



Sixth 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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HER MAJESTY'S STATIONERY OFFICE

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INTRODUCTION

1. We submit this report on the violent feud between the Ulster Volunteer Force (UVF) and the Loyalist Volunteer Force (LVF) under the powers available to us in Articles 4 and 7 of the International Agreement establishing the Independent Monitoring Commission. Article 4(c) enables us to submit reports to the British and Irish Governments on an ad hoc basis if we see fit to do so. This is the second occasion on which we have presented such an ad hoc report¹.
2. We believe that this report is justified because of the very serious escalation of the violent feud between the UVF and LVF, especially since the beginning of June 2005. Since 1 July, for example, it has led to four murders and numerous other violent incidents, as we describe in more detail below. This report is confined to the feud between these two organisations. We do not deal here with the dreadful sectarian attacks over this time nor with the wider loyalist picture, and we will address these and all the activities of paramilitary groups over the six-month period from March 2005, and issues to which they give rise, in our next full report which we are due to present in October. That will be our first full Article 4 report since the PIRA statement of 28 July.
3. As hitherto, we have sought information from as wide a range of sources as possible and have taken account of public comments. This includes what we have been told by political parties and the document “Unionist Paramilitary Attacks” which Sinn Féin issued in August. This violent feud differs from many other paramilitary activities in that there is no significant dispute about either the facts or the identity of the paramilitary groups responsible. The issue is the nature and extent of the violence and of the threats, and their impact on people, particularly in Belfast. All of these are things which fall squarely in our remit, and in this report we aim to provide information on a particularly vicious and nasty manifestation of paramilitary activity.

¹ Our first ad hoc report was on the robbery at the headquarters of the Northern Bank in Belfast in December 2004 and some associated robberies. The two Governments published it as our Fourth Report on 10 February 2005.

BACKGROUND

4. We have consistently given an account of both the UVF and LVF in all our full Article 4 reports on paramilitary activity.
5. The UVF is closely linked to the much smaller Red Hand Commando (RHC). Both have on occasions undertaken vicious sectarian attacks. We have described the UVF as an organisation with a centralised structure, generally coherent decision making and a relatively strong control over its members. We drew attention in our report published in November 2004 to the fact that UVF leaders had restated their commitment to the loyalist ceasefire of 1994. The Combined Loyalist Military Command ceasefire statement expressed “abject and true remorse” for the victims of the previous twenty years. Nevertheless, the UVF has not decommissioned weapons, has suspended its contact with the IICD and in the past two years has been involved in murders, shootings, assaults and in organised and other crime. In all our reports we have described the UVF as a ruthless organisation and as one which would be prepared to engage in greater violence if it judged that to be in its interests.
6. The LVF was founded in 1996 by members expelled from the UVF². It declared a ceasefire in 1998 and handed over some weapons to the Independent International Commission on Decommissioning but despite this has been involved in murders, shootings, assaults and other crime since that time. It has focused most of its activity on organised crime, particularly drugs. We have noted consistently that with the very clear exception of organised crime the LVF has remained less active than it used to be. We said in April of this year, as we had six months before, that it appeared to have no inclination to return to significant levels of violence but that it retained the capacity to do so should its intentions change.
7. Feuding between the UVF and LVF goes back to the foundation of the LVF. Since then there has been a history of bad blood and of personal and organisational hatred which has flared into violence from time to time. The phases in the feud have sometimes appeared to merge so that it can be difficult to distinguish one from another. But over the whole period it has resulted in at least 10 murders³ as well as

² The death of founding member Billy Wright is now the subject of one of a number of public inquiries.

³ Other murders are associated with these organisations. We do not include them because they are not the result of the feud.

a very large number of acts of violence before things erupted again early this summer.

RECENT DEVELOPMENTS

8. In our report published in November 2004 we drew attention to the feud which had involved a number of violent incidents starting with the murder of Brian Stewart on 18 May 2004, and which had ended only when the LVF agreed to stand down the East Belfast members responsible for the violence. Six months later we nevertheless found it necessary to refer to continuing conflict between the two organisations and we singled out incidents in January 2005 when LVF members had fired shots at premises of a taxi company with UVF connections and UVF attacks on members of the LVF in December and January, including one shooting which resulted in a person being charged with attempted murder.
9. Taking the period beginning with the murder of Brian Stewart in May 2004 until the end of August 2005 there have been:
 - 5 murders, all by the UVF of people the UVF perceived to be members or associates of the LVF, four since 1 July 2005;

The victims have been:

Brian Stewart, 18 May 2004;

Jameson Lockhart, 1 July 2005;

Craig McCausland, 11 July 2005;

Stephen Paul, 30 July 2005;

Michael Green, 15 August 2005.

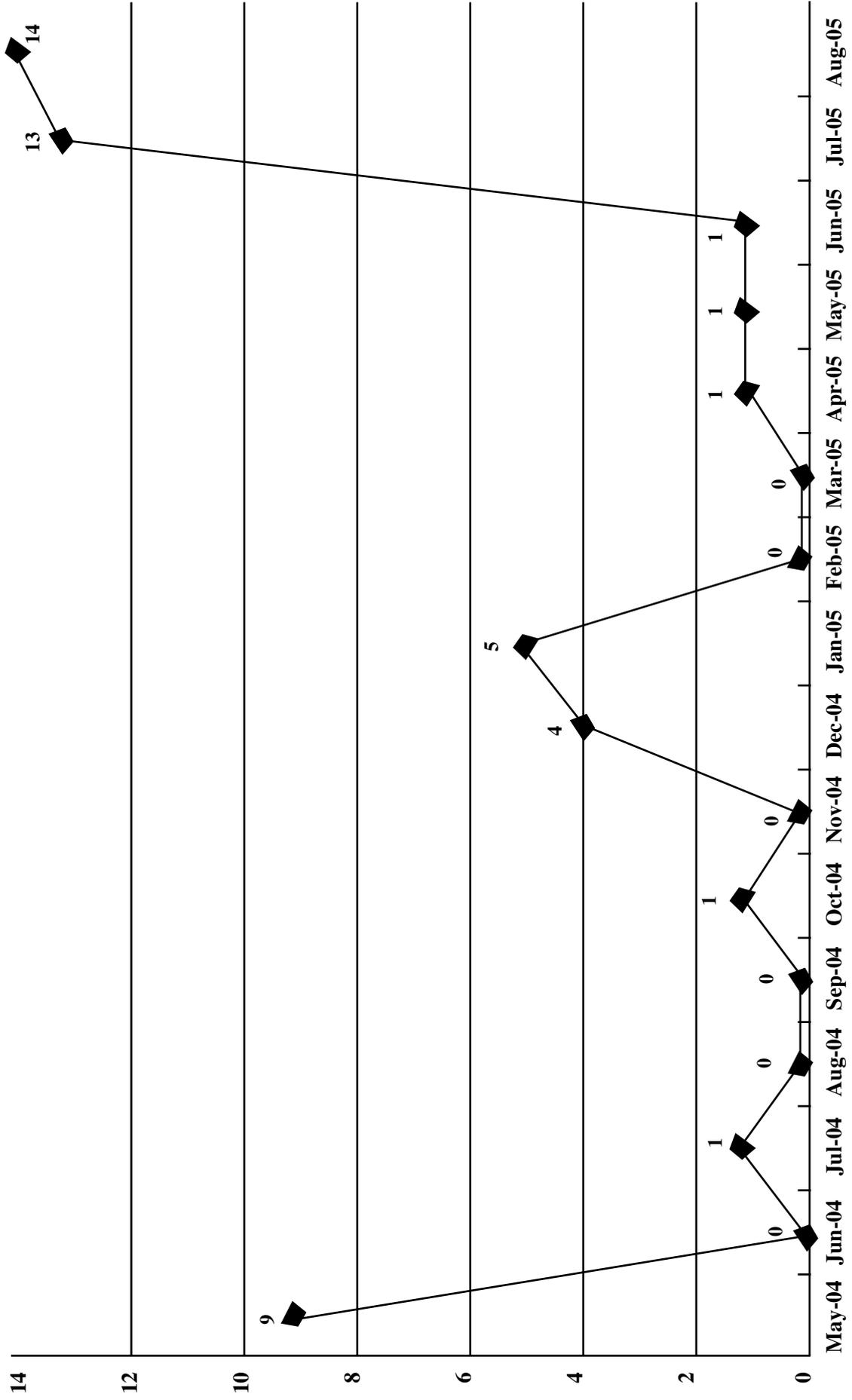
We recognise that people may have expected us to refer here to the disappearance of Lisa Dorrian on 28 February 2005 and her murder and to the murder of Thomas Devlin on 10 August 2005. We have no reason to believe that either murder was carried out on behalf of a paramilitary organisation.

- 17 attempted murders, 15 by the UVF of people the UVF perceived to be members or associates of the LVF and 2 by the LVF of people the LVF perceived to be members or associates of the UVF;
- 6 incidents involving either shooting at an individual or the firing of shots at a building;
- 18 incidents involving the use of explosives or petrol bombs;
- 1 incident involving the ramming of a vehicle and the production of a gun;
- 1 incident of criminal damage;
- 1 disturbance.

10. Of these 49 incidents, 38 involved attacks by the UVF on people they perceived to be connected to the LVF and 11 by the LVF on people they perceived to be connected to the UVF. The disturbance is attributable to both. As we show above, the great majority of the murders and attempted murders were undertaken by the UVF. Of the incidents attributable to the UVF, 15 occurred over the period from 18 May 2004 to the end of June 2005, and 23 after 1 July 2005. Of those attributable to the LVF, 5 occurred in the earlier period and 6 since 1 July.

11. Taking all these incidents together, without distinguishing between them on grounds of seriousness, the following is the pattern of occurrence:

UVF/LVF: TIMING OF INCIDENTS



It is thus clear that there was a surge of activity in May 2004 and again in December 2004 and January 2005, and that it became particularly intense from the beginning of July this year. All but a few of the incidents took place in North or East Belfast.

12. In addition there were a number of threats against taxis in the Crumlin Road in October 2004; numerous arson attacks on taxis in the same area in January 2005; and the forced departure of families in Garnerville in July 2005. It is not possible to be certain how many individual incidents took place at these times, and we cannot therefore include them in the figures. There are also likely to have been other incidents, for example involving threats, which have not been reported and which we are unable to bring to public attention. But the fact that they were not reported does not mean they were anything other than traumatic for the victims.

CAUSES AND IMPLICATIONS

13. This feud has erupted in bloodthirsty thuggery between paramilitary groups. A number of explanations have been offered to us: the history of rivalry and hatred, personal animosity, the LVF's involvement in drugs, allegations and counter allegations about treachery, criminal competition, greed and power. We believe that, while the recent escalation of the feud may have boiled up as a result of local animosities set against the history of longstanding rivalry, the UVF leadership has decided that now is the right time to finish off the LVF. In the case of the LVF, we believe their violence against the UVF and its supporters, though coherent and fuelled by rivalry and animosity, is more by way of response than initiated as a campaign designed to achieve a purpose other than survival.
14. As with so much paramilitary activity there are many victims. Clearly there are those directly caught up in the violence – the people killed or wounded, their families, friends and neighbours. Some of the victims were people wrongly identified by the paramilitaries. Some suffered because of family or other links, though they were entirely free of paramilitary or criminal associations themselves. Around them are the communities within which both criminals and victims live. Within these same communities are people who are giving enlightened and courageous leadership. They are seeking to direct paramilitaries towards more acceptable and in the long

term more constructive paths. They are encouraging wider community development. They deserve every support in this work.

15. Both paramilitary groups claim to represent these communities and to have a role in their protection and development. It is communities such as these which most need economic and social development, where opportunities and horizons should be widened, and where it is so important to give the young role models which will enhance their chances in the future. Yet the continuing malign and destructive influence of the paramilitaries serves only to hinder this. The feud makes it far worse. Paramilitaries must stop putting their own interests and the advancement of their own positions above those for whom they deceitfully claim to speak.
16. The feud has presented the PSNI with a major additional challenge. It comes at a time when there have been many other demands on them, including tackling organised crime, and it has inevitably led to a diversion of resources from this work. They have made 45 arrests since the beginning of July 2005. Fifteen people have been charged and 126 searches undertaken. Since 1 July they have informed 146 people that they may be under threat as a result of the feud. The police continue to have successes against organised crime involving both the UVF and LVF, for example in relation to drugs, robbery and extortion. They have responded to and investigated incidents arising from the feud and have been able to pre-empt some. People – including those associated with these two paramilitary groups – almost certainly owe their lives to prompt police action. But the nature of the feud sometimes makes it particularly hard for the police to do this: many of these attacks are perpetrated on the spur of the moment and take place between people living in close proximity, so that the advance warning the police might hope to gain is often missing.
17. We have consistently condemned all forms of paramilitarism and will continue to do so. It is not possible to compare different forms in terms of the outrage they cause but in the period since we were established in January 2004 there has been no sustained series of violent incidents which has matched the murders and self-interested violence of the UVF/LVF feud.

LEADERSHIP

18. Article 4 of the International Agreement directs us to consider the leadership of paramilitary groups and Article 7 allows us to make recommendations affecting, among other things, that leadership. Of these two groups, the LVF is a paramilitary and criminal organisation and no political party is linked to it. The UVF is associated with a political party with elected representatives, namely the Progressive Unionist Party (PUP). Where it is relevant, the criminal law must deal with the leadership of both organisations, as with other aspects of their activities. It is essential too that the communities do not shield people who have broken the law. We will return to this issue in future reports.
19. We have commented on the PUP and its association with the UVF in each of our full Article 4 reports. In April 2004 we noted that the leadership of the PUP had close personal links with the leadership of the UVF and RHC and was in our view aware of the paramilitary activities of both organisations. We concluded that the PUP had not sufficiently discharged its responsibility to exert all possible influence to prevent illegal activities on the part of the UVF and RHC. We went on to say that had the Assembly then been functioning we would have recommended measures up to and including exclusion from office. Because it was not functioning we recommended that the Secretary of State consider exercising his powers in respect of the salary of Assembly members and/or the funding of Assembly parties so as to impose an appropriate financial penalty on the PUP. As a result the Secretary of State removed block financial assistance for the PUP in the Assembly for twelve months from the end of April 2004.
20. In our next Article 4 report in October 2004, when the financial measures were still in force, we referred to the talks then taking place between the Northern Ireland political parties and the two Governments and said that we would consider in the light of their outcome whether the PUP was exerting all possible influence to prevent illegal activity by the UVF.
21. In our following report, which we submitted in April of this year and was published in May, we concluded that the circumstances we had previously described had not materially changed and we recommended that the Secretary of State should continue

the financial measures against the PUP in the Assembly. He announced in July that he was minded to accept this recommendation and has since considered representations he has received from the PUP.

22. We have noted the comments of Mr Ervine of the PUP in response to the announcement of the Secretary of State's intention. He said that neither he nor other PUP leaders were in leadership positions in the UVF and that they had not broken any law. He argued that it was contrary to natural justice to punish people who were not responsible for what the paramilitaries did and he subsequently made representations to the Secretary of State.
23. We are aware of the view that the PUP is not strong enough to influence the UVF – in effect that it is the UVF rather than the PUP which leads. But two facts remain. First, the PUP is a political party represented at both Assembly and local government levels, and in the case of the latter it stood in the May 2005 elections. Second, it is associated with the UVF. No democratic political party can expect to have it both ways⁴. It can either disassociate itself from the paramilitary group, or it must accept the consequences of its association. The circumstances of the current feud make that all the more important.
24. We believe that there is still an association between the PUP and UVF. We think now, as we have before, that the PUP has not done all that could be done to prevent paramilitary activity and has not credibly voiced or exerted its opposition to paramilitaries, and the UVF in particular. The events we describe in this report reinforce the conclusions we reached in our last report, namely that the removal of block financial assistance from the PUP in the Northern Ireland Assembly for twelve months should be renewed.
25. Moreover, in our first report we urged the community to move on from the narrow debate about whether or not paramilitary organisations were or were not on ceasefire and instead to address the broader question of whether they are engaged in any illegal activity. However, the fact remains that when an organisation concerned in

⁴ In our previous report, published in May 2005, we set out our understanding of what we thought the Northern Ireland political parties should achieve, given the normal standards expected of political parties in a democratic society. We repeat what we said in the Annex to this report.

terrorism is recognised as being on ceasefire that has legal consequences such as those in the Northern Ireland (Sentences) Act 1998. For that and other reasons the issue cannot simply be ignored. In view of the ongoing violence and brutal murders committed by the UVF and recorded in this report, we find it difficult to see how the Secretary of State could continue to recognise the UVF ceasefire.

26. This report focuses on the feud between the UVF and the LVF but a major concern is the impact on the communities involved. Because these groups maintain their control through violence and crime, we recommend that the PSNI and the Assets Recovery Agency build on the success they have already had and continue their intense and co-ordinated investigations aimed at the leadership of these two organisations.

ANNEX

STANDARDS EXPECTED OF DEMOCRATIC POLITICAL PARTIES: WHAT NORTHERN IRELAND PARTIES SHOULD ACHIEVE

In our Fifth Report we said:

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.

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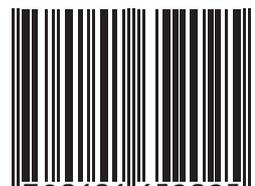
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