

# Satisfaction with the HET: Relatives' Views

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## Introduction

In July 2013, Her Majesty's Inspectorate of Constabulary (HMIC), called in by the Chief Constable of the Police Service of Northern Ireland (PSNI) to examine the PSNI's Historical Enquiries Team (HET), issued its report.<sup>1</sup> The trigger for this examination was a critical assessment of the operations of the HET published by Professor Patricia Lundy from the University of Ulster.<sup>2</sup> Among other matters the HMIC considered whether families who had dealt with the HET had been happy with the service they received. It did this in two ways. First it summarised the results of three surveys commissioned by the HET and conducted between February 2009 and August 2011 by Quadriga Consulting.

Each survey identified high levels of satisfaction with the performance of the HET team. For example, in the August 2011 survey, 64 percent of families were found to be 'very satisfied'. Only a small cohort of the families surveyed expressed dissatisfaction with the HET. In the first survey in 2009, 5 percent were dissatisfied, which reduced to 3 percent in the most recent survey in 2011.<sup>3</sup>

HMIC did raise some questions about the methodology employed, specifically in relation to how the families were selected. For example, in 2009/10, the HET delivered completed RSRs (Review Summary Reports, in effect final reports) to 493 families, 164 of whom were referred to Quadriga Consulting by the HET; in 2010/11 231 of the 470 families who had received final HET reports were referred to Quadriga Consulting. No indication was given as to how this selection took place. Moreover, three categories of families were not included in the surveys: those who decided not to engage with the HET, those who had initially engaged but then disengaged, and those who had not yet received a final report. As HMIC concluded: 'A more balanced picture might be produced by including all who have been contacted by the HET.'<sup>4</sup>

Secondly, HMIC, in its own words, 'consulted widely' on the same issue of family satisfaction. On this basis they concluded: 'Some families were extremely satisfied with their engagement with the HET process and others less so'.<sup>5</sup> It is difficult to be enthusiastic about this conclusion. For a start, its imprecision leaves much unanswered. But more problematic is the fact that HMIC spoke only to 13 families.

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<sup>1</sup> HMIC, *Inspection of the Police Service of Northern Ireland Historical Enquiries Team*, 2013

<sup>2</sup> P. Lundy, 'Can the Past be Policed?: Lessons from the Historical Enquiries Team Northern Ireland', *Journal of Law and Social Challenges*, 11, 2009:109-171

<sup>3</sup> HMIC Report: 15

<sup>4</sup> HMIC Report: 71

<sup>5</sup> HMIC Report: 53

## **Methodology**

This research project sought to go beyond the HMIC numbers to interview as many families as possible in a relatively short period of time with a view to ascertaining satisfaction levels. Before reporting on the results, it is necessary to spell out the methodological issues involved.

During the six weeks of November and early December 2013 82 families were interviewed. Accessing these families proved to be the first problem. I sought help a range of NGOs dealing with victims of the Northern Ireland conflict as well as from a number of solicitors' firms supporting families in their dealings with the HET. Thus, I was dependent on 'gatekeepers' for access to families as the HMIC also was. I do not use this word pejoratively. The issues with which these families are dealing have been highly traumatic and in many cases it has taken a great deal of time and effort for them to come to trust the NGO or solicitor concerned. Confidentiality was also an issue, with the result that no NGO or solicitor was simply going to provide names and telephone numbers for me to approach the families myself. In the end a number of solutions emerged. In most cases, the NGO or solicitor concerned talked to the families who then agreed to be interviewed. These interviews mainly took place in the solicitor's or NGO's premises. Because of difficulties relating to distance or health, a handful of interviews were conducted by telephone and a small number involved the family member writing down answers to the questions themselves and forwarding them to me. The second scenario, in about a sixth of the cases, involved the NGO or solicitor concerned conducting the interview on my behalf using the identical questions. The purposes of the interview were explained carefully to each person in advance, including the fact that there would be total anonymity in relation to their answers, and each signed a form indicating their agreement to proceed.

In the end 82 people agreed to be interviewed. Seven of these had refused to engage with the HET process. Three had initially engaged with the HET but later withdrew over severe criticisms of the process. The others continued through with engagement. 46 (61 percent of those who engaged with the HET) had received RSRs (final reports), while 28 (37 percent of those who engaged) had not, even though in some cases they had been dealing with the HET for six or seven years. Five of those interviewed noted specifically that the decision to suspend HET operations in the aftermath of the HMIC report meant that they did not receive reports which, they had been assured, were ready to be released. However, the vast majority had had no assurances as to the expected date of release of a final report.

When the range of interviewees is broken down in terms of the status of the victims and of the organisation responsible for their deaths, it is evident that the sample is skewed. As the following tables indicate, in no instance did the number of people interviewed in each category match exactly what would have been expected had they been exactly proportionate to the spread of victims and perpetrators as actually occurred in the conflict.

Category	Number interviewed	Number killed in conflict	Proportionate number to be interviewed
Catholic civilian	45	1232	28
Protestant civilian	6	698	16
Irish Republican Army members	17	293	7
Sinn Féin member	2	16	4
Ulster Defence Regiment member	7	206	5
Royal Ulster Constabulary member	2	200	5
Member of loyalist paramilitary groups	1	144	3
British army member	1	503	11

Table 1: Interviewees by category of victim<sup>6</sup>

Category	Number interviewed	Number killed by group	Proportionate number to be interviewed
Loyalist paramilitary groups	30	1051	24
British army	36	301	7
Irish Republican Army	16	1771	40

Table 2: Interviewees by category of perpetrator

In some cases the discrepancy between actual and proportionate numbers is very pronounced. Thus, two and a half times as many families whose dead relative had been an IRA member were interviewed as would have been the case if the number of interviewees was proportionate to the actual deaths in the conflict of IRA members. Conversely, less than 10 percent of the proportionate number of families of British army dead were interviewed. Similarly there were discrepancies in relation to perpetrators. Five times as many families of victims killed by the British army were interviewed than would have been the case if the number had been proportionate to actual deaths, and less than half of the proportionate number of families of victims of IRA killings.

I made every attempt to access as many families as possible across as wide a range of categories as possible, but, given my dependence on gatekeepers as well as the limited time available for the research, I have not succeeded to the extent I would have wished. Some of the biases in sampling can be partially justified. For example, given that the trigger for the

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<sup>6</sup> In Tables 1 and 2, the total number of victims of the Northern Ireland conflict is taken to be 3636. See D. McKittrick et al. *Lost Lives: the stories of the men, woman and children who died as a result of the Northern Ireland troubles*, Edinburgh, Mainstream: 1474

HMIC examination was the preferential treatment given to reviewing cases where the victim had been killed by state forces, as well as the HMIC's conclusion that such preferential treatment was 'illegal',<sup>7</sup> it may be somewhat fitting that my results are skewed in that direction. After all, if this problem was severe enough to warrant the intervention of the HMIC and the suspension of HET operations, then the satisfaction or otherwise of relatives of the victims of state killings is especially relevant. However, there is no denying that with more access and time a more representative sample could have been reached and the results of this research would have been correspondingly more reliable and generalisable.

The focus of the research was to find out what families felt about their encounters with the HET and to what extent this coincided with the high levels of satisfaction reported by the HET and HMIC. A particular concern was that the HMIC sample was extremely small and that any policy decision based on this assessment could be flawed. My research sample is larger and more inclusive, the research questions were designed to probe satisfaction levels specifically and it was conducted after HMIC's damning report of the HET. In short, the findings of my research have more validity. All 82 people interviewed were asked the same questions and their answers were carefully recorded. I am extremely grateful to all of those who gave their time, not least those who found the task of recounting the issues to do with the death of their loved one highly emotional. And I am also grateful to all the organisations which gave me access.

## **Results**

This research was qualitative in nature. Respondents did not simply tick boxes that corresponded most closely with their opinions but provided narrative replies to the set of questions asked. As a result, some judgement was required in terms of transferring the range of answers into a limited set of categories. When people were classified as being 'satisfied' or 'dissatisfied' from their engagement with the HET, this was on the basis that their reply mainly focused on that conclusion. That said, very few were unequivocally happy with every aspect of the process. Most people, including those who said they were glad to have engaged, had to some extent mixed feelings. Conversely, even some of those who concluded that they were not glad to have engaged pointed to some positive points. Those categorised as having mixed feelings were genuinely ambivalent about their experience. And finally, those classified as strategic subverted the notion of satisfaction by answering immediately that they were glad to have engaged, but not for the obvious reason that the process met their needs; rather, it confirmed their suspicions.

### **Satisfaction**

Those people who had engaged with the HET (75 of the 82 interviewees) were asked if they were glad they had done so. Their replies were grouped in five categories, as follows.

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<sup>7</sup> HMIC Report: 85

Victim	Yes	No	Mixed	Strategic	Don't know
Catholic Civilian	5	16	12	7	1
Protestant Civilian	1	4	0	1	0
IRA	1	8	4	3	0
Sinn Fein	0	1	0	0	0
Loyalist paramilitary	0	1	0	0	0
British army	0	1	0	0	0
UDR	1	3	1	2	0
RUC	0	1	0	1	0
Total	8	35	17	14	1

Table 3: Responses to question regarding satisfaction in dealing with the HET (N=75. Excludes seven cases where no engagement with HET)

The column labelled 'strategic' needs explanation. These were people who stated that they were glad to have engaged with the HET, but it quickly became clear that they were satisfied not with the process itself but with what it confirmed for them or what it encouraged them to do independently.

The level of satisfaction differed between different categories of victims, as shown in the following table.

Victim	Number interviewed	Number satisfied	Percent of category satisfied
Catholic Civilian	41	4	13
Protestant Civilian	6	1	17
IRA	16	1	6
UDR	7	1	14
Total	70	8	12

Table 4: Satisfaction by % (N=70. Excludes seven cases where no engagement with HET. Also excludes categories with less than five members.)

As the table shows, only 12 percent of all those interviewed were glad they had engaged with the HET. This ranged from a high of 17 percent for relatives of Protestant civilians to a low of 6 percent for relatives of IRA members.

The reasons given for satisfaction included the positive relationship with the HET officers and the fact that the relatives had received information about the killing they had not previously had.

### *General*

I was content. The glass was half full rather than half empty. To say otherwise would be churlish (relative of Catholic civilian killed by loyalists).

### *HET officers*

Top of the list. I'm very glad I got involved. They earned the respect and trust of the families (relative of Catholic civilian killed by loyalists).

I was very emotional and they couldn't have been more understanding (relative of UDR member killed by IRA).

They were non-judgmental and open to hearing the family's perspective (relative of IRA member killed by British army).

It was a great experience. It was good to meet police officers who wanted to do their job (relative of Protestant civilian killed by loyalists).

They were nice people, never rude or aggressive. They were sympathetic and charming (relative of Catholic civilian killed by loyalists).

I was cagey at the start because of bad experiences with the PSNI. But I found them very genuine, especially X. He was more than helpful. He answered questions. He said they knew who the killers were and were three weeks away from arrests. Then the PSNI took the case from them. X cried when he announced that (relative of Catholic civilian killed by loyalists).

They came across as ordinary fellows, easy to speak to (relative of Catholic civilian killed by loyalists).

Most of the HET staff were lovely. Two English gentlemen in particular could not have been more pleasant (relative of Catholic civilian killed by loyalists).

### *Information*

I'm glad I got involved; it was the only way to find out about the soldiers (relative of Catholic civilian killed by the British army).

I am very glad. We were one of the fortunate families. We got information which gave us closure. If it had been a different outcome, I might have concluded otherwise (relative of UDR member killed by the IRA).

## Dissatisfied

	Number interviewed	Number dissatisfied	Percent of category dissatisfied
Catholic Civilian	41	16	39
Protestant Civilian	6	4	67
IRA	16	8	50
UDR	7	3	43
Total	70	29	41

Table 5: Dissatisfaction by % (N=70. Excludes seven cases where no engagement with HET. Also excludes categories with less than five members.)

Those who concluded that they were not glad to have engaged with the HET accounted for 41 percent of all those interviewed. This ranged from a high of 67 percent for relatives of Protestant civilians to a low of 39 percent for relatives of Catholic victims.

The reasons given for dissatisfaction included: a general conclusion that the process did not deliver, the health consequences of engaging, the failure of the HET process to disclose any new information, a conviction that the HET personnel were not taking their needs seriously, and the perceived bias of the HET team (pro-state, anti-republican or pro-republican depending on the interviewee's political stance).

### *General*

Is there anything below zero? They have done absolutely nothing for us (relative of IRA member killed by the British army).

It met my low expectations. The detectives were gentlemen but that doesn't substitute for substance. It was a waste of time. Yet it was important to engage because non-engagement allows them to say there was no demand, no needs. I'll exhaust the Brits before they exhaust me (relative of IRA member killed by loyalists).

We were glad we were getting a chance, but in the end it wasn't a chance (relative of Protestant civilian killed by the British army).

We gave them the benefit of the doubt and they proved they weren't up to it (relative of Sinn Féin member killed by loyalists).

I found it mostly hurtful and distressing with no satisfactory outcome (relative of Catholic civilian killed by British army).

They didn't do what they said they would. They didn't even carry out a proper review. It was a traumatic, unnerving experience (relative of IRA member killed by loyalists).

They raised more questions than answers. They were not helpful at all (relative of IRA member killed by the British army).

This was corporate crap, a waste of public money. I'm not glad I got involved (relative of UDR member killed by the IRA).

They didn't do anything for me. They are a joke. They are all on a nice wee earner. I'm not glad at all (relative of British soldier killed by the IRA).

I would score it 0 out of 10. It was unhelpful and humiliating (relative of IRA member killed by the British army).

### *Health*

3 out of 10. I'm not glad to have got involved. I have been left an emotional wreck with headaches and flashbacks (relative of IRA member killed by the British army).

It has opened up all the old wounds (relative of IRA member killed by the British army).

Emotionally it has nearly killed me. It's like they have murdered my mum all over again (relative of IRA member killed by the British army).

I was glad initially but then was traumatised after the event. I wanted this put to bed but they had no interest in solving it (relative of Catholic civilian killed by loyalists).

We relived it all for nothing (relative of IRA member killed by British army).

### *Information*

It was a waste of time. No matter what we asked them to do there was always an excuse why they couldn't do it (relative of IRA member killed loyalists).

Zero out of 10. Their approach was negative and dismissive. They refused to share any information. They openly declared their intention of preventing me getting at information previously in the public domain (relative of IRA member killed by loyalists).

A waste of money. No truth, but just more questions (relative of a UDR member killed by the IRA).

### *Needs*

I would give them 5 out of 100. They didn't do anything for me. They were getting paid for nothing. It was a waste of my time and theirs. They didn't give a damn about my feelings (relative of Catholic civilian killed by loyalists).

The process gave the family false hope but it destroyed us. It was a haphazard investigation; they didn't set out to establish the truth. They paid lip service to our family's fight for justice (relative of IRA member killed by the British army).

### *Bias*

Very poor. They had a way of making light of things. We felt they were trying to get information from my niece about other people (relative of IRA member killed by the British army).

In the end, I'm not glad because they were showing favouritism toward the British army (relative of IRA member killed by the British army).

Our expectations were high but the results weren't even low grade. I would give the 0 out 10. A total waste of time and money. They didn't investigate, partly because they were told not to (relative of Protestant civilian killed by the IRA).

They were the wrong people for the job. An Englishman has no idea of the troubles. They got big pay for no results (relative of Protestant civilian killed by the IRA).

### **Mixed**

Victim	Number interviewed	Number with mixed views	Percent of category with mixed views
Catholic Civilian	41	12	29
Protestant Civilian	6	0	0
IRA	16	4	25
UDR	7	1	14
Total	70	17	24

Table 6: Mixed feelings by % (N=70. Excludes seven cases where no engagement with HET. Also excludes categories with less than five members.)

A quarter of all those interviewed had mixed feelings in terms of whether they were glad to have engaged with the HET. This ranged from a high of 29 percent for relatives of Catholic victims killed to a low of 0 percent for relatives of Protestant victims.

The people with mixed feelings regarding their engagement with the HET tended to echo the positive conclusions of those who were satisfied alongside the negative conclusions of those who were dissatisfied. Overall they display a sense of weariness rather than frustration or anger.

### *General*

I'm glad I engaged but it was a waste of time (relative of Catholic civilian killed by loyalists).

It was a useful experience but they failed to deliver (relative of Catholic civilian killed the British army).

Very poor, very disappointing. They were inconsistent and unprofessional. The thing was mis-sold – it was only a paper review. But I'm glad, because you can only criticise from experience (relative of UDR member killed the IRA).

I'm glad, yes. Not because of the outcome but if I hadn't, I would have been left wondering. It was a hurdle that had to be jumped, but when we jumped it, there was nothing there (relative of IRA member killed the British army)

It seemed a good idea at the time. But we have been let down – seven years and no report. It's frustrating, but what else would we have done? My brother is convinced they are kicking the can down the road (relative of Catholic civilian killed the British army).

If the HET had been more honest, the family would have been more satisfied (relative of Catholic civilian killed by loyalists).

Good and bad. They did their best but they could only go so far. It knocked the heart out of the family to get a name and then have it withdrawn (relative of Protestant civilian killed by loyalists).

### *Information*

It was a useful exercise. I'm glad to have been involved because I got one small piece of useful information. But I wasted seven years for that (relative of IRA member killed the British army).

If I hadn't got involved I wouldn't have got the new information; but that was to do with the NGO. The NGO did all the work (relative of Catholic civilian killed by loyalists).

About 50%. I got information I wouldn't have had. But there's a lot more information there (relative of Catholic civilian killed by loyalists).

They were personable, sincere, apologetic about the lack of progress. But it remains to be seen if I'm glad we got involved. At least we think we'll get some information (relative of Catholic civilian killed by loyalists).

### *Acknowledgement*

I'm not glad I got involved but at least his death was looked at; he's not just another statistic (relative of Catholic civilian killed by loyalists).

I'm glad of the chance to tell the story. The world needs to know the way we were treated. But the HET added nothing. They seemed tired of listening to it all (relative of Catholic civilian killed by loyalists).

It was worth it from the point of view of validation. They seemed genuine but it didn't go anywhere (relative of Catholic civilian killed the British army).

### **Strategic**

Victim	Number interviewed	Number with 'strategic' views	Percent of category with 'strategic' views
Catholic Civilian	41	7	17
Protestant Civilian	7	2	29
IRA	16	3	19
UDR	7	2	29
Total	70	12	17

Table 7: Strategic assessment by % (N=70. Excludes seven cases where no engagement with HET. Also excludes categories with less than five members.)

Overall, 17 percent of those interviewed concluded that the exercise was valuable in strategic terms for them as individuals. This ranged from a high of 29 percent for relatives of UDR members and Protestant civilians to a low of 17 percent for relatives of Catholic civilians.

The reasons given for people reaching a strategic conclusion regarding their involvement with the HET included: confirmation of their initial scepticism or cynicism, validation of their struggle for truth and justice, the fact that engagement was the spur to further action on their part, and the conviction that the HET had a clear political agenda rather than a policing one.

### *Confirmation*

I have exposed them for what they are, puppets. They are not doing the job they're paid to do (relative of Catholic civilian killed by loyalists).

I'm glad I got involved to show the truth of what the process would be like. It wouldn't work. I'm glad the whole family got to see that (relative of Catholic civilian killed by British army).

I'm glad because it showed them up for doing nothing. It confirmed my cynicism (relative of UDR member killed by the IRA).

### *Validation*

I'm glad I got involved to bring out in the open what really happened to my brother. He fought his war up to his death. Now I'm continuing fighting the war against the British government (relative of IRA member killed by British army).

It was a horrible experience but I got the truth between the lines of what they told me. It proved to me there had been a cover-up (relative of loyalist killed by loyalists).

### *Spur to action*

What little information the HET gave we acted on it ourselves. So, I'm glad we got involved (relative of IRA member killed by British army).

The family were glad they engaged as certain things were cleared up and certain things have been brought to light which were not known previously. 40% satisfied – 60% dissatisfied. The family pursued their own research; it was the first time the children actually addressed the death of their father (relative of IRA member killed the British army)

I regret that there was no proper investigation, that they didn't pursue witnesses. But it pushed the family to look for witnesses themselves and that has been positive (relative of IRA member killed by British army).

It focussed me and I went and found out a lot. I located the policemen involved that night and talked to them. I'm disappointed there has been no end result, but I'm glad I revisited the issue (relative of IRA member killed by British army).

I'm glad we got involved. We got new information, new leads, new angles. That led us to complain to the Ombudsman, demand a new inquest, hire a private pathologist, consider a civil case (relative of Protestant civilian killed by loyalists).

### *Political*

I won't use the word 'glad'. I'm satisfied that I did right in engaging. It was tactically correct (relative of IRA member killed by British army).

I'm glad because it brought it to a head. It showed the killers could have been got, could still be got. Now it's clear that people like me weren't fools. There's a government agenda; they don't want to get them (relative of UDR member killed by the IRA).

It was a waste of time. But I'm glad I got involved; it proved that they were part of the political process. They are part of cover-up (relative of Protestant civilian killed by the IRA).

## Disbandment

In the aftermath of the publication of the HMIC report a number of NGOs and individuals were reported as having called for the disbandment of the HET. When asked what their opinion was in relation to that suggestion, those interviewed answered as follows.

Victim	Yes	No	Uncertain
Catholic Civilian	32	8	5
Protestant Civilian	3	2	2
IRA	16	1	0
Sinn Fein	2	0	0
Loyalist paramilitary	1	0	0
British Army	1	0	0
UDR	5	2	0
RUC	1	1	0
Total	61	14	7
Percentage	74	17	9

Table 8: attitudes to disbandment of HET

In the light of the positive results reported by the HET as a result of the three surveys they commissioned between 2009 and 2011, the results of this research are noteworthy. 74 percent of those interviewed supported the disbandment of the HET, 17 percent were opposed to disbandment, and 9 percent did not have a definitive answer. As might have been expected, relatives of IRA members killed by the British army were unequivocally in favour of disbandment, but what bears emphasis is that the high overall figure in favour could only be achieved because half or more of relatives of all the main categories of victim interviewed agreed.

Victim	Number in category	Number for disbandment	Percent of category for disbandment
Catholic Civilian	45	32	71
Protestant Civilian	7	3	43
IRA	17	16	94
UDR	7	5	71

Table 8: attitudes to disbandment of HET by victim category (N=73. Includes those who did not engage with the HET. Excludes categories with less than 5 members.)

What is also clear is that such a high figure of support for disbandment could only be reached because those who favoured that option were not simply those who were dissatisfied with the process and had said they were not glad to have engaged. Those in favour of disbandment came from interviewees of all opinions regarding engaging, including those who were glad to have engaged. Conversely, some of each category opted for not disbanding the HET, including some who had been dissatisfied with the engagement.

### **Overall assessment**

For all the relatives interviewed the interweaving of the category of victim, the relative opinions about the experience of dealing with the HET and that relative's support for its continuation is extremely complex. But what can be concluded categorically is that there is a profound dissatisfaction expressed regarding the experience of dealing with the HET. This dissatisfaction is not confined to one category of victim but goes right across the board. The basis of that dissatisfaction rests on three main elements: interaction, the final report, and the gap between expectations and results.

#### ***Interaction***

Although, as noted earlier, many people were very happy about their meetings with the HET, finding the personnel professional and sympathetic, this was not always the case. Some people interviewed were unhappy with the behaviour of HET personnel. Some noted that relationships turned sour when they challenged, pushed or rigorously questioned the HET personnel. In addition, there were occasions when HET officers made it clear that they were uneasy that the relative was accompanied by a representative.

#### ***General***

They were polite, straight, good listeners but they were unhelpful (relative of British army).

There was no real depth in the meetings (relative of IRA member killed by loyalists).

They were sympathetic but that was part of their job (relative of Catholic civilian killed by loyalists).

I only met them once, for three minutes in front of the City Hall when they handed me the report. That was insensitive (relative of Catholic civilian killed by loyalists).

They were going through the motions without any real sincerity (relative of IRA member killed by British army).

### *Hostility*

One of them told me, 'We're not going to the nth degree to solve this murder' (relative of Catholic civilian killed by British army).

The initial contact was very positive and encouraging. That changed dramatically when the original person was removed and an ex-RUC man took over. He was hostile and arrogant (relative of Catholic civilian killed by British army).

It was often confrontational. They seemed more intent in preserving the name of the RUC than carrying out a murder investigation (relative of Catholic civilian killed by loyalists).

The meetings were professional, mannerly and polite. But when questioned they were guarded, elusive and defensive (relative of UDR member killed by the IRA).

Originally things were not bad; they seemed to intend looking into things. But when I started providing names of people they hadn't contacted, they changed. Later meetings were very heated because of their failure to follow lines of inquiry (relative of UDR member killed by the IRA).

I raised the issue of collusion and was told this was a 'perception' (relative of Catholic civilian killed by loyalists).

The meetings were very heated at times. X was a listener, but Y would interrupt and was dismissive. He kept saying 'we're not here to second guess', or 'go to the Ombudsman if you are unhappy'. He rejected any suggestion of collusion (relative of Catholic civilian killed by loyalists).

I was unhappy, so asked for another meeting. X came in cross; 'What do you want to know now?' (relative of RUC member killed by IRA).

I had questions based on Patricia Lundy's report. That annoyed them; they said they weren't there to discuss Lundy's report (relative of Catholic civilian killed by British army).

I was interviewed on UTV about what I thought of the HET. At the next meeting they told me they weren't pleased with what I had said (relative of IRA member killed by British army).

At the first meeting we acknowledged that dad was in the IRA; they were surprised because he had not been claimed. From that point on they showed no real interest (relative of IRA member killed by British army).

### *Support*

I got the feeling they didn't want the NGO present (relative of Catholic civilian killed by British army).

I didn't bring anyone with me. The HET told me there was no need and it would only hold up the process (relative of Catholic civilian killed by British army).

I went to the first meeting accompanied by a retired Chief Inspector in the RUC. When he began to allege perversion of the course of justice in relation to the police investigation, things went bad and X refused to meet him again (relative of RUC member killed by the IRA).

Many of the most difficult interactions in meetings seem to have centred on the issue of information. Sometimes the HET seemed unwilling to pass on information to relatives, sometimes they did so only to retract it later, and sometimes the disclosure was purely informal, not followed up in the final formal report. On some occasions, interviewees accused HET personnel of lying.

### *Information*

The initial meeting was good. But the investigating officer was removed and the new guy did little. Most questions were answered by 'That will be dealt with in my report' (relative of IRA member killed by the British army).

I felt fobbed off. No concrete answers were given to me (relative of IRA member killed by the British army).

They tried to make me believe it was open and shut. They tried to minimise things that were important to our family (relative of IRA member killed by British army).

There was no solid information. Some family members got angry because we were getting flannelled. But I knew not to expect anything (relative of Catholic civilian killed by the British army).

They made excuses about missing information but subsequently the NGO were able to find it (relative of Catholic civilian killed by the British army).

### *Retraction*

Our hopes were boosted when the HET said a prosecution was possible. We were given the name of the main suspect. Then we got an email to say they were on their way to England to make arrests. At the following meeting this was all denied, including the name of the suspect (relative of Protestant civilian killed by loyalists).

At the first meeting the team gave me the name of one of the gang. Then at the second meeting a different team said that the first team should not have done this. They said that guy named was not involved. After that, the meetings were more edgy (relative of Catholic civilian killed by loyalists).

### *Informal disclosure*

They said privately they knew agents were involved but didn't write that (relative of Catholic civilian killed by loyalists).

One of them told me in a low voice: 'Off the record, I know your brother was innocent' (relative of Catholic civilian killed by the British army).

What we were told me in meetings was different from what was put down in the report (relative of Catholic civilian killed by loyalists).

The meetings went very well. I gave names to them and they didn't deny them. They admitted in private that there was collusion and cover-up but said they could not say that publicly (relative of Protestant civilian killed by loyalists).

They said they knew there was collusion but would only say this in private (relative of Catholic civilian killed by loyalists).

They said verbally that they thought my brother wasn't an informer, but they didn't put that in the report. They said they couldn't confirm or deny it (relative of Catholic civilian killed by IRA).

### *Lies*

They told lies. They were the first to mention the name of the killer, which I already knew, but later they said that I had told them first (relative of loyalist paramilitary group member killed by loyalists).

They said they had contacted the soldier who fired but he was too ill. Later we found out they hadn't properly contacted him at all (relative of Catholic civilian killed by the British army).

They said X, who was there that night, refused to engage; but X has since told us they never approached him (relative of Catholic civilian killed by loyalists).

They said the Investigating Officer refused to be interviewed but the family found out that he hadn't been approached (relative of UDR member killed by IRA).

They said the logbook had been destroyed but I later found out it hadn't (relative of Protestant civilian killed by IRA).

They said the interview notes were destroyed, but families have got them (relative of Catholic civilian killed by loyalists).

They told me the evidence had been destroyed in the car bomb. But I then produced a picture showing that the bomb had been defused and the car was intact (relative of UDR man killed by IRA).

They lied when they said there were no local police involved in the review (relative of IRA member killed by British army).

They said the MOD wouldn't let them interview the soldier. But when the family brought them to court on that, suddenly they had a statement from the soldier (relative of Catholic civilian killed by British army).

At times the HET seemed to display a particular agenda, especially when it came to relatives of people killed by the British army. That included 'fishing' for information from the relatives about IRA activities.

They snapped at me because I wouldn't name republicans who were in our home at the time (relative of IRA member killed by the British army).

When the family started talking about other operations going on that evening – for example, the killing of a soldier 15 minutes later – one of them seemed more interested in finding out more. Their old cop heads were on (relative of IRA member killed by the British army).

I felt interrogated. They were only interested in who the IRA unit was that night (relative of IRA member killed by British army).

I found an IRA man who had been present that night who gave me some information. The HET seemed more interested in meeting the IRA man than anything else (relative of IRA member killed by British army).

## **Final report**

One main source of satisfaction for those who were happy to have engaged with the HET was that the final report provided them with some new information which helped them in some way to come to terms with the death of their loved one.

We had always known where and when he died, but the report gave us the name of the killer and told us that he himself had been killed during an attempted murder a few weeks later (relative of UDR man killed by IRA).

We were relieved to discover that he had been given the last rites; we hadn't known that (relative of Catholic civilian killed by IRA).

The report was more critical of the authorities than I had expected. It pointed to RUC incompetence. It also mentioned the possibility of British intelligence in the vicinity, something the family had never heard before (relative of Catholic civilian killed by loyalists).

We were extremely glad to have engaged because the final report was relatively good (relative of IRA member killed by British army).

But information is at the centre of dissatisfaction also. Many interviewees were gutted that the final report told them nothing they didn't know already. That the RUC had failed to properly investigate the case in the first instance was bad enough, but many concluded that the HET had done no better in advancing an investigation. The reports frequently revealed nothing that was not already in the public domain. Often if there was any new information, it had been provided by the family themselves or an NGO. Relatives were frustrated that they had little control over the contents of the report and that questions and criticisms they had raised at an earlier stage were not adequately addressed in the final report. Above and beyond that is the criticism that the HET failed to act on the information they had acquired.

#### *Lack of information*

We already knew the truth; we wanted to see if it was going to be admitted (relative of Catholic civilian killed by loyalists).

To say the investigation was flawed is an understatement. The whole process was basically putting words on paper (relative of Catholic civilian killed by British army).

It was 30 pages of drivel: 'we don't know this, we don't know that' (relative of Catholic civilian killed by loyalists).

#### *Failure to investigate*

It was all generalities, inconsistencies and spin, but without facts or engagement with the soldiers (relative of IRA member killed by British army).

They didn't bother to locate the soldier and had no intention to (relative of IRA member killed by British army).

They didn't advance the RUC supposed investigation. The RUC had provided no names, no details and no forensics. The HET's conclusion? 'They were extraordinary times; the RUC were under pressure' (relative of Catholic civilian killed by loyalists).

We got a ten-page report. It was disgusting. There was no investigation (relative of IRA member killed by British army).

The RSR was only 11 pages. It was a complete white-wash, a cover up and frankly not an investigation at all (relative of IRA member killed by British army).

The HET didn't seem to see investigation opportunities themselves (relative of Catholic civilian killed by loyalists).

They didn't ask or answer key questions. For example, there was an anonymous letter after the death naming eight men; only four were ever questioned. I gave the HET the names, but they wouldn't confirm them 'in case you go and shoot them', nor re-interview them (relative of RUC member killed by IRA).

I thought that if they got any new information they would hunt it down. They admitted mistakes in the original RUC investigation but did not follow up (relative of Protestant civilian killed by IRA).

### *Recycled information*

The report was 54 pages long: 14 of introduction, 15 of conclusion, and the rest was extracts from statements of witnesses (relative of Catholic civilian killed by loyalists).

There was no investigation. They just looked at reports from the time (relative of UDR member killed by IRA).

It was like a newspaper report, nothing more. It told me nothing I didn't know (relative of British soldier killed by IRA).

The report gave the facts of the murder, but the family already knew most of them (relative of Catholic civilian killed by loyalists).

It didn't tell me anything I didn't know but at least it's arranged in a good chronology (relative of Catholic civilian killed by loyalists).

The final report told us nothing we didn't already know. It was a whitewash, designed to put us off. The case wasn't investigated at the time or later (relative of Protestant civilian killed by IRA).

The report told us nothing much more than what we as a family knew, like public documents, Coroner's report, depositions. It didn't tell us the names of suspects yet other families do get this information (relative of UDR killed by IRA).

### *Dependence on relatives' information*

We got two final reports and rejected both. Anything in those reports was given to them by us in the first place (relative of Catholic civilian killed by loyalists).

Anything in that report was what I told the HET. I had kept a scrapbook. They took it away and used it as the basis for the report (relative of Protestant civilian killed by IRA).

We probably gave them more evidence than they gave us (relative of Catholic civilian killed by loyalists).

Everything that was in it was what my niece told them, but reworded (relative of Catholic civilian killed by the IRA).

I threw the report back at them. It contained information from newspapers – no intelligence reports or anything else. Most of what's there is what I gave them (relative of UDR killed by IRA).

### *Lack of control*

We were only able to correct some typos and dates in the draft report (relative of Catholic civilian killed by loyalists).

The only adjustments to the draft report were minor – typos, dates. They were not willing to change the essence (relative of IRA member killed by British army).

It was a lot of bull – wishy washy, glossed over. The family made submissions for changes, but only a few were done (relative of Catholic civilian killed by loyalists).

### ***The gap between expectations and results***

What did people expect in engaging with the HET? In one way or another all said they wanted the truth about the death of their loved one. This is a reasonable expectation. Thus it was realistic to expect that their questions and concerns be taken seriously, and that every effort be taken to locate and reveal all relevant sources of information.

Some people wanted more and in certain respects their expectations could be judged to be unrealistic. The minority who specifically said they expected arrests and prosecutions were perhaps placing bigger demands on the process than it could reasonably fulfil. The passage of time made the prospects of putting together a case that would hold up in a court of law highly unlikely in many instances. Moreover, as the HET frequently acknowledged, police methods from earlier years left much to be desired. Whether because they were over-burdened or less

willing to pursue some killings than others, proper forensic methods were not applied, collection of statements was often at best cursory and the preservation of evidence was haphazard and unprofessional. The cupboard was often bare when it came to looking for the ingredients to build a sustainable case.

Was it unreasonable for relatives to expect a re-investigation of the killing of their loved ones? Arguably reinvestigating over 3000 killings was a task which went far beyond the time and resources allocated to the HET. And even if it had been attempted, there were so many obstacles to success, again not least because of the passage of time. Yet a mixed message emerges from considering the work of the HET. Sometimes witnesses were reinterviewed; on other occasions new witnesses presented by relatives were not pursued. Sometimes soldiers who pulled the trigger in fatal shootings were located and interviewed; on other occasions no serious attempt seems to have been made to locate and interview them.

So many relatives can be justified in feeling that they have been short-changed. The HET frequently pledged, directly or indirectly, to reinvestigate cases, in short, to conduct a proper job of police investigation albeit belatedly. Many relatives were told by the HET that they 'would leave no stone unturned'. Yet there is clear frustration from many relatives interviewed that many stones were left totally undisturbed. It might be possible to accuse relatives of misunderstanding their brief, but the HET did little to dissuade the perception that they were about reinvestigation.

They said they were independent, they would dig out facts, they had more investigative powers than the Ombudsman (relative of Sinn Féin member killed by loyalists).

It was a paper exercise. Their initial promises were a lie – that they were totally independent; that they would have access to any files they wanted; that they would thoroughly investigate (relative of IRA member killed by British army).

They could have fulfilled the role they portrayed to the public – police officers doing a job of investigation (relative of RUC member killed by IRA).

They could have gone around Crossmaglen and got information. They were afraid, just as the RUC and army were before them. They didn't interview anyone. They sat in a cosy office in Belfast phoning people (relative of Protestant civilian killed by IRA).

Who was commander that night? They didn't know. An amateur sleuth would have done better (relative of Catholic civilian killed by loyalists).

They weren't about reinvestigating murders but looking at whatever papers they were allowed to look at (relative of UDR member killed by IRA).

Their attitude was, 'If it's in the box and we find it, we will report it. If it's not in the box, we won't' (relative of UDR member killed by IRA).

If they had followed their own remit, which was to investigate matters diligently, honestly and expeditiously, I would have been satisfied (relative of Catholic civilian killed by loyalists).

In the end it was clear that, despite initial assurances or intimations, the HET was about review, not reinvestigation.

The HET was given powers to review. They should have been given powers to reinvestigate (relative of Catholic civilian killed by British army).

They were simply going to review the files. If they'd said that, I could have lived with that (relative of Catholic civilian killed by loyalists).

There may be valid reasons for this, not least the lack of personnel, resources and time. But the problem runs much deeper. The HET revealed its own biases on occasion, not least in an unwillingness to criticise the RUC and a haste to justify their failings.

The HET replied to every query with the excuse that back in those days it was different and the RUC were pushed to their limits (relative of Catholic civilian killed by loyalists).

The report starts with a history of IRA activities, setting the atmosphere that unlawful acts were being committed and the police and army acted properly (relative of IRA member killed by British army).

They also displayed a less than robust approach to pursuing former soldiers.

We were told that the soldier was suffering from PTSD but there was no evidence provided and the HET did not try to verify this (relative of IRA member killed by British army).

They said that one of the soldiers 'sounded sick over the phone'. He may be old, but so are Nazi war criminals and they are being prosecuted (relative of Catholic civilian killed by British army).

The HET didn't speak to the soldier; 'It's 40 years and he wouldn't remember' (relative of Catholic civilian killed by British army).

They said they had identified the soldier who did the shooting but had not interviewed him (relative of Catholic civilian killed by British army).

They said they met the soldier who murdered my brother and he was a nice man of good upbringing. He was in bad health and said he was sorry (relative of Catholic civilian killed by the British army).

That said, it is debateable how far they may actually have got in this regard. The HET were frequently blocked in their attempts to do the job by former RUC officers or soldiers who refused to be interviewed. And behind them stood other powerful and shadowy gatekeepers

such as the RUC's former Special Branch and MI5. Some people interviewed were at pains to lay the blame for a lack of transparency on organisations such as these rather than on the HET itself.

I don't blame the HET. They are held back by the MOD. The HET are trying; their hands are tied (relative of Catholic civilian killed by British army).

They seemed generally anxious to do the work but were frustrated by the system (relative of Catholic civilian killed by loyalists).

Others were more scathing regarding the HET's own role. They pointed out that the HET was part of the policing structure in Northern Ireland. They were answerable to the Chief Constable, they reported to the PSNI and any cases with prosecutorial possibilities had to be handed over to C2, the criminal investigation section of the PSNI. Despite their oft-repeated claims of independence, the HET was thus severely circumscribed.

They have no authority to make arrests. They have to go back to the PSNI which is connected to the former RUC. There is no chance of justice being achieved (relative of Catholic civilian killed by loyalists).

They set out their stall, saying they were independent. Now I see that was not the truth. The Chief Constable, and maybe someone higher, was pulling the strings (relative of Protestant civilian killed by IRA).

Technically they had to hand everything over to the PSNI for possible prosecution, but I also believe this was part of bigger cover-up (relative of loyalist paramilitary group member killed by loyalists).

The HET is a protection unit for the police (relative of Catholic civilian killed by loyalists).

There are those relatives who see this dependence as being planned and deliberate. Some nationalists and republicans accuse them of being biased towards the British state and its armed forces.

They should have been more forthcoming about former Special Branch involvement in the HET. The fact that Special Branch were involved means the people who set it up weren't sincere. They wanted to have gatekeepers in there to prevent intelligence getting out (relative of IRA member killed by British army).

The HET is not independent; it employs ex-RUC men who were merely gatekeepers of the archives that could be accessed to establish the truth (relative of IRA member killed by British army).

It's the police investigating state murders, so we're not going to get the truth (relative of Catholic civilian killed by British army).

The family believe the HET was pulled back by the PSNI to protect an agent (relative of Protestant civilian killed by loyalists).

It was like MI5 coming into my home (relative of IRA member killed by British army).

The HET is MI5 (relative of British soldier killed by IRA).

It was the state investigating the state (relative of IRA member killed by British army).

The litmus test is whether the HET was capable of challenging the state. They failed in that regard (relative of Catholic civilian killed by British army).

Alternatively, some unionists and former security force relatives see a conspiracy to support the peace process at any cost, including that of failing to pursue republican suspects.

They are more interested in republican cases. They don't care about loyalists (relative of Protestant civilian killed by the British army).

They didn't investigate, partly because they were told not to. The Special Branch held them back from questioning some suspects (relative of Protestant civilian killed by IRA).

They were not acting in my interests but in the interest of a political agenda, ultimately a united Ireland (relative of RUC member killed by IRA).

It was all about propping up the peace process and appeasing terrorists and removing their responsibility for the horrific crimes they committed than about the rule of law and justice (relative of UDR member killed by IRA).

I'm glad I got involved; I proved that they were part of the political process. They are part of cover-up (relative of Protestant civilian killed by IRA).

A clear decision was taken higher up that senior republicans in the border area are untouchable (relative of UDR member killed by IRA).

## **Conclusion**

While this research project was nearing completion so also were the deliberations of the Haass-O'Sullivan talks. When the draft document was finally made public, it contained a proposal to replace the HET.

Despite the substantial efforts of the HET, the families of many victims believe they have not received the justice they desired or deserved. We therefore have concluded that a new body with additional powers above those currently held by the HET will provide a more effective service for those families... we believe it is necessary to

establish through legislation a single Historical Investigative Unit (HIU) to take forward the remaining caseload of the HET and the conflict-related cases before the PONI. Once the HIU is fully established, the HET and the PONI will transfer all their records relating to completed cases and information relating to investigations not yet begun to the HIU... The HIU will serve the interests of justice by conducting thorough, Article 2-compliant reviews and investigations and, where appropriate based on the evidence, referring cases to the Public Prosecution Service (PPS). By taking on the burden of conducting investigations, a power not given to the HET, it will also alleviate the pressure historical cases place on the PSNI.<sup>8</sup>

However, it quickly became clear that there was no consensus among political parties for support for this agreement. As a result, its recommendations are, at best, on hold. This raises the question of the future of the HET. Its operations are currently suspended as a result of the HMIC report. One possible option is that the Chief Constable and the Policing Board successfully enact the recommendations of the HMIC, most of which are managerial rather than structural, and that subsequently the HET begins operations where it left off in the summer of 2013. There is some support among those interviewed for this solution.

The HET is not perfect. However, as it currently stands it is the only process that allows families such as ours to have some input into the circumstances surrounding the death of our loved ones (relative of IRA member killed by British army).

At the same time, even support is frequently qualified.

Don't disband the HET. I have waited seven years. We'll all be dead if it starts again. It needs more power to investigate, not just review. Who else are we going to get if we dismiss them? (relative of Catholic civilian killed by British army).

Leaving things to drift is not an option for most people.

We could deal with the truth, but not the uncertainty (relative of Catholic civilian killed by IRA).

Investigative powers and independence were the almost unanimous proposals supported by all those who had problems with the HET as it has been to date. As one relative of a Catholic civilian killed by the British army summed it up,

We need an independent body to investigate properly and to get families the answers they deserve.

Repeatedly critics pointed to the lack of independence as being at the core of the HET's failure.

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<sup>8</sup> *Agreement among the Parties of the Northern Ireland Executive on Parades, Select commemorations and Related Protests, Flags and Emblems and Contending with the Past*, December 31, 2013: 25-26

Don't just disband it; we need something better, something more inclusive, treating everyone equally (relative of Catholic civilian killed by loyalists).

It's not a question of disbanding but of getting a government appointed body to do the job and act in the interest of people like us. You can call them anything you want as long as they go about the law (relative of UDR member killed by IRA).

It should be an independent international body with no connections to policing here. (relative of Catholic civilian killed by loyalists).

No ex-RUC, no PSNI, no police from Britain either (relative of IRA member killed by British army).

It needs an independent replacement with no British involvement. It could be European oversight instead (relative of IRA member killed by British army).

It needs to be not just British police, but police from a different neutral country (relative of UDR member killed by IRA).

Bring in the CID from around the world. Give them access to all records (relative of Catholic civilian killed by loyalists).

Two essential elements to ensure such an independent investigative body can do its job properly, according to those interviewed, are access to official documentation and security force personnel.

The British government must guarantee access to documents and witnesses and the latter must be compelled to speak under caution (relative of IRA member killed by British army).

Any replacement to the HET is pointless unless they have legal powers to make soldiers talk (relative of Catholic civilian killed by loyalists).

What is clear beyond doubt is that for the bulk of the 82 people questioned the HET has not worked and their sense of disappointment is profound:

It took me most of my life to try to come to terms with the death of my father, the disintegration of the family and growing up in care. I believed in the peace process and the potential for change. But now I'm left wondering if anything has changed (relative of Catholic civilian killed by British army).

Good policy can only be based on up-to-date and inclusive research. The HMIC talked to 13 families **before** their highly critical report on the HET was published. My research involved over six times as many families who were reaching informed conclusions on the basis of critical information, including that produced by the HMIC.

In contrast to HMIC's conclusion that there was 'an almost universal desire for it [HET] to be retained so long as improvements were made to the way it works';<sup>9</sup> this research has found that an overwhelming percentage (74%) of a cross-community sample of victims' families (82 interviewees) was of the view that HET should be disbanded.

The onus is on the state to provide an alternative to the HET which avoids its mistakes and gives relatives of victims what the HET seemed to promise – investigation, disclosure, support, information and perhaps even some sense of closure and justice.

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<sup>9</sup> HMIC Report: 101

## Appendix: Questions asked in interview

### A. Factual

1. Who was your relative that was killed and when?
2. When did the HET first approach you?
3. Did your family agree to engage with the HET or did they refuse?

### B. If you **refused** the opportunity to deal with the HET, please answer these questions.

4. Why did you refuse to deal with the HET?
5. Can you imagine any process of investigation/reinvestigation of your loved one's death with which you might cooperate? What would it look like?
6. Since the publication of the HMIC report a number of groups have called for the HET to be disbanded. What is your opinion on that?

### C. If you did **engage** with the HET, please answer these questions.

4. When you met with the HET, were you accompanied by anyone else, such as a solicitor, an NGO, a political representative? If so, do you think that was helpful?
5. Did you get a draft report from the HET?
6. If so, did you raise any questions or criticisms? Did the HET respond adequately to the points you raised?
7. What did you expect from engaging with the HET?
8. How do you feel your meetings with the HET went?
9. Overall, how did you rate the experience of dealing with the HET? Are you glad that you got involved with the HET?
10. Do you think there is anything else the HET could have done to make things more satisfactory for you?
11. Have you received a final report yet? If so, are you happy with what the report says? Why, or why not?
12. Since the publication of the HMIC report a number of groups have called for the HET to be disbanded. What is your opinion on that?
13. Is there anything else you would like to add?