

**FOURTH 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 10th February 2005

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INTRODUCTION

1. We submit this report on the robbery at the headquarters of the Northern Bank, Belfast, on 20 December 2004 exercising the powers made 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. We believe that the circumstances of the robbery constitute such an occasion, and that it would not be right to await the presentation of our next full report on paramilitary activities before expressing our views.
2. This report accordingly considers the robbery and puts it into the context of what we believe are related incidents. We express our view about responsibility for the robbery and we make recommendations on measures that should be taken as a consequence. We recognise that in submitting an ad hoc report arising from a single incident we deal only with the group responsible. We cannot examine here the complete range of activity of that group, or of any other ones, and we do not consider associated issues of policy. We will cover that ground in the usual way in our next full six monthly Article 4 report, which we are due to present in April.

OUR APPROACH

3. We believe that the robbery demands a special report for a number of reasons. It was exceptionally serious. About £26.5m was stolen. It was a high risk crime which required careful and lengthy advance planning. It involved the violent abduction of two employees of the Northern Bank and the unlawful imprisonment of their families, who continue to suffer as a result. In addition there are many other secondary victims, not least other bank employees who face the fear that similar things might happen to them and their families. There have been a number of other similar crimes in recent months. The question of responsibility for the robbery has had a significant impact on affairs in Northern Ireland and very different views have been publicly expressed about it. The possible involvement of a paramilitary group falls squarely within our remit.

4. We have noted what has been said about responsibility for the robbery, both by the Chief Constable of the PSNI and by others. It is however incumbent on us to undertake our own independent analysis and assessment on the basis of all the information we are able to acquire, and this we have done. We have obtained information from a variety of official and other sources in Northern Ireland and the South. As we indicated in our last report, we meet a large number of people¹. In view of the public comments of senior representatives of Sinn Féin about responsibility for the robbery, and in particular the public statement that they had received a denial of responsibility direct from members of the PIRA, we invited them to meet us and give us the benefit of their understanding. Sinn Féin have said that while they had no knowledge of who was responsible for the robbery, they did not believe it was the IRA; that Mr Martin McGuinness had asked the IRA if they were involved and had been assured they were not; and that they believed this denial, which has since been made public. In these circumstances, and in the light of their views about the IMC, they said they did not believe a meeting with us at this time would serve a useful purpose. We have taken these statements into account, though we regret that they have felt unable to accept our invitation.

5. We have benefited from the clarification which has emerged during the course of the investigation. We have probed the information we have received from all sources so as to satisfy ourselves that the conclusion we draw is well founded, and particularly that there are not alternative conclusions which might as reasonably be drawn from the same material. We recognise too that although at the time of completing our report the police have made no arrests there may be arrests in future and that it is essential that nothing we say could prejudice any criminal proceedings which might ensue. We are fully aware that we are not a criminal court and have very different procedures and evidential requirements.

¹ In our last report we noted that we had met the following categories of organisations and people in Ireland North and South: political parties; government officials; police; community groups, churches; charities; pressure groups and other organisations; businesses; lawyers; journalists; academics; private citizens, individually and as families. (Third Report, page 10).

THE ROBBERY AT THE NORTHERN BANK ON 20 DECEMBER

6. The robbery took place at the headquarters of the Northern Bank in Donegal Square in central Belfast. It was a complex crime that was clearly the result of long and careful planning. Two employees of the Northern Bank and their families were abducted on Sunday 19 December by individuals threatening violence with firearms, one at Poleglass on the outskirts of Belfast, and the other at Loughinisland, County Down, some 20 miles away. Under the threat that serious harm would be done to their families these employees were coerced into delivering the money to the robbers during the course of the following day. They and their families were released after the robbery. A number of people were involved in the abductions of the victims, in the actual robbery in central Belfast and in the removal and disposal of the cash.

7. **We have carefully scrutinised all the material of different kinds that has become available to us since the robbery, which leads us to conclude firmly that it was planned and undertaken by the PIRA.**

CONTEXT: OTHER INCIDENTS

8. In our third report, published by the two Governments on 4 November 2004, we commented on a number of major robberies which had taken place in Northern Ireland in the preceding months. We said that we believed PIRA was responsible for the major theft of goods at Dunmurry in May². We also concluded that members of republican paramilitary groups had been involved in recent large scale robbery and violent theft, though we said that we could not yet make firmer attributions³.

9. Since completing work on that report we have been able to consider in depth the significant further material which has become available about some of these incidents. **We conclude on the basis of the information available to us that PIRA was responsible for:**

² Third report, paragraph 3.10.

³ Third report, paragraph 5.7.

- **The theft of goods at Makro in Dunmurry on 23 May** (the incident to which we refer above);
- **The abduction of people and the robbery of goods from the Strabane branch of Iceland on 26 September;**
- **The abduction of people and the robbery of cigarettes with a market value of approximately £2m from a bonded delivery vehicle in Belfast on 2 October.**

10. It follows from this that the robbery at the Northern Bank, though by far the most serious incident, was one of a series of crimes that have enabled PIRA to gain very significant resources in recent months. Violence or the threat of violence has been a feature of all these incidents.

LEADERSHIP OF PIRA

11. We believe that the Northern Bank robbery and abductions and the other robberies and abductions referred to above were carried out with the prior knowledge and authorisation of the leadership of PIRA.

IMPLICATIONS FOR SINN FÉIN

12. Parties to the Good Friday Agreement affirmed their total and absolute commitment to exclusively peaceful and democratic means of resolving differences on political issues and their opposition to any use or threat of force by others for any political purpose. The Agreement also requires that as a condition of appointment to the Executive, Ministers must affirm the terms of a pledge of office. That pledge includes a commitment to non-violence and exclusively peaceful and democratic means. The Northern Ireland Act 1998, as subsequently amended, provides for the application of a number of measures to a Minister or a party in the Assembly for non-fulfilment of that commitment. Specified measures are: exclusion of a Minister, Junior Minister or members of a political party from holding office; non-payment of the whole or part of their salary; non-payment of the whole or part of the financial

assistance for a political party; and censure resolutions. Article 7 of the Agreement establishing the IMC states that, when reporting under Article 4 (as we are doing here), the IMC shall recommend any remedial action considered necessary and may also recommend what measures, if any, it considers might appropriately be taken by the Northern Ireland Assembly, such measures being limited to those the Assembly has power to take under relevant United Kingdom law.

13. In our first report, published by the two Governments in April 2004, we said that it was difficult to be precise about the relationship between Sinn Féin and the PIRA or about the PIRA's decision-making processes but we summarised what we believed to be the situation in these words:

- “ – Some members, including some senior members, of Sinn Féin are also members, including, in some cases, senior members of PIRA.
- Sinn Féin, particularly through its senior members, is in a position to exercise considerable influence on PIRA's major policy decisions, even if it is not in a position actually to determine what policies or operational strategies the PIRA will adopt. We believe that decisions of the republican movement as a whole about these matters lie more with the leadership of PIRA than with Sinn Féin.
- Within the PIRA some decisions follow a process of consultation with the membership initiated by the leadership”.

We went on to conclude that Sinn Féin had to bear its responsibility for the continuation by PIRA of illegal paramilitary activity and had to recognise the implications of being in this position⁴.

14. We draw the same conclusion about the responsibility of Sinn Féin in relation to the recent series of abductions and robberies. **In our view Sinn Féin must bear its share of responsibility for all the incidents. Some of its senior members, who are**

⁴ First report, paragraphs 7.4 and 7.5.

also senior members of PIRA, were involved in sanctioning the series of robberies. Sinn Féin cannot be regarded as committed to non-violence and exclusively peaceful and democratic means so long as its links to PIRA remain as they are and PIRA continues to be engaged in violence or other crime. Although we note Sinn Féin has said it is opposed to criminality of any kind it appears at times to have its own definition of what constitutes a crime. We do not believe the party has sufficiently discharged its responsibility to exert all possible influence to prevent illegal activities on the part of PIRA.

15. Furthermore citizens – even more so public representatives – have a responsibility to prevent crime by reporting an impending incident to government or to other authorities or to take other appropriate steps.

RECOMMENDATIONS

16. One lesson we draw from recent events is that to enable us in future to make full and rounded assessments of paramilitary activity and criminality as a whole and to draw dependable conclusions we need an adequate period of time. The six monthly period set for us in the International Agreement over which we monitor all the illegal activities of all paramilitary groups seems to us well suited to this task.
17. We had hoped that as the peace process developed we would be monitoring a situation of declining criminal activity, and as we have indicated in previous reports, in many respects this has been the case. However in some respects, as this series of robberies shows, the situation is very disturbing.
18. In our first report we said that, in exercise of our powers to make recommendations under Article 7, had the Assembly been sitting we would have recommended measures to be taken by the Assembly up to and including exclusion from office in respect of both Sinn Féin and the Progressive Unionist Party, and that any recommendations we might make following restoration of the Assembly would be proportionate to the then prevailing circumstances. We went on to suggest that in the absence of the Assembly the Secretary of State should consider taking action in

respect of the salary of Assembly members and/or the funding of Assembly parties so as to impose an appropriate financial measure on both these parties. The Secretary of State imposed a twelve month financial penalty on both parties.

19. The provisions available to us to make recommendations for measures to be taken by the Northern Ireland Assembly in respect of parties, Members or Ministers are determined by the International Agreement and the Northern Ireland Act 1998 as amended. It remains the case that we can say only what we would have recommended had the Assembly been sitting or can again invite the Secretary of State to consider exercising his powers. This does not however prevent us from making our position clear.
20. **If the Northern Ireland Assembly was now sitting we would be recommending the implementation of the full range of measures listed in paragraph 12, including exclusion from office.** We say this recognising that this would have implications for the running of the Executive and the Assembly.
21. We are very aware that the imposition of financial penalties is bound to seem paltry against the background of a robbery of £26.5m. It has also been put to us that if financial penalties are imposed Sinn Féin will try to benefit from that by portraying themselves as victims. Be that as it may, in the light of the provisions of the legislation we have decided to **recommend that the Secretary of State should consider exercising the powers he has in the absence of the Assembly to implement the measures which are presently applicable, namely the financial ones.** It has also been suggested that Sinn Féin should not continue to receive public money from other sources if they are denied it in the context of the Northern Ireland Assembly. However, this is outside the measures available to us to recommend.
22. The series of robberies culminating in the Northern Bank crime emphasises again the importance of tracing and seizing the financial proceeds of paramilitary crime committed by PIRA and all the other groups. We have been directing our attention to this issue and how it may be addressed, and hope to make more extensive comments in a future report.

23. **The leadership and rank and file of Sinn Féin need to make the choice between continued association with and support for PIRA criminality and the path of an exclusively democratic political party. The real issue is not the expression of condemnation through the imposition of particular penalties. It is that the ending of all illegal activity by PIRA and indeed by all paramilitary groups is fully and permanently addressed. Only in that way can trust be restored and the objective set us in Article 3⁵ – which we believe all law abiding people share – thereby advanced. Until this happens it is hard to see how further useful progress can be made.**

⁵ Article 3 of the International Agreement says:
“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”.

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