in those communities as paramilitarism operating under the guise of restorative justice.
- 2.14 To the extent that this does happen, it raises issues which are important for several reasons. Individuals may be subjected to threats or to improper pressure and so deprived of their human rights and access to justice; and some who are entirely innocent may be unfairly pilloried and have no recourse to that justice. Serious crimes which can be effectively dealt with only by the criminal justice system may not be properly pursued and offenders may escape justice. The reputation of community restorative justice may be damaged. As a consequence communities will suffer because this reduces its ability to serve a useful role in helping wean people away from paramilitary influence, and individuals will suffer because some offenders and victims will be denied the means of dealing with minor crime that they might otherwise have had. It may also inhibit the development of normal policing. Paramilitaries may be emboldened to continue to exercise control within communities under a new cloak of respectability and according to their own definitions of what is acceptable. In so doing they will operate a form of alternative “justice” system which serves their purposes and will keep at a distance the agencies of criminal justice to which all are entitled to have recourse.
- 2.15 We fully understand that it is right to draw a distinction between what is properly and officially done as part of a restorative justice scheme and the role of people who purport to speak and act in its name as a means, in some instances at least, of furthering their own interests. The present community schemes which are subject to external monitoring are not large, and are not meant to embrace serious offences of the kind described in some of these accounts. We know that if they are to receive public funds they will be subject to safeguards and inspection, as are other parts of the criminal justice system. The draft guidelines published in December 2005 and currently under consultation provide for safeguards, and we understand that these schemes want to implement such arrangements.

- 2.16 We also recognise, as we have before, the valuable role that is performed in these schemes by some *ex*-paramilitaries. We do not therefore want to exaggerate the issue or to tarnish the reputation of properly managed restorative justice schemes with instances of where people have acted entirely improperly. We recognise that in some cases it is possible that some members of the public may not have been aware of restorative justice volunteers who have given up their paramilitary past, or may not have distinguished between legitimate restorative justice and other local, unlawful vigilantes. We nevertheless believe there are some people – who may or may not be personally associated with community restorative justice – who in some instances use it as a cover for the exercise of paramilitary influence or who allow people to think they are doing so. This is exactly what we had previously said must not be allowed to happen.
- 2.17 We have been unable to date to determine how widespread this phenomenon really is, though we do not doubt it is happening and we believe that it delays the firm establishment of a “culture of lawfulness”. The more benign interpretation is that it is part of the difficult process of transition from a world where violence and threats were the norm and the writ of the agencies of the criminal law did not effectively run, and that it is therefore a passing phase. The more sinister and worrying interpretation is that it represents a deliberate tactic on behalf of paramilitaries to find new means of exerting their control now that violence or other crude threats are less open to them; and that by this means they can prolong a situation where people turn to them rather than to the forces of the law. To the extent that there is evidence that activities of this kind are promoted by paramilitary groups as such they fall within our terms of reference and we will continue to monitor them. We know that allegations of this kind have also been made to others. We urge people to bring to attention not only concerns and allegations of difficulties but also instances of good practice.

3. PARAMILITARY GROUPS: ASSESSMENT OF CURRENT ACTIVITIES

3.1 We offer below a further assessment of the current activities and state of preparedness of paramilitary groups. We focus mainly on the period from 1 September to 30 November 2005, although we do of course take account of events before and since that period. We also refer back to our Seventh Report, published in October 2005. Our account of the origins and structures of the groups was in our First Report⁸.

Dissident Republicans Generally

3.2 As in our previous report, we find that dissident republicans have undertaken a number of activities which we cannot at present attribute to a particular group. It is important nonetheless that these activities are exposed, and we will offer more precise attributions in future reports if we are able to do so. We also observe in this context that one feature of dissident republican groups is a tendency for things sometimes to be personality-driven or dependent on family or local allegiances, rather than on ideology. In the case of CIRA and RIRA, this can lead to co-operation between the two groups at a local level. Dissident groups also have different areas of geographical influence, which may lead to one seeking the assistance of another in an area where it is unrepresented.

3.3 Dissident republicans were responsible for 2 hoax devices in early October and one at the end of November, all directed at the police or military. It may be that in some cases these, or other hoaxes which we are able to attribute to one group and refer to below, have been used so as to observe how the security forces react, and so perhaps to facilitate future attacks on them. We believe that dissidents continue to acquire intelligence which might serve their purposes, and that they continue to plan for future attacks, for example by identifying targets.

⁸ IMC First Report, Section 3, published April 2004.

- 3.4 Dissident republicans were also responsible for other devices directed at civilian targets: one viable bomb at the end of November at Belfast City Hall and two hoaxes at the same time at the home of a senior member of the SDLP. Dissidents generally continue to use violence as a means of settling internal disputes and imposing discipline, and in an effort to exert control within local communities.
- 3.5 On this occasion, for the first time, we report 2 further dissident groupings. One – styling itself as *Óglaigh na hÉireann* (ONH) – has splintered from CIRA and the other – describing itself as *Saoirse na hÉireann* (SNH) – is composed of disaffected, and largely young, republicans, mainly from the Belfast area. ONH was, we believe, responsible for one assault and has been seeking to recruit former members of RIRA. It also undertook an armed Post Office robbery. SNH claimed responsibility for 2 hoax devices in September. It remains to be seen how and to what extent these new groupings develop; previous experience with splinter dissident groupings indicates that they might not necessarily be long-lasting. We will include any further relevant information in future reports.

Continuity Irish Republican Army (CIRA)

- 3.6 In our Seventh Report we described CIRA as a dangerous organisation which was active and intended to remain so. It had sought to procure and improve weapons; some members had received training; and it had mounted hoax and real attacks. We believed it was capable of continuing attacks although it had not recently shown itself capable of a sustained campaign.
- 3.7 CIRA has continued to be active over the 3 months under review. It was responsible for a hoax device placed under the vehicle of an officer in the RIR in October. It considers members of the police and military as priority targets and it remains its aspiration to undertake attacks on them. We believe that CIRA planned a campaign of viable and hoax bombs against private and commercial as well as military targets. We think it probable that the organisation was responsible for planting 4 explosive devices in the period under review, one against an Orange Hall, and for hoaxes at commercial premises and the Down Royal Race Course. It instructed some members of ONH, the new grouping which has splintered from CIRA, to leave Northern Ireland.

3.8 The organisation continues to seek to develop its capacity. Members of some units have received training and it continues its efforts to recruit members. The organisation continues to experiment with and to develop equipment and it has attempted to acquire munitions. We conclude that CIRA remains a threat; that it will continue to mount real and hoax attacks; and that it will continue to plan violence and to seek to enhance its capacity.

Irish National Liberation Army (INLA)

3.9 In our Seventh Report we said that INLA had recruited and trained new members; had been responsible for shooting and bombing attacks; and continued to be engaged in organised crime. We concluded that there had been some increase in the organisation's use of violence and that there remained the threat of its more active involvement, although at that time the level of activity was not high.

3.10 The picture remains broadly the same. INLA has continued a low but potentially serious level of activity. It deployed weapons for defensive purposes in September following the Whiterock riots. It continues attempts to recruit members, undertook at least one unreported assault and was responsible for an arson attack in Strabane on the home of a member of a District Policing Partnership. It was also behind a number of vehicle hijackings in the same area. We believe that INLA remains involved in organised crime, including drugs and smuggling. During this period the PSNI, in the course of investigations into money laundering, recovered an INLA weapon, documents and computer equipment. We conclude as before that the threat of the organisation's more active involvement remains although its present capacity for a sustained campaign is not high.

Loyalist Volunteer Force (LVF)

3.11 In our Seventh Report we recapped the detailed information which we had given in our Sixth Report a month earlier about the UVF/LVF feud and our view that the LVF's violence against the UVF had been largely by way of response rather than as a campaign with a definite objective. We noted that since the end of August the feud had largely died down. We referred to the LVF's heavy involvement in organised crime and described it as a deeply criminal organisation.

3.12 The feud with the UVF can be said to have come to an end during the period under review in this report and there has been no sign of its returning at the present time. Before the end of the feud the LVF targeted UVF members with a view to being able to undertake attacks and it was responsible for one attempted murder. Its level of other violent activity over the period under review was not high but the organisation remains heavily involved in organised crime, including drugs. We note the statement in October 2005 that the organisation would stand down its military units, but we have not seen any evidence of the LVF disbanding. There has therefore been no change to the earlier conclusion about its essentially criminal nature.

Provisional Irish Republican Army (PIRA)

3.13 We pointed out in our Seventh Report that of the period then under review all but one month had preceded the very significant PIRA statement of 28 July 2005 and that it was therefore too early to be drawing firm conclusions. We reported that there had been no evidence of recruitment or training after the statement, although there had been before; that there had been only one unreported instance of the use of violence after the statement, and that about a week after; that there were indications of changes in the organisation's structure; that the picture on exiling was mixed.

3.14 This report is therefore the first to be focused solely on the period since the July statement. We understand that we are assessing what is likely to be a difficult period for PIRA. We referred in our Fifth Report to the statement made in April 2005 by the President of Sinn Féin and we said that if he were able to develop those ideas and to deliver as he then appeared to suggest he would have demonstrated leadership of a high order. The PIRA statement of 28 July spoke of ordering "an end to the armed campaign", of volunteers being "instructed to assist the development of purely political and democratic programmes through exclusively peaceful means", and of their not engaging "in any other activities whatsoever". It said that PIRA units had "been ordered to dump arms" and that PIRA would "engage with the IICD so as to verifiably put its arms beyond use".

3.15 The organisation took a major initiative in its statement and the subsequent significant act of decommissioning. Though it is strongly led and firmly disciplined

there are bound to be some differences of view, and it is not an easy task to bring everybody to full and lasting acceptance of the role pointed to in the statement. Leadership in these circumstances may take pragmatic decisions or deliver messages which are not fully clear or consistent⁹. Like an oil tanker, the organisation will take a while to turn completely, and there is likely to be added turbulence in the wash as it does so. It would not therefore surprise us if the picture at this stage, while positive overall, was somewhat mixed.

3.16 There are a number of signs that the organisation is moving in the way it had indicated in the July statement. Although some other signs are at best neutral and a few are more disturbing, most are in a positive direction. We are of the firm view that the present PIRA leadership has taken the strategic decision to end the armed campaign and pursue the political course which it has publicly articulated. We do not think that PIRA believes that terrorism has a part in this political strategy. It has issued instructions to its members about this change of mode, and has engaged in internal consultation to support the strategy. There has been some press comment about possible changes in the membership of the Provisional Army Council but these remain unconfirmed. The leadership sets high store on unity and on avoiding the movement of people to dissident republican groups – which we do not think has happened in any significant way. It appears generally though not universally to have maintained authority over its members.

3.17 While in at least some areas its level of visibility may have lessened considerably PIRA has not disbanded (indeed, it issued a New Year statement on 6 January 2006). However some important and welcome internal changes are taking place. We believe that the organisation as a whole is being deliberately restructured to something more suited for the times and no longer designed for terrorist purposes.

3.18 There are other indications of how the leadership is seeking to bring about this transition. We have no evidence of recruitment for paramilitary purposes or of paramilitary training, though non-paramilitary briefings appear to continue. We

⁹ We deal in this Section with the leadership of PIRA as a paramilitary organisation. We deal separately in Section 5 with the issue of the association between the leadership of PIRA and that of Sinn Féin.

believe that currently there is no intention to target members of the security forces for the purposes of attack. We have no evidence that PIRA has carried out any authorised paramilitary attacks in the period under review in this report. The PIRA leadership has given instructions that members should not be involved in rioting. The involvement of local PIRA members in rioting in Kilcoo following PSNI searches as part of the investigation of the Northern Bank robbery was therefore contrary to those instructions. PIRA members have been instructed to offer their services to Sinn Féin and to pursue political activities, as was indicated in the 28 July statement.

3.19 There are however a number of less satisfactory indicators both of the behaviour of PIRA as an organisation and of the conduct of some of its members. We referred in our last report to intelligence gathering. We believe that the organisation continues to engage in it, and has no present intention of doing otherwise. This is an activity which we believe is authorised by the leadership and which involves some very senior members. While some of it may be for defensive purposes, it is predominantly directed towards supporting the political strategy. It involves among other things the continuation of efforts to penetrate public and other institutions with the intention of illegally obtaining or handling sensitive information. This raises the question of whether the commitment to exclusively democratic means is full and thorough going, or whether there remain elements of a continuing subversive intent going beyond the boundaries of democratic politics, a matter we addressed in paragraph 8.13 of our Fifth Report¹⁰. The organisation continues to accumulate information about individuals and groups, including members of the security forces, though as we indicate above we do not think there is any intent to mount attacks. We also think that the organisation remains concerned about the potential for action by dissident republican groups and that it continues to monitor their activities, as it does those of some drug dealers.

¹⁰ See paragraph 8.13 of the Fifth Report, which set out the following questions. How does Sinn Féin now view the claim made by PIRA to be the lawful government and representative of the people in Ireland North and South? Does the party seek power in Ireland North and South using paramilitary muscle to back its participation in the political process? Does it ultimately intend to participate fully in democratic politics, and to observe all the standards that requires, but to reach that position maintaining for the time being some form of slimmed down military capability? Or is it now ready to ensure that PIRA ends all forms of illegal activity and to engage whole heartedly in democratic politics and in policing?

- 3.20 Despite the instructions to which we refer above, the occurrence of at least 6 unreported assaults has come to our attention. These have mostly been the spontaneous result of personal disputes and have been without leadership authority or planning, though in the process some can carry with them the aura of PIRA threat. We believe the attack on Jeff Commander in September and the associated intimidation was undertaken by current and former PIRA members unsanctioned by the central leadership. Exiling has not been lifted and some relocation of people who are seen as troublesome individuals and families continues. PIRA has used other methods of exercising community control such as “naming and shaming” and we believe the organisation has encouraged members to engage in community restorative justice as a means of exerting local influence. There are thus some signs of an organisation which wants to maintain its traditional role within its communities. It does not yet appear ready to change its long standing opposition to the PSNI though the attitude on the ground is variable and appears often to depend on local circumstances or personalities; in some cases there are clear indications of a growing community readiness to engage with the police.
- 3.21 There are indications that in some areas PIRA units have been closing down criminal operations and clearing stocks of contraband goods, and we have no reports of PIRA sanctioned robberies in the period under review. However, members and former members of PIRA continue to be heavily involved in serious organised crime, including counterfeiting and the smuggling of fuel and tobacco¹¹. As in the past, we are not able to say confidently to what extent the substantial proceeds of crime are passed to the organisation.
- 3.22 PIRA continues to raise funds and we also believe that it looks to the long term exploitation of the proceeds of earlier crimes, for example through the purchase of property or legitimate businesses. Some senior members are involved in money laundering and other crime. Money has become a key strategic asset. There has been some restructuring in the finance department, possibly in reflection of the changing circumstances. PIRA also seems to be using experts and specialists able to assist in the management of illegal assets.

¹¹ Overall, taking the activity of paramilitary and other organised crime as a whole, there appears to be no diminution in the amount of these illegal goods.

- 3.23 We referred in our previous report to the significant act of decommissioning reported by the Independent International Commission on Decommissioning (IICD) on 26 September 2005. We have since received reports that not all PIRA's weapons and ammunition were handed over for decommissioning in September. These reports are not able to indicate precisely what is the nature or volume of any remaining weapons but suggest two things: first, that there is a range of different kinds of weapons and ammunition; second, that the material goes beyond what might possibly have been expected to have missed decommissioning, such as a limited number of handguns kept for personal protection or some items the whereabouts of which were no longer known. We recognise that if these reports were confirmed the key question would be how much the PIRA leadership knew about these weapons. These same reports do not cast doubt on the declared intention of the PIRA leadership to eschew terrorism. For our part, we are clear that this latter is their strategic intent.
- 3.24 We understand that the IICD has made a report to the two Governments and gather that they intend to publish it at the same time as this report. Over the coming period we will examine any implications that the IICD report or any other developments may have for our work.
- 3.25 To sum up, the position is not entirely straightforward. We see a number of definite signs of the organisation moving in the direction indicated in the 28 July statement. We see other signs which we would describe as neutral and some which are more disturbing. For example, some members continue to be engaged in significant crime and occasional unauthorised assaults. Whereas these assaults are not in our view sanctioned by the leadership, and may be directly against its wishes, the contrary appears to be the case with some other criminal activities such as the exploitation of financial assets PIRA had previously acquired or the illegal gathering of intelligence. The indications that PIRA appears to retain long term intentions to gather intelligence is also in our view a matter for concern. On the other hand we believe there is a clear strategic intent to turn the organisation on to a political path and there is good evidence that this is happening even given such constraints as there may be on the leadership in this regard.

Real Irish Republican Army (RIRA)

3.26 In our Seventh Report we said that RIRA continued to be the most active of the dissident republican groups. It continued to recruit and train; had sought to improve its capacity in weapons and explosives; was responsible for real and hoax attacks; and had targeted members of the security forces. We concluded that it was violent, dangerous and determined.

3.27 In the 3 months under review in this report RIRA – within which there are two factions – has continued to seek to enhance its capacity as a paramilitary organisation. It has sought to develop its capacity to acquire intelligence, particularly on the security forces. It continues to develop its equipment and to seek both to recruit members and to acquire munitions. Some parts of the organisation are working on a long-term strategy and are focussing on the training of members.

3.28 RIRA has also undertaken acts of violence. As we said in our previous report, we believe that members of the organisation were responsible for the outrageous and very violent assault in September on Denis Bradley, the Deputy Chair of the Policing Board. It continues a campaign of intimidation and violence against those it views as anti-social, such as drug dealers, and has threatened to exile such people. It was responsible for more of the dissident republican assaults of which we are aware than other groups, including that on two loyalists in an incident not reported to the police and so not included in official figures. Its involvement in organised crime continues, and is exemplified by the arrest in November of three members, resulting in the recovery of some two million contraband cigarettes.

Ulster Defence Association (UDA)

3.29 In our Seventh Report we said that the UDA had continued to recruit and train members; had both considered and undertaken violent attacks, including sectarian ones; and remained active in organised crime, including drugs. We concluded that it remained an active threat to the rule of law.

- 3.30 The picture on the UDA over the three months under review is essentially the same. It has been engaged in continuing paramilitary activity. Members from East Belfast were in our view responsible for the murder on 4 October of their fellow member Jim Gray who was on bail following his arrest. Members also undertook a sectarian attack in early September. The UDA and its members have continued to undertake targeting, shootings and assaults, some unreported; the UDA was responsible for most of the loyalist incidents which it is possible to attribute with certainty to a particular organisation, although these attributions are a minority of the total. There have been other violent incidents since the period under review here. We believe that the organisation continues to aspire to acquire weapons although we have no evidence over this period that it has successfully done so. We are aware of no change in the broad pattern of UDA involvement in organised crime. Members of the organisation were engaged in drug dealing, extortion, the production and sale of counterfeit goods, money laundering and robbery. Offences of this kind are committed or planned across the whole organisation. Four senior members of the North Belfast Brigade were arrested in November for a number of these offences as well as for others involving threats to kill and the possession of firearms.
- 3.31 The disorders on 10 September at the parade in Whiterock were a significant event in the period under review. The UDA, together with the UVF to which we refer below, was closely involved in planning the co-ordination of violent protests and it made weapons available for the occasion. Again like the UVF, it planned to use these weapons against the security forces in the event of disorder. Senior UDA members helped orchestrate violence during the parade, and members hijacked vehicles and during the course of the rioting attacked the police and military with gunfire, blast bombs and petrol bombs. In the following few days we believe that the leadership of the UDA concluded that things had escalated unacceptably on 10 September and it decided that there should be no further UDA involvement in the continuing disorders. With the UVF and RHC, it then took steps to prevent further rioting.
- 3.32 We give no credit to the UDA for trying to rein back on disorders which it had done so much to foster just because it found things had reached an unacceptable level. But we do nevertheless think that there are signs that some people within some parts of the organisation or associated with it want to steer the UDA away from violence and

crime and into community development. We applaud constructive community work and activities such as the removal of flags and murals. Another important step would be for loyalist paramilitaries, including the UDA, to stop targeting nationalists and members of ethnic minorities. We hope that the UPRG will give a clear and robust lead on this¹². We see these activities as potentially part of the difficult process of transition and hope they will progress. But this cannot disguise the continuing involvement of the UDA in violent and other crime during the period under review in this report.

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

3.33 In our Seventh Report we recapped the detailed information we had given a month earlier in our Sixth Report about the UVF/LVF feud. We noted that most of the violent incidents in the feud had been the responsibility of the UVF and concluded that the UVF leadership had decided it was the time to finish off the LVF. The UVF had also been involved in violent incidents not associated with the feud, some of them sectarian, and remained involved in organised crime, including drugs. We concluded, as we had before, that the UVF was active, violent and ruthless.

3.34 The feud with the LVF died down after the end of August and can be said to have come to an end during the period under review. The UVF and Progressive Unionist Party (PUP) leaderships were involved in de-escalating it¹³. Before this happened the UVF was, we believe, responsible for one attempted murder. Apart from the feud, the organisation has continued to conduct both shootings and assaults and its members have undertaken sectarian attacks across Northern Ireland over the three months. With the UDA it was prominently involved in the violence at the Whiterock parade on 10 September: both organisations planned co-ordinated protests and both made weapons available for the occasion, and both planned to use them against the security forces in the event of disorder. Senior members of the UVF were involved on the day in orchestrating violence at the parade, and during the course of the rioting members were responsible for hijacking vehicles and for attacks on the police

¹² We deal further with the UPRG in Section 5.

¹³ We deal further with the role of the PUP in Section 5.

and military involving gunfire, blast bombs and petrol bombs. After the parade, and again in common with the UDA, the UVF concluded that things had gone too far on the day and that its members should not be further involved in the rioting. With the UDA and RHC, the UVF then took steps to prevent further rioting.

3.35 UVF members were also involved in two other outbreaks of disorder, one of them in the Shankill Road following the arrest of a senior UVF commander. The organisation continues to aspire to acquire weapons though we have no indication of any recent success in doing so. We are aware of no significant change to the broad pattern of the UVF's involvement in organised and other crime but we believe that elements within the leadership are making efforts to reduce criminality, including drug dealing, within the organisation. We welcome this, and will watch with interest to see what happens. One important step would be for loyalist paramilitaries, including the UVF and RHC, to stop targeting nationalists and ethnic minorities. We hope the PUP will give a clear and robust lead on this.

3.36 The level of UVF activity has therefore been less than it was in the six months covered by our previous report, mainly because of the ending of the feud with the LVF. Despite the welcome steps the leadership has taken on the feud and other crime we do not at this stage change our overall assessment of the organisation. It remains a continuing and serious threat to the rule of law and our previous phrase – active, violent and ruthless – still applies to it. We very much hope we will start to see this change.

4. PARAMILITARY GROUPS: THE INCIDENCE OF VIOLENCE AND EXILING

- 4.1 This Section focuses mainly on the 3 months from 1 September to 30 November 2005.
- 4.2 On this occasion we are reporting on a much shorter period than normal, which makes it harder to draw firm conclusions about trends. We have accordingly set out the data for the months from 1 September against the background of the 6-monthly periods we have previously examined. We think it would be better to base our usual analysis of the percentage changes on a full 6 months, and will therefore include this in our next report in April 2006 for the period 1 September 2005 to 28 February 2006.
- 4.3 As in the past, we are anxious to emphasise that statistics alone cannot lay bare the cruel nature or traumatic impact of acts of violence, and reveal nothing of the unreported incidents, whether involving violence or intimidation short of violence. We also continue to believe that the words “punishment” and “beating” underplay the nature of what can happen and tend to give respectability to it, and so should not be used.
- 4.4 Over the period from 1 March 2003 until 30 November 2005 we believe that the number of *paramilitary murders* was as follows:

	1 Sept – 30 Nov 05	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	1	1	2		1	1
UVF		4		2	1	
Not attributable				1 ¹⁴		2 ¹⁵
TOTAL	1	5 ¹⁶	2	3	2	5

We have not included in this table the murder on 7 November of Martin Conlon. Although the victim was suspected of being a member of RIRA we are not at present able to say who was responsible for his death. We will provide in a future report any more specific information that becomes available to us.

4.5 The one murder definitely attributable to paramilitaries in the three months under review was of a leading member of the UDA by, we believe, members of the same organisation. Subject to the qualifications noted in the above table, we are aware of no paramilitary murders which were committed on behalf of republican groups or with the sanction of their leadership since August 2003. The welcome reduction in the 3 months under review from the very high level in the preceding six months reflects the end of the feud between the UVF and LVF, which had led to 4 of the 5 deaths, all of them in July and August 2005. The rate of paramilitary murder in these 3 months is however comparable to that over most of the period since the analysis started in January 2003.

**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.

* As in our Fifth Report, the categorisation of the murder of Robert McCartney on 30 January 2005 is not yet definitive, and we do not therefore include a figure for it in this table. But we remain of the view we expressed in that Report – that members of PIRA were involved in the murder though we do not believe that central PIRA leadership sanctioned it in advance.

¹⁴ Information suggests this death may have been linked to a republican paramilitary group but the precise motivation and attribution remain unclear.

¹⁵ 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.

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.

The following paramilitary murders have occurred since 1 September 2005

Jim Gray, murdered 4 October 2005.

4.6 The number of casualties of paramilitary shootings and assaults in the 3 months since 1 September 2005 is as follows. The figures, like those which we have included in all our previous reports, are of incidents reported to the police. Subject to the qualification we have always made and which we repeat here – that they are subject to minor statistical adjustment – we have been confident that they have reflected the situation on the ground. In particular, the International Agreement requires us to monitor trends and we believe that the trends have been reflected in these figures. We have in the past also occasionally referred to unreported incidents when presenting our analysis of the individual paramilitary groups. We think that the situation may be changing with regard to unreported incidents. We therefore direct readers to what we say in Section 3 about the individual groups in order to gain a fuller picture, though with such unreported incidents it is not possible to give precise and accurate figures.

Shooting Casualties

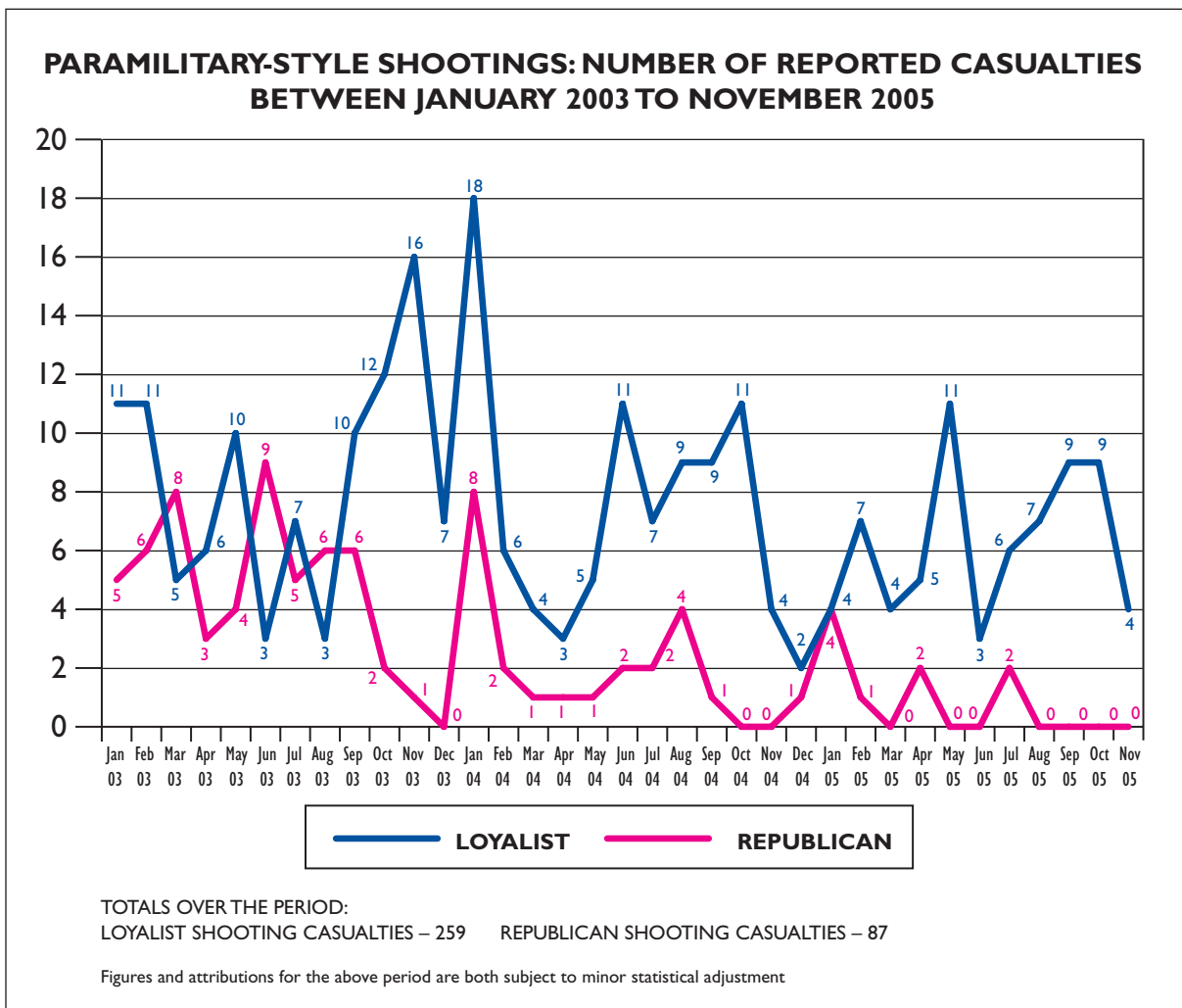
Responsible Group	1 Sept – 30 Nov 05	1 Mar – 31 Aug 05	1 Sept 04 – 28 Feb 05	1 Mar – 31 Aug 04	1 Sept 03 – 29 Feb 04	1 Mar – 31 Aug 03
Loyalist	22	36	37	39	69	34
Republican	0	4	7	11	19	35
TOTAL	22	40	44	50	88	69

Assault Casualties

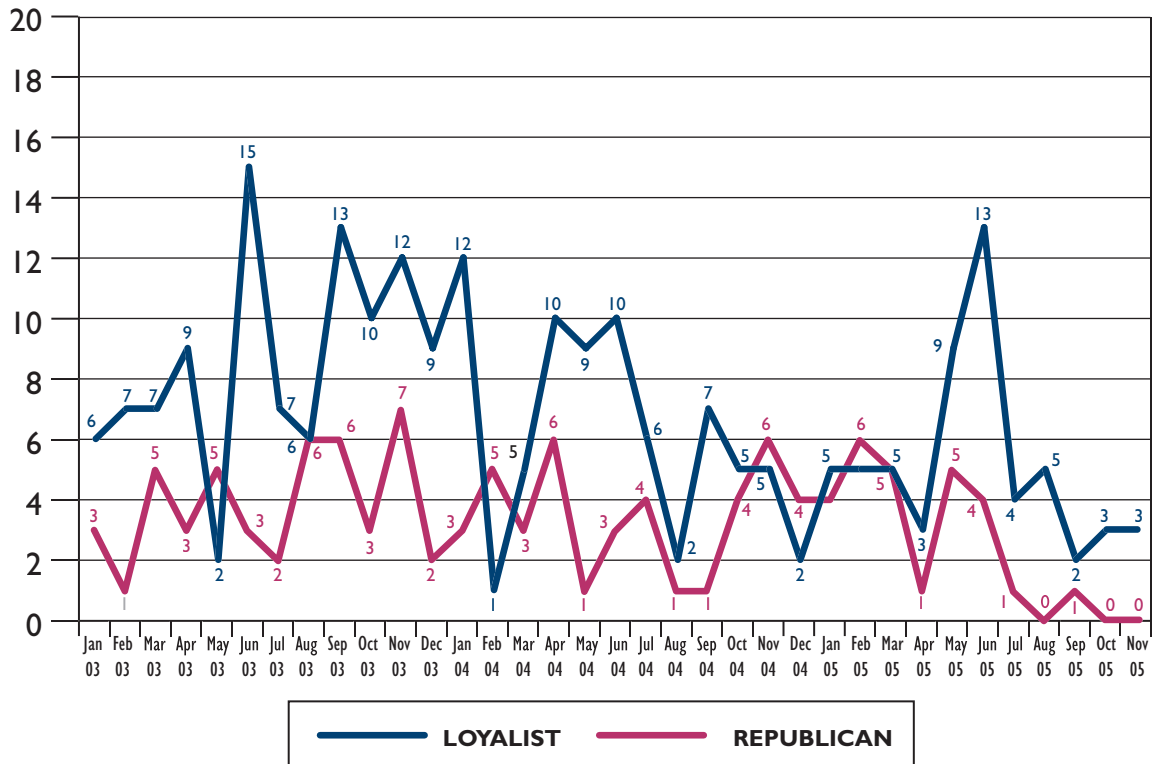
Responsible Group	1 Sept – 30 Nov 05	1 Mar – 31 Aug 05	1 Sept 04 – 28 Feb 05	1 Mar – 31 Aug 04	1 Sept 03 – 29 Feb 04	1 Mar – 31 Aug 03
Loyalist	8	39	29	42	57	46
Republican	1	16	25	18	26	24
TOTAL	9	55	54	60	83	70

4.7 Loyalist paramilitaries have inflicted nearly all the reported casualties: all 22 of those of shooting and all but one of the 9 of assaults. The one reported assault that we are able to attribute to a republican group was by dissidents. The rate of shooting victims in the 3 months under review was much the same as in the preceding year while that for assault victims was very considerably lower.

4.8 Our remit requires us to look at trends in paramilitary crime. The following graphs include the monthly figures we have previously published, extended by 3 months from 1 September 2005 so that the trends in shootings and assaults are clear.



**PARAMILITARY-STYLE ASSAULTS: NUMBER OF REPORTED CASUALTIES
BETWEEN JANUARY 2003 TO NOVEMBER 2005**



TOTALS OVER THE PERIOD:

LOYALIST PARAMILITARY-STYLE ASSAULTS – 234 REPUBLICAN PARAMILITARY-STYLE ASSAULTS – 114

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

Exiling

4.9 It remains our very strong belief that exiling is one of the most insidious manifestations of paramilitary activity. Exiling – or the threat or fear of it – is a key element in the exercise of community control to which we refer in Section 2. The ending of exiling, and allowing those previously exiled freely to return home should they wish to do so, remain for us one test of whether a paramilitary group has given up illegality. The practice of exiling continues with all groups, in some instances apparently unabated, though in others the number of new cases may have reduced considerably.

Conclusions

4.10 As we say above, we think it would be better to base our usual analysis of the percentage changes in the incidence of violence on a full 6 months, and will include it in our report in April 2006 for the period 1 September 2005 to 28 February 2006. Nevertheless we note that in the 3 months under review here, 1 September – 30 November 2005:

- the victim of the one murder which we can attribute to a paramilitary group was a leading member of the UDA killed, we believe, by members of the same organisation;
- all the 22 reported shooting victims and all but 1 of the 9 reported assault victims were the result of loyalist attacks; the one reported republican assault was by a dissident group and none of those reported is attributable to PIRA;
- the overall rate of shootings was broadly unchanged compared with the previous year, while that of assaults was very considerably lower.

5. LEADERSHIP

- 5.1 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.
- 5.2 We continue to apply to those in positions of leadership in political parties associated with paramilitary groups the standards we first set out in our Fifth Report in May 2005, and which we reiterated in our last report three months ago. We believe that they should articulate their opposition to all forms of illegality; should exert their influence against members of paramilitary groups who have not given up crime; and should give clear support to the criminal justice system.
- 5.3 There are two political parties to whom these standards are particularly relevant – Sinn Féin and the Progressive Unionist Party. They also apply to the Ulster Political Research Group.
- 5.4 In the case of *Sinn Féin*, we referred in our last report to the PIRA statement of 28 July 2005 and to the subsequent decommissioning of weapons reported by the IICD on 26 September. We said that these events indicated that very major progress had been made in the direction that the President of Sinn Féin, Gerry Adams, had spelt out in his statement of April that year.
- 5.5 We went on to say that although the initial signs were encouraging we felt it was too early then to draw firm conclusions about changes in the overall behaviour of PIRA. This was because five of the six months under review in that report preceded the July statement. Accordingly, we decided that we should not make any comment at that stage on the recommendation we had made in our Fourth Report in February 2005 that the Secretary of State should consider exercising the powers he had to take financial measures in respect of Sinn Féin in the Assembly. Nor did we then pursue the separate comment we had also made in our Fourth Report, namely that people had suggested to us that Sinn Féin should not continue to receive public funds from other sources if they were denied them in the context of the Northern Ireland Assembly.

- 5.6 The Secretary of State, having considered financial measures in line with our recommendation last February, had then decided that he should remove block financial assistance from Sinn Féin in the Assembly for the maximum period allowed under the legislation, namely twelve months. This took effect on 29 April 2005. The Secretary of State also decided to pursue our separate comment on other sources of funding and on 10 March 2005 invited the House of Commons to suspend the allowances of Sinn Féin Members of the UK Parliament for twelve months. The House of Commons agreed to his proposal, which took effect on 1 April.
- 5.7 On 19 October 2005, the day the British and Irish Governments published our last report, the Secretary of State announced that he had decided to restore Sinn Féin's Assembly allowances with effect from 1 November and that he would in due course recommend to the House of Commons that it lift the suspension of the allowances of Sinn Féin MPs. This he did on 26 January 2006 and the House of Commons is due to debate it on 8 February.
- 5.8 In the circumstances we have described in this report we do not believe that financial measures against Sinn Féin of the kind referred to above should continue.
- 5.9 In the case of the *PUP*, we had recommended in our Fifth Report in May 2005 that the Secretary of State should continue the financial measures against it which had been imposed in April 2004, to run for twelve months. By these measures the Secretary of State had removed the party's financial support in the Northern Ireland Assembly. The Secretary of State decided not to implement the recommendations we made in our Fifth Report, which we saw no grounds for rescinding in our Seventh Report in October 2005. In consequence the *PUP* has been in receipt of its Assembly allowances since April 2005.
- 5.10 In the course of preparing this present report we have examined closely the role of the *PUP* in relation to the *UVF* and *RHC*, to which we refer in paragraphs 3.32 – 3.35. We note the considerable efforts on the part of the *PUP* leadership to end the *UVF*'s feud with the *LVF* in the late summer, and the lead it has given on the need for the *UVF* to change their attitude to violence and other crime. We believe the leadership has put energy into this positive step. There have been some indications

of early progress and we hope that its efforts will show success. We will return to this matter in future reports. In the light of these developments we do not think that financial measures against the PUP are appropriate at this time.

- 5.11 We believe that the *UPRG* has also begun to make some progress. It has engaged in discussions designed to move things in a better direction and in efforts to influence the UDA. In our view it recognises the importance of ending violence and other crime if local communities are to develop, and it has focused on means of trying to secure these developments. We welcome the steps it has taken and hope they will progress much further. We will return to this in future reports.

6. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

6.1 We draw the following points from the preceding Sections:

- The process of transition to a society where a culture of lawfulness is the norm is bound to be complex and will involve internal debate within communities and paramilitary groups in which the role of the leadership will be crucial. We think there are indications of a dynamic of change occurring in Northern Ireland, though it is patchy in its occurrence and impact;
- Whatever the process of transition may involve for individual groups or communities there can be no dilution of the principle that the rule of law must prevail;
- We continue to believe that properly administered community restorative justice has an important role to play in helping wean communities away from reliance on, and control by, paramilitaries. We note its continuing development. We are aware nevertheless of instances where members of the public believe that these schemes have been exploited by paramilitaries as a means of continuing their control in a more respectable guise and we believe there have been instances of this. We do not wish the reputation of community restorative justice to be tarnished and so it is essential that paramilitaries are not allowed to operate in this way. To the extent that they do, the human rights of members of these communities are undermined, the schemes are damaged, and the development of a culture of lawfulness is inhibited.
- All paramilitary groups are engaged in illegal activity to varying extents. Dissident republicans remain committed to terrorism and are deeply involved in organised crime. We have no doubt that PIRA, uniquely among paramilitary organisations, has taken the strategic decision to eschew terrorism and pursue a political path. There are a number of signs that the organisation is moving in the way it indicated in its statement of 28 July 2005. But in the light of some of the

activities we refer to a real question remains of whether this will involve purely conventional politics conducted within a culture of lawfulness. Loyalist groups, which are violent as well as responsible for a wide range of other crime, have not made the strategic choice which PIRA has made. But there are some early signs of change amongst loyalists which we hope to see taken much further.

- The one paramilitary murder was by members of the UDA of one of the organisation's senior leaders. Loyalists were responsible for all the other reported shootings and assaults, bar one of the latter which was the responsibility of a dissident republican group. The overall rate of shootings was comparable to that of the previous year; that of assaults was very considerably lower.

6.2 In our Fifth Report in May 2005 we set out what we believed Northern Ireland political parties should achieve. We referred to the importance of them articulating their opposition to all forms of crime, the importance of exerting influence against members of paramilitary groups who would not give up crime, and giving a clear lead in support of the organs of the criminal justice system, including its participative organs. We set out the full text in Annex III. We will continue to be guided by this standard.

6.3 Article 7 of the International Agreement allows us to recommend:

- Any remedial action we consider necessary in respect of the matters on which we are reporting under Article 4.
- Any measure we think might appropriately be taken by the Northern Ireland Assembly¹⁷. This part of the Article does not apply while the Assembly remains unrestored, but that does not prevent us from saying what we would have done had it been sitting, or from making recommendations to the Secretary of State about the exercise of the powers he has in these circumstances. We have done both these things in earlier reports.

¹⁷ Article 7 is at Annex I. A summary of the statutory measures which the IMC can recommend for action by the Northern Ireland Assembly is at Annex III.

6.4 **We recommend:**

- **In the circumstances described in this report we do not believe that financial measures against Sinn Féin of the kind referred to in our Fourth Report¹⁸ should continue;**
- **In the light of what we describe in this report we do not think that financial measures against the PUP would be appropriate at this time.**

6.5 These recommendations do not mean that we would not recommend the reimposition of financial measures should we feel that future circumstances justified that.

¹⁸ IMC Fourth Report, February 2005, paragraph 21.

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.

ANNEX III

PARAGRAPH FROM THE IMC'S FIFTH REPORT (MAY 2005) SETTING OUT ITS VIEWS ON THE RESPONSIBILITIES OF POLITICAL PARTIES

8.9 We think it might be helpful if we indicated in this report the sort of thing we believe political parties generally need to do in order to demonstrate that they are giving the right leadership, whether they are parties which are associated with paramilitaries or over whom they may have influence, or not. We also think that it is right to set out a challenge to any political parties which may find themselves in positions of influence over paramilitaries.

8.10 Given the normal standards expected of political parties in a democratic society, what should Northern Ireland political parties achieve? They should:

- Make their commitment to the ending of all forms of paramilitary crime credible and vocal.
- By any lawful means exert the maximum possible influence to the same end over paramilitary groups and over individual members.
- Credibly and vocally challenge those members of paramilitary groups who may be reluctant to give up crime, and give full support to those who are ready to do so.
- Give credible, vocal and practical support to all parts of the criminal justice system, including policing, and similarly accept the definition of crime that the law lays down.
- Play a full and constructive role in the participative organs of the criminal justice system such as the Policing Board and the District Policing Partnerships.

Within the framework of support for the rule of law, engage in open and constructive debate with the two Governments and with the various commissions and other bodies in Northern Ireland concerned with the criminal justice system over the ending of all forms of paramilitary crime and the establishment of firm community support for the criminal justice system.

ANNEX IV

SUMMARY¹⁹ OF MEASURES PROVIDED FOR IN UK LEGISLATION WHICH THE INDEPENDENT MONITORING COMMISSION (IMC) MAY RECOMMEND FOR ACTION BY THE NORTHERN IRELAND ASSEMBLY

Article 7 of the International Agreement specifies that the IMC may recommend measures for action by the Northern Ireland Assembly, such measures being limited to those which the Northern Ireland Assembly has powers to take under UK legislation. The full text of Article 7 is in Annex I.

Measures which may be taken under UK legislation

- (1) A Minister or junior Minister may be excluded by the Assembly from holding office as a Minister or junior Minister for a period of not less than three months and not more than twelve months.
- (2) Members of a political party may be excluded by the Assembly from holding office as Ministers or junior Ministers for a period of not less than six months and not more than twelve months.
- (3) A Minister or junior Minister may for a specified period have his salary, or part of it, stopped by resolution of the Assembly.
- (4) Members of the Assembly who are members of a particular political party may for a specified period have their salaries, or part thereof, stopped by resolution of the Assembly.
- (5) The financial assistance which is payable to political parties may be stopped in whole or in part by resolution of the Assembly.

¹⁹ This summary does not purport to be an authoritative legal interpretation of the relevant legislation. For the actual legislative provisions see Northern Ireland Act 1998 and the Northern Ireland (Monitoring Commission etc.) Act 2003.

- (6) A Minister, a junior Minister of a political party may be censured by a resolution of the Assembly.

Powers similar to those set out in (1) to (5) may in certain circumstances be exercised by the Secretary of State.

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