

NINTH REPORT OF THE INDEPENDENT MONITORING COMMISSION

Presented under Article 5(1) of the International Agreement
establishing the Independent Monitoring Commission

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1. INTRODUCTION

1.1 We submit this report under Article 5 of the International Agreement establishing the Independent Monitoring Commission.

1.2 Article 5, of which the full text is at Annex I, has two provisions:

- Article 5(1) comes into force when the British Government publishes a specific programme of security normalisation. It obliges the IMC to monitor whether, in the light of its own assessment of the paramilitary threat and of the British Government's obligation to ensure community safety and security, the commitments the British Government made in the programme are being fulfilled to the agreed timescale, and it lists the things the Commission is obliged to monitor. The Commission is required to report its findings to the British and Irish Governments at six monthly intervals;
- Article 5(2) allows the British Government at any time to request the Commission to prepare a report giving an account of the security normalisation activity it has undertaken. In such cases the British Government determines the period the report is to cover and the normalisation activities it is to encompass.

1.3 This report is under Article 5(1). The British Government inaugurated a programme of security normalisation on 1 August 2005. The report accordingly covers the period from then until 31 January 2006 and is our first under this provision. We will report on every six month period until the end of the programme, scheduled to be 31 July 2007.

1.4 In response to a request from the British Government we presented a report under Article 5(2) in July 2004¹. The report was different in kind in as much as at that time there was no security normalisation programme to monitor. However, it is relevant to this report in two main respects:

¹ Independent Monitoring Commission, Second Report, published July 2004.

- We set out there a number of considerations about our future monitoring role on which we draw in this report;
- The report covered the period from 1 December 1999 until 31 May 2004. We said that we would take this latter date as the baseline for our following report.

1.5 In preparing this report, as our other ones, we have been guided by two things:

- 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.

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

2. THE SCOPE OF THIS REPORT AND THE SECURITY NORMALISATION PROGRAMME

The Scope of this report

2.1 Article 5(1) requires us to undertake our monitoring in the light of two considerations:

- Our own assessment of the paramilitary threat;
- The British Government’s obligation to ensure the safety and security of the community as a whole.

These are crucial considerations. They mean that reports under Article 5(1) do not simply involve the monitoring of changes to security arrangements and law against a published programme, which would be a matter of reporting only on the facts and on whether the commitments in the programme were being met. They require us to make our independent assessment of the circumstances and allow us to comment on progress in the light of that.

2.2 Article 5(1) also requires us to monitor the following:

- The demolition of towers and observation posts in Northern Ireland;
- The withdrawal of troops from police stations in Northern Ireland;
- The closure and dismantling of military bases and installations in Northern Ireland;
- Troop deployments and withdrawals from Northern Ireland and the levels of British Army helicopter use;
- The repeal of counter-terrorist legislation particular to Northern Ireland.

It is our function to monitor the normalisation programme as a whole; these are simply the specific items we are formally obliged to include in our monitoring of the programme.

2.3 Following the undertaking in our earlier report under Article 5(2)² we have looked at two periods:

- From 1 June 2004, the cut-off date for that report, until 31 July 2005, immediately before the start of the security normalisation programme;
- The first six months of that programme, namely 1 August 2005 until 31 January 2006.

In this way we are able to give a continuous account of the facts. Our Article 5(1) assessment as such, taking account of the considerations to which we refer above, starts from 1 August 2005.

The Security Normalisation Programme

2.4 We set out the letter of notification from the Secretary of State in Annex III and the full security normalisation programme in Annex IV.

2.5 There are a number of points about the programme to which it is important to draw attention:

- Everything in the programme is subject to the overriding requirement that an “enabling environment” exists. This term is used in the Joint Declaration of April 2003 to describe the circumstances in which it would be possible to implement normalisation. It is related to the assessment we are required to make of the threat and to the British Government’s obligation to ensure public safety;
- The twenty four month programme is divided into periods of 8, 12 and 4 months whereas we are required to report at six monthly intervals. Although

² See paragraphs 1.2 and 1.4 above.

most things in the first part of the programme are to be completed within the 6 months covered by this first report, some may be completed in the 7th and 8th months of the first period of the programme. In that event their completion could be verified only in our next Article 5(1) report;

- Some aspects of the programme require no specific action on the ground but either the publication of more detailed plans (in the first period, for the phased reduction in the number of troops) or the continuation without a specific timetable of work already in hand (in the first period, the continuation of the review of the police estate initiated in 2005; and in the case of new patterns of police patrolling, their “progressive development” over the period starting in April 2006). This means that judgements on progress on these matters cannot necessarily always be clear cut;
- While the police estate and patterns of police patrolling are not specified in Article 5(1) as matters we are obliged to monitor, because they feature as elements of the programme they will be part of our monitoring;
- Article 5(1)(a) requires us to monitor the levels of British Army helicopter use. There is no specific reference to helicopters in the normalisation programme, although flying is influenced by important features of the programme such as the number of troops and of observation towers. We have followed the requirements of Article 5 and cover British Army helicopter use in this report.

2.6 As we said in our Second Report, there is a much wider context of normalisation and others are deeply involved in pursuing and measuring change in law enforcement and criminal justice generally³. These organisations have different responsibilities from ours, and it is not for us in any way to usurp their role, although as we show later in this report there are some respects in which their work is relevant to our own. We invite readers to bear this in mind and to take full account of the nature of the changes being made at the present time and the extent of the oversight of them.

³ In addition to the policing and law enforcement bodies themselves, whose responsibility it is to implement the changes, there are the Policing Board, the District Policing Partnerships, the Police Ombudsman, the Office of the Oversight Commissioner, the Justice Oversight Commissioner and the Chief Inspector of Criminal Justice.

3. OUR APPROACH TO THIS REPORT AND THREAT ASSESSMENT

3.1 We attach as much importance to receiving a wide range of views and information for this report as we do for our reports on paramilitary activity. To that end in preparing this report we have had discussions with representatives of official organisations and with others in the UK and Ireland. We have received the views of political parties represented in the Northern Ireland Assembly and have placed advertisements in a number of newspapers in the North and the South inviting people's views on normalisation measures and on whether they think those measures are well judged in the circumstances. We have continued to take account of the letters, telephone calls and e-mails we receive from members of the public and have closely monitored media reporting and discussion.

3.2 We have also made a number of visits so as to see for ourselves some police and military facilities affected by the programme and to inspect some places earmarked for closure or change in the six month period covered by this report.

3.3 The Patten report⁴ is relevant here in two main ways:

- First, it has led to a programme of very fundamental change in the PSNI on which the Office of the Oversight Commissioner reports regularly. This programme is a key element of the background against which we prepare this report;
- Second, the Patten report recommended a number of things which are directly relevant to our remit on security normalisation. This included a reduction in the role of the Army as quickly as the security situation allowed so that the police patrolled without military support, and that police stations should assume a more normal appearance. It did not however envisage a complete cessation of military support for the police. It referred in particular to the use of the Army in policing public order, said that the police should not have to

⁴ A New Beginning: Policing in Northern Ireland, The Report of the Independent Commission on Policing in Northern Ireland, September 1999.

rely on other police forces for reinforcement in dealing with disorders, and endorsed a military role in bomb disposal.

- 3.4 In our assessment we have taken as our starting point what we said in our report under Article 5(2) in July 2004 about the rather different task we now face. We identified the core question to be addressed as being what measures beyond the normal are justified by the security threat, which is subject to change. We said that we would monitor the specific commitments in the programme set against a timetable for implementation. We recognised the widely varying conditions for law enforcement in different parts of Northern Ireland, noting it was fundamental that members of the public and of the security forces should not be placed in jeopardy.
- 3.5 We have also considered the assessments of the British Government on both the threat and on its obligation, set out in Article 5, to ensure the safety and security of the community as a whole. It is these assessments which lie behind the normalisation programme. We set out the views of the British Government in full in Annex XII. We note that it considers its first and over-riding priority to be the safety and security of the people of Northern Ireland. The Government assures us that all the security measures it takes are based on security advice, and that this advice reflects both the course of events and the prevailing threat. We understand too that the advice is subject to constant review and that the full range of relevant considerations are considered including, for example, the state of community tension and of interface violence. This has applied not only to the announcement of the security normalisation programme and the steps taken under it since 1 August 2005 but to all the measures taken since the paramilitary ceasefires in 1994.
- 3.6 With regard specifically to the normalisation programme and our role under Article 5(1), the Government has assured us that the continuation of the normalisation programme and the pace at which it is implemented depends on the continuation of the enabling environment to which the Joint Declaration had referred⁵. The Government's present assessment, based on this security advice and in the light of its view of the political environment, is that the current normalisation programme is

⁵ See paragraph 2.5 above.

appropriate and manageable. It also tells us that if at any point it concluded that the enabling environment no longer existed it would not hesitate to halt the normalisation programme and if necessary reinstate particular measures, should the situation require them.

3.7 We have also been mindful, as we said in our Second Report, that in many parts of Northern Ireland circumstances can be described as essentially normal, but we recognise that this can suddenly change. We know too that the definition of normality is not fixed. What is an appropriate style of policing in a rural area is unlikely to be appropriate in a heavily urban one. And methods of policing and its oversight, and public expectations of both, change over time⁶. In recent years the threat of international terrorism has necessitated the exercise of police powers in many British cities, particularly in parts of central London, of a kind and in a way now largely abandoned in Northern Ireland. We have taken variabilities of this kind into account in our work.

3.8 In our recent report on paramilitary activity⁷ we set out our overall threat assessment of what the various paramilitary groups were doing, particularly in the 3 months September to November 2005. We have also taken into account here the report we presented in October 2005, which had reviewed paramilitary activity in the period from 1 March to 31 August 2005⁸. In terms of the threat to the rule of law which paramilitaries at present pose in Northern Ireland the following are the key points which seem to us to apply to security normalisation:

- We believe that PIRA has taken a strategic decision to follow a political path. It does not in our view present a terrorist threat and we do not believe it is a threat to members of the security forces. The leadership has given instructions that the membership of PIRA should not engage in public disorder. Any illegal activity which may be engaged in by the organisation or its members is

⁶ For example, the Regulations of Investigatory Powers Act 2000 provides a comprehensive regulatory framework governing the acquisition of intelligence information by the police and other agencies. The Interception of Communications Act 1985 establishes a statutory framework governing the interception of electronic and postal communications. Both Acts contain provisions for judicial oversight and for the handling of complaints. We said in our Third Report (November 2004), if there was current collusion of a kind which was material to the present activities of paramilitary groups, we would consider it within our remit.

⁷ IMC Eighth Report, published February 2006.

⁸ IMC Seventh Report, published October 2005.

mainly of a kind to be addressed by the police without need for military assistance;

- Dissident republicans pose a continuing threat to the security forces. They aspire to mount attacks on these forces, as they do on the general public, and they train members and acquire equipment to that end. Their capacity for sustained campaigns is limited but they are prepared to resort to extreme violence. The threat they pose is higher in some places, of which South Armagh is the most obvious but not the only example. They are heavily engaged in organised crime;
- Loyalist paramilitaries are heavily involved in organised and other crime, including drugs. They have shown themselves capable of extreme violence, for example, during the UVF/LVF feud in the summer of 2005 and at the Whiterock disorders in September. Though we do not think they present a continuing terrorist threat to the security forces akin to that of the dissident republicans, they showed in those disorders that they were ready to mount attacks on the security forces, having planned and equipped themselves in advance to use extreme violence. Though none of the loyalist groups have taken strategic decisions similar to that taken by PIRA, we believe there are signs of a possible readiness to turn away from some of their present criminality. It is impossible to say at this stage how far, if at all, these signs will develop into any real changes of behaviour;
- It is very difficult to predict the nature of the threat to public order. Events in the summer and autumn of 2005 confirm this. They show that the police can be placed in a position where they need reinforcements. They also show the potential for extreme, including sectarian, violence to erupt suddenly in the course of rioting and for this violence to include potentially lethal attacks on the security forces.

3.9 So far as security normalisation is concerned, we draw the following general conclusions:

- There remains a certain level of threat to the lives and safety of members of the security forces, though it bears little relation to the level of threat that the full abnormal security arrangements were originally designed to meet. The threat is sharpest from the dissident republicans, and in this respect is mainly in certain parts of Northern Ireland, though dissident attacks elsewhere cannot be ruled out. In the context of rioting however, the threat to the security forces could erupt suddenly and has done so; it has mostly come from loyalists;
- There remains a risk of significant and unpredictable public disorder; such disorder could lead to sudden and extreme violence. It can impose very heavy demands on the police, to the point where they require reinforcement;
- While PIRA's control of local communities has loosened, on the republican side generally a level of control still continues. Loyalist groups have not dropped their control. Such control can hinder the normal operation of the criminal justice system. This is relevant to the question of counter-terrorist legislation and the use of non-jury courts;
- The situation can change very fast.

3.10 We draw our overall conclusions in Section 7, against the background of what we say above and in the light of the information that we give in Sections 4, 5 and 6 on the implementation of the normalisation programme.

4. SECURITY NORMALISATION: THE USE OF THE MILITARY IN SUPPORT OF THE POLICE SERVICE OF NORTHERN IRELAND

- 4.1 We set out here the factual position under the various headings of Article 5(1) dealing with military support to the police. We deal with counter-terrorist legislation in Section 5 and with the police estate in Section 6.
- 4.2 In each case we set out the position on 1 June 2004 (the day following the period covered in our Second Report), that on 31 July 2005 (the day before the start of the normalisation programme), and that on 31 January 2006 (at the end of the first six months of the programme). We then note the terms of the programme.
- 4.3 As we say in Section 3, we necessarily use British Government figures on the use of military, and we have in addition made visits to police and military facilities and held a variety of discussions of our own.

The Demolition of Towers and Observations Posts in Northern Ireland – Article 5(1)(a)(i)

4.4 The International Agreement refers to “towers and observation posts”. As in our Second Report, we have taken the term in its natural sense, namely sites used solely or primarily for observation, whether for the purposes of protection or to gather information. We have taken it to cover both ground level and elevated sites. Annex V explains the types of military sites we have included.

4.5 The position is as follows:

- June 2004 10 sites
- 31 July 2005 10 sites
- 31 January 2006 5 sites

The full details are in Annex VI. A map showing the location of towers and observation posts in South Armagh, and photographs of three sites before and after demolition, are in Annex VII.

4.6 The normalisation programme requires the following work to have been completed by 31 January 2006:

- Removal of Tower Romeo 12 in South Armagh;
- Dismantling the “supersangar” in Newtownhamilton;
- Removal of the observation post at Divis Tower in Belfast;
- The successive removal of two towers in South Armagh, G10 at Creevekeeran and G20 at Drummuckavall.

The programme also requires the removal of two observation towers at Masonic in Londonderry by 31 January 2006. These towers are part of a base which continues in operation for the time being (see paragraphs 4.11-4.13 below and Annex IX).

The programme makes no other reference to the demolition of towers or observation posts during the rest of the first 8 month period.

4.7 All this work has been completed and in this respect the programme is therefore on schedule.

The Withdrawal of Troops from Police Stations in Northern Ireland – Article 5(1)(a)(ii)

4.8 The Army was jointly based with the PSNI as follows:

- On 1 June 2004 at 13 police stations;
- On 31 July 2005 at 10 police stations;
- On 31 January 2006 at 5 police stations.

The full details are in Annex VIII.

4.9 The normalisation programme makes no specific reference to the withdrawal of troops from police stations during its first 8 month period; the first such reference is in the following 12 month period, namely from 1 April 2006 until 31 March 2007. It does require the vacation and closure of Forkhill Base, one of the joint PSNI/military locations.

4.10 We note that there was a reduction of 3 in the number of joint bases in the 14 months before the start of the programme, and that there was a further reduction of 50% from 10 bases to 5 during the first six months of the programme. Two of these five were the result of the Policing Board's decision to close the whole police station. Forkhill Base was closed in December 2005.

*The Closure and dismantling of Military Bases and Installations in Northern Ireland – Article 5(1)(a)(iii)*⁹

4.11 The following was the number of military bases and installations:

- 1 June 2004 25 sites;
- 31 July 2005 24 sites;
- 31 January 2006 22 sites.

The full details are in Annex IX.

4.12 The normalisation programme requires the vacation and closure of one base, that at Forkhill, within the first 6 months of the programme, namely by 31 January 2006. It envisages that there will be no more than 14 sites by the end of the programme in 2007.

4.13 We note that one base was closed in the 14 months before the start of the programme. Two more were closed during the six months under review: Killymeal House, Dungannon, in October 2005 and Girdwood Park, Belfast in November 2005. We deal with Forkhill Base in paragraphs 4.9 and 4.10 above.

⁹ For the purposes of this report we have taken vacation and closure to mean that the Army have left the base and that it is closed for all purposes to do with military operations. Ownership is a separate issue. Once a base is closed it is normally handed over to Defence Estates, the organisation within the British Ministry of Defence responsible for sites and buildings, which will then dispose of the facilities. We consider the security normalisation programme to have been met when a site is transferred to Defence Estates.

Troop Deployments and Withdrawals from Northern Ireland – Article 5(1)(a)(iv)

4.14 The number of troops in Northern Ireland and rearbased¹⁰ but available to the GOC for deployment in Northern Ireland was as follows¹¹:

–	June 2004	13,876
–	July 2005	10,083
–	January 2006	9,209

The full details, set out month by month, are in Annex X¹².

4.15 The normalisation programme requires the publication of a structured plan for the phased reduction of troops to peacetime levels – namely a permanent garrison of no more than 5,000 – during the first 8 month period. It does not require any actual reduction in the number of troops during this period of the programme, but it does require a reduction in line with the structured plan during subsequent periods.

4.16 We note that the number of troops fell by virtually 3,800 (27%) over the 14 months before the start of the programme, when the number stood at approximately twice the level to be achieved by the end 2 years later. In the period August 2005 – January 2006 the number came down by nearly 900, some 8½%. We understand that the troop reduction plan is expected to be published, as required by the programme, by the end of March 2006. We will comment on it in our later reports.

Levels of British Army Helicopter Use – Article 5(1)(a)(iv)

4.17 When we presented our Second Report the historic data on British Army helicopter use was not entirely clear or comprehensive, and we indicated the need for this to be rectified for the period after 31 May 2004. We are glad to see that it has been.

¹⁰ Rearbased means those troops normally based outside Northern Ireland but available to the GOC to deploy within Northern Ireland as he determines from time to time according to the level of support required by police.

¹¹ These figures and those given in the following paragraphs and associated annex, include members of all the regular armed services in Northern Ireland in support of the police or rearbased. They include full-time and part-time home service members of the Royal Irish Regiment; in the case of the part-timers, they are counted on a per capita base, not as full-time equivalents. They do not include members of the Territorial Army, who are not available for deployment in support of the police in Northern Ireland.

¹² The monthly figures in Annex X, unless otherwise specified, represent a snapshot of manning levels on the last day of the month; they are not averages.

4.18 The position is as follows:

- June 2004 1,651 total hours flown
- July 2005 1,295 total hours flown
- August 2005 1,061 total hours flown
- January 2006 766 total hours flown

The full details, including a breakdown between hours flown for operational, training and engineering purposes, are in Annex XI. Although there were fluctuations between individual months, and generally speaking fewer hours flown in the winter, these figures show:

- A steady downward trend between the summer of 2004 and that of 2005 before the start of the programme, amounting to some 300/400 hours, or around 20-25%;
- A reduction of 295 hours, 28%, over the first six months of the programme.

4.19 The detailed normalisation programme makes no reference to the military use of helicopters, so we have no requirement against which we can make an assessment of progress. We nevertheless note the continuing sharp downward trend. We record separately in Annex XI the relatively small amount of additional flying necessitated by the implementation of the programme, mainly the demolition of hilltop sites and the removal of material. This had stopped by January 2006, though we recognise that it may be necessary for some future demolitions.

Summary

4.20 In the light of this we note that in the period from our previous security normalisation report until the start of the normalisation programme, namely 1 June 2004–31 July 2005:

- There were no changes in the number of towers and observation posts;

- The number of PSNI stations at which the army was jointly based fell from 13 to 10;
- The number of military bases and installations came down from 25 to 24;
- The number of troops fell by virtually 3,800, some 27%;
- British Army helicopter use fell by some 300-400 hours per month, some 20-25%.

4.21 In the first 6 months of the normalisation programme, 1 August 2005–31 January 2006:

- Five of the ten remaining towers and observation posts were demolished, including all those required by the programme:
- The number of joint PSNI/Army bases was halved from 10 to 5, and Forkhill Base was closed as the programme required;
- The number of military bases and installations came down from 24 to 22;
- The number of troops came down by nearly 900, some 8½%;
- Helicopter flying hours fell by 295, 28%.

5. SECURITY NORMALISATION: THE REPEAL OF COUNTER-TERRORIST LEGISLATION PARTICULAR TO NORTHERN IRELAND

5.1 Article 5(1)(a)(v) requires us to report on the repeal of counter-terrorist legislation particular to Northern Ireland. The security normalisation programme requires the repeal of that legislation before the end of July 2007.

5.2 The legislation with application only to Northern Ireland is all contained in Part VII of the Terrorism Act 2000. Part VII was temporary and subject both to regular review and annual parliamentary renewal. The Terrorism (Northern Ireland) Act 2006 extended Part VII without need for annual renewal until 31 July 2007, the date scheduled for completion of the security normalisation programme. The same Act also provides for the British Parliament to extend the provisions by a further period of not more than one year. The Terrorism Act 2000 and other legislation contain provisions applicable throughout the UK which are not relevant to this report.

5.3 We think it would be helpful to structure this part of the report as follows:

- To summarise the provisions now in force;
- To note, as context, the framework within which the present Northern Ireland provisions are handled;
- To record the changes to provisions particular to Northern Ireland which have taken place since our previous Article 5 report;
- To record the requirements of the normalisation programme;

We then give our conclusions on this part of our remit, as on the other parts, in Section 7.

Provisions particular to Northern Ireland now in force

5.4 The great bulk of the Terrorism Act 2000 provisions particular to Northern Ireland are now in force. They are in addition to the powers in other counter-terrorist legislation which are of UK-wide application. We cannot give a comprehensive account of them, for which the detail is key, but in broad terms they provide for:

- The special treatment of certain “scheduled” offences for prosecution and other purposes because they are broadly terrorist-related offences. The most important of those purposes is non-jury trial before a “Diplock” Court (judge without jury), with an automatic right of appeal to the Court of Appeal without leave, restrictions on magistrates granting bail and longer (up to 28 days) remand in custody;
- Special law enforcement powers for the police and members of the Armed Services to deal with terrorism, with associated safeguards;
- An offence of the collection, recording or possession of information about certain types of persons likely to be useful to terrorists. (There is also UK-wide provision elsewhere in the Terrorism Act 2000 which makes it an offence to collect or possess information of a kind likely to be useful for terrorism);
- In trials on indictment for possession of firearms, petrol bombs and explosives the courts have power to make assumptions about the accused’s knowledge or control of items found at premises he occupied or used which the accused can displace by discharging an evidential burden;
- A special evidential procedure on charges of membership of a proscribed organisation that the opinion of a superintendent of police is admissible and whereby a court may in certain circumstances draw inferences from an accused’s failure to mention when questioned things he might reasonably have been expected to mention;
- A number of other measures on remission of sentence in relation to those convicted of scheduled offences, the closure of roads, taking possession of land, the regulation of private security services, the inspection of explosives, the making of regulations for the preservation of peace, and the forfeiture of property by order of the courts;
- The office of the Independent Assessor of Military Complaints Procedures.

Framework within which the provisions particular to Northern Ireland are handled

- 5.5 The primary purpose of the 2006 Act was to enable the continuation of Part VII for a further period. It would otherwise have lapsed entirely on 18 February 2006, 5 years after it originally came into force. The 2006 Act also made some changes to Part VII to which we refer below.
- 5.6 The Government's decisions on the annual renewal of Part VII, and the debates in the British parliament about it, were informed by the reports of the Independent Reviewer of the Terrorism Act, presently Lord Carlile of Berriew QC. Each year Lord Carlile examined the use of and the need for the provisions in Part VII, in some cases noting how their use had declined. His reports have been published¹³. His views have been directly relevant to our remit and we return to them below.
- 5.7 There is also a statutory Independent Assessor of Military Complaints Procedures, whose task is to review the manner in which the British Army deal with complaints made to them about their practices, such as the use of helicopters. His annual reports are published¹⁴.
- 5.8 Complaints about the exercise of police (but not military) powers under Part VII, as about the exercise of all other police powers in Northern Ireland, are within the remit of the Police Ombudsman for Northern Ireland whose reports are published¹⁵.

Changes made since our previous Article 5 Report¹⁶

- 5.9 Following recommendations Lord Carlile made in his review of the operation of Part VII in 2004, published in January 2005, the following changes to Part VII were made in February 2005 by means of the Order renewing the provisions for a further twelve months¹⁷:

¹³ Lord Carlile's latest report is Report on the Operation in 2005 of Part VII of the Terrorism Act 2000, published in February 2006.

¹⁴ The last report, *12th Annual Report of the Independent Assessor of Military Complaints Procedures in Northern Ireland* for the year 2004 was published on 20 July 2005.

¹⁵ The published annual and other reports of the Police Ombudsman for Northern Ireland are available on her website (www.policeombudsman.org).

¹⁶ Our previous report on security normalisation under Article 5(2) was published on 20 July 2004 but the effective cut-off date for its preparation was 31 May. As for the use of the military in support of the police, we have taken the end of May as the starting point here. No changes were made to Part VII between 31 May and 20 July 2004.

¹⁷ Terrorism Act 2000 (Continuance of Part VII) Order 2005.

- The repeal of Section 67(3) and (4). This had the effect of putting the bail conditions for those charged with scheduled (i.e. broadly speaking, terrorist) offences in Northern Ireland on a par with the conditions generally applicable throughout the UK for terrorist and other offences alike. It did so by removing from the Court the discretion on whether or not to grant bail, instead requiring it to do so unless there were strong indications that bail would be inappropriate;
- The repeal of Sections 70 and 71, which allowed the Secretary of State to direct where a young person charged with or awaiting trial for a scheduled offence should be detained in custody. The provisions dated from a time when the juvenile detention estate was not thought secure enough for holding young people accused of such serious offences and allowed them to be exceptionally held in an adult prison. Recent changes have made the juvenile estate secure enough for these purposes.

5.10 The 2006 Act made certain other changes to Part VII. It:

- Repealed all the provisions not in force at the time of its introduction, namely those referred to in paragraph 5.9 and others which had either been allowed to lapse at an earlier date or had never been brought into force;
- Repealed Section 78, which applies to a child (i.e. person under 18) convicted of a scheduled offence when the Section is in force and makes provision for imprisonment in cases where an adult would be imprisoned for 5 years or more for the same offence;
- Added to the list of scheduled (i.e. broadly, terrorist) offences those of UK-wide application that had been created by the Prevention of Terrorism Act 2005, namely those relating to orders imposed on people so as to control terrorist-related activity;
- Enabled the Attorney General to use his discretion to deschedule any scheduled offence, instead of just those specifically listed in the Act, and so to allow it to be tried in front of a jury in the normal way.

The Normalisation Programme and recent public comments on it

- 5.11 The normalisation programme makes only one reference to counter-terrorist legislation particular to Northern Ireland, namely that it should be repealed by the end of the two year period in July 2007, that is to say before the end of the third and final period of the programme. No action has to be taken under this heading in the period covered by this report.
- 5.12 During the passage of the Terrorism (Northern Ireland) Bill the Secretary of State made clear that the Government's intention was to allow the continuation of Part VII (subject to the changes made to it) for the duration of the normalisation programme, and that there would be an opportunity for the British Parliament to consider its extension beyond that time if the circumstances then made that necessary.
- 5.13 In a letter to the British Government in October 2005 published during the passage of the Bill Lord Carlile said that he believed some special powers remained necessary and that the duration of the powers through the normalisation programme was justified on the merits and was "proportional". He concluded that the Bill contained no proposals which caused him concern as independent reviewer. In his report on the operation of Part VII in 2005 Lord Carlile repeated these views.
- 5.14 We also note that when announcing the normalisation programme in August 2005 the British Government said it would look at whether special arrangements might be needed for paramilitary-type trials to tackle the problems of jury intimidation. In its discussion paper on devolving policing and justice in Northern Ireland published in February 2006 the Government said it remained committed to a return to jury trial, but that where the intimidation of jurors remained a factor it would make available whatever provisions were necessary to ensure trials were effective¹⁸. In the same paper it said it was also considering what powers the Army might need after normalisation to assist it in providing specialist support to the police, such as explosives disposal or public orders. We will be interested in the outcome of this work.

¹⁸ Devolving Policing and Justice in Northern Ireland: A Discussion Paper, Northern Ireland Office, February 2006.

6. SECURITY NORMALISATION: THE POLICE ESTATE

- 6.1 The continuation of the review of the police estate is the only item in the first 8 month period of the normalisation programme which does not specifically feature in Article 5¹⁹. It raises rather different issues, mainly because, as the programme says, action on the review is a matter for the Policing Board and the PSNI rather than for the British Government. We are very mindful of the fact that both have functions conferred on them in law which they are obliged to undertake, and that the police estate is vested in the Policing Board.
- 6.2 We also understand that the delivery of the estate strategy is a critical factor in the delivery of normal policing in Northern Ireland and that a number of its components flow directly from the Patten Report. The main ones relevant to our present task are ensuring that new police stations should as far as possible have the appearance of ordinary buildings and the softening and defortifying of existing ones²⁰. Patten recommendations on the estate, as the other Patten recommendations, fall within the remit of the Oversight Commissioner, who published his most recent assessment on this subject in June 2005²¹. We understand that the Oversight Commissioner plans to publish a further report including this matter in June 2006.
- 6.3 The precise terms of the security normalisation programme in this respect are directly relevant. It says that within the first 8 months (i.e. to the end of March 2006, 2 months beyond the period covered in this report) the following would have been achieved:

“The continuation of the review of the police estate with action taken as agreed with the Policing Board following consultation with District commanders and local communities, including work to defortify some 24 police stations.”

¹⁹ The second and third periods of the programme also include the review of the police estate. In addition, they have a further item which does not feature in Article 5, namely the development of police patrolling. See Annex IV.

²⁰ Other Patten recommendations on the estate were the installation of CCTV in custody suites, the building of a new Police College and the closure of three old holding centres.

²¹ Report 13 of the Oversight Commissioner, June 2005.

We have examined the review of the police estate and have discussed it with the Policing Board, the PSNI and other interested people. As with the demolition of towers and observation posts, we have also made visits.

- 6.4 The estate strategy embraces a programme of major and minor works, encompassing new build and the modification of existing premises, for the purposes of improvement, rationalisation and normalisation. It is designed to underpin the PSNI's corporate objectives and it looks ahead to 2010.
- 6.5 We recognise two very important things about the strategy. First, that it is designed to meet a number of different needs, of which only one is security normalisation. Many of the buildings are old – around half are over 50 years old – and can no longer adequately serve the purpose for which they are now required. Many are no longer in the places they should be, given the present distribution of the population and the tasks now demanded of the PSNI; we well understand that the closure of police stations can be a very emotive issue for people in the locality. The estate has to tie in with the future territorial structure of the force, itself subject to possible adjustment in the light of any changes that may be made to district council areas. Modern developments in community policing require a different interface with the public, for example through “police shops”, for which the existing estate does not provide. In addition, and more closely linked to the normalisation of security, is the need to “defortify” some stations, a process for which the strategy provides and which has already started.
- 6.6 Second, the strategy is an expensive one, requiring funding over and above that needed for the ordinary operation of the force. Because some of the proposals are directly linked to security normalisation, that funding has to tie in with all the relevant changes if the process is to be manageable for the PSNI, the Policing Board and the British Army.
- 6.7 The estate strategy was originally prepared in late 2004 and was published in April 2005. The Policing Board approved it in May. Since then the programme of works and the management of the strategy has developed jointly between the force and the Policing Board, and in consultation, as the security normalisation programme says,

with police territorial commanders. There have also been public consultations. The Board conducted a formal review of its implementation and of the forward plans in February 2006, which took account of developments since the previous May.

- 6.8 The implementation of a strategy of this size and scope is a complicated matter: decisions on one aspect may impact on others; building works and land purchases and sales are subject to various external requirements and pressures which can make them hard to schedule precisely in advance; the closure of police stations is properly a matter of local debate, which can have the same effect; construction has to be paced in order to match the availability of funding, some of which is subject to specific approval by the Government rather than the Policing Board.
- 6.9 The issue for us is not therefore whether the strategy as originally published has been rigidly adhered to. It is rather whether we are satisfied that the terms of the normalisation programme are being adhered to in the light of our assessment of the threat and of the need to maintain public safety. The commitment about the review of the police estate in the first period of the normalisation programme has in our view been met. Our task is very different from that of the Oversight Commissioner, who assesses the changes to the police estate in the context of the recommendations of the Patten Report as a whole.

7. CONCLUSIONS

7.1 We set out below our general conclusions in the light of our remit (which we described in Section 2), our approach to the report and our assessment of the threat (Section 3) and the material we have presented on the implementation of the security normalisation programme in Sections 4, 5 and 6.

7.2 The two aspects are to:

- Monitor whether the commitments in the security normalisation programme are being fully implemented; and,
- To do so in the light of our own assessment of the paramilitary threat and of the British Government's obligation to ensure the safety and security of the community as a whole.

7.3 We are satisfied that the commitments in the first six months of the programme covered by this report have been met. This is because of:

- The removal or demolition of the specified towers and observation posts (paragraph 4.7);
- The closure of Forkhill Army Base (paragraph 4.10);
- The continuation of the review of the police estate as agreed by the Policing Board and in consultation with PSNI, and because it contains within it work to defortify some 24 police stations (paragraphs 6.7-6.9).

These are the only commitments in the programme that have to be implemented over the period 1 August 2005 – 31 January 2006.

7.4 We also understand that the plan for the phased reduction of troops to peacetime levels will be published as the programme requires by the end of March 2006 (paragraph 4.16). We will address this in our next report in 6 months time.

7.5 There are other signs of progress towards the normalisation of security. We have been struck by examples of how the PSNI is able to operate in an increasingly normal way, and how in many places it is receiving a very different and far more positive response from the public. We note too how officers in the PSNI are welcoming this and are in their turn looking imaginatively for ways in which it can be encouraged, thus themselves fostering normality. In addition we also note that during these six months progress has been made towards the normalisation of security in other ways more precisely related to our remit to monitor the programme:

- A reduction in the number of troops by nearly 900 to just over 9,200, 8½% although no reduction is actually required at this stage (paragraphs 4.14 and 4.16);
- The withdrawal of the military from 5 of the 10 joint PSNI/Army bases (paragraph 4.10);
- The closure of 2 military bases, bringing the total to 22 (paragraph 4.13);
- A reduction in the flying hours of British Army helicopters by 28% (paragraph 4.18);
- The enactment of the Terrorism (Northern Ireland) Act 2006 in February 2006. Under the Act the counter-terrorist legislation particular to Northern Ireland will cease to have effect by the end of the normalisation programme in July 2007 unless it is specifically renewed by the British Parliament (paragraphs 5.2 and 5.12).

7.6 We have considered the programme in the light of our assessment of the paramilitary threat (paragraphs 3.6-3.7) and of the British Government's obligation to maintain the safety and security of the community as a whole (paragraphs 3.4-3.5). We recognise that the programme as a whole represents a very major change, and that it is a complicated process which will take time to implement in an orderly and sensible fashion. We conclude that the measures required by the programme at this stage are entirely proportionate. We also consider that the measures are

consistent with the obligation of the British Government, noting at the same time that the Government takes continuing account of the security threat, that it considers public safety to be its first and over-riding priority, and that it will halt the programme and reinstate security measures if at any time the circumstances make that necessary. We see no grounds for suggesting that the programme should be either slowed down or accelerated.

7.7 The requirement to continue the review of the police estate is different from other measures at this stage of the programme in that it involves a process rather than the delivery of specific objectives. We believe that this process will ensure a proper account continues to be taken of the association between security normalisation and investment in the police estate for other purposes. We note also the continuing role of the PSNI and the Policing Board in the management of the programme and of the Oversight Commissioner in assessment of changes to the estate in the context of the recommendations of the Patten Report as a whole.²²

7.8 As regards the counter-terrorist legislation particular to Northern Ireland, we note that the statutory framework will remain in place until the end of the normalisation programme. It thus falls outside both the first and second periods of the programme. We will in due course look at the British Government's plans for the repeal of Part VII. We will also be interested in the outcome of the further work the Government is doing on whether special provisions are needed to secure effective trials in circumstances where the intimidation of jurors by paramilitaries might be a factor, and also on what powers might be needed for the army to give specialist support to the police, such as public order and explosives disposal.

7.9 We will present a further report in six months time. This will review the programme at its mid point, which falls four months into the second, twelve month-long, period of the three into which it is divided.

²² On the role of the Oversight Commissioner, see also paragraphs 6.2 and 6.9 above.

ANNEX I

ARTICLE 5 OF THE INTERNATIONAL AGREEMENT

- (1) In relation to a commitment by the British Government to a package of security normalisation measures, the Commission shall:
- (a) monitor whether commitments made are being fully implemented within the agreed timescales, in the light of its assessment of the paramilitary threat and the British Government's obligation to ensure the safety and security of the community as a whole. The activities it shall monitor in this regard shall include:
 - i. demolition of towers and observation posts in Northern Ireland;
 - ii. withdrawal of troops from police stations in Northern Ireland;
 - iii. closure and dismantling of military bases and installations in Northern Ireland;
 - iv. troop deployments and withdrawals from Northern Ireland and levels of British Army helicopter use;
 - v. the repeal of counter-terrorist legislation particular to Northern Ireland;
 - (b) report its findings in respect of paragraph (a) of this Article to the two Governments at six-monthly intervals.
- (2) The Commission shall, at the request of the British Government, prepare a report giving an account of security normalisation activity undertaken by the British Government over a specified period. The period to be covered by such a report, and the activities it shall monitor in this regard, shall be notified to the Commission by the British Government.

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

LETTER OF NOTIFICATION FROM THE BRITISH GOVERNMENT

Independent Monitoring Commission
PO Box 709
BELFAST
BT2 8YB

2 August 2005

Dear Sirs

IMC NORMALISATION REMIT

Under Article 5(1) of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing the Independent Monitoring Commission (IMC) signed at Dublin on 25 November 2003 and which entered into force on 7 January 2004, the IMC shall monitor and report on a programme of security normalisation measures undertaken by the British Government. Under Article 15(2), this obligation shall commence from the date on which the British Government formally notifies the Government of Ireland and the IMC of the commencement of such a programme. This notification can only be given once the British Government has consulted with the Irish Government and is satisfied with the commitments that have been given on the end to paramilitary activity.

I have consulted with the Irish Government and we are satisfied with the commitments given on the end to paramilitary activity, contained in the statement issued by the IRA on 28 July 2005. Accordingly, the British Government's normalisation programme has been triggered. I am therefore writing to ask you to formally commence your obligations under Article 5(1) of the Agreement to monitor and report on the programme of security normalisation. I have enclosed a copy of this programme. This obligation shall take effect from today. I am also writing to the Irish Minister for Justice, Equality and Law Reform to notify him of this.

RT HON PETER HAIN MP
Secretary of State for Northern Ireland

ANNEX IV

SECURITY NORMALISATION PROGRAMME

PUBLISHED BY THE BRITISH GOVERNMENT, 1 AUGUST 2005

The steps which will be undertaken in a normalisation programme assuming an enabling environment is created and maintained will be as follows:

Within the first 8 months, in an enabling environment, we would have achieved:

- The vacation and closure of Forkhill Base; the removal of Tower Romeo 12 in South Armagh; and dismantling of the super sanger in Newtownhamilton. Work has already started and will be completed within a 6-month period.
- The removal of the observation post at Divis Tower in Belfast and the two observation towers at Masonic in Londonderry. Work is beginning this week and will be completed within a 6-month period.
- The successive removal of two towers in South Armagh G10 (Creevekeeran); G20 (Drummuckavall). Work will start within a few weeks and be completed within a 6-month period; with the sites restored to Greenfield status as soon as possible.
- The publication of a structured plan for phased reduction in troops to peacetime levels.
- The continuation of the review of the police estate with action taken as agreed with the Policing Board following consultation with District Commanders and local communities, including work to defortify some 24 police stations.

Within the next 12 months, in an enabling environment, we would have achieved:

- Further defortification of police stations. Progressive development of and extension of varying patrol patterns: eg single beat officers, bicycle patrols and opening of police shops.

- The vacation and demolition of the remaining South Armagh towers. These sites, with the exception of a Blue Light communications site at Crosleive, would be returned to Greenfield status as rapidly as possible thereafter.
- Progressive withdrawal of soldiers from sites where co-located with police in Armagh (Crossmaglen, Newtownhamilton, Middletown) and in Fermanagh and Tyrone.
- The removal of the military base within Maydown police station.
- A reduction in troop numbers in line with the published plan.
- The return of private property on vacated sites.

Within the final 4 months, in an enabling environment, we would have achieved:

- Further implementation of the police estate review, as determined by the Policing Board
- Additional opportunities for the police to patrol without the use of armoured vehicles.
- The vacation and demolition of the observation post at Rosemount in Derry.
- The vacation, closure and disposal of all military sites to leave no more than 14 core sites.
- The further reduction in Army and other service levels, including the disbandment of the operational brigade headquarters, to a permanent military garrison of no more than 5,000. The size of the longer-term garrison is likely to fluctuate in response to global demands on the army and its overall complement.
- Repeal of counter-terrorist legislation particular to Northern Ireland.

ANNEX V

TOWERS AND OBSERVATION POSTS: DEFINITIONS

1. As outlined in paragraph 4.4 we have taken the term “towers and observation posts” to encompass all military sites used solely or primarily for observations, whether for the purposes of protection or to gather information. We also make clear that we take the term to cover ground level and elevated sites.
2. The British Army use other terms to classify their sites covered by our definition. For the avoidance of any doubt we set out below the military terms we have deemed to be included in this part of the report.

Sangar: A sangar is a protected sentry post, normally located around the perimeter of a base. Its main function is to provide early warning of enemy/terrorist activity/attack in order to protect forces both within the base and those deployed within sight of the sangar.

Supersangar: A supersangar is an elevated sangar and may be indistinguishable from what is commonly termed a tower.

Observation Post: An observation post is an installation whose primary role is to collect information, as directed by and in support of the PSNI.

3. Sites are described by their primary purpose – sangar or supersangar if it is to protect, observation post if it is to collect information. In practice there may be considerable overlap between the roles. A site designed mainly to protect may play an important role in gathering information, and vice versa.
4. It will be seen from this that:
 - in common usage “observation post” may mean a sangar, a supersangar or an observation post as defined above;
 - in common usage “tower” may mean a supersangar, or an elevated observation post.

ANNEX VI

TOWERS AND OBSERVATION POSTS IN USE ON 1 JUNE 2004, 31 JULY 2005 AND 31 JANUARY 2006

The first column lists the sites in use at 1 June 2004. In the middle column “open” indicates the site was still in use on 31 July 2005 and “closed” that it was shut between those two dates. In the right hand column “open” indicates it was still open on 31 January 2006 and “closed” that it had been shut by then.

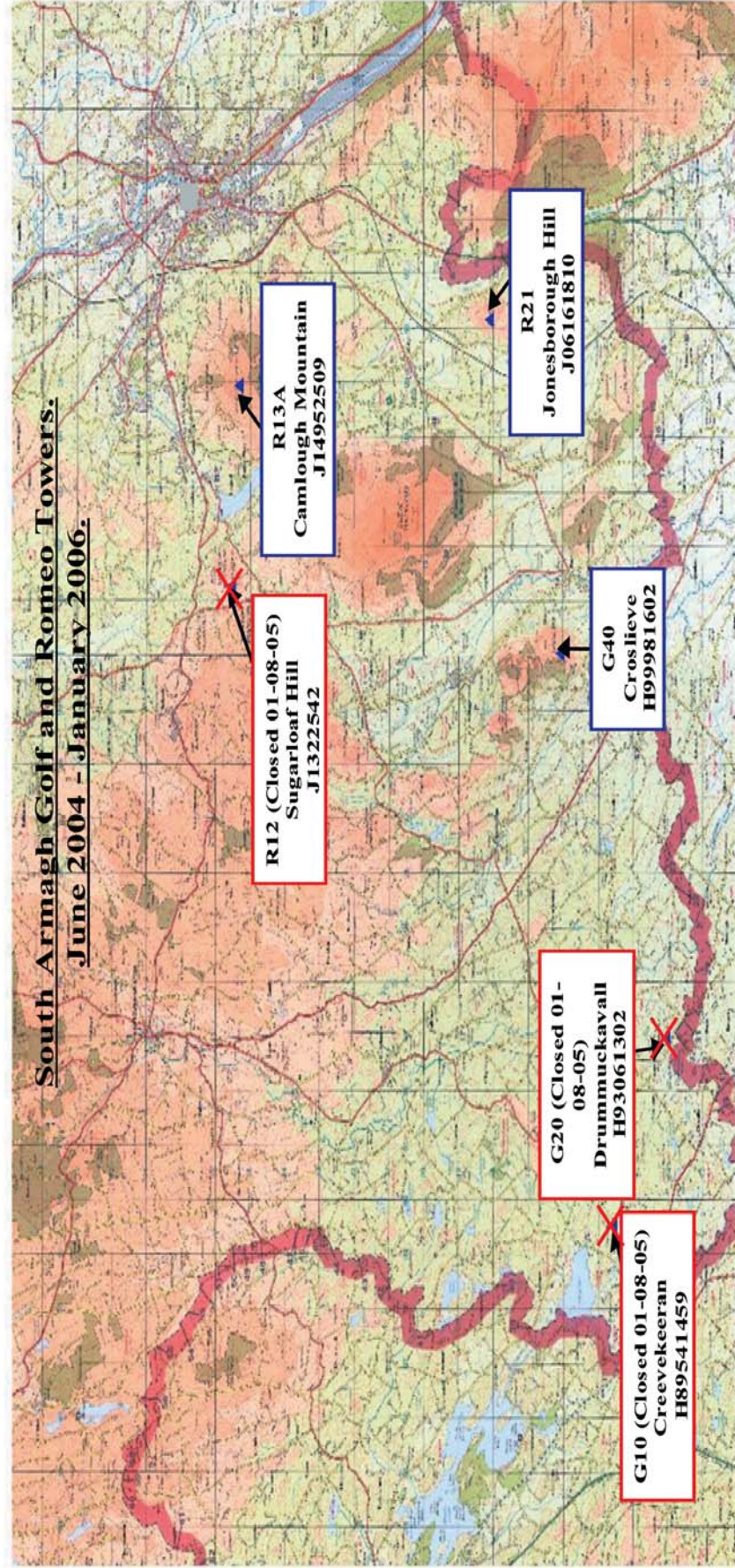
In our Second Report we had included Divis Key Point in the list of towers and observation posts, describing it as a “remote communication site”. Divis Key Point was categorised in the Joint Declaration of April 2003 as one of the no more than 14 locations at which a regular garrison would be based in the context of a peaceful society after security normalisation. It was so categorised because it contains accommodation for a guard force. For the purposes of monitoring security normalisation in this report we have therefore included Divis Key Point as a military base and dealt with it in paragraphs 4.11-4.13 and in Annex IX.

SITES AT 1 JUNE 2004	POSITION AT 31 JULY 2005	POSITION AT 31 JANUARY 2006
Divis Tower (Belfast)	Open	Closed (August 2005)
G10 (Creevekeeran)	Open	Closed (August 2005)
G20 (Drummuckavall)	Open	Closed (August 2005)
G40 (Croslieve)	Open	Open
Musgrave Park Hospital	Open	Open
Newtownhamilton Supersangar	Open	Closed (August 2005)
Rosemount	Open	Open
R12 (Sugarloaf Hill)	Open	Closed (August 2005)
R13A (Camlough Mountain)	Open	Open
R21 (Jonesborough Hill)	Open	Open

²³ Our Second Report referred to the Newtownhamilton Supersangar as having been taken down. Although there had been work on the site, one supersangar still remained after May 2004. This supersangar was demolished in August 2005 and no such structure now exists on the site.

ANNEX VII

MAP SHOWING THE LOCATION OF TOWERS AND OBSERVATION POSTS IN SOUTH ARMAGH AREA





G10



G20



R12

ANNEX VIII

JOINT PSNI/MILITARY BASES IN USE ON 1 JUNE 2004, 31 JULY 2005 AND 31 JANUARY 2006

The left hand column lists those places where the military were jointly based with the police on 31 May 2004. In the middle column “open” indicates that the military remained there on 31 July 2005 and “closed” that they had withdrawn and PSNI were solely responsible for the site by that date. The right hand column indicates the position on 31 January 2006.

POSITION AT 1 JUNE 2004²⁴	POSITION AT 31 JULY 2005²⁵	POSITION AT 31 JANUARY 2006²⁶
AUGHNACLOY BASE	Closed (March 2005)	Closed
PSNI CASTLEREAGH	Open	Closed (August 2005)
PSNI CROSSMAGLEN	Open	Open
PSNI FORKHILL	Open	Closed (December 2005)
PSNI KEADY		Open Open
PSNI KINAWLEY	Open	Closed (November 2005)
PSNI MAYDOWN	Open	Closed (December 2005)
PSNI MIDDLETOWN	Open	Open
PSNI NEWTOWNBUTLER	Open	Open
PSNI NEWTOWNHAMILTON	Open	Open
PSNI OLD PARK	Closed (April 2005; some infrastructure still remained)	Closed
PSNI RATHFRILAND	Closed (May 2005)	Closed
PSNI ROSSLE	Open	Closed (November 2005)

²⁴ At one site – PSNI Kesh – from which the military had withdrawn before December 1999 there still remained some infrastructure such as hardened accommodation blocks and portacabins which was still owned by the military. Most of this was leased back to the PSNI. At PSNI Warrenpoint and Lisnaskea similar military infrastructures remained most of which were also leased back to the PSNI. At Beleek the military infrastructure which had still been in place at the time of the Second Report, although the military had withdrawn, was disposed of in May 2005.

²⁵ As at 31 July 2005. Redundant military infrastructure remained at PSNI Belcoo, Grosvenor Road, Kesh, Lisnaskea, New Barnsley, Old Park, Warrenpoint, Castlederg and Woodbourne. Soldiers were not present at any of these sites. Military infrastructure at PSNI Strabane was disposed of in April 2005. PSNI Castlereagh was still in use as a Joint Base.

²⁶ As at 31 January 2006. Redundant military infrastructure remains at PSNI Belcoo, Castlereagh, Grosvenor Road, Kesh, New Barnsley, Old Park, Warrenpoint, Castlederg and Woodbourne. Soldiers are not present at any of these sites. Military infrastructure at PSNI Lisnaskea was disposed of in December 2005. Work to remove the military infrastructure at PSNI Woodbourne started in January 2006. The military base within PSNI Maydown has closed. (A military bomb disposal team will remain co-located with the police in PSNI Maydown.)

ANNEX IX

MILITARY BASES AND INSTALLATIONS IN USE ON 1 JUNE 2004, 31 JULY 2005 AND 31 JANUARY 2006

The sites marked with an asterisk are those referred to in the Joint Declaration as where “the regular garrison would be based in no more than 14 locations.”

The left hand column lists the military bases and installations in use on 1 June 2004. In the middle column “open” indicates it was still in use on 31 July 2005. The right hand column shows the position on 31 January 2006.

In our Second Report we treated Divis Key Point under towers and observation posts, as a remote communications site. Divis Key Point was listed in the Joint Declaration as one of the bases for the regular garrison. For this and future reports on security normalisation we are therefore treating it as a military base.

BASES AT 1 JUNE 2004	POSITION AT²⁷ 31 JULY 2005	POSITION AT²⁸ 31 JANUARY 2006
Abercorn Barracks, Ballykinler*	Open	Open
Aldergrove*	Open	Open
Ballykinler Training Camp*	Open	Open
Bessbrook	Open	Open
Clogher	Closed (March 2005)	Closed
Divis Key Point*	Open	Open
Drumadd Barracks, Armagh	Open	Open
Duke of Connaught’s Unit, Belfast*	Open	Open
Girdwood Park, Belfast	Open	Closed (November 2005)
Grosvenor Barracks, Enniskillen	Open	Open
Harmony House, Lisburn	Open	Open

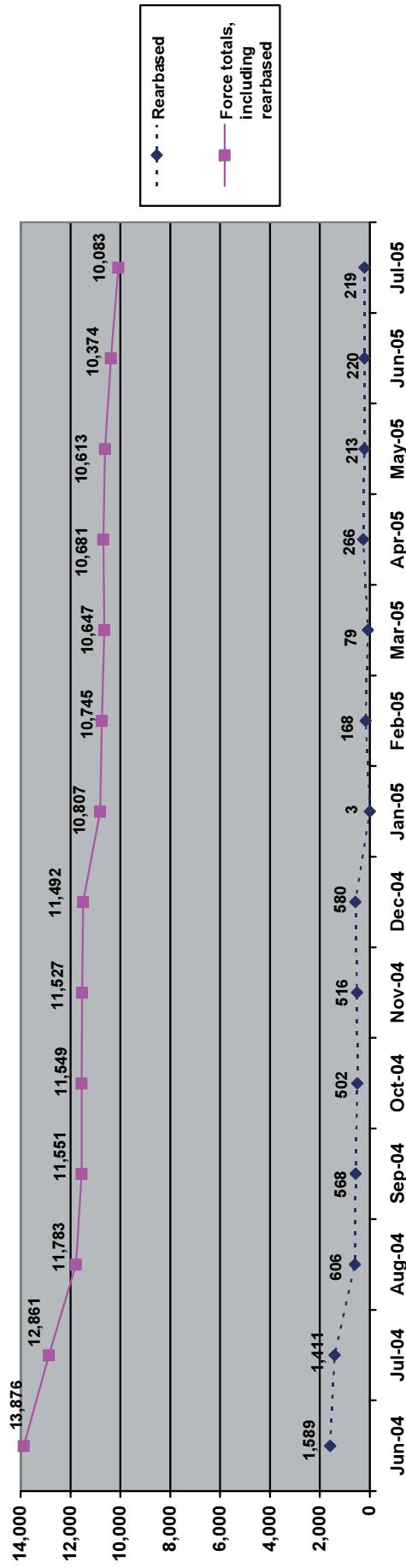
²⁷ On 31 July 2005 at Girdwood Park in Belfast only a military guard force remained while contractors demolished the base, prior to its closure. On 31 July 2005 at Killymeal House in Dungannon no troops were present and contractors were demolishing the base prior to its closure.

²⁸ Two observation towers at Masonic in Londonderry were closed in November 2005 in accordance with the normalisation programme; see paragraph 4.6.

Killymeal House, Dungannon	Open	Closed (October 2005)
Kinnegar, Holywood*	Open	Open
Laurel Hill House, Coleraine*	Open	Open
Lisanelly Barracks, Omagh	Open	Open
Magilligan Training Camp*	Open	Open
Mahon Barracks, Portadown	Open	Open
Masonic, Londonderry	Open	Open
Massereene Barracks, Antrim*	Open	Open
Moscow Camp, Belfast	Open	Open
Palace Barracks, Holywood*	Open	Open
Shackleton Barracks, Ballykelly*	Open	Open
St Lucia Barracks, Omagh*	Open	Open
St Patrick's Barracks, Ballymena*	Open	Open
Thiepval Barracks, Lisburn*	Open	Open

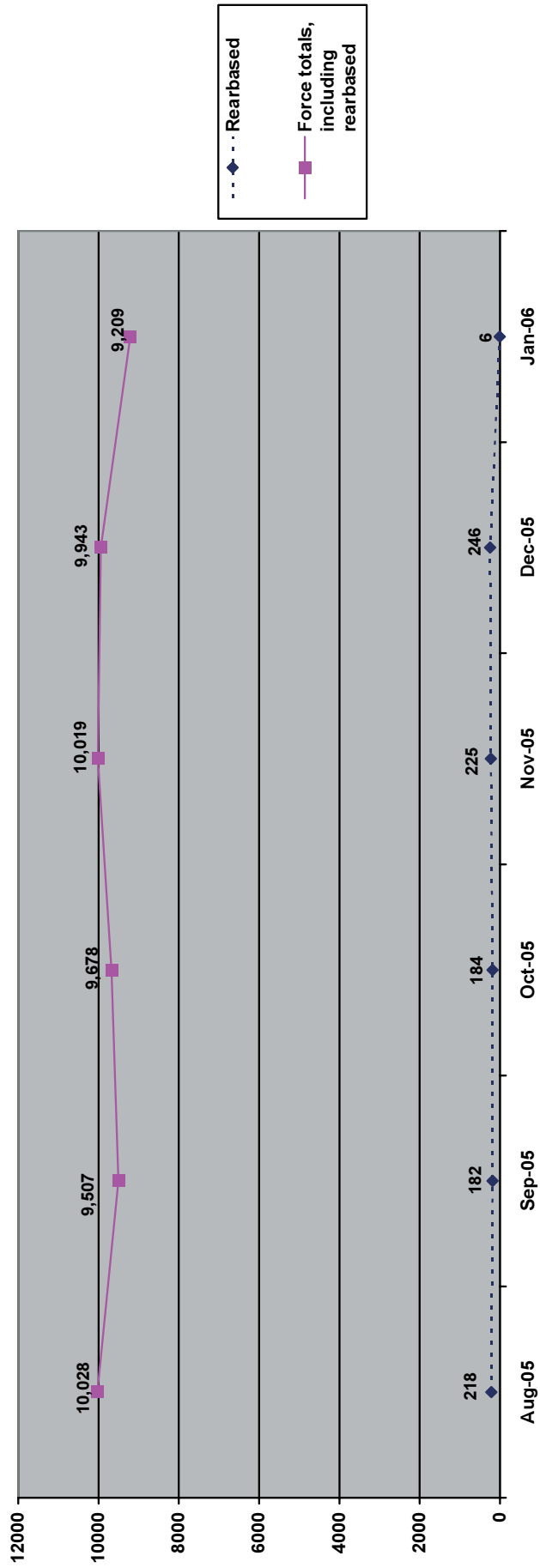
ANNEX X

MONTHLY TROOP LEVELS - JUNE 2004 TO JANUARY 2006



NORMALISATION PROGRAMME

MONTHLY TROOP LEVELS – AUGUST 2005 TO JANUARY 2006



ANNEX XI

MILITARY HELICOPTER USE – JUNE 2004 – JANUARY 2006

The following definitions have been used in this table

- Operational flights are those flown in support of PSNI.
- Training flights are those flown to maintain pilot competency standards.
- Engineering flights are flying safety tests of aircraft after engineering work.

BEFORE THE NORMALISATION PROGRAMME: JUNE 2004 – JULY 2005

Month	Operational	Training	Engineering²⁹	Total
Jun 2004	1083:42	567:39		1651:21
Jul 2004	997:26	530:55		1528:21
Aug 2004	937:17	550:19		1487:36
Sep 2004	1197:48	632:54		1830:42
Oct 2004	1130:55	557:17		1688:12
Nov 2004	910:01	413:11	86:30	1409:42
Dec 2004	628:07	372:28	69:03	1069:38
Jan 2005	751:16	393:49	54:43	1199:48
Feb 2005	555:08	432:49	52:25	1040:22
Mar 2005	741:07	487:12	35:17	1263:36
Apr 2005	740:36	536:34	64:59	1342:09
May 2005	702:27	507:15	57:18	1267:00
Jun 2005	709:25	497:00	48:48	1255:13
Jul 2005	659:20	566:18	69:25	1295:03

²⁹ Engineering Statistics are included as part of Training Statistics up to November 2004.

NORMALISATION PROGRAMME, FIRST SIX MONTHS: AUGUST 2005 – JANUARY 2006

Month	Operational	Training	Engineering	Total
Aug 2005	649:21	380:24	31:39	1061:24
Sept 2005	622:56	260:09	26:20	909:25
Oct 2005	578:02	277:04	34:21	889:27
Nov 2005	525:18	335:38	31:02	891:58
Dec 2005	445:02	307:32	45:10	797:44
Jan 2006	397:30	344:42	23:55	766:07

Included in the hours flown for operational purposes in the above table are hours flown to given effect to the normalisation programme, mainly for the demolition of hill-top sites and the removal of material. The figures for this activity are as follows:

MONTH	NORMALISATION HOURS
Aug 2005	6:50
Sept 2005	33:40
Oct 2005	26:45
Nov 2005	38:15
Dec 2005	4:00
Jan 2006	0:00

ANNEX XII

VIEWS OF THE BRITISH GOVERNMENT ON THE THREAT AND ITS OBLIGATION TO ENSURE THE SAFETY AND SECURITY OF THE COMMUNITY AS A WHOLE

Independent Monitoring Commission
PO Box 709
BELFAST
BT2 8YB

6 February 2006

Dear Sirs

Under Article 5(1) of the International Agreement establishing the IMC, the Commission is required to monitor whether a commitment to a package of security normalisation measures is being fully implemented within the agreed timescales, in the light of its assessment of the paramilitary threat and the British Government's obligation to ensure the safety and security of the community as a whole. This statement represents the British Government's own assessment of its obligation to ensure the safety and security of the community as a whole.

The Government's first and over-riding priority is the safety and security of the people of Northern Ireland. The Government's principal adviser is the Chief Constable who assesses the threat from paramilitary groups, in terms of their intent, capacity and capability, from a wide range of intelligence. The security measures put in or retained in place reflect that assessment. The threat assessment is kept under constant review, and Government Ministers discuss it regularly with the Chief Constable and other security advisers, for example at the monthly Security Policy Meeting.

Since the paramilitary ceasefires in 1994 a process of steady normalisation has been underway, with each step being taken on the basis of security advice. The IMC's Second Report summarised the progress made on normalisation between December 1999 and May 2004. Further normalisation steps were taken between May 2004 and July 2005, again based on security advice. On 28 July last year the Provisional IRA issued its statement recording that "All IRA units have been ordered to dump their arms. All volunteers have been instructed to assist the development of purely political and democratic programmes through exclusively peaceful means. Volunteers must not engage in any other activities whatsoever." This was followed in September by the decommissioning of IRA weapons confirmed by the

Independent International Commission on Decommissioning (IICD), which stated “We have determined that the IRA has met its commitment to put all arms beyond use in a manner required by the legislation.”

Following the July statement the Government announced its intention to complete the process of normalisation over a two year period, in line with undertakings made in the Joint Declaration. The Government made clear that that decision reflected the security advice of the Chief Constable and General Officer Commanding, and that the continuation of the normalisation programme, and its pace, was dependent on the enabling environment continuing.

The assessment process and the speed of normalisation takes full account of events on the ground and residual threats (many of them identified by the IMC in their 8th Report), such as the violence following the Whiterock parade in September, much of it by the UVF and UDA; the LVF’s announcement in October that its ‘military units’ had been ordered to stand down; the continuing threat posed by dissident republican groupings; and the welcome indications that PIRA’s leadership has taken the strategic decision to end their armed campaign and that the organisation as a whole is being turned so that it is not directed for terrorist purposes. The policing response to these developments is augmented by other initiatives aimed at reducing community tensions and interface violence, resolving contentious parades and achieving wider community engagement with the police, particularly in disadvantaged areas. The Government is also, in conjunction with the Irish Government, in dialogue with the Northern Ireland parties, making a concerted effort to re-establish the devolved institutions as soon as possible. All of these initiatives will, Government hopes, help contribute to and embed a reduction in the level of threat. These efforts in turn are supported by the wider political dialogue aimed at restoring the devolved institutions as soon as possible.

The Government’s assessment, based on the advice of its security advisers and its own assessment of the political environment, is that the current normalisation programme remains appropriate and manageable, and is in itself an important contribution to a more normal and therefore more stable society. If at any point the Government concludes that the necessary enabling environment no longer exists, it will not hesitate to halt that programme and, if necessary, reinstate particular measures if the security situation requires it.

RT HON PETER HAIN MP
Secretary of State for Northern Ireland

