THE KILLING OF JOHN CRAWFORD

A Victim-Centred and Co-Designed Truth Recovery Process

2023

QUEEN'S UNIVERSITY BELFAST

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Introduction

This report charts a lengthy process involving Paul Crawford (hereafter PC) and Winston Irvine (hereafter WI) designed to secure the truth regarding the Ulster Volunteer Force (UVF) murder of PC's father John in 1974. [1]Their relationship began at a number of events including a legacy-related public event in Queens in January 2016 at which WI was a panel member.[2] At that event, PC spoke from the floor asking whether WI thought that the UVF would provide answers to questions about the murder of his father by that organisation. WI replied that while he did not know the particular case, if anyone from within loyalism could help to bring closure to victims such as PC and his family, then they had a moral responsibility to try to help. After the event, the two began a further series of conversations. After a lengthy process of engagement which has spanned several years (discussed further below), WI agreed to act on PC's behalf to attempt to seek answers to his questions concerning his father's murder.

What ultimately emerged from their engagement was a victim-centred and co-designed truth recovery process initiated and led by PC. Victim-centred in this context refers to a process that is designed in response to the specific needs of a victim as defined by the victim, where the voice of the victim is listened to and respected throughout the process through all levels of planning and implementation and where the success or failure of the process is defined by its ability to address the victim's needs.[3] As is detailed further below, the co-designed component involved a cooperative or collaborative approach from PC and WI to the design of the process, the principles which underpinned the work and its practical outworking.[4] That process provided the information PC requested regarding the murder of John Crawford as well as a long-denied acknowledgement by the UVF that they had been responsible for the killing. Given his expertise in the broader debates about dealing with the past in Northern Ireland, PC and WI asked Professor Kieran McEvoy to author this report charting their work and drawing out its broader relevance.[5]

This was a long term, complex and sensitive process which encountered a range of difficulties, but it was one which ultimately achieved the greatest degree of resolution possible for PC. While the process described here was successful, it is difficult to imagine that success being replicated for other families seeking truth recovery about the deaths of their loved ones without the limited immunity protection for interlocutors that was agreed to in the Stormont House Agreement as detailed below.

1 Until his retirement in 2021, Paul was a mental health services manager and has been a member of the Victims Forum for the past five years. Winston Irvine is a longstanding loyalist activist.

2 The event was chaired by former BBC Security Correspondent Brian Rowan. Other speakers at the event included the then PSNI Chief Constable Sir George Hamilton, Professor Kieran McEvoy QUB, former republican prisoner Eibhlin Glenholmes and Ulster Museum senior curator Kim Mawinney.

3 See e.g. S. Robins (2011) 'Towards Victim-Centred Transitional Justice: Understanding the Needs of Families of the Disappeared in Post-conflict Nepal." *International Journal of Transitional Justice* 5, 1: 75-98; K. McEvoy & K. McConnachie, K. (2013). Victims and Transitional Justice: Voice, Agency and Blame.' *Social & Legal Studies*, *22*(4), 489-513; M. De Waardt & S. Weber (2019) 'Beyond Victims' Mere Presence: An Empirical Analysis of Victim Participation in Transitional Justice in Colombia.' *Journal of Human Rights Practice*. 11, 1, 209-28.

4 See further E. Blomkamp (2018) 'The promise of Co-design for Public Policy." *Australian Journal of Public Administration* 77, 4, 729-743; E. Sanders and P. J. Stappers (2008) 'Co-Creation and the New Landscapes of Design.' *CoDesign* 4, 1, 5–18.

5 Kieran McEvoy is Professor of Law and Transitional Justice at the School of Law and and a Fellow at the Senator George J Mitchell Institute for Global Peace, Security and Justice, Queens University Belfast.

Information Recovery and the Stormont House Agreement 2014

This report speaks directly to the workability of one of the mechanisms agreed to in the Stormont House Agreement 2014 (SHA) – a mechanism that has since been omitted from the Northern Ireland Troubles (Legacy and Reconciliation) Bill which is currently before the United Kingdom parliament.

In 2014 the British and Irish governments and four of the five local political parties in Northern Ireland signed up to the SHA as a means of addressing the past in Northern Ireland. The SHA included provisions to establish four mechanisms tasked with addressing different aspects of the legacy of the conflict. The particular mechanism of relevance for this report was the Independent Commission on Information Retrieval (ICIR). Modelled on the International Commission for the Local of Victims Remains (ICLVR, also known as the 'Disappeared Commission'),[6] this body was intended to be an independent international body established by treaty by the UK and Irish governments.

The function of the body was envisaged as allowing victims and survivors to seek and privately receive information about the circumstances surrounding the Troubles-related death of their next of kin. If an individual requests information through this process, the ICIR would seek to engage with those state or non-state organisations who may have 'corporate' or 'organisational' knowledge about death of their relative. In order to facilitate those with such information coming forward, the SHA specified that no information provided could be used for criminal or civil proceedings.[7] In addition, there were guarantees that the process would operate confidentially and the ICIR would not make public, nor disclose to families, the names of persons who provide information nor persons identified as being responsible for the deaths.[8]

The work of the ICIR as envisaged in the SHA was not an amnesty. An amnesty is a negation of criminal and sometimes civil liability.[9] Instead, the ICIR was envisaged as providing a form of limited immunity to information providers so that no information gleaned as a result of the work of the ICIR could be used in any legal proceedings. Moreover, the SHA also included provisions for simultaneous investigations to be conducted by a parallel mechanism (the Historical Investigations Unit) and if the evidential threshold was reached, for prosecutions to be initiated by the Director of Public Prosecutions.[10]

6 The ICLVR was established by treaty between the UK and Irish governments in 1999 and was tasked with helping recover the remains of 16 people killed and disappear by Republicans during the conflict. To date 13 of the 16 bodies have been located. See further L. Dempster (2019) *Transitional Justice and the Disappeared of Northern Ireland*. London: Routledge.

7 This commitment was included in the draft legislation intended to implement the SHA which is since been abandoned. See Clause 45, *Northern Ireland (Stormont House Agreement)* Bill 2018.

8 Ibid.

9 See further K. McEvoy (2017) Amnesties, Prosecutions and the Rule of Law. Paper Presented to the Westminster Defence Select Committee. Available https://www.dealingwiththepastni.com/ ; L. Mallinder (2008) *Amnesties, Human Rights and Political Transitions*. Oxford: Hart.

10 Clause 13, *Northern Ireland (Stormont House Agreement)* Bill 2018.

Will the Northern Ireland Troubles (Legacy and Reconciliation) (NITLR) Legislation Deliver Information Recovery?

Following an extensive public consultation on legislation to enact the SHA in 2018, the UK government committed to introduce that legislation within 100 days in January 2020. However, in March 2020 the government signalled its intent to unilaterally abandon the SHA via a ministerial statement from then Northern Ireland Secretary of State Brandon Lewis MP. Mr Lewis made clear that the reasons for the abandonment of the SHA was to ensure 'equal treatment of Northern Ireland veterans and those who served overseas'.[11] The UK government had introduced an 'Overseas Operations Bill' in 2020, which included provisions for a presumptive amnesty for British soldiers serving overseas for offences committed during the course of their duties after five years had passed.[12] A Command Paper published in July 2021 contained more details confirming that intent.[13] In May 2022 the government introduced the NITLR Bill in the House of Commons.

That Bill includes provisions for a conditional immunity scheme (which is widely viewed as an amnesty by another name since it negates both criminal and civil liability), and the replacing of all current conflict-related investigations and legal processes with a Commission for Reconciliation and Information Recovery. The latter will mostly conduct 'reviews' rather than investigations and must grant any request for an amnesty for a conflict-related offence if the account offered by the applicant 'is true the best of their knowledge or belief.'[14] The legislation appears specifically designed to facilitate veterans repeating the account which they have offered to previous reviews or investigations; once repeated, the amnesty must be granted.[15]

In addition to closing down all conflict-related investigations and legal proceedings and introducing a conditional amnesty with an extremely low threshold for eligibility, the legislation also abandoned the ICIR mechanism agreed to in the SHA and in the relevant treaty between the UK and Irish governments.[16]

The NITLR is opposed by all of the main political parties in Northern Ireland, the Irish government, the churches, all victim organisations and a host of international stakeholders. In addition to widespread condemnation of the conditional amnesty scheme, much of the legal and policy criticism of the legislation has focused on the weak powers of the proposed

11 UK Parliament Written Ministerial Statement, Legacy Issues, Hansard 8th March 2020. Addressing Northern Ireland Legacy Issues - GOV.UK (www.gov.uk)

12 This Bill passed into law in April 2021. The Overseas Operations (Service Personnel and Veterans) Act 2021. Overseas Operations (Service Personnel and Veterans) Act 2021 (legislation.gov.uk)

13 Northern Ireland Office (2021) *Addressing the Legacy of Northern Ireland's Past*. Command Paper 498.

14 NITLR Bill 2022, Clause 18.

15 The Bill states that the account given by an applicant for the conditional amnesty 'may consist of, or include information which has previously been given', Clause 18 (4).

16 *Agreement between the UK Government and the Government of Ireland Establishing the Independent Commission on Information Retrieval* (2016).

commission and its lack of 'legal teeth' to deliver effective investigations into conflict related events.[17] Without the relevant legal powers to guarantee effective investigations (rather than 'reviews') into conflict-related deaths or serious injuries, it is difficult to see how victims and survivors will be able to get the truth to which they are legally entitled under the European Convention of Human Rights.[18]

The government's decision to omit the ICIR from this Bill has received much less critical attention than other aspects of the legislation. That omission is also a significant weakness in the Bill. An explicit rationale for scrapping the ICIR is not provided in the explanatory notes which accompany the Bill. Neither is one contained in the Command Paper of July 2021. All that the latter document states is that the remit of new Commission will 'go beyond the ICIR proposed at SHA', since it will provide information concerning serious injuries as well as deaths whereas the ICIR was focused only on deaths.[19]

Despite the time and effort that was involved in the negotiations and design of the ICIR, and the previous success of the Disappeared Commission upon which it was based, the lack of explanation by the government for unilaterally ditching the ICIR is curious. In its 2018 consultation document on how the ICIR would work the government explicitly stated that information forthcoming could be provided by those 'directly involved in a particular death' or 'through an intermediary.'[20] It was clear in the SHA draft legislation that both those directly involved in murders and those working as intermediaries would be protected by the immunity provisions outlined in the SHA precisely in order to help encourage organisational buy-in to the information recovery process.[21]

A close reading of the NITLR Bill suggests that this legislation only envisages the conditional amnesty as being applicable to those *directly* involved in conflict-related offences. It states that amnesties may be granted regarding 'conduct by' the applicant related to the Troubles.[22] Moreover, the former Secretary of State for Northern Ireland Brandon Lewis MP has suggested that non-engagement by former republican or loyalists with the proposed mechanism in the NITLR has already been factored in by the government. In stating frankly that the primary purpose of the Bill was to protect veterans, he acknowledged that terrorists might not comply

17 See e.g. Model Bill Team (2022) *Initial Response to the Northern Ireland Troubles* (Legacy and Reconciliation) Bill; Northern Ireland Human Rights Commission (2022) *Rule 9 Submission to the CoE Committee of Ministers in Relation to the Supervision of Cases Concerning the Actions of the Security Forces in NI: Advice on NI Troubles (Legacy and Reconciliation) Bill.*

18 Committee on the Administration of Justice September *2022 'Addendum Rule 9 Submission to the Committee of Ministers McKerr group v. the United Kingdom (Application No. 28883/95) Supervision of the Execution of the European Court's Judgments.*

19 Command Paper 498 op cit, p. 26.

20 NIO Consultation Paper (2018) *Addressing the Legacy of Northern Ireland's Past*, para 12.9 (relating to cl 45 of the draft Bill).

21 Draft Northern Ireland Stormont House Agreement Bill (2019) Clause 43. As the relevant NIO explanatory notes to that Bill make clear *'This is intended to ensure that people holding information about deaths will be prepared to provide it, so that it can be shared with the family of the deceased.'* NIO Explanatory Notes Draft Northern Ireland Stormont House Agreement Bill, Para 146.

22 Ni Troubles (Legacy and Reconciliation) Bill 2022, Clause 18 (3).

with the process as 'many feel bound by a code of honour' not to do so.[23] A series of articles in the Belfast Telegraph in Autumn 2022 by Allison Morris involving interviews with a range of high-profile former loyalist and republican activists confirmed that such cooperation was unlikely to be forthcoming.[24]

Even if individual former republican and loyalist activists did apply for an amnesty under the NITLR process relating to the particular offences in which they were directly involved, there is little reason to believe that they would then have the credibility to act as an interlocutor with their respective organisations in seeking information on behalf of victims – or indeed that they would be legally protected to undertake such a role.

In sum, in its determination to secure an amnesty for British army veterans, the UK government has abandoned its previous commitment to introduce a process that was designed to help the victims of paramilitary violence from accessing information from armed groups through the use of an interlocutor. The process described in this report suggests that such a process may be viable for some groups in some circumstances at least. Of course, the SHA was explicit that only victims who wished to seek information through the proposed ICIR mechanism would do so. Such a process would not have been desired by all victims. However the current legacy bill has removed that choice from victims.

Background to John Crawford's Murder

John Crawford was a 52-year-old upholstery factory owner from the Andersonstown area of West Belfast.[25] Married to Eileen, the couple had nine children – Liam, Anne Marie, John, Michael, Paul, Patrick, Eileen, Brendan and Nuala. On the afternoon of Wednesday 9 January 1974 he returned to work at his furniture workshop after having his lunch at the family home. John remained on his business premises after the other employees had gone home for the day later that evening.

When he later failed to return home from work his wife contacted the police at Andersonstown Royal Ulster Constabulary (RUC) station. In the meantime, his family and friends began a search in the vicinity. At approximately 4.45 am the next morning John's body was discovered in long grass on waste ground at Milltown Lane, less than 100 yards from his workshop.[26] His death was formally certified at 7:19 am by a British Army medic who had arrived on the scene. The

23 Brandon Lewis MP 9th June 2022 Conservative Home. *Brandon Lewis: My Northern Ireland Legacy Plan. No Longer will our Veterans be Hounded about Events that Happened Decades ago.'* Brandon Lewis: My Northern Ireland legacy plan. No longer will our veterans be hounded about events that happened decades ago. | Conservative Home

24 See e.g. A. Morris, Belfast Telegraph 17th October 2022, *'Lack of Buy-in From Loyalists and Republicans'*; A. Morris, *Belfast Telegraph* 17th October 2022, 'Just a Paper Exercise that Has No Hope of Success: Johnny Adair, Former Loyalist Leader'; A. Morris Belfast Telegraph 17th October *2022 ' What is the Purpose and Will it Solve Anything? Jake Max Siacais: Former IRA Prisoner.'*

25 D. McKittrick et al., *Lost Lives: The Stories of the Men, Women and Children who died as a Result of the Northern Ireland Troubles* (Edinburgh: Mainstream, 1999), 414.

26 Belfast Telegraph, 10 January 1974. 'Sons Find body of Father in Ditch'.

autopsy showed that John had died as a result of two gunshot wounds to the head. There was also evidence that a struggle had taken place prior to the shooting. The weapon used in the killing had no forensic links to any previous or subsequent killing and has never been recovered.

The lack of ballistics linking the murder weapon to any previous incidents or to any armed group added further to the confusion that had arisen following John's killing, with neither a motive nor perpetrator being immediately obvious. Although a member of the Catholic Ex-Serviceman's Association,[27] John Crawford had no political links nor was he involved with any non-state armed group. There was however significant local gossip and speculation about the motivation for the killing and which organisation had carried it out. Suspicion quickly fell on the Official IRA, with rumours that the organisation had targeted John because he had failed to pay them protection money, or, conversely, that they had shot him because he was financing the Provisional IRA with whom the Official IRA were sporadically feuding. As well as this erroneous local gossip and speculation, a more calculated campaign of disinformation emerged.

On the night of John's death – and hours before his body was discovered - a caller purporting to be from the Official IRA claimed responsibility for the killing in a call to a local newspaper the Irish News at 8:52 pm. The caller, who used a recognised code word, said that while they belonged to the group they were personally opposed to the killing. They also said that two other named men were on an Official IRA death list. However, the Official IRA Belfast Brigade quickly issued a denial, saying in a statement that the claims made by the caller were 'absolutely untrue. We know nothing about Mr Crawford's death'. The Provisional IRA also denied responsibility, with media reports at the time suggesting that both organisations were launching their own investigations into the killing.

Another untrue account which circulated locally was that John had been attacked by 'hoods' who tried to rob him as he left work. Ironically, the involvement of loyalists had initially been discounted. This was due to the fact that the killing had occurred in the staunchly republican West Belfast locale. It was also viewed as unlikely that the UVF were responsible as the organisation had declared a ceasefire in November 1973.[28] The lack of any clear motive or perpetrator led to John's son Michael saying 'we can see no reason why this should have happened', with John's wife Eileen further telling journalists that *'all we want to know is who did it and why it should happen to him*'.[29]

Following the killing, the Crawford family were subjected to a campaign of harassment by the security forces. This included weekly house raids on the family home for almost a year after the killing, raids on the business premises, the arrest of members of the family and assaults committed against a number of John's sons.

It was not until the arrest of a man in 1977 that the identity of the group responsible for John's murder became known. Raymond Glover, a man with clear UVF connections, had been arrested in relation to a separate UVF murder and had confessed to being involved in John's killing. Although Mr Glover was convicted of the killing in 1978, the UVF did not officially acknowledge

27 McKittrick et al., *Lost Lives*, 414.
28 P. Taylor, *Loyalists* (London: A&C Black, 2014).
29 Belfast Telegraph, 10 January 1974 *'Sons Find Body of Father in Ditch'.*

its involvement in the death, meaning that John's death went officially unclaimed by any armed group. The family, however, accepted on the basis of this individual's conviction that the UVF were responsible for the death - whether the group claimed it or not.

While the family now had possible grounds to believe which group was responsible for John's death, the involvement of the UVF raised further concerns for them. Primary amongst these was the prospect that one of those involved may in fact have been known to the family. Suspicion had fallen on an individual that John had previously permitted to live in a caravan in the factory yard. Indeed, John's wife Eileen had on occasion provided meals to this individual too. Local gossip had suggested that this person was an undercover soldier and state agent who began working with the UVF in revenge for the killing of his brother and a friend by republicans some years previously. It was further rumoured that John may have been targeted in connection with these previous killings.

The possible involvement of this individual also led the family to suspect that there was security force collusion in the killing. A number of additional factors further strengthened this suspicion including: the fact that the person suspected of involvement was also suspected by the family of having worked as an agent for the security forces and to have been relocated to Australia; the fact that RUC had apparently failed to fully pursue this suspect, and other known suspects who had been identified at the time in connection with the murder. These factors were exacerbated by the fact that the family felt that the RUC had not conducted a proper investigation into the killing and had failed to keep in touch with them, as well as the fact that the killing had taken place so close to Andersonstown RUC station. These suspicions were compounded by the family's experience of harassment by the security forces in the years after the murder.

Accordingly, a number of questions relevant to John's death remained for the Crawford family. These would not be satisfactorily answered until PC engaged WI to act on his behalf to seek the relevant information, despite a number of official agencies and mechanisms having investigated John's death.

The Official Criminal Justice Responses

There have been a number of criminal justice processes associated with the John Crawford case. These have included an inquest, a criminal trial, an investigation by the Office of the Police Ombudsman and an investigation by the Historical Enquiries Team.

The Coronial Inquest

In 1974 a Coronial Inquest was held into the circumstances surrounding John Crawford's death. The inquest considered evidence from the police officer investigating the murder, the army medic and forensics experts who confirmed John's death as a result of two gunshots to the head, and assorted eyewitnesses who took part in the search for his body. The Inquest Verdict conformed that the cause of death was the two gun shots to the head by a 38 revolver

between 6.00pm and 4.45 am on the 9/10th January 1974. The Coroner returned an 'Open Verdict'.

The Criminal Trial

As noted, on 14 February 1977 Raymond Glover was arrested in connection with another murder.[30] During questioning, he confessed to involvement in John Crawford's killing and a number of others. Mr Glover admitted that he had acted as a driver for the three men who killed John. He told detectives that he had rented the car used in the killing, picked up the killers from the Shankill Road, dropped them off on the motorway near Milltown cemetery, drove around the Lisburn Road and then picked them up again some time later, taking them to the Shankill Road and later returning home. He also said that he had returned the car to the car hire company the next day after the killers had presumably cleaned it overnight. However, during questioning he did not disclose the names of his accomplices, nor did he offer any descriptions of them. This confession was the only evidence against Mr Glover. At his trial on 28 February 1978 he duly entered a guilty plea. During his hearing Mr Glover told the court:

> If there was any way I could turn the clock back I would do it. I know nothing I can say can bring these people back. From the bottom of my heart I am sorry for the heartache and suffering I have caused families and friends.[31]

In response Justice Gibson said:

> You were not the man who placed the bombs or pulled the triggers, but you voluntarily joined the UVF and willingly went along with each of these enterprises knowing full well what was involved. But watching and listening to you in the witness box it seems to me that display of emotion was not entirely self-pity, you have indeed at least realised just what terrible crimes you have been involved in and the terrible consequences.[32]

Mr Glover was given 10 life sentences for his involvement in six murders – including that of John Crawford – and four attempted murders.

The fact that Mr Glover had pleaded guilty meant that there was no chance for a cross-examination that might have shed light on some of the questions the family had about John's death. Moreover, the family were very aware that Mr Glover was the only person to be tried and convicted from the (at least) four people immediately involved, and potentially many more indirectly involved in an intelligence or logistical capacity. In addition, the UVF had still not confirmed its responsibility for the death nor admitted that it had breached its 1973 cease-fire.

30 Belfast Telegraph, 18th February 1977, *'Man Charged with 1974 Murder.'*

31 Belfast Telegraph, 28th February 1978; *'Life 10 Times'*, Irish News, 1st March 1978, *'Driver of Car in Killings, Bombings Gets 10 Life Terms.'*

32 News Letter, 'Ten Life Terms for Sectarian Killings', Weds 1 March 1978.

The apparent police failure to pursue other known suspects further fuelled the family's collusion-related concerns. Those fears were amplified by a throw-away remark of a senior detective who told the family that if Mr Glover had pleaded not guilty, he would probably have walked out of the court a free man. The conviction of Mr Glover left the family with little sense of justice, with PC later describing the trial as 'not justice – just a closing of the books'.[33]

Raymond Glover was eventually released from prison on licence on 4 July 1991. He was the only person ever to be convicted for John Crawford's murder. The Crawford family would later receive £20,000 damages from the Criminal Injuries Compensation Scheme in 1978.

The Police Ombudsman's Investigation

The family later made contact with the Office of the Police Ombudsman of Northern Ireland (OPONI) to request an investigation into the standard of the original RUC investigation, including their concerns about possible collusion. Amongst the issues raised by the family was what they regarded as the poor quality of the original investigation, lack of police update on the status of the investigation, failure to pursue suspects other than Mr Glover and the allegations of police collusion. In addition, the family argued that the killing had taken place within 100 yards of Andersonstown RUC station and that, according to local eye-witness accounts at least, the killers would have been visible either during the killing or on the exit route from the murder scene. The family also expressed concerns that they had received information that one of those involved in the killing was a state agent who had been relocated to Australia and that there had not been any effort to extradite him back to Northern Ireland.

The OPONI report noted that 40 statements were found in the murder file, that some physical evidence was recovered from the scene but that 'no policy decisions or other lines of inquiry have been recovered from this material' and that 'due to the unavailability of material and the absence of policy decision logs, it is not possible to evidentially evaluate exact lines of enquiry that were conducted.'[34]

The report notes that an interview conducted with the investigating officer confirmed that contact from the police with the family would have been limited given the security context at the time, and that this issue 'remains a consistent generic complaint' of murder investigations prior to 2000 when Family Liaison Officers and specific guidance were introduced'.

With regard to the allegations of collusion, the OPONI concluded that there was no evidence that the police or army would have had a view of the killers from Andersonstown Police Station.

With regard to the allegation that a state agent had been involved and subsequently relocated to Australia. the OPONI report states that 'it is not the policy of OPONI to comment on this

33 Eamonmallie.com Paul Crawford, 'West Belfast man Simply wants UVF to publicly acknowledge father's killing', 25 July 2017, <http://eamonnmallie.com/2017/07/west-belfast-man-simply-wants-uvf-publicly-acknowledge-fathers-killing/.

34 Letter from Senior Investigating Officer, Office of the Police Ombudsman of Northern Ireland 26th February 2010.

issue' (whether a person was a state agent) but that there was no evidence that police provided this individual with any assistance to leave Northern Ireland.[35] The OPONI reported that this individual (now deceased) had been arrested for an unrelated matter in Australia, and questioned about the murder of John Crawford (following an RUC request) but that no admissions were made and no extradition request was processed.

PC described the engagement with the OPONI, then under the leadership of Mr Al Hutchinson, as a 'a total waste of time'.[36]

The Historical Enquiries Team (HET)

Three of John's children also engaged with the Historical Enquiries Team (HET) on behalf of the family.[37] The subsequent HET report was definitive in dismissing some of the local rumours that had circulated concerning the case.

The HET report concluded that, while John was 'known to have republican views', there was neither 'evidence or intelligence that John was involved in any paramilitary or criminal activity'. This finding refuted local rumours which circulated after his death that John had been in the Official IRA and others which claimed that he had been financing the Provisional IRA.

The report also rejected previous claims made by two journalists – addressed in more detail below – that John himself was suspected of involvement in a double murder some years prior to his own death, concluding again that there was neither evidence nor intelligence to support the claim.

The HET also reported that John's killing was not connected to a number of others that some had previously linked to the murder. His death, they concluded, was 'by any standards a horrific sectarian murder of a hardworking family man who had no means of defending himself'.[38]

Although these findings provided the Crawford family with acknowledgment that John was an innocent man and that the rumours that had been levelled against him were untrue, the HET report was viewed as inadequate.

While the report highlighted that Suspect A (known to the family) was suspected of involvement in John's death it would not identify this person. It confirmed that Suspect A moved to Australia

35 It should be noted that other OPONI reports into conflict related killings have in fact included details of unnamed suspects being state agents. See e.g. OPONI (2007) *Statement by the Police Ombudsman Office of Northern Ireland on her Investigation in the Circumstances Surrounding the Death of Raymond McCord Junior and Related Matter*s. https://www.policeombudsman.org/PONI/files/9a/9a366c60-1d8d-41b9-8684-12d33560e8f9.pdf

36 Mr Hutchinson resigned in 2012 following a highly critical report by the Criminal Justice Inspectorate of Northern Ireland into the ways in which OPONI handled legacy related investigations. See further Criminal Justice Inspectorate NI (2011) *An Inspection in to the Independence of the Office of the Police Ombudsman for Northern Ireland.* https://www.cjini.org/getattachment/fee7c8c8-4e16-4492-ba70-fefbaf39427f/report.aspx

37 The family also received the support of British Irish Rights Watch (BIRW) in their engagement with the HET. See further BIRW (2007) *The Murder of John Crawford 9th January 1974.*

38 Historical Enquiries Team (28th September 2010) *Review Summary Report Concerning the Murder of John Crawford.*

in 1974 and that there was correspondence between the RUC and the Australian police in 1976 regarding Suspect A's alleged involvement in a number of sectarian numbers including John's but he was never charged or extradited because of a lack of evidence and that he died in Australia in 1986.[39] More problematically, from the family's perspective, in keeping with the HET's policy and practice, it would neither confirm nor deny that Suspect A was a state agent. Rather than dispelling the family's concerns over collusion this simply heightened them.

The completeness of the HET report was further undermined by the fact that of the two original RUC detectives who investigated the killing one was now deceased while the surviving investigating officer refused to cooperate with the HET investigation. The family were also dissatisfied by what they regarded as the HET's inability or unwillingness to provide adequate explanation for the same aspects of the RUC's conduct during the original investigation as were requested from the OPONI. Ultimately, the HET concluded that its review had created no new evidential opportunities to warrant the arrest or interview of any of the remaining suspects.[40]

In short, while the HET had helped to clear John's name and establish that he was the victim of a sectarian assassination and to rectify a number of misleading assertions made after his death, it failed to address several concerns held by the family.

Journalistic Coverage of the Case and a 'Retraction'

In 1997 a book on the UVF written by journalists Jim Cusack and Henry McDonald was published. In it the authors discussed the killing of John Crawford. They suggested that 'local sources' claimed that John had been shot dead because he had earlier been identified as the gunman in the IRA killings of alleged petty criminals Arthur McKenna and Alexander McVicker in Ballymurphy in 1970. They further alleged that John had been shot by a close relative of McKenna who was working in conjunction with the UVF and that this person later admitted to being an RUC Special Branch agent.[41]

In wrongly linking John to the Ballymurphy killings, the journalists caused further distress to the Crawford family who challenged the claims as soon as they became aware of them. PC had first encountered the claims when reading the book after it had been bought for him as a gift by his daughter. As he articulated at the time:

39 Ibid, p.30-31. Suspect A has been publicly named by the media see (e.g. Sunday World 23rd 2007, UVF's Catholic Killing Spree) and in a number of books on the conflict. see e.g. C. De Baroid (1989) *Ballymurphy and the Irish War* Pluto Press; J. Cusack and H. McDonald (1997) *UVF*. Poolbeg Press.

40 Historical Enquiries Team (28th September 2010) *op cit*.

41 J. Cusack & H. McDonald, *UVF: The Endgame* (Dublin: Poolbeg, 2008), p.141-42.

> The inference from this book was that my father was somehow involved in an IRA shooting. That is a complete fabrication. My father was a totally innocent Catholic who, like hundreds of others, was targeted by the UVF because of his religion.[42]

Annoyed and upset by these claims, the family contacted the journalists on-line asking them to explain their claims. The journalists did not respond and ultimately the family lodged a complaint with the Press Complaints Commission over the serialisation of the book in a leading newspaper. Their complaint was not upheld.

Sometime later PC had a chance encounter with one of the authors, Henry McDonald, and eventually secured a further meeting. During this meeting PC again outlined to Mr McDonald the reasons behind the family's grievances over the claims made in the book. PC produced a copy of the HET report for Mr McDonald, drawing his attention to the relevant section where the HET clearly states that it has neither evidence nor intelligence to suggest that John was involved in the Ballymurphy killings or involved with any armed group.

Ultimately Mr McDonald accepted the evidence in the HET report and agreed to discuss the matter with his co-author. In the following weeks the journalists drew up an apology which they had forwarded on to PC for his consideration. This was eventually published by the Andersonstown News on 22 July 2017.

In an open letter carried by the newspaper, Mr Cusack and Mr McDonald said that they 'fully accept the HET report findings and can only conclude that we were given erroneous information at the outset in researching this dark episode in the early Troubles'. The journalists commented further:

> We have always believed in the need for journalism to correct itself. We are not infallible. We can make mistakes. We have always supported the idea of correcting and clarifying errors. In this spirit we are happy to accept the HET and Paul Crawford's determination that his father was not involved in the action attributed to him and was like so many others in this conflict an innocent caught up in the violent maelstrom that almost destroyed this society and which shattered so many lives.[43]

For PC the retraction brought the matter of the false claims to a close:

> There are no hard feelings, no criticisms or conflict between us. They went for the dog in the street rather than relying on evidence-based truth recovery and as a result my father was portrayed as someone he wasn't. A simple rebuttal from the family would have balanced their report.[44]

42 'UVF-RUC link probe plea', *Andersonstown News*, Sat 21 June 1997.
43 *Andersonstown News*, 22 July 2017. 'HET got it Right about the Shooting of John Crawford',
44 *Andersonstown News*, 22 July 2017 'Son to UVF: Tell the Truth about my Dad',

He added that the journalist's public acceptance of the HET report's findings on John by the journalists finally meant that 'my father's name has been cleared'.[45]

The Emergence of the Victim Centred & Co-designed Truth Recovery Process

By the time the journalists' retraction was published in the Andersonstown News, the Crawford family had garnered some additional information. They had in due course learnt that the UVF were responsible, even though the organisation had made no formal claim of responsibility.

Nonetheless, a number of questions surrounding John's death remained for the family. The continued desire of the family to seek answers to these questions led to PC requesting WI to seek further information regarding his father's murder.

With the onset of political negotiations over proposed mechanisms to 'deal with the past' in Northern Ireland, PC had become more publicly visible in seeking answers to his family's questions. In an engagement with the Haass/O'Sullivan consultation process he had indicated that while his family and the UVF would inevitably disagree on the latter's targeting of his father, this did not prevent the UVF from providing factual information to clarify a number of aspects related to the death.[46] In his public discussion of the issue PC had consistently stated that he harboured no hostility towards the person convicted for his father's killing and that he did not seek any further retribution for it.[47] Rather, he stated on a number of occasions that he wanted was to 'achieve the greatest degree of information retrieval possible', something, he argued, that should not be conflated with any desire on his part for 'blame allocation' or revenge.[48]

PC continued to follow the wider legacy debate closely. In 2015 when a number of loyalists posted on social media about a forthcoming Progressive Unionist Party Annual Conference where legacy would be discussed PC contacted one of those in the social media conversation (WI) to ask if he would be welcome at the event. Following a positive and encouraging response, PC attended the conference accompanied by WI.

PC became reacquainted with WI at another conference on legacy at Queens University in January 2016. As noted above, at this event PC made a contribution from the floor, indicating again that he had no hostility towards the man convicted for his father's death and no desire

45 Eamonmallie.com Paul Crawford, 'West Belfast man Simply wants UVF to publicly acknowledge father's killing', 25 July 2017, <http://eamonnmallie.com/2017/07/west-belfast-man-simply-wants-uvf-publicly-acknowledge-fathers-killing/.

46 The Haass O'Sullivan negotiations were conducted between the main Northern Ireland political parties in 2013 under the direction of US diplomats Richard Haass and Megan O'Sullivan on a number of issues including dealing with the legacy of the conflict. They did not reach an agreement although various mechanisms considered in those negotiations were ultimately incorporated into the Stormont House Agreement the following year.

47 *Irish News*, 3 February 2016 'Britain must open Fortress Mind-set to end Legacy Logjam'.

48 Eamonmallie.com Paul Crawford, 'West Belfast man SIMPLY wants UVF to publicly acknowledge father's killing', 25 July 2017, <http://eamonnmallie.com/2017/07/west-belfast-man-simply-wants-uvf-publicly-acknowledge-fathers-killing/

to punish anyone else but that he wanted truth recovery in the form of information retrieval. WI told PC of his personal willingness to try to help PC in whatever way he could.[49] Encouraged by these comments, PC commenced a further on-line exchange with WI via social media. During the course of this interaction through private messaging on social media PC told WI that he wished him to engage on his behalf to 'test' the stated commitment of loyalists to information recovery on the issue of his father's killing.

This private exchange on social media developed into face-to-face contact, leading to over a dozen meetings between the pair. These meetings slowly yet organically developed into a victim-centred co-designed truth recovery process between PC and WI. This process ultimately led to PC and his family being provided with a family report containing a written statement of responsibility from the UVF for the death of John Crawford, which included factual information sought by PC about his father's killing. As far as PC is concerned, this process far exceeded his expectations.

Several factors were central to ensuring a successful outcome to this engagement that could inform best practice in analogous truth recovery processes;

- the importance of building and maintaining ***relationships*** of trust,
- the identification and management of ***expectations***,
- understanding the role and position of ***the victim*** in the process,
- understanding the role and position of ***the interlocutor*** in the process,
- understanding the role and the position of ***the group/organisation who was responsible for the original hurt*** in the process,
- thinking through/reflecting on how ***co-design*** works in practice,
- the identification and management of ***difficulties***
- understanding what ***success*** might look like and accepting its ***limitations***.

The remainder of this report will now discuss how each of these issues arose and were addressed in the co-design process.

49 *Irish News*, 3 February 2016 'Britain must open Fortress Mind-set to end Legacy Logjam'.

Lessons Learned from the Co-Designed Truth Recovery Process

In discussing the ways in which this process evolved, there are a number of themes which may be of broader relevance.

The Importance of Building a Relationship

At the beginning of a process such as the one described herein, it was inevitable that both PC and WI had concerns about the other's motivations for engaging in the process and the 'genuineness' of their purported commitment to it. Each party asked themselves 'what's in it for the other side' and then slowly tried to gauge the bona fides of the other party in terms of what they did and said.

As the relationship between WI and PC began to evolve, this was a particularly difficult period for loyalists in the legacy process. Unlike during the negotiations which led to the Good Friday Agreement, loyalists were not at the negotiating table when the SHA legacy mechanisms were agreed in 2014. In addition, a trial was ongoing at the time involving UVF member Gary Haggarty which compounded the impact of HET investigations on loyalist attitudes towards the 'dealing with the past' process.[50] In agreeing to act on behalf of PC in seeking information on the murder of PC's father, WI was aware of a general scepticism within loyalism about legacy issues in general including the risks that such a process might incriminate loyalists or even entrap them for a tabloid exposé. As their engagement developed into face-to-face personal interaction, PC's obvious sincerity in these interactions helped to assuage many of WIs initial concerns.

For his part, PC also questioned what WI could possibly gain from engaging with him. He was, after all, asking WI to act on his behalf in a truth recovery process into his father's murder – a process that might well cause political discomfort for loyalism. PC was also aware that WI or any other person with whom WI engaged on his behalf had no legal protections or immunity from prosecution during the engagement. Through discussions with WI, PC came to the view that WI and others viewed this case as a risk but also as an opportunity to test uncharted waters in dealing with legacy issues and as a possible 'pilot project' which might provide a 'route map' for other cases if the proposed legacy mechanisms in the SHA were enacted.

50 Gary Haggarty was a former UVF leader in North Belfast who also worked as a police informer for 11 years. After turning state witness in 2009, Haggarty provided information on 55 Loyalist murders and 20 attempted murders in the course of over 1,000 police interviews. That information resulted in one man being charged for two murders. Other charges were not forthcoming because of the lack of supportive evidence. Despite having admitted to involvement in five murders and wide range of other offences, Haggarty was given a reduced sentence for the information provided of six and a half years – later extended to ten years by the Court of Appeal for being overly lenient. See further BBC 11th May 2018 *'UVF Supergrass Gary Haggarty Released from Prison'*; *The Guardian* 8th March 2018 *'How Many Murders Can a Police Informer Get Away With?'* BBC 17th April 2020 *'Gary Haggarty: UVF 'Supergrass' Has Sentence Increased.'*

PC's increased willingness to accept WI's bona-fides to act on his behalf was also based on what he termed the 'respect', 'civility' and 'honesty' about what was achievable.

From early on in this process PC and WI agreed that regardless of what happened politically outside of their engagement, they would continue to engage as two individuals in the process seeking a successful conclusion. As individuals the pair committed to 'do no harm' to each other. Both identified that a relationship of trust between them was crucial.

The process required the emergence of relationship of trust. Such trust was engendered early on by a very clear 'ask' from PC and an equally clear and respectful response from WI as to what was deliverable.

The Management of Expectations

From the outset of their engagement PC made it clear to WI that what he was looking for was 'the greatest degree of resolution possible' in relation to recovering factual information about his father's death. He also highlighted to WI what he did not seek from the process; he was not looking the names of the people involved in the killing, he was not looking for an apology nor 'sackcloth and ashes' as he put it, he was not looking to re-punish the person already convicted for his father's killing, and he was not pursuing criminal prosecution of the others involved.

Rather, what PC sought from the process was to know why his father was targeted, and whether there was collusion as his family suspected. In addition to recovering particular information, PC also wanted the UVF to take 'corporate responsibility' for the killing, finally acknowledging that they had been the organisation responsible.

The clarity of PC's request and the generous way in which it was expressed convinced WI that PC was simply 'trying to get to the bottom of what happened to his father' and this information could only be provided from within loyalism.

In agreeing to act on PC's behalf as an interlocutor, WI suggested from early in the process that based on his judgement, no loyalist organisation would ever disclose the identities of the personnel involved nor the number of people involved in the killing. However, with those caveats made clear, he would agree to act on PCs behalf and at least seek the factual information and corporate acknowledgement sought by PC.

PC and WI also agreed from early in their engagement that the process was not going to deliver the 'closure' that is sometimes discussed in transitional justice processes.[51] PC never expected to get closure from the process as he does not believe closure actually exists. Sharing a similar view on the limitations of closure, WI still considered that there was a moral obligation to do whatever was possible to get some answers that might assist PC and the Crawford family.

51 See e.g. H. Weinstein (2011) 'The Myth of Closure, the Illusion of Reconciliation.' *International Journal of Transitional Justice*, 5, 1 1-10.

The lesson learnt here is that a successful process depends on the expectations of those involved being identified, clarified and then frankly discussed from the outset. If certain expectations cannot be delivered, or if particular information will not be disclosed, then this needs to be communicated openly and honestly. More generally, such processes should be cognisant of the limitations of what such information recovery will deliver in terms of closure.

The Role of the Victim

PC's experience provides an insight into the position of a victim in instigating and directing a victim-centred truth recovery process. The victim is an active party to the process rather than a passive recipient of information imparted by an interlocutor. PC's experience shows that at particularly challenging junctures, the active involvement of the victim can help to maintain a process and overcome any difficulties which arise.

For PC, one of the first things that he had to reconcile himself with was the particular context of his father's murder. Although willing to accept the reality of politically motivated violence as an element of the Northern Ireland conflict, he could not accept any possible justification for the sectarian murder of his father. He therefore knew from the outset that he would not/be unable to accept any wider contextual justification offered by the UVF.

In addition, PC was required to consider the range of ways in which the disclosure of additional factual information on the murder might affect him or his family. The Crawford family had the previous experience of having readied themselves for the possibility of an 'uncomfortable truth' when they asked the HET to investigate the claims made about John's involvement in the Ballymurphy killings.

More generally, PC suggests that victims may wish to consider what they mean when they say they want 'the truth'. For example, this may involve asking themselves whether or not they actually need or want to hear particularly graphic details about their loved one's death in pursuit of attaining the greatest degree of resolution possible. Perhaps, he suggests, what they may need or want is an account that explains the circumstances of the death without having to learn particularly distressing details.

As well as understanding and accepting the limitations of what WI could deliver, PC recounted how he sought to make WI's role as an interlocutor acting on his behalf easier. As is discussed further below, this included him adopting carefully considered pubic positions in managing difficulties when they arose. It also required him to help design and then adhere to a set of mutually agreed ground rules on the process with WI.

For PC this presented a number of practical difficulties which any victim preparing to engage in such a process should consider. These ground rules entailed accepting the lengthy and often protracted nature of the process with WI having to listen to PC and then, acting on his behalf, to relay those questions to others, await and receive the answers and relay these back to PC. It also meant agreeing to a process of managing any difficulties that might arise and agreeing not to make public the process without prior agreement.

This naturally presented PC with issues about how he managed the process with regard to communicating with his (large) family in terms of the process. PC was very clear that he was speaking on behalf of himself regarding his engagement with WI. As in any family, other family members may not have shared all of PC's views on prosecutions, information recovery and so forth. While he hoped that the process would be of benefit to the family as a whole, he was limited in what he could reveal about his engagement with WI in order to safeguard the confidentiality of the process. For PC, another lesson for any victim engaged in such a process is therefore how to manage relations with one's own family during such a sensitive process.

The Role of the Interlocutor

If PC's experience provides an insight into the role and position of the victim, then WI's experience can usefully provide a similar insight into the role and position of the interlocutor acting on behalf of a victim or survivor. In particular, it can inform any prospective interlocutor about the nature of the tasks they will have to undertake, the time and effort that will need to be invested into the process and the physical and emotional challenges likely to arise for them. It also speaks directly to the challenges of such a process where the interlocutor has neither the physical resources or the legal protections often available to interlocutors involved in official truth recovery initiatives.

For WI, the interlocutor must remain in a position where they can accurately mediate between what the victim wants, what the victim needs and the maximum degree of resolution that is possible. Careful consideration must be given by the interlocutor to understanding what it is that the victim is asking for and how this may be practically achieved. WI was aware that, in acting on PC's behalf in seeking this information, he was 'vouching for' the sincerity of the victim's intentions to the broader loyalist constituency.

WI also had to convince PC that he had the ability to be an effective interlocutor acting on his behalf in seeking the information requested. PC had previously sought information from within loyalism on his father's death on two occasions, using a different interlocutor each time. Both these efforts failed because the interlocutors did not appear to have the capacity to request and receive the relevant information. To test his capacity, PC asked WI to seek information on his behalf about a specific question which had not been reported publicly about his father's murder. When a satisfactory answer was eventually relayed back through WI, PC was persuaded that WI had the ability to act on his behalf as an effective interlocutor.

WI also cautions that any prospective interlocutor must ready themselves for, and accept, the fact that some people within their own constituency may also question the motives of the interlocutor and why they are helping the victim. In addition, WI suggests that any interlocutor acting on behalf of a victim must be sure to report both what is being asked and the responses with great clarity and precision.

WI also suggests that, while he and others within loyalism had publicly made offers to help victims, little sustained thought had been given to the practicalities of managing such engagement. PC's request provided an opportunity for a 'pilot project' of sorts.

Once WI passed on the information request from PC, the view came back to him that current or former members could not be compelled to participate but that they would be encouraged to engage on humanitarian grounds. The capacity to deliver the relevant information was therefore dependant on whether those still living with direct involvement or first-hand knowledge of the events chose to cooperate. WI was also told that there were concerns regarding the well-being of those involved, given that they were now being requested to revisit past acts of violence in which they had been involved. WI was also told that some relevant individuals were now deceased and that individuals had to be tracked down, their cooperation sought, their accounts verified and then triangulated with other sources such as the HET report or Inquest information. All of this was a complex and time-consuming process.

WI was eventually informed that the UVF was prepared to accept corporate responsibility for the killing. This reflected the reality that the UVF had provided the infrastructure behind the killing including intelligence, weapons, transport and that those who carried out the murder were UVF-affiliated. PC was content to accept this admission of corporate responsibility from the UVF.

When information was forthcoming, WI also had at times to make an assessment of what information to forward to the victim. A particular challenge was balancing PC's desire for the fullest information possible while respecting his wish not to be informed of particularly graphic details likely to cause him distress or trauma.

In addition to the incremental passing of information during the process, WI also had to give due consideration as to how the final product – a formal statement from the UVF – would be delivered and the impact that it might have on PC. When giving PC the report at the end of the process WI took him to a private room, made a cup of tea and gave PC some time and space to reflect on its contents.

The time and effort required for an interlocutor to engage in such work should not be underestimated. In addition to meeting with PC dozens of times, keeping him informed of the progress at each stage, and then acting on his behalf to pass and relay back the relevant information, the process also required an extensive range of meetings within loyalism.

The Importance of Co-Design

Both PC and WI attribute the success of the process to the fact that it was co-designed. The combined input of the victim, interlocutor and those willing to help within loyalism allowed the process to be focused on achieving the greatest degree of resolution possible. Co-design was also integral to success when it came to the problematic issue of claims of possible collusion in the case, both in terms of recognising the victim's claims of possible collusion but also taking account of the possibility that there may be a different understanding from the loyalist group's viewpoint.

Admittedly, the potential for a co-designed process to emerge and then evolve into a successful conclusion was aided by the evolution of PC and WI's personal relationship and the ground rules they agreed upon. These included:

(a) a mutual veto;

(b) nothing being off the table in discussions;

(c) an agreement that neither would talk to anyone else or in public about the process;

(d) an agreement that any difficulties would be discussed in an open and non-threatening way and that any questions asked by either side would be answered honestly;

(e) a discussion on what level of information could be delivered and how;

The pair also conducted a joint SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis of the proposed process, concluding that the process was viable with the investment of the good faith and commitment of the victim, the interlocutor and the armed group.

The level of co-design between PC and WI increased after the relevant information had been communicated verbally and the pair began to explore how this might be translated into a more formal form of acknowledgment by the UVF. They discussed the structure, format and content of what a written response might look like, even going so far as to discuss ideas and exchange draft papers with WI again playing the interlocutor role acting on PC's behalf.

Managing Difficulties When They Arise

As noted above, the success of the process relied on any difficulties being managed by all those involved in the process. Consistent, frank and honest communication between those involved was the key to successfully managing any difficulties in the process.

As noted, from the outset, PC accepted that his request presented a difficulty for loyalism given the Haggarty Supergrass trial and other events with loyalism. He was also aware of the practical and logistical difficulties his request brought including the lack of legal protections, some relevant individuals being dead, memories being impaired and a general lack of trust.

In addition, it was clear from the start that the collusive aspect that the Crawford family wanted addressed would be challenging for UVF because of the wider politics surrounding collusion claims in the legacy debate. There is a widespread perception amongst loyalists that claims of collusion are deliberately used by republicans to diminish loyalists, denying or minimising loyalist agency and instead framing them as 'puppets' manipulated by state agencies. This is a claim vigorously contested by loyalists.[52]

After revisiting the circumstances and motive behind the killing and looking at the facts that were presented without leading anyone astray, the UVF concluded that there was no evidence

52 See e.g. A. Edwards (2017) *UVF: Behind the Mask*. Dublin: Merrion Press; B. Hutchinson (2020) *My Life in Loyalism.* Dublin: Merrion Press.

of collusion or of a joint enterprise involving other agencies or groupings in the killings of Mr Crawford. On this point the statement of responsibility concluded:

> While the UVF had no reason to doubt the authenticity of the information provided by Person A identified in the HET report, it was accepted, with the benefit of hindsight and the passage of time, that the information which the UVF acted upon and which resulted in the murder of John Crawford was indeed flawed.

Other challenges inevitably arose in such a complex process. One such difficulty arose following the Andersonstown News framing of the retraction by the journalists Jim Cusack and Henry McDonald. The newspaper presented the story of that retraction under the heading 'Son to UVF: Tell the Truth About My Dad.'[53] This headline created difficulties for WI. As WI noted, while it was obviously the sub-editor rather than PC who chose the headline, some individuals within loyalism expressed concerns that 'they were being bounced here'. Partially in order to assuage those concerns, PC decided to make two further public interventions in the media. PC first wrote an article on the Eamon Mallie website in which he recounted what had happened to his father and his family's search for truth recovery. In that article he deliberately made a point of referring to 'UVF volunteers' and stated:

> The proper place for me to seek the answers I require is through the ICIR and the safeguards of the Stormont House Agreement systems of delivery. I have no demand to make and no threats to issue. I would however find it helpful as I await the setting up of these structures if the UVF, as a corporate entity, could publically acknowledge what has been in the public domain since 1978 – that they acknowledge responsibility for the taking of my father's life. It is my hope that they consider doing this in the spirit of post-conflict resolution.[54]

After this article was published, PC received a request to appear on BBC Radio Ulster Talkback. He discussed with WI whether appearing on the show might jeopardise the process ,and they both agreed that saying yes the interview request was probably the right course of action. WI recounted the effect of PC's appearance on the show in the following terms.

> I had briefed a number of people to tune in to the programme because I knew exactly what day it was due to be on. It was probably was one of the most powerful pieces of radio I have heard. It was really profound. Paul just reiterated what he had been saying in private, every sentiment, every reassurance. He again referred to UVF volunteers. His integrity and humanity just shone through. It was a profound. I got a message sometime later to confirm, 'we will continue to engage'. It just blew any negativity away.

53 *Andersontown News*, 22nd July 2017. In the text of the article Paul is quoted as saying *'I believe it is unrealistic to expect people who went to jail for conflict-related actions to name the individuals who acted with them in their actions and its unproductive to expect it at this stage. However, when people feel passionate enough to take a life their organisation should be fit to give their greatest degree of corporate explanation that is reasonably possible.'*

54 P. Crawford (25th July 2017) 'West Belfast Man Simply Wants UVF to Publicly Acknowledge Father's Killing.' Eamon Mallie.com Blog. West Belfast man Simply wants UVF to publicly acknowledge father's killing - By Paul Crawford - Eamonn Mallie

PC's obvious sincerity on a public platform was thus enough to convince the sceptics within loyalism about his genuineness based on what PC himself had written and spoken, rather than relying exclusively on WI's judgement.

In this instance, both PC and WI recognised the disruptive potential that PC's search for a retraction from the journalists could have on the process and both worked collaboratively to try to minimise the risks.

What Did 'Success' Look Like in This Process?

For the process undertaken by PC and WI to be deemed a success it had to satisfy the expectations identified at the beginning of the process itself. The information provided to PC through the process had given him what he called 'absolutely full answers and full resolution'. While PC was keen to gain an honest verbal account of what had happened, he had been provided with a written account by the UVF. The fact that this account appeared as an official UVF document and was signed off by the UVF nom de guerre gave PC the acknowledgment of corporate responsibility for which the family had been searching.

The process also provided clarity to the family in terms of the location of the killing and the fact that took it took place within the factory itself. Although the UVF would not identify anyone involved in the killing, the organisation did provide clarity on an individual that the family had suspected without actually naming the individual in the report to the family. Despite the obvious challenges for the UVF, the agreed formulation which included addressing the claim of collusion in the statement of responsibility provided the victim with the acknowledgment that he had wanted. In fact, PC suggested that the process and resulting report had 'gone much further than' he had expected.

Conclusion

It is certainly arguable the PC should never have had to initiate and lead this process himself. Promises to help victims to address the legacy of the past have been continuously broken. That said, the engagement between PC and WI and the information which it generated for the Crawford family is regarded by PC as a success. Relationship of truth were developed between PC and WI, the process was victim-centred and co-designed. It is the first time that the UVF has issued such a report to one of its victims, addressing issues raised specifically by the victim rather than issuing a standard claim of responsibility.

The success of this process speaks more broadly to the potential of an interlocutor providing truth recovery to those victims of the Northern Ireland conflict. However, it is difficult to envisage circumstances where this experience could be replicated without the legislative framework that was envisaged in the Stormont House Agreement.

The mechanism agreed to in the Stormont House Agreement (the Independent Commission on Information Retrieval, ICIR) that was intended to facilitate precisely this kind of process has been abandoned in the current legacy legislation – the Northern Ireland Troubles and

Reconciliation Legacy (NITLR) Bill. It seems clear that the proposed conditional amnesty contained in that Bill will only apply to those who have been directly involved in conflict-related offences and (unlike the ICIR) no protections will be provided to anyone engaged in an interlocutor role between victims and armed groups such as that described in this report. Moreover, even if an individual did apply for an amnesty under the NITLR process relating to the particular offences in which they were directly involved, there is little reason to believe that they would then have the credibility to act as an interlocutor with their respective organisations in seeking information on behalf of victims.

As discussed above, in its drive to enact an amnesty for British army veterans, the UK government has abandoned its previous commitment to help the victims of paramilitary violence by introducing a process designed to help secure information from armed groups through the use of an interlocutor.

While of course there is a no 'one size fits all' approach to truth recovery, and victims should always have a choice as to whether they wish to engage in a process such as that described herein, the removal of that option for victims represents a significant retrograde step. When that removal is considered alongside all of the other elements of this Bill – the ending of police and Police Ombudsman investigations and their replacement by a Commission with inadequate investigative powers, denying victims access to the courts through inquests or civil actions, and a conditional amnesty scheme where the qualifying bar is so low it is almost impossible for it not to be granted – it is all the more egregious.

While many are understandably cynical about the viability of seeking information from armed groups, the process described in this report suggests that such a work is viable with some groups where there is the political will and the organisational capacity to engage via an interlocutor. Of course, the SHA was explicit that only victims who wished to seek information through the proposed ICIR mechanism would do so. To be clear again, such a process would not have been desired by all victims and no victim should ever feel pressurised to engage in such a process. The current legacy bill has removed that choice from victims.



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