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*Judgment: approved by the court for handing down
(subject to editorial corrections and proofing prior to publication)**

Delivered: 16/12/2024

IN THE CORONERS COURT FOR NORTHERN IRELAND

**IN THE MATTER OF AN INQUEST TOUCHING THE DEATH OF
MASTER PATRICK JOSEPH CRAWFORD**

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Ms Laura McMahon KC with Mr Tim Jebb BL appeared on my behalf, instructed by Cathy Devlin, Legacy Inquest Unit (LIU);

Mr Aidan Sands KC with Mr Patrick Taggart BL appeared on behalf of Next of Kin, instructed by Patricia Coyle, Harte Coyle Collins Solicitors;

Mr Steven McQuitty KC with Mr Christopher Summers BL appeared on behalf of the Ministry of Defence (MoD) and the Police Service of Northern Ireland (PSNI) instructed by Kristina Davidson, Crown Solicitor’s Office (CSO).

HIS HONOUR JUDGE GILPIN

Introduction

[1] Patrick Crawford was born on 21 December 1959 and died aged 15 on Sunday 10 August 1975 as a result of a gunshot wound he sustained while walking on what was known colloquially as “Maternity Road” within the grounds of the Royal Victoria Hospital, Belfast (“RVH”). Patrick was carried the short distance to the Casualty Department by people who came to his aid. He died shortly afterwards from his injuries.

[2] Dr AFJ Shepherd who examined Patrick in the Casualty Department of the RVH pronounced life to be extinct at 21:45 hours on Sunday 10 August 1975.

[3] The cause of death, as stated at the time, by the then State Pathologist, Professor Marshall, was a “bullet wound of the chest”.

[4] The events leading up to the shooting of Patrick were the subject of inquiry at this inquest.

The police investigation

[5] The circumstances of Patrick’s death were the subject of a contemporaneous Royal Ulster Constabulary (“RUC”) investigation. The evidence of this investigation exists only in documents, there being no longer any RUC witnesses alive, who might have been available to provide evidence directly to me.

[6] The evidence available included a witness statement from Stephen Robert Gibbons, an assistant police liaison officer, dated 25 May 1978 who stated that at 21:40 hours on 10 August 1975, he was heading to enter Casualty at the RVH whenever Patrick passed him. He says that he then heard the sound of gunfire and then saw Patrick being brought into the Casualty Department. Mr Gibbons states that he “immediately went to the area where the body had been found but a search of the area revealed nothing of apparent significance.”

[7] At the original inquest on 19 December 1979 into the death of Patrick, Detective Inspector Ivan Morrison deposed that he “commenced enquiries into the death of the boy but to date after extensive enquiries no person has been made amenable for it.” There are no records of these “extensive enquiries”, or of any witnesses being spoken to or contacted. There is no record of Patrick’s original clothing having been subjected to any sort of examination or analysis, nor does it appear to have been retained.

[8] With reference to the evidence from Detective Inspector Morrison, I note that there is an RUC Statement from the (then) Detective Sergeant Morrison dated 11 August 1975 in the materials made available to me from the Office of the Police Ombudsman for Northern Ireland. This statement reports that at “about 10.30pm on the 10.8.75 [Patrick] was found dead near the entrance to the Casualty Department of the RVH ... “. It goes on to say:

“It has been suggested that Crawford was the victim of a stray bullet. The Army were not engaged with any gunmen in this area and it is now known Republican elements were involved in gun battles amongst themselves before the Army took control in the Lower Falls, its (sic) possible that Crawford may have been the victim of an internal feud. However, a number of witnesses have yet to be interviewed with regards to the exact location where Crawford was shot. Further information will be telephone if required (sic).”

This statement was made the day following Patrick’s death. I note the reference to the army not being engaged with any gunmen in this area and the reference to an alleged feud, during which Patrick was shot. It is unclear from the statement, but I consider it most likely, that the RUC received this information from the army. There is no evidence to underpin these assertions. There is no explanation for their origin. They are in contrast to the evidence regarding army activity set out at para 110ff.

[9] Three witnesses at the scene of Patrick’s death, Annie Miskimmin, Kathleen Faloon, and a staff nurse Elizabeth McElkerney née Girvan, do not appear to have been contacted by the RUC at any stage between making their initial statements to the RUC on 12 August 1975 within two days of the shooting and making subsequent statements on 17 October 1978 to be used in a preliminary enquiry into the prosecution

of Thomas Moore in respect of the shooting (the prosecution was subsequently withdrawn, see paras [17]-[19] below). Whilst Mrs Miskimmin and Mrs Faloon are now deceased, Mrs McElkerney, who heard a gunshot and went to Patrick's aid, gave oral evidence to me and stated she had never been contacted by the RUC and questioned about what she had seen and heard.

[10] The RUC took eight photographs of the original scene on 30 December 1978 and produced a map of the locus, which will be discussed later in my findings. At the original inquest Mrs Miskimmin marked this map with an "X" showing the location of Patrick when he was shot. Other more general plans and maps of the area surrounding the immediate vicinity of the RVH were also prepared by the RUC on 1 January 1979 and 22 August 1979, following visits to the scene on 22 December 1978 and 21 August 1979 respectively.

[11] The military logs made available to me show that Royal Military Police ("RMP") were made aware of Patrick's death within an hour of it occurring. The RMP do not appear to have taken any contemporaneous statements from soldiers in and around the general locus of Patrick's death. One reason for this is that the military may not have been deemed to have been involved in Patrick's death. As with the RUC, there was no record of any scene search by the RMP.

[12] While the circumstances prevailing at the material time made it extremely difficult for adequate police investigations to be carried out, it is my view that the RUC investigation into Patrick's death was nevertheless perfunctory and likely resulted in a failure to locate, secure and retain important evidence that may have better informed the narrative around the events leading to, and subsequent to, his death.

The original inquest

[13] An inquest into Patrick's death was subsequently held at Crumlin Road Courthouse on 19 December 1979 before Mr J.H.S. Elliott, the Coroner for the District of Belfast and North Down, sitting with a jury. The original inquest considered a postmortem report prepared by the then State Pathologist, Thomas Marshall, depositions from witnesses including a Thomas Moore and oral evidence from eyewitnesses and newspaper cuttings. Thomas Moore had confessed to police that he had shot Patrick. At the conclusion of the original inquest an open verdict was delivered by the jury.

[14] Thomas Moore had originally been charged with Patrick's murder on 20 January 1978. However, on the advice of Senior Crown Counsel, Mr Appleton QC, the prosecution entered a nolle prosequi, a procedural step to stop a prosecution, in respect of Patrick's murder on 8 October 1979. Seemingly Thomas Moore's confession was considered by Senior Crown Counsel as having little credibility due to inconsistencies between it and other evidence in the case. However, despite the abandonment of the criminal proceedings against Thomas Moore, it appears his confession was put before the jury at Patrick's original inquest.

[15] The placing of Thomas Moore's confession before the jury was one of the reasons why, on 24 September 2015, the then Attorney General for Northern Ireland, Mr Larkin QC, directed this new inquest be held pursuant to section 14(1) of the Coroners Act (Northern Ireland) 1959.

[16] Having considered the material regarding Thomas Moore's alleged confession I took the view that that information had nothing of substance to add to this inquest. However, some of the documents in that file provided detail as to what information was available to the RUC and the Crown at the time of Patrick's death. The representatives of the Next of Kin and the MoD/PSNI agreed with the view that Mr Moore's alleged confession and the documentation regarding him was of no relevance to this inquest.

[17] The depositions taken from the military witnesses for Patrick's original inquest are typed and dated the day of the inquest, 19 December 1979. These witnesses are Sergeant David Bellamy (now deceased and also known by the cipher of PC01), and three anonymised military witnesses given the ciphers PC02, PC03 and PC04.

[18] PC02's deposition recalls the events of 10 August 1975 but indicates that he only learnt that Patrick had been shot as a result of being told by a civilian member of security staff. PC03 and PC04 both stated they had "no recollection of the event whatsoever." Only Sergeant Bellamy provided a deposition specifically recalling the events surrounding Patrick's death.

[19] Of these four military witnesses, only PC04 is still alive. I heard oral evidence remotely from PC04 and will discuss his evidence later in this ruling. A further statement was taken from PC02 by my investigator prior to his death.

History of proceedings and case management

[20] In preparation for this second inquest statements from potential witnesses were taken by a coroner's investigator assigned by me for that purpose. During the course of the case management of this inquest, I received seven applications for anonymity, which were granted, and one application for screening, which was also granted. In addition, remote evidence applications were granted for eight witnesses. These witnesses subsequently gave their oral evidence via livelink from remote locations.

[21] I would like to place on record my sincere thanks to all counsel and their instructing solicitors for the way in which this inquest into a sensitive and traumatic event was approached. I wish to pay particular thanks to the solicitors to the Inquest, Catherine Devlin and Carolyn Rhodes from the LIU, and my counsel Ms McMahon KC and Mr Jebb BL whose diligence and hard work throughout has been invaluable. I also wish to express my thanks to Ms McMahon and Mr Jebb's predecessors Mr McDowell KC, Mr Reel BL and Mr Henry KC.

[22] This second inquest into Patrick's death opened on 21 March 2022 in Laganside Courthouse. I exercised my power under section 18 of the Coroners Act (NI) 1959 not to summon a jury, no objections having been made regarding this course of action.

[23] At the hearing on 21 March 2022 evidence from a variety of witnesses was admitted by way of rule 17 of the Coroners Practice and Procedure Rules (NI) 1963, which provides:

“(1) A document may be admitted in evidence at an inquest if the coroner considers that the attendance as a witness by the maker of the document is unnecessary and the document is produced from a source considered reliable by the coroner.

(2) If such a document is admitted in evidence at an inquest the inquest may, at the discretion of the coroner, be adjourned to enable the maker of the document to give oral evidence if the coroner or any properly interested person reasonably so desires.

(3) Such a document shall be marked by the coroner in accordance with these Rules with the additional words ‘received pursuant to Rule 17’.”

[24] The witness statements and depositions admitted under rule 17 at that hearing comprised of civilian, police and military witnesses who had provided written evidence for the original inquest held in 1979. These witnesses were: Annie Miskimmin and Kathleen Faloon, who were walking with Patrick when he died; Patrick's father, Patrick Crawford; Dr AFJ Shepherd who pronounced Patrick's life extinct in RVH Casualty; Detective Constable Samuel Goodall who identified Patrick to the State Pathologist Professor Marshall; Detective Inspector Ivan Morrison who stated he “commenced enquiries into” the death of Patrick “but to date, after extensive enquiries, no person has been made amenable for it”.

[25] The statement of Detective Sergeant Steven Robert Gibbons dated 25 May 1978 was also read out. I have already briefly referred to this statement at para [5] above. He was a Detective Sergeant in the Greater Manchester Police, attached to the Forensic Science Laboratory in Chorley. On 10 August 1975 though, he was attached to the Criminal Investigation Department of the RUC stationed at Springfield Road. He stated that he was required to attend Casualty at the RVH at 21:40 hours on the 10 August 1975. He records that the “whole part of the city was affected by public disorder associated with the anti-internment demonstrations and sporadic gunfire was breaking out throughout the area.” On his way to the RVH Casualty he passed a youth, who he later discovered to be Patrick. As he entered the building, he heard the sound of “gunfire nearby” and then saw Patrick being brought into Casualty. He stated that he “immediately went to the area where the body had been found but a

search of the area revealed nothing of apparent significance. The civil disturbance in the area was such however that a prolonged examination was impossible.”

[26] Further rule 17 Statements were read from Robert Simpson, a photographer with the RUC who took post-mortem photographs and eight photographs of the scene; RUC Constable William James Yemen, who prepared plans of the area after visiting the site on the 22 December 1978, and provided a mapper statement dated 1 January 1978; Sergeant Bellamy who provided a deposition dated 19 December 1979, and PC03, whose deposition was neither dated nor signed. I shall refer to the written evidence from PC03 and Sergeant Bellamy later in these findings. On 21 March 2022, I also viewed video footage from the BBC of an interview with Patrick Crawford Snr, taken the day after the death of Patrick.

[27] The rule 17 statements admitted on the 21 March 2022 included the evidence of the two women who were walking with Patrick up Maternity Road in the RVH when he was shot, Mrs Annie Miskimmin and Mrs Kathleen Faloon, both now deceased. I also had the benefit, at that hearing, of seeing a video of an interview with Mrs Miskimmin provided by the solicitor for the Next of Kin. I shall consider the evidence of these two witnesses, and all relevant witness evidence, in detail later in this ruling.

[28] Following this first day of evidence on 21 March 2022, I adjourned the inquest to allow for further investigations into potentially relevant lines of inquiry. Most particularly I wanted to allow for further investigations into the tracing of the eight man military patrol, which the original deposition of one of the military witnesses, PC02, stated he was the Commander of, and which was within the grounds of the RVH at the time of Patrick’s death. Efforts were undertaken on my behalf to seek to trace and identify the remaining seven members of that patrol, and any other military witness who may be potentially relevant. I held preliminary case management hearings subsequent to this adjournment to keep up to date with developments and the relevancy of lines of inquiry, including, but not confined to, the tracing of these further potential military witnesses.

[29] Pursuant to the further investigations undertaken by the LIU on my behalf, inquest statements from additional witnesses were taken by my investigator, though it did not appear possible to identify the further members of PC02’s seven man patrol and PC02’s initial deposition said that he was unable to remember the names of any member of the patrol. A witness list was compiled, and the inquest subsequently recommenced on the 11 March 2024 and ran until the 14 March 2024. Further evidence was heard on the 21 March, 8 April, 12 April and 18 April 2024.

[30] Transcripts of all oral evidence received by me, and all proceedings for the purposes of this inquest, were provided to all interested parties during the currency of it.

[31] After the conclusion of the evidence, I received written submissions from counsel for both the Next of Kin and MoD/PSNI. I am grateful for their assistance in

doing so. I have considered those submissions and all materials made available to me, from whatever source they were provided to me, including from the Next of Kin and the MoD/PSNI, in detail. In this ruling I set out aspects of evidence to provide a context for my findings. Any failure to mention any particular evidence, or any witness or document, should not be taken as an indication I have not considered it. I have considered all the evidence in full before coming to my conclusions. In my ruling I have focused on the evidence which most assisted me in coming to those conclusions and that bears on issues falling within the scope of the inquest, which I kept open for review throughout the inquest proceedings.

[32] In relation to those witnesses who did give evidence before me and who had previously provided statements or depositions for the purposes of Patrick's death, they were afforded the opportunity to confirm the accuracy of their evidence and their statements were received pursuant to common law. All witnesses were questioned by my counsel and made available for questioning by Counsel for the Next of Kin and MD/PSNI.

Rumour and speculation

[33] One of the purposes of any inquest is to address or dispel rumour or speculation to the extent possible.

[34] A point of particular distress to Patrick's family was the reference in the book "Lost Lives: The Stories of the Men, Women and Children Who Died as a Result of the Northern Ireland Troubles" and repeated at times in various newspaper articles, that Patrick was in some way involved in the Official IRA at the time of his death, and that the Provisional IRA were "likely responsible" for his death.

[35] Entry 1425 of the 2007 edition of Lost Lives reads:

"1425. August 10, 1975
Patrick Crawford, West Belfast
Official IRA, Catholic, 15:

The teenager from Ramoan Gardens, Andersonstown, was found with gunshot wounds in the ground of the Royal Victoria Hospital. It seemed likely that the Provisionals were responsible. His mother, Martha Crawford had been shot dead in a gun-battle three years earlier and an uncle, John Crawford was killed by loyalists in January 1974 ..."

[36] There was another entry in relation to Patrick's death in the 1999 edition of "Lost Lives" erroneously linking him to another individual with the same surname, arguably giving substance to allegations of his involvement in paramilitary type activity.

[37] Of further note is the entry around Patrick's death in the Conflict Archive on the Internet ('CAIN') database, which states "that the deceased was a civilian and that he was shot during the gun battle between the IRA and the British Army."

[38] There were also references in historical court documentation from Belfast Petty Sessions dated 9 May 1975 provided to me by the Public Prosecution Service, namely a "Form DPP 5" entitled "Department of the Director of Public Prosecutions Summary Prosecution Result Report" that in May 1975, Patrick was arrested for the offence of allowing himself to be carried. Much of this form is completed in handwriting, some of which is illegible. From what I can see though, it is clear that Patrick received a two year probation order in respect of this same offence.

[39] At the same time that Patrick was arrested for this offence, he was also questioned about membership of Fianna na h'Eireann (an illegal Irish Nationalist youth organisation) and later charged with membership of that organisation contrary to section 19(1)(a) of the Northern Ireland (Emergency Provisions) Act 1973.

[40] The handwritten entries from the court documentation in relation to the charge of membership of the Fianna na h'Eireann are more difficult to decipher. I cannot see any penalty associated with this charge relating to Patrick. I can see that his father, Patrick Crawford Snr was bound over for two years in the sum of £30, however I cannot say for certain whether this relates to the membership charge or the motoring charge. It could mean that the membership charge was withdrawn at court and the penalties recorded relate only to the motoring offence, or the binding over order could relate to the membership charge. I cannot be sure one way or another as the document does not conclusively confirm the position (or at least if it does, I cannot decipher the relevant entries).

[41] In any event, those court proceedings relate to events approximately nine months before Patrick was shot. What appeared clear from the outset of this second inquest and remained so throughout, was that there was no evidence that Patrick was involved in the Official IRA or any other similar organisation at the time of his death. Given that this view was agreed by the Next of Kin and the MoD/PSNI, I was content that my counsel make remarks to that effect reflecting that agreement, at the recommencement of the inquest on the 11 March 2024.

[42] Whilst I kept all potential avenues of relevancy open for review throughout the inquest, I was satisfied at the conclusion of all the evidence that this view remained unchanged and unchallenged, namely that Patrick was an innocent 15 year old boy not involved in any suspect activity at the time he was shot.

Historical Enquiries Team Report

[43] Before turning to the detail of the circumstances surrounding Patrick's death, it is relevant to note that a review of his death was undertaken by the then Historical Enquiries Team ("HET"). Copies of the HET Review Summary Report were delivered

to the Crawford family on 5 October 2011 and a further supplementary Review Summary Report was prepared by the HET on foot of additional questions raised by the family and delivered to them in 2013. Both reports disclosed that they had not uncovered any potential new lines of enquiry.

[44] The HET report concluded:

“The review into the murder of Patrick has been examined against the below factors:

- The original case records
- Family concerns
- Intelligence records
- Analysis of any linked issues
- Open source material.

The HET concludes on the basis of the available evidence that on the evening of Sunday, August 10, 1975, Patrick was making his way home and was walking through the grounds of the Royal Victoria Hospital when he was struck in the chest by a bullet. Patrick died almost immediately.

The pathologist recorded the cause of Patrick’s death as ‘bullet wound of the chest.’ On the day of Patrick’s murder, widespread disorder had broken out across Belfast on the fourth anniversary of the introduction of internment. As a rally held in Dunville Park began to disperse around 5.00pm, numerous gun battles between the army and terrorist gunmen broke out around the Royal Victoria Hospital before and after Patrick had been shot.

Patrick was killed by a single high velocity shot fired from an unknown position by an unidentified gunman. In all probability the shot was fired from an elevated position from within the grounds of the hospital.

There were reports of a gunman operating in the grounds of the hospital just before Patrick was killed and an army unit sent to search for him heard the shot that killed Patrick. A lack of forensic and eyewitness evidence reduced the opportunities for the RUC to determine who was responsible for Patrick’s murder.

The HET has been unable to establish if Patrick was killed by the army or by terrorists who were operating in the area at that time but the contemporaneous army records

examined as part of the review add more weight to a belief he was shot by a terrorist gunman.

Patrick was only 15 when he was murdered and had his whole life in front of him. His death was tragic by any assessment but made more so because of his tender years. He had no criminal convictions and there is nothing in the case papers reviewed or the research carried out by the HET to suggest that Patrick was linked to any terrorist organisation.”

[45] Patrick’s family, and in particular his sister Magdalene, gave evidence as to their extensive engagement with various state agencies throughout the years, including the HET, to try to find out what happened to their brother. It was those efforts that resulted in a successful request to the former Attorney General of Northern Ireland to direct a new inquest into Patrick’s death.

Police Ombudsman Northern Ireland

[46] Patrick’s Next of Kin gave evidence that they made a complaint to the Office of the Police Ombudsman (‘PONI’) about the inadequacy of the police investigation into their brother’s death.

[47] I received a file of papers from PONI. It contains details of an investigation carried out by them, including a statement that “the manner in which this investigation was conducted does not stand scrutiny”. This report is dated June 2004. However, in relation to this complaint PONI stated on 16 August 2019:

“Patrick Crawford was shot in the grounds of the Royal Victoria Hospital when he was 15 years old. PONI received a complaint relating to the murder on 5 July 2004, alleging an ineffective police investigation. PONI records indicate that this complaint was closed as unsubstantiated in 2008. PONI holds very few documents relating to the incident that would assist the Coroner with this inquest.”

There is no evidence before me as to what, if anything, arose from the PONI investigation.

Effect of delay

[48] One further issue that bears separate consideration within the totality of the evidence is the impact of delay. Patrick’s death occurred 49 years ago. This could only but affect the quality of the evidence provided to me by those witnesses still available to provide potentially relevant information. Time also served to impact the quantity of evidence available to me as many potentially relevant witnesses are now deceased.

[49] I note the attempts by witnesses to try to recollect events around Patrick 's death, as well as their attempts to recall other matters, including what else was going on around that time and what decisions they may have made or been subjected to. It was clear to me that some witnesses recollected better than others. I cannot, without more, go behind allegations of poor memory, but it is the case that delay undoubtedly has the capacity to interfere with justice, both in terms of the promptness of its delivery and its effect on the quality of evidence that can be obtained. This has been recognised and commented upon in other legacy inquests, see, for example, In the matter of an inquest into the death of Patrick Pearse Jordan [2016] NI Coroner 1.

[50] I was mindful of the potential impact of delay when listening to the evidence of those witnesses who appeared before me and while considering my findings.

The legal framework

[51] The role of the inquest is defined by rule 15 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963 ("the 1963 Rules"), which provides that:

"The proceedings and evidence at an inquest shall be directed solely to ascertaining the following matters, namely:-

- (a) who the deceased was;
- (b) how, when and where the deceased came by his death;
- (c) the particulars for the time being required by the Births and Deaths Registration (Northern Ireland) Order 1976 to be registered concerning the death."

[52] Rule 16 of the 1963 Rules provides:

"Neither the coroner nor the jury shall express any opinion on questions of criminal or civil liability or on any matters other than those referred to in the last foregoing Rule."

[53] This restriction in rule 16 does not prevent findings of fact that, by inference, point strongly to such liability. In *Re Jordan* [2014] NIQB 11 Stephens J adopted the analysis of Lord Bingham in *Jordan v Lord Chancellor* [2007] UKHL 14:

"(a) A jury in Northern Ireland may not return a verdict of unlawful or lawful killing: see Rule 16 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963. This is in contrast to the position in England and Wales where such a verdict is permissible provided no person is named.

(b) A jury may find facts, either as primary facts or as inferences from primary facts, directly relevant to the cause of death which may point very strongly towards a conclusion that criminal liability exists or does not exist.”

Scope

[54] The scope of this inquest was defined by a document drafted by my counsel in December 2023 which was approved by me and shared with all Properly Interested Persons.

[55] In this document it was stated:

“Within consideration of the circumstances of death are the following:

- (a) how and why the deceased arrived at the location where he was shot
- (b) the position and direction the deceased was facing when he was shot
- (c) the direction and elevation of the shot that struck the deceased
- (d) the locations from which the shot could have been fired
 - (i) was the deceased shot from a roof top
- (e) what armed groups or soldiers may have been in that location(s)
 - (i) were soldiers operating from the roof tops within the RVH site
 - (ii) were paramilitary snipers operating from raised elevation in that locality
- (f) the nature of the round that struck the deceased
- (g) the weapon(s) that potentially could have fired the shot
- (h) whether such weapons were in possession of soldiers or, others, at that time and location
 - (i) who shot the deceased
- (j) whether the deceased was a member of the Official IRA
- (k) whether the deceased was shot as part of a feud between the Provisional and Official IRA

- (l) whether a confession was made to the murder of the deceased
- (m) whether that confession was reliable in relation to this deceased
- (n) whether that confession may have related to a different location.”

[56] In approving the scope document, I made it clear that it could be amended as appropriate at my discretion. It did not subsequently require to be revisited.

Article 2

[57] At the commencement of this inquest on the 21 March 2022, I stated that it “may be deemed what is termed as an article 2 inquest.”

[58] Article 2 of the European Convention on Human Rights enshrines a right to life and gives rise to both substantive obligations on member states to protect life and prohibit the intentional deprivation of life, and a procedural obligation to carry out effective investigations into alleged breaches of the substantive obligation.

[59] In circumstances in which article 2 applies, the procedural obligation in article 2 can be fulfilled by an inquest. In conducting an article 2 inquest, the coroner must conduct a broader inquiry into a death and go beyond the question of ‘how’ a death occurred to consider “by what means and in what circumstances a death occurred.” [R (*Middleton*) v *West Somerset Coroner* [2004] AC 184].

[60] There have been significant case-law developments within the area of article 2, and, in particular for the purposes of this inquest, on when article 2 applies to a legacy inquest. It is worth looking at this case law development briefly as it is in reliance on this that I have reached the conclusion that article 2 does not apply to this inquest.

[61] The recent Supreme Court decision in the case of an application by Rosaleen Dalton for Judicial Review (NI) [2023] UKSC 36 sought to definitively examine the circumstances in which article 2 ECHR imposes both a substantive and procedural duty on the state. Dalton followed a long line of cases which grappled with this issue, each one arguably contributing without completely clarifying the position as to what extent the Human Rights Act 1998 has retrospective effect with regards to article 2.

[62] In their judgment in Dalton, Lord Burrows and Dame Siobhan Keegan stated the following:

“305. It is well established that article 2 of the ECHR imposes both a substantive and a procedural duty on the State and that, although the HRA came into force on the 2 October 2000 and is non-retrospective, the procedural duty to investigate deaths can apply to deaths prior to the

coming into force of the HRA. This is so where, first, new information has come to light which satisfies the test for reviving an investigation laid down in *Brecknell v United Kingdom* (2007) 46 EHRR 42 (“Brecknell”); and, secondly, there is a ‘genuine connection’ between the triggering death and the ‘critical date’ of 2 October 2000. There is an exception to the need for a genuine connection if the death undermines the values of the Convention (as, for example, with genocide) so as to satisfy the ‘Convention values’ test.”

[63] In the recent case of *Bradley* [2024] NIKB 12, Humphreys J considered the cases of *Re McKerr* [2004] UKHL 12, *Silih v Slovenia* [2009] 49 EHRR 37, *Re McCaughey’s Application* [2011] UKSC 20, *Janowiec v Russia* [2013] 58 EHRR 30, *R (Keyu) v Secretary of State for Foreign and Commonwealth Affairs* [2015] UKSC 69, *Re Finucane’s Application* [2019] UKSC 7, *Re McQuillan’s Application* [2021] UKSC 55 and *Re Dalton’s Application* [2023] UKSC 36. This led him to distil a set of principles guiding the application of the article 2 investigative obligation to the legacy inquests before him in *Bradley*. He said:

“[99] The principle of legal certainty, espoused by all parties to this litigation, delivers the following outcomes:

- (i) No death which occurred before 2 October 1988 can engage the article 2 procedural obligation as a matter of domestic law, save where the Convention values test is met. This is the fixed and outer limit of the genuine connection test;
- (ii) Where a death occurred between 2 October 1988 and 2 October 1990, the article 2 obligation may be engaged where:
 - (a) The original investigation was seriously deficient; and
 - (b) The bulk of the investigative effort was carried out after 2 October 1990.
- (iii) Where a death has occurred between 2 October 1990 and 2 October 2000, the temporal aspect of the genuine connection test will be satisfied but the article 2 procedural obligation will only apply when much of the investigation took place, or ought to have taken place, after 2 October 2000;

- (iv) For any death occurring after 2 October 2000, the article 2 procedural obligation will apply;
- (v) If the Convention values test is satisfied, then the article 2 obligation will apply to a death occurring after 14 January 1966.”

[64] Applying those principles, this inquest clearly falls within para [99](i) of the decision in *Bradley*, as the death of Patrick occurred prior to 2 October 1988, and the Convention values test does not apply. There is, therefore, no obligation to carry out an article 2 convention compliant investigation.

[65] In *Bradley*, Humphreys J went on to say that the impact of that ruling on the nature of the inquest, whether in terms of evidence admitted, questioning of witnesses or the nature of the findings delivered, may vary. Having set out the principles derived from the case-law as to the temporal scope of article 2, he went on to ask, “What difference does it make?”. He answered that question in the following terms in his ruling in *Bradley*:

“What difference does it make?”

[100] It will be a matter for individual coroners charged with the conduct of a particular inquest to determine the scope, the relevant evidence and the nature and extent of the verdict and conclusions. Whether or not article 2 applies may have an impact on some or all of these questions. However, it may be observed that the difference might not be all that pronounced.

[101] In *Middleton*, Lord Bingham said:

‘It must be for the coroner, in the exercise of his discretion, to decide how best, in the particular case, to elicit the jury’s conclusion on the central issue or issues.’

[102] In *R(Smith) v Oxfordshire Assistant Deputy Coroner* [2010] UKSC 29, Lord Phillips stated:

‘I question whether there is, in truth, any difference in practice between a Jamieson and a Middleton inquest, other than the verdict. If there is, counsel were not in a position to explain it. (para [78])

[103] Similarly, per Popplewell LJ at first instance in *R(Morahan) v HM Assistant Coroner for West London* [2021] EWHC 1603 (Admin):

‘In many instances, of which the current case is an example, there will be no practical difference in the scope of the inquiry conducted at a Jamieson inquest from that at a Middleton inquest.’ (para [70])

[104] Lord Brown commented in *McCaughey*:

‘... it may be doubted whether in reality there is all that much difference between an article 2 compliant inquest (a *Middleton* inquest: see *R(Middleton) v West Somerset Coroner* inquest: *R v Coroner for North Humberside and Scunthorpe, Ex p Jamieson* [1995] QB 1)’.

[105] This observation around the difference in verdict has to be seen in the context of coronial law in England & Wales. Section 5 of the Coroners and Justice Act 2009 sets out that the purpose of a coroner’s investigation is to ascertain who the deceased was and how, when and where he came by his death. By section 5(2), where article 2 applies, the ‘how’ question includes ‘in what circumstances’ he came by his death.

[106] Section 10 requires the coroner or jury to make a determination as to the section 5 questions without making any determination of civil liability or criminal liability on the part of a named person. The practice in that jurisdiction is to adopt one of a list of short form conclusions or, in certain cases, for a narrative determination to be given instead of or in addition to the short form conclusion.

[107] In this jurisdiction, verdicts (as they are still known) are not given in short form but, as a matter of course, extend to a set of narrative conclusions. Rule 16 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963 prohibits a coroner or jury from expressing an opinion on any issue of civil or criminal liability. The latter is not restricted to a ‘named person’ as it is in England & Wales, and this explains the ability of coroners’

courts in that jurisdiction to deliver a finding of unlawful killing.

[108] Having noted the restrictions, the coronial jurisprudence in recent times has recognised that the coroner is nonetheless under a duty 'to ensure that the relevant facts are fully fairly and fearlessly investigated' (per Sir Thomas Bingham MR in *Jamieson*). The same judge said in *Jordan v Lord Chancellor* [2007] UKHL 14 that whilst a verdict of unlawful killing is not open in Northern Ireland, an inquest may find facts which may point very strongly to the existence of criminal liability.

[109] Given the potential scope for such findings, and the need for a full fact-finding exercise, it may be therefore in any given case that the application or otherwise of article 2 is a point of academic interest only, making little practical difference to the running or the outcome of the inquest."

[66] The decision in *Bradley* was considered recently by Colton J in his ruling *In the matter of an application by SGM15 for leave to apply for Judicial Review* [2024] NIKB 56, handed down on 28 June 2024. This was a challenge, inter alia, to the application by a coroner of article 2 to a legacy inquest completed prior to the decision in Dalton but before the SGM15 judicial review proceedings (per para [34]). Referencing the judgment of Humphreys J in *Bradley*, Colton J stated,

"[51] I cannot improve on this judgment or its reasoning which is of enormous value to coroners conducting 'legacy' inquests

[52] I therefore, adopt the conclusions at para [99] of his judgment."

[67] In summary, whilst article 2 does not apply to this inquest, I have sought to fully, fairly and fearlessly establish the facts around Patrick's death. Having considered all those facts, I cannot attribute criminal or civil liability, but I can find facts which may, by inference, point strongly to such liability: see *Re Jordan* [2014] NIQB 11.

[68] In considering the facts, I have regard to the scope document. I will address the issues remaining to be considered within the scope when analysing those facts, determining the relevant matters on the civil standard of proof (i.e. the balance of probabilities) and coming to my conclusions. I am cognisant of the fact that the more serious the allegation or the more serious the consequences if the allegation were proved, the stronger must be the evidence before a court will find the allegation

proved on the balance of probabilities. See *R(N) v Mental Health Review Tribunal Northern Region* [2005] EWCA Civ 1605 para [62]; *Re CD's application* [2008] UKHL 33 (opinion of Lord Carswell at para 27), *R(Maughan) v Her Majesty Senior Coroner for Oxfordshire* [2018] EWHC 1955 (Admin) applied by the Northern Ireland Court of Appeal *In an application for judicial review by Steponaviciene Jura* [2020] NICA 61 at paras [6-8].

Review of the Evidence

Evidence from the Crawford family

Patrick Joseph Crawford Snr

[69] On 22 March 2022 I admitted into evidence under rule 17 the deposition of the late Patrick Joseph Crawford Snr, Patrick's father, to the original inquest taken on 19 December 1978. Mr Crawford Snr died in 2006. In his deposition Mr Crawford Snr confirmed that he had identified Patrick's body at the RVH Mortuary. He confirmed that he had last seen Patrick alive about 3pm on 10 August 1975. In a handwritten annotation to his deposition he goes on to say that his son was not connected with any "organization" and he does not know why he was "victimised."

[70] In addition, on 21 March 2022 the inquest was shown an interview the BBC had conducted with Mr Crawford Snr on Monday 11 August 1975 the day after his son had been shot. In this interview Mr Crawford displays a remarkable fortitude and stoicism given what had so recently happened to his son. In it Mr Crawford says the police had told him that Patrick had been in the Casualty Department at the RVH either for himself or with a friend. Mr Crawford indicates he did not think Patrick would have taken part in the anti-internment march as he would have left the family home too late to join it. The narrative that Patrick was leaving Casualty also appears in the handwritten notes of Professor Marshall. That Patrick was "leaving" the RVH also appears in the RUC logs. This entry appears to have been made before the interview by the RUC of civilian witnesses. I will say at this point that I am content that Patrick was cutting through the RVH, accompanied by two women when he was shot. There is no evidence to suggest he was in Casualty at an earlier point, either for himself or with anyone else.

Magdalene Crawford aka Maggie Crawford

[71] Maggie Crawford, a sister of Patrick's gave evidence to me in court having first provided two statements both dated 7 July 2022, one being a witness statement and the other being a victim statement.

[72] In her evidence Maggie Crawford recalled how tragedy had struck her family three years before Patrick's death when their mother had been killed. She recalled how after their mother's death Patrick had played a significant role in her care and that of his other younger siblings. She described how he also had an interest in working with

vehicles and took an element of pride in his appearance. She recalled how he was a kind person who was good fun. She described Patrick as being tall to the extent he looked like an adult.

[73] In relation to the day Patrick was shot Maggie Crawford was able to recall Patrick being in the family home earlier in the day. She recalled that in the evening when it became known Patrick had been killed, neighbours and a priest attended at their home.

[74] Maggie Crawford noted the “completely inaccurate” information in Lost Lives including the alleged involvement of Patrick in paramilitary activity and said that her father was strict with the family and they would not have been allowed to become involved with such groups. She mentioned that Patrick’s funeral had no paramilitary trappings.

[75] She gave evidence as to some of what the Crawford family has been told over the years about the circumstances of Patrick’s death, of the original 1979 inquest and the various dealings she has had over the years with a variety of public bodies including the Police Ombudsman’s Office, the Historical Enquiry Team and the Office of the Attorney General NI.

Family Victim Statements

[76] In giving evidence to me Maggie Crawford spoke of the impact Patrick’s death had had on the Crawford family. In relation to this impact in addition to what Maggie Crawford had said, I admitted under rule 17 victim statements from some of Patrick’s other siblings namely Kevin Crawford, Elizabeth Shortt née Crawford, John Crawford, Rose Hilland née Crawford, who sadly died shortly after preparing her statement, and Daniel Crawford.

[77] This evidence illustrates the profound impact the death of Patrick had on the family coming only a few years after the death of their mother. It is noted that their father questioned his ability to properly father them due to Patrick’s death. It is further noted that Patrick’s father died in 2006 without ever learning the full circumstances of his son’s death. The evidence also speaks to the ripple effect of the hurt Patrick’s death has caused to succeeding generations of the family.

The scene - Engineer’s evidence

[78] Mr Brian Murphy, Consulting Engineer of TMB consultants, provided five reports for the purposes of this inquest and was instructed to provide the distance to and elevations from certain buildings to assist the ballistics experts with the possible locations from which the fatal shot could have been fired. In doing so, he was also asked to identify the location of “X”, as marked by Mrs Miskimmin at the original inquest as the location in which Patrick was killed, given the changes in that area and the construction of new hospital buildings around this location.

[79] His first report is dated 21 February 2022. In preparation for this report, Mr Murphy visited the locus of Patrick's death on 15 December 2021, 10 February 2022 and 21 February 2022. He took photographs and measurements of the scene, which has changed in layout to a certain degree due to new hospital buildings at the locus. The purpose of this report was to establish the layout of the area, provide maps (TBM 1-6) and photographs and to try, as far as possible to reconstruct the original locus to aid my understanding.

[80] He provided an addendum report, his second report, dated 4 March 2024 looking at possible arcs of fire across various possibly relevant locations within the locus of the shooting. For this report, he re-visited the site on 18 October 2023 and 5 December 2023 and produced further maps (TBM 7-9).

[81] He provided a third report dated 27 March 2024, the purpose of which was to in effect subsume the second report and to provide further information regarding arcs, positions and elevations on a variety of buildings that may have been potential sites from which Patrick may have been shot and the arcs from those sites, marked A, B and C: A being the ENT building, B being the School of Dentistry and C being the Falls Road. This report covered the same ground as the second report but provided additional detail and included further maps and photographs (TBM 9A-9D).

[82] A fourth report, dated 11 April 2024, was produced with a map (TBM11), which was the original map produced by Mr Murphy but with a further potential possible line of sight to the locus from a building identified as a one and a half height building housing the gynaecological wards and identified as D on the said map. Markings on this map, D1 and D2 denote locations from the building to the point marked "X", "X" being the estimated point where Patrick was struck, as marked in the original papers on an RUC map at the original inquest by Mrs Miskimmin and having been confirmed as accurate by the then staff nurse, Elizabeth McElkerney, when she gave evidence before me.

[83] The purpose of the measurements from all these locations was to try, as far as possible, to ascertain possible or likely positions from where Patrick may have been shot in relation to the position of "X".

[84] Mr Murphy produced a fifth report dated 16 April 2024, which he called the "post 12 April addendum." (12 April 2024 being the first day Mr Murphy gave oral evidence to the inquest). Mr Murphy produced this report having been asked to look at vertical angles from the top of the gynaecological ward building, which is apparent in the foreground of photo 2 taken at the time by the RUC, a building which no longer exists. He was also asked to extend a table he had included in his previous report regarding heights/angles.

[85] In seeking to provide as accurate a picture as possible, Mr Murphy relied on other sources to try, as far as able, to recreate the scene of Patrick's death as it would

have appeared in August 1975. Whilst he initially took photographs of Maternity Road and the general environs of the RVH as it exists now, he also examined and relied upon current and historic Ordnance Survey maps, archived police maps and photographs as well as a 1976 large aerial image of the Royal Victoria Hospital obtained from the Ministry of Defence along with drainage and floor plans obtained from the Belfast Health and Social Care Trust dating back to 1973 and 1975. In addition to his reports, Mr Murphy also gave oral evidence on 12 and 18 April 2024.

[86] I appreciated from the outset that this work undertaken by Mr Murphy could not and would not prove to be an exact science given the change in topography and the lack of precision regarding Patrick's exact location when he was shot, and so it came to pass that the evidence on this issue was not determinative of an absolute definitive narrative. I will expand on this issue in more detail when discussing the oral evidence of Mr Murphy and the joint evidence of the pathologists and ballistics experts.

Civilian evidence

[87] I heard from thirteen civilian witnesses, eight of whom gave oral evidence in this inquest. Of these seven witnesses, three have been employed in some capacity at the Royal Victoria Hospital but these individuals' evidence did not relate to any medical evidence, but rather either their eyewitness observations of the events of 10 August 1975 or their recollection of the lay out of the relevant areas within the hospital. In respect of the witnesses whose evidence was admitted by way of rule 17, some of these witnesses were deceased such as Annie Miskimmin and Catherine Faloon who were with Patrick as he was walking up Maternity Road whenever he was shot. Each of these ladies described meeting Patrick at the Grosvenor Road gates of the hospital, when Patrick asked if he could accompany them.

Annie Miskimmin

[88] Annie Miskimmin provided two identical statements to police on 12 August 1975 and 17 October 1978 respectively, along with a deposition to the original inquest dated 19 December 1979. She provided a further statement to the Police Ombudsman on 18 March 2004 and I have also viewed an interview conducted with her by Patricia Coyle, solicitor of Harte Coyle Collins Solicitors on behalf of the Next of Kin.

[89] In her original statements, Mrs Miskimmin described walking in the direction of her home with Catherine Faloon on the evening in question whenever she met Patrick at the hospital gates on the Grosvenor Road. She stated that there had been trouble in the Lower Falls Road earlier and that Patrick asked if he could walk with her and Catherine Faloon towards the Falls Road because "he thought he saw the Brits in the hedge beside the Dentistry building and he was afraid." Annie Miskimmin described how she told Patrick that he would be alright and that they would all walk along the hospital road together. She then outlined how the three of them turned right

at the Maternity Building and observed Patrick as being afraid. Her statement then reads as follows:

“When we got level with the entrance to the extern I heard a shot and the young fellow said, ‘I’m shot’ and he fell to the ground. Mrs Faloon bent over him and she said, he is. She said get a doctor, get a doctor and I ran over towards (Wards) 23 and 24 but nobody came then I saw the nurse with blind lifted at 21 and I shouted to her to come quick that a boy had been shot. She came out immediately and two other nurses came after her. Somebody got a trolley and the boy was wheeled into the Casualty. I think he was dead when he was brought in.”

[90] Her deposition concluded with her stating her belief that the shot which struck Patrick came from “the right hand side” but she acknowledged that Catherine Faloon may not share this opinion. The handwritten note on her deposition at the original inquest appears to add “from the top of Casualty”.

[91] Annie Miskimmin’s deposition to the coroner is almost identical to these statements, although a little more detail is added. Most significantly for the purposes of this inquest, she marked the location of the shooting with an ‘X’ on a map used in the original inquest.

[92] In her statement to the Police Ombudsman, Annie Miskimmin added the following detail around the precise moment when Patrick was shot:

“As we walked through the gates I gave Patrick a cigarette we lit them and walked on, Patrick was walking between Mrs Faloon and I. I was about a step in front of Patrick and Mrs Faloon. We were walking past the entrance to the hospital wards 23 and 24 and the extern when I heard a noise that I can describe as a whip crack. I turned around and Mrs Faloon was screaming and Patrick was lying on the ground.”

[93] Annie Miskimmin re-iterated her belief that the bullet which struck Patrick went past her and confirmed that the only gunshot that she heard was the shot that struck Patrick.

[94] In the interview with Patricia Coyle conducted on 4 April 2018, Annie Miskimmin added that she was confident that Patrick wasn’t “carrying anything” whenever she met him at the hospital gates. She gave a similar description of the shooting and confirmed her belief that the shot came from the direction of the “Grosvenor Road end” and that she had seen soldiers around the entrance to the RVH.

Catherine Faloon

[95] Catherine Faloon provided two identical statements to police on 12 August 1975 and 17 October 1978 respectively along with a deposition to the original inquest dated 19 December 1979. These statements provide a similar narrative to that provided by Annie Miskimmin and indicate that both ladies met Patrick at the gates of the RVH on the Grosvenor Road. He then walked with them through the hospital grounds, turning right at Maternity Road and then walked towards the Falls Road. She stated that as the three of them got near to the entrance to Wards 23/24, she heard a shot and then Patrick said "I'm shot" before falling to the ground. Catherine Faloon described then bending over him and noticing the black plastic doors of Wards 23/24 closing slowly. She did not see anyone either going in or coming out (nor did she see anyone entering the ward as she had been walking up the road). Her statement then described how she knelt over Patrick, opened his coat and saw blood on the front of his shirt. Patrick told her "I'm dying" and Catherine Faloon then saw blood pouring out of his mouth. She then said an Act of Contrition into Patrick's ear and believed that by the time that she had finished that Patrick was dead.

[96] The most significant deviation in the various accounts given by Catherine Faloon to that given by Annie Miskimmin arises in Catherine Faloon's statement to the coroner in 1979. In that statement, Catherine Faloon added her belief that the shot which struck Patrick came from the railings of the Falls Road, where Patrick was facing. In a handwritten note on that deposition, it appears that Mrs Faloon added that there had been no other shooting at the time and for that reason, she believed that the shot that hit Patrick was "deliberate".

Elizabeth McElkerney née Girvan

[97] Elizabeth McElkerney, a nurse on duty at Ward 21, also known as Quinn House, at the time of Patrick's shooting gave oral evidence to the inquest. She adopted the contents of a number of statements that she had previously made. She confirmed that she had little memory of the shooting and was relying on those statements made nearer to the time of these events to prompt her. Her statements confirmed that on 10 August 1975, she was on duty in Ward 21, a neurosurgical unit, and that at 9.40pm there was a lot of shooting in the area around the hospital, but that she heard a louder single shot which she believed came from the direction of the Falls Road. She then heard a woman shouting "Oh my God he has been shot. Get a doctor." Elizabeth McElkerney then ran from Ward 21 onto Maternity Road to assist, along with another nurse and saw Patrick lying on the road, with another woman crouching over him. She saw blood on Patrick's right neck and shoulder and, together with a security man, she carried Patrick into an ambulance room before she returned to her ward.

[98] Elizabeth McElkerney was questioned by my counsel and confirmed that she had worked in the Casualty Department of the RVH from 1975 to 1977 but aside from being asked to complete the statements referred to above, she was never asked to provide any further information in relation to the shooting. In relation to army

presence in the Royal Victoria Hospital, she indicated that there was an army checkpoint at the Broadway entrance of the hospital and that in general, there was a regular army presence in the hospital grounds, albeit that she couldn't recall what presence there was on 10 August 1975, nor could she remember seeing any army on top of buildings generally.

[99] She was also able to describe some of the usage of some of the relevant buildings within the RVH site and confirmed that the 'X' marked by Annie Miskimmin on the original inquest map was where she would have first seen Patrick after hearing the shot when she looked out from Ward 21 where she was working. With regards to the direction of the shot that struck Patrick she confirmed her sense that it came from the direction of the Falls Road. She also noted that while she frequently heard shots in the distance during that time of unrest, that she did not recall ever hearing any other shots that were as close and loud as the shot that struck Patrick.

[100] In answer to questions from counsel for the Next of Kin, she confirmed that the army would have had a high degree of control over the RVH estate and agreed that no one was going to stop the army moving freely within it. She further indicated that while there had been gunfire prior to Patrick being shot, she was not concerned about being caught up in crossfire whenever she went out to assist and that she had no recollection of any other gunfire at that exact time.

John Gerard Curley known as Sean Curley

[101] I also heard evidence from Sean Curley, who knew Patrick from school. At the time of the shooting, he was employed as a delivery driver. Prior to him providing a witness statement for this inquest, it was explained to him that he and six named persons were said to have spent time with Patrick on the day that he was killed. While his witness statement indicated that he had no memory of walking with Patrick and that he was definitely not with Patrick on 10 August 1975, surprisingly his oral evidence was that he did remember seeing him that day at around midday on the Grosvenor Road in the vicinity of the entrance to the Royal Victoria Hospital and that he had some "general chit chat" before heading home. According to Mr Curley, all of this took place before the internment march. He also gave general evidence in respect of deliveries that he made around this period of time, noting that he saw army in the Microbiology building of the RVH which he said was part of the Mulhouse Street barracks.

Joseph Patrick McKernan

[102] I next heard from Joseph McKernan. His written statement confirmed that he had met Patrick in 1973 when they were both on holiday in Limerick and that he got to know Patrick during that summer. The first time that he recalled seeing Patrick in 1975 was on 10 August, whenever he and some friends including Jim and Alec Johnson and Sean Curley met him outside of Joseph's flat in Milford Walk in the Divis area in mid-morning. Joseph McKernan's statement indicated that while they were

inside the flat that they heard a blast, possibly from a bomb. There was then some discussion concerning Patrick returning home early due to the risk of him being detained by the army. Patrick then left with the group, who brought him to the gates of the Royal Victoria Hospital where they left him. Joseph McKernan said that they never saw him again. In his oral evidence, he was clear that this all took place in the early part of 10 August 1975 and that the group would have arrived at the Royal at around midday. With regards to army presence on the site, Mr McKernan stated that he had personally seen the army on top of the School of Dentistry on one occasion.

James Joseph Brown also known as Jim

[103] I heard oral evidence from James Joseph Brown. He adopted his witness statement whereby he confirmed that he had been friends with Patrick for about two or three years prior to his death. In his statement, he confirmed that he had seen Patrick on 10 August 1975 in Dunville Park, whenever speeches were being made at an internment rally. He said that they were together for about a half hour before parting company, having planned to maybe meet up later.

[104] Jim Brown recalled seeing Patrick again an hour or two later at the bottom end of Dunville Park, where it meets Sorella Street and Grosvenor Road. He stated that he spoke with Patrick for about five or ten minutes discussing how they were going to get home due to people talking about “army snatch squads” being around the area. Following that, Patrick then crossed the Grosvenor Road towards the entrance to the Royal Victoria Hospital. This was the last time that Jim Brown saw Patrick. In his oral evidence, he confirmed that he did not see two women approach Patrick as he approached the hospital entrance, nor did he see any army around the gates of the hospital.

James Johnson

[105] I then received further civilian evidence under rule 17. James Johnson confirmed that he knew Patrick, albeit not particularly well, and that he had not seen him on 10 August 1975. He confirmed that he had initially told the Legacy Inquest Unit that he thought that he may have seen Patrick on 10 August, but that upon reflection it would have been a few days before this that he had seen him. Prior to speaking to the Legacy Inquest Unit, he had been informed that he may have been one of a group of seven persons to have been with Patrick on 10 August, but he had no memory of this whatsoever.

Alexander Johnson

[106] Alexander Johnson’s evidence was also admitted under rule 17. He confirmed that he had been informed that he was one of a group of seven persons to have been with Patrick on 10 August 1975, but that he had no memory of this whatsoever. Indeed, he stated that he may not even have been in Belfast on that particular date as he may have been on holidays. Furthermore, he stated that he did not know anyone

named Patrick and speculated that he had only been approached about giving evidence because of his knowledge of the circumstances of the death of a different individual, namely Paul Crawford.

Linda McAree

[107] I also heard oral evidence from Linda McAree, a neighbour of Patrick's who knew him around the time of his death. While she not seen him in the week prior to his death, her evidence was that she had been at the Royal Victoria Hospital the day prior to Patrick's death ie Saturday 9 August 1975, as she had been assaulted by a soldier and had to attend hospital as a result. In her written statement, she described being taken to the Royal Victoria Hospital via the Grosvenor Road entrance and within the grounds of the RVH going past the Dentistry building. As she passed that building, she said she observed army outside it and on top of it. Her statement then describes the ambulance turning right at the Dentistry building and heading up towards A&E ie up Maternity Road. She said when she got out of the ambulance, she was still able to see six to eight soldiers on top of the "old building which fronts on to the Falls Road". In her statement for the inquest, Ms McAree elaborated and stated that she saw soldiers on top of the School of Dentistry, on top of A&E and on top of King Edward Memorial Building. She also observed soldiers walking around the A&E building, both inside and outside of it. In her oral evidence, she also added that she had seen soldiers on the roofs of other buildings as the ambulance turned down the Grosvenor Road from the Falls Road before entering the grounds of the Royal Victoria Hospital.

Margaret Gatt

[108] I heard oral evidence from Margaret Gatt. She had worked as a receptionist in the Casualty Department at the RVH from 1979 to 2003. While she had no evidence to give in relation to the death of Patrick she was able to give evidence about the general layout of the Casualty Department during the period she worked there. Her evidence was that soldiers were based in an area within the RVH on the floor below the Casualty Department reception area. She described that area as being accessed via a reinforced door. Ms Gatt also gave evidence of "a lot of army activity" in or around the area where she worked. She recalled there was a corridor running around the edge of that part of the RVH site which provided internal access to a number of the different buildings and departments including the Casualty Department, the Nightingale Wards and the ENT Building.

Noel Carson

[109] Noel Carson gave oral evidence to me. He has been a porter in the RVH from 1981 and remains as such. While he had no information into Patrick's death, he gave evidence of the layout of the RVH estate and the uses it was put to. As part of his evidence, he provided a video which was played to the inquest, that he had taken in April 2023 from a plant room on the roof of the ENT building which houses air

conditioning units. The video showed the view from the plant room in the general direction of Maternity Road. This view has been obscured in recent years due to the construction of a large Critical Care building. Mr Carson gave evidence about the area below A&E reception that Ms Gatt had said was occupied by the army. He indicated that this area had previously been used for hospital radio, Radio Royal, but in due course the army had “commandeered” it. Like Ms Gatt, he gave evidence of the way the various buildings and departments of that part of the RVH site were interconnected including via corridors and tunnels. The existence of such tunnels were confirmed by the Trust plans made available to me.

Military evidence – Rule 17s

[110] I heard oral evidence from five military witnesses: Michael Knox, PC08, PC11, PC10 and PC04. I also received into evidence further statements from potentially relevant military witnesses traced by the LIU and interviewed by my investigators. The Next of Kin requested that I call some of these former military witnesses to give oral evidence, providing written submissions in support of their request. The MoD provided written submissions opposing the calling of these additional witnesses.

[111] I considered both submissions and the written evidence of these witnesses within the context of the wider evidence base available to me. I was unpersuaded that I needed to hear from any of these witnesses and was content that their evidence be admitted under rule 17 and made a ruling to that effect. In that ruling I indicated that I was content that the Next of Kin and MoD may make any submission on the content of those statements, and the weight they should attract, in their final written submissions to me at the close of the inquest. As the evidence had not yet concluded at the point of that ruling, I stated in my ruling that I remained open to the possibility that further evidence may cause me to revisit my decision and, if that occurred, I would do so. I also indicated that should either the Next of Kin or the MoD ask me to revisit my decision based on evidence yet to be heard at that stage, I would also do so. Neither of those circumstances arose and I did not hear from these military witnesses.

[112] The majority of the rule 17 statements admitted by me are of a genre setting out the general military context at the time of Patrick’s death or more widely. While of broad value, these statements provided little, if any, direct evidence relating to Patrick’s death, save for three exceptions: those of Sergeant Bellamy (PC01), PC02 and PC03.

[113] PC01, namely Sergeant Bellamy, was sadly killed but he had provided a deposition for the original inquest. I will summarise the evidence from these witnesses as they touch directly upon the events surrounding Patrick’s death. PC02 provided an original statement to the RMP as well as a more recent one to my investigator but is now, sadly, deceased. In his later statement to my investigator, he was unable to confirm his original deposition and said he had no memory of Patrick’s death or the night in question. PC03 was present at the Casualty Department when Patrick was brought in fatally wounded but had no recollection of the any of the events of that night.

Sergeant David Bellamy

[114] Sergeant David Bellamy provided a deposition dated 19 December 1979 stating that he served in Belfast from 1 July until November 1975 with the First Battalion of the Royal Highland Fusiliers (1 RHF). On the evening of 10 August 1975, when Patrick was shot and died, he was on guard duty at the Casualty Department of the RVH together with PC03 and PC04, both of 1 RHF. At some point that evening, when it was dusk, he heard a shot coming from the direction of the Falls Road. He cocked his weapon, due to his close proximity to the door of Casualty and believed that he "ordered PC04 to report to the HQ and give a contact report." Almost immediately on doing this, a young boy was brought into Casualty and taken to resuscitation by an ambulance man, a couple of civilians and two nurses. Sergeant Bellamy ascertained from the two nurses that they had found the boy at the back of the neurology ward ie Ward 21/Quinn House. Sergeant Bellamy remained with the young boy, who we now know to be Patrick, (Sergeant Bellamy refers to him erroneously in his statement by his middle name of Joseph Crawford) until he was pronounced dead, which he says was almost immediately after his admission. Sergeant Bellamy did not leave Casualty at all during this time.

PC02

[115] PC02 provided a deposition dated 19 December 1979. He stated that during August 1975, he was a member of the Support Company of 1 RHF based at Broadway military complex, whose responsibilities included the RVH. On 10 August 1975, he was the commander of an eight-man mobile patrol, call sign '50 Lima.' At around 19:00 hours that evening he was tasked to investigate a gunman in the Dentistry Building in the grounds of the RVH. He arrived at the building a few minutes later and tasked each member of his patrol to search a particular area outside the building. No gunman was found. About "an hour or hour and a half later" he heard the sound of a "high velocity" shot from the direction of the Falls Road. He made his way to the Casualty Department and there learned that Patrick had been shot. A handwritten insertion in his deposition, presumably made at the original inquest, appears to read that "it was still broad daylight." He states there was no gun battle in progress, just this single shot. PC02 states that at this point he decided to move towards the Falls Road in case he "could get any details about the shot and its origin." Together with his patrol he moved along Maternity Road. He states that he radioed his base location after the shot had been fired and before he started to move towards the Falls Road. As he neared Casualty, he saw a number of civilians mingling about outside the door. PC02 spoke to one of these individuals, who was security staff, who told him that a civilian, "Joseph Crawford" had been shot. PC02 states he was unable to establish from any of the witnesses where the firing point had been. PC02 states that he then carried out a search of the immediate area but did not locate the gunman, nor did he see anyone who appeared suspicious. He returned to Broadway base on completing his search. He states that because of the date of the incident and the fact "that all Sp Coy records have since been destroyed, I am unable to remember the names of any member of my

patrol." He confirms that each member of the patrol was armed with a self-loading rifle ('SLR') but that between leaving their base and returning to it around 22:00 hours, no-one opened fire. He concludes by saying that although members of the security forces were on duty in the Casualty Department, he did not see any of them when he arrived at the scene where Patrick was shot.

[116] PC02 also made a statement for the purposes of this inquest dated 24 February 2022. In it he states he had no memory of providing the deposition and cannot dispute or confirm it as he had no memory around the events of Patrick's death. He appears to suggest he was not called at the original inquest, but original handwritten notes on his deposition would suggest otherwise given the handwritten notes on his deposition are the same as those on the depositions of witnesses called, for example, Annie Miskimmin. PC02 also stated he has no information about the process for a soldier's evidence to be given at an inquest without their attendance. He is asked about log entries and states that the entry "contact at RVH entrance" to mean that the person reporting heard a shot, "but nothing more than they heard a shot fired." PC02 states he had no recollection of the Broadway base, the RVH or anything about Patrick's death.

PC03

[117] PC03, who died in 2002, took up the position of liaison NCO at the RVH on 29 June 1975 for four months. In relation to the death of Patrick he stated in his undated deposition that he has "no recollection of this incident whatsoever."

PC06

[118] I also admitted evidence from PC06, who stated that contact "means just that a shot or shots were fired but is not saying specifically who is thought to have been fired at."

Military evidence - oral evidence

[119] The military witnesses I heard oral evidence from had also provided written statements through my investigators, save for one witness, PC04. All witnesses adopted their written statements and were subsequently questioned on my behalf and on behalf of the Next of Kin and the MoD. I will summarise their background, potential relevance and the substance of their evidence for the purposes of this ruling.

Michael Knox

[120] I heard oral evidence from Michael Knox. Mr Knox was a member of 1 RHF, serving in TAC Company and located at Regimental Headquarters contained within the Springfield Road RUC station from July to November 1975. His role was one of Regimental Signals Officer in which he completed the watchkeeper logs for 1 RHF and made sure communications were working.

[121] He gave evidence that in Northern Ireland at the material time the British Army's command structure was that Headquarters Northern Ireland commanded a number of Brigades. The 39 Infantry Brigade were responsible for Belfast. In turn the 39 Infantry Brigade was comprised of a number of individual regiments which were responsible for specific areas known as regimental boundary areas.

[122] He described the regimental structure of his regiment, 1 RHF at that time as being:

- (a) A Battalion Headquarters commanding three rifles companies and a support Company.
- (b) The three rifles companies were in turn made up of 100-120 soldiers which were known as A Company, B Company and C Company
- (c) Each company consisted of 3 platoons of between 30-35 soldiers namely,
 - (i) A Company (platoons 1,2,3)
 - (ii) B Company (platoons 4,5,6)
 - (iii) C Company (platoons 7,8,9)
- (d) Each platoon was broken down in to four-man squads "to give depth and capability."

[123] Michael Knox said that each member of the battalion was issued with an SLR. He also said that if he had been leaving Battalion HQ located inside Springfield Road RUC station in addition to his SLR he may have carried a pistol.

[124] In relation to Sunday 10 August 1975 and in particular the death of Patrick he said that he had no memory of what he had been doing that day nor of Patrick's name. Michael Knox's evidence therefore related primarily to the reporting and logging of incidents by the army in Northern Ireland at the material time.

[125] He described the system for the reporting of incidents within the army. He said that individual platoons did not keep a written log but rather reported incidents to their respective companies who logged them. In turn incidents were reported on to the battalion, then to the Brigade and finally to Headquarters NI.

[126] He said that "a shooting of any description would have been reported up the level of Headquarters of Northern Ireland."

[127] He said that the term "contact" in an army log meant "there has been military involvement with a shot or shots being fired." He went on to say this could mean one of three things with the military "having fired the shots, having been subjected to the shots or having just heard the shots."

[128] He said if there had been a report of a shooting the army log “would have recorded the exact location, the category of firearm and the group or individual firing if known.”

[129] In relation to the presence of the army within the RVH his evidence was “there was a small security unit ... and military police.” However, Michael Knox said that he himself had never been in the RVH.

PC08

[130] I heard evidence from PC08 via video-link. He had previously provided a written statement dated 10 November 2022. His evidence was that he could not recall if he was in Northern Ireland in August 1975. He stated he had no direct evidence or knowledge of Patrick. Therefore, his evidence, related to the way in which army logs operated and were used to exchange information, and escalate, as necessary, within the army structure so as to better inform my understanding of the logs which formed part of the evidence in this inquest.

[131] PC08 joined the 1st Battalion of the RHF in 1964 and served with them until he retired. He completed four or five tours of Northern Ireland. He stated that he was unsure of the years of these tours. On one of these tours, he was based at the RUC station on the Springfield Road as the Regimental Signals Officer and he also completed shifts as the Watchkeeper. He stated that, in general, the TAC HQ managed operations at Company level and “each company managed itself within its own area of responsibility.”

[132] In a similar manner to Michael Knox, PC08 explained that the reporting process reflected in the logs was as follows: Patrols reported to the Company; the Company then reported back to their Regimental TAC HQ; Regimental TAC reported, as needed to Brigade level, who then reported to Headquarters NI. Patrols did not have their own watchkeepers log, but each level of the process from Company upward had its own watchkeeper log. When being asked about the logs, PC08 expressed some confusion about markings on the log (such as the “+” sign entry evident in the “To” column), explaining that these logs were typed, whereas “any logs that I kept would have been handwritten.”

[133] In relation to the term “Contact” appearing in military logs his evidence was that it meant “shots were probably fired at military personnel.”

[134] I shall discuss the aspects of PC08’s evidence as relevant to the logs made available to me for this inquest in the section on “Military Logs.”

PC11

[135] I heard evidence from PC11, who was a member of 1 RHF on a tour in Northern Ireland for a four-month period that included the period of August 1975. He was attached to the "Assault Pioneers Platoon" based in Broadway camp which he describes as being situated "at the southernmost point of the hospital grounds." He described how the patrols were always on foot unless a Quick Reaction Force had been tasked, where a military vehicle known as a "Pig" was then deployed. He explained that the RVH was within the tactical area of responsibility for the Fire Support Company of the 1st Battalion of the RHF and that, as it was a hospital: "military patrols were not allowed inside the hospital grounds ... unless the police ... requested military support." The Regimental HQ was based at Springfield Road. He spoke about the "protection detail" that was based in the basement in the main hospital building, but who were posted where needed to protect throughout the hospital.

[136] PC11 recalled hearing about a shooting inside the grounds of the RVH in August 1975 from a general conversation among colleagues within the Broadway camp. He had no direct knowledge of what happened and considers that the information he heard could "only have come from the Fire Support Company Operations room" located in Broadway camp. He did not recall a Quick Reaction Force being deployed in response to the shooting and believed he would have been aware if one had been. He stated that he understood the term "contact" to mean someone is reporting gunfire. When questioned he stated it would mean someone was being shot at, but also agreed that "contact" just meant a shooting. When asked to clarify what he meant regarding "contact" by counsel for the MoD, he stated that it "depends on what sort of term is being used. If its people who are on patrol that normally means that they are under fire".

[137] PC11 spent time as part of the protection detail at the RVH and explained you were either located in a ward or in the basement at Casualty and that there were two main personnel who stayed in the basement. He recognised the name of the person ciphered as PC02 but no others. He stated that soldiers could go into the RVH without RUC being with them. He recalled there was a telephone in the basement that allowed the soldiers to communicate with Broadway base, the operations room and TAC HQ at the Springfield Road RUC Station. He agreed that the reference in the logs to "RVH" would denote communications from soldiers stationed in the basement. He agreed when questioned that, as PC02 was in an eight man unit, this could be a Quick Reaction Force. He stated there was no discussion at all at Broadway camp about the shooting. He stated that a soldier could tell the difference between high and low velocity gunfire, "depending on how far away it was". He said that when PC02 referenced radioing "base" that that would be the Broadway operations room.

PC10

[138] I also heard from PC10, who was an Adjutant in 1 RHF during his tour of Northern Ireland from the Spring to the Autumn of 1975. Being Adjutant, he was not party to any of the operations of the Regiment and was never tasked with going out on the ground. He was part of Battalion Headquarters and was co-located with the

RUC on the Springfield Road in Belfast. He worked as a close advisor to the Commanding Officer. He described the civil disturbances on 9 and 10 August 1975. On those dates, he would have been at Battalion HQ, "monitoring radio communications between the regimental companies and their patrols." During this time, he "would probably have been alerted to serious incidents". He had no memory or recollection of the death of Patrick and did not recognise his name. PC10 stated that if there had been involvement by a member of his regiment in a shooting, then the information would have come to him in his role of looking after the interests of the soldier. He had no knowledge of the RVH layout or knowledge of army being positioned on roof tops within it. He stated that "contact" when it appeared in army logs "usually means shots were fired but does not necessarily mean so. Normally when shots were fired at military personnel, the respective person would make a quick immediate report which should be followed up with a subsequent amplified report, one containing more detail on what took place". PC10 recognised the names of and knew both PC01, Sergeant Bellamy and PC02 who he described as a senior NCO. He stated that to occupy a civilian building, such as the RVH, for military purposes would have required authorisation.

[139] PC10 was asked by counsel on behalf of the Next of Kin whether a gun man who sought to fire from the top of the ENT building adjacent to the Casualty building would leave himself vulnerable and PC10 accepted he would. He acknowledged, when the scenario was put to him, that it would not make military sense for a gunman with a longarm to climb a number of storeys in a building with a military presence, wait for an opportunity to take a shot and then come down again. He confirmed that soldiers were trained to shoot centre mass and that a rifle shot using open sights at 80-90 metres in circumstances where there it is not a return of fire, in average lighting conditions and at a static target would be "a good shot but wouldn't be very difficult."

PC04

[140] I heard from PC04, who said he was with 1 RHF during the four-month tour 1975, in the role as liaison officer based at the RVH. His role was to await the arrival of "military casualties" and act as liaison between the army and the hospital staff. He "did not deal with civilian casualties at all." His sergeant was Sergeant Bellamy. Either he or PC03 would appoint guards to any military casualties coming into the hospital. He described a room where they could rest, which was "in an underground tunnel beneath the main buildings within the RVH complex" and which was open to the public and connected several of the main buildings within the RVH. PC04 had no recollection of the death of Patrick despite being one of three soldiers being located at Casualty that night (with PC03 and Sergeant Bellamy). He is referenced in Sergeant Bellamy's original deposition as being the person Sergeant Bellamy ordered to report to HQ and give a contact report after he had heard a shot coming from the direction of the Falls Road, though he has no recollection of receiving this order. He said he did not know what a "contact" report was and that it had to be explained to him. PC04, having looked at Sergeant Bellamy's deposition, disputed that both he and PC03 could have been on duty together as he said they "alternated duty so there was 24 hour cover

in the Casualty department” and that there was only ever one soldier on duty at any one time. He later said he was always on duty with Sergeant Bellamy and accepted that if Sergeant Bellamy was on duty the night Patrick was killed, then he was likely on duty also. He could not recall Broadway base or anything at all about Patrick’s death and stated that he thought he was off duty that night.

[141] PC04 stated that he did not make any statement for the original inquest and the undated deposition that was attributed to him had never been seen by him until provided to him for the purposes of this inquest.

Military Logs

[142] The evidence before me included both military and RUC logs. I set out below the relevant log entries.

[143] As was apparent from the evidence, there was a significant military presence in West Belfast throughout August 1975. Approximately 640 members of 1 RHF were divided into six units, with tactical areas of responsibility for Springfield, Broadway (i.e. the area around St James/Rodney drive), Whiterock/Turf Lodge and possibly Clonard. The tactical headquarters for 1 RHF was Springfield Road RUC station. ‘A’ Company was located at McCrory Park, ‘B’ Company operated from Springmartin Camp and ‘C’ Company was based at Moyard Camp. Support Company and Recce P1 was located at Broadway while the ‘Ech’ Unit operated from Ligoniel Mill.

[144] In addition, six companies from the 2nd Battalion of the Royal Anglian Regiment (2RA) operated in that part of the city with their tactical headquarters being located at Hastings Street RUC station. ‘A’ Company was based at Brown Square, ‘B’ Company at Mulhouse, ‘C’ Company at North Howard Street Mill. Both the Support Company and ‘Ech’ units operated from Albert Street Mill.

[145] At the time of Patrick’s death, soldiers from the reserve battalion at Palace Barracks had also been deployed into the area. This unit was the 1st Battalion of the Kings Own Scottish Borderers, and their role was as Brigade Reserve for the 39 Infantry Brigade (39 Inf Bde).

[146] I have been provided with military logs from all these units and have received both written and oral evidence in relation to same. I note that these logs are typed entries and the handwritten original entries, such as explained by PC08, do not appear to be available. The evidence confirms significant unrest in the area on 10 August 1975. There was clearly a deteriorating picture as the day went on, with military forces caught in various gunfire fights throughout West Belfast.

[147] More specifically, the logs confirm that in the early afternoon of Sunday 10 August 1975 an anti-internment parade of possibly up of 2,400 individuals assembled and made its way along the Falls Road to Dunville Park, next to the area under the remit of 1 RHF. While the parade itself appears to have been peaceful, 1 RHF reports

hearing 3 shots in the Whiterock area as the subsequent address approached a conclusion. A 1 RHF log entry at 16:46 hours confirm that at 16:31 hours, low velocity rounds were fired. Log Serial 150 reports that at 1652 hours the crowds attending the speech in Dunville were dispersing without trouble. There are also reports from 1 BW (Black Watch) that three men fired "3 LV shots" at an unknown target as noted in 1 RHF log and HQ 39 Inf Bde logs at 16:40-16:48 hours.

[148] At 17:50 hours, 2 RA reports that they fired at a sniper on Percy Street and engaged with two men who were carrying pistols.

[149] There is further contact with 1 RHF at the Broadway base at 18:00 hours with low velocity rounds being fired at 1 RHF Support Company. 2 RA report six high velocity rounds were then fired at 18:30 hours at Sackville Street. The relevant logs indicate that the military returned fire with a small number of rounds. [see HQ 39 Inf log 18:30. 18:49 sees shots at 2 RA Sangar at Mulhouse]

[150] C Company of 2 RA reports coming under fire from the Falls Road at 18:45 hours and approximately five minutes later B Company of 2 RA (Mulhouse) reports being fired upon by six high velocity rounds from the Mulhouse/Grosvenor area.

[151] The Support Company of 2 RA reports a gunman running past Divis Tower at 19:15 hours and B Company of 2 RA subsequently reports six shots from the Grosvenor end of McDonnell Street at 19:26 hours. The logs confirm that the unit returned fire.

[152] C Company of 1 RHF reports high velocity shots from Moyard at 19:33 hours, while the B Company of 2 RA reports gunfire in Raglan Street, off the Falls Road at 19:35 hours as well as at Alma Street, also off the Falls Road at 19:51 hours. B Company of 1 RHF reports gunfire again at Waterfield Street at 20:02 hours.

[153] There are reports from 1 RHF of shots being fired from the Dunville Park area at various points during the next half hour and at 20:27hrs, the 1RHF report engagement from Waterford Street with a gunman at Dunville Park. The logs confirm that this firefight continued over the next 20 minutes.

[154] The first reference to any gunfire at the Royal Victoria Hospital on 10 August 1975 appears in a 2 RA log (Serial 175) from B Company of 2 RA to the RA Tactical Headquarters at 20:52hrs which reads:

"2 shot from area of RVH 3 mins ago"

[155] PC08 commented on this log in his evidence. He noted that "it doesn't say whether they heard two shots from the area of the RVH a few minutes ago, it doesn't say whether they heard shots or whether the shots were fired at them, it's incomplete ... there's no detail". He confirmed that a log entry such as this would have more likely come from someone on the ground reporting to their company headquarters.

[156] Over the next 13 minutes, the logs note further violent disturbances away from the RVH including one where a young girl, Siobhan McCabe, was tragically shot dead in McDonnell Street. The relevant log entries relating to this are as follows:

2 Royal Anglians B Company to Tactical HQ at 20:52 hours
Contact – CIVIN injured McDONALD ST. Child shot by gunman Ambulance on way.

2 Royal Anglians B Company to Tactical HQ at 20:57 hours
SLATH/McDONALD Gunman fired at SF 3 shots – one child injured 3 shots returned.

2 Royal Anglians B Company to Tactical HQ at 21:00 hours
Hostile crowd now in McDONALD ST blamed SF for shot girl.

2nd Royal Anglian to HQNI 39 Inf Bde at 21:03 hours
? 2 x Contacts 1. Mcdonal Slate 3 HV No Cas 3 x 7.62 returned. No Cas SF but small girl believed shot. HQNI.

I include these logs in my review of the evidence as they refer to “contact”. There was discussion with military witnesses as to what this meant: the military shooting at someone, being shot at, or someone being hit irrespective of the source. Military witnesses differed in their views on this issue and in any event I do not consider anything turns on the inclusion of this word in the logs referencing the shooting of Patrick (see para 164 referencing this particular log).

[157] With regards to the events at the RVH, I then note a significant entry in the 1 RHF logs at 21:05 hours from the RUC to 1 RHF which reads:

“Report in Dental School RVH of gunman.”

It is unclear whether this log entry is a continuation of the activities noted in the log entry from B company of 2 RA, who were based in Mulhouse, at 20:52 “2 shot from area of RVH 3 mins ago”. There is, again, an absence of any further detail regarding this log, including what action was taken on foot of it.

[158] In his evidence regarding the RHF log, PC08 could not understand why the RUC would be reporting to the RHF Battalion Headquarters. In terms of action taken after this entry, the log states “Sp info’d”, which appears to indicate that the Support Company of 1 RHF were informed of this incident. Based on the evidence of PC02 and actions taken after other log entries, it seems likely to me that such a report must have resulted in some sort of search operation being undertaken by the Support Company of 1 RHF to try to locate the gunman.

[159] Ten minutes later at 21:15 hours 1 RHF Support Company reports that the Mulhouse barracks claim to have been shot at from the Dentistry School. During those 10 minutes, at 21:06 hours there is also a log entry from A Company of 1 RHF which states that a gunman has escaped to the east of the hospital. It specifically relates to activity outside the boundary of the RVH, and reads:

“Gunman escaped east from La Salle Drive into Iveagh Cres.”

[160] An instruction is then given at 21:15 hours from 1 RHF TAC to the Officer Commanding the Support Company to call sign 22L “pull back” to Springfield/Falls and not to “get sucked up the Falls Road.”

[161] Between 21:16 hours and 21:42 hours, there are several more log entries pertaining to contact in the surrounding areas, however none of these entries refers to any incidents within the Royal Victoria Hospital itself.

[162] Then at 21:42 hours the 39 Infantry Brigade log has an entry from 1RHF which reads:

“Contact outside RVH entrance 1 man poss shot.”

[163] Given the evidence of Sergeant Bellamy, it is possible to believe that this message is the one he had asked PC04 to relay. However, from the evidence available, and from the logs taken as a whole, this communication is not likely to have come directly from PC04 as it is from 1 RHF to 39 Inf. It may have been that PC04 gave this information to 1 RHF who then relayed it to 39 Inf although the original information from PC04 to 1 RHF does not appear anywhere within the material supplied. There are however, a further two reports in the logs from Support Co to TAC at 21:43 hours (50L) and at 21:52 hours.

[164] PC08 is his evidence confirmed this as an example of “rear link” communication, where information about contact at the RVH was being sent up the chain of command. When asked in evidence if he had been working as the watchkeeper on 10 August 1975, whether this was the sort of thing he would have put into the log, he replied that it would not be, that he would have put it on the battalion log to Brigade but that he “wouldn’t have sent that message because that message is incomplete.” When asked what sort of information he would have expected to be in the message, he said:

“There’s no information there, I would not have sent that message back to brigade because it just causes panic at that end. Contact, how many shots fired? Were they fired at us? Are there any casualties? Were there any shots returned? That’s an incomplete message. So there’s no detail
...I’m assuming it’s B Company and I’m assuming that

somebody in the hospital, B Company, whoever would report back to TAC Headquarters, contact, we would then need to know and possibly ask the question if we didn't get the information, casualties. Were the shots fired at us? Did we return fire? So at the moment it could simply be a motorbike back firing and we're causing panic here ... There is no detail. That information would have come from the company to whom the sentry or soldier was working for... ."

[165] PC08 was questioned as to whether an earlier log, preceding this entry, would exist. He agreed that there would have to be information behind this log informing more fully of what happened. He confirmed that there were possibly two preceding logs:

"the rifle company concerned would be keeping a log and whoever was on duty in the TAC HQ would receive that message, decide what action to take and then it would be passed by the assistant watchkeeper back to 39 Brigade. There was [sic] probably two logs involved here, the one receiving the call in TAC HQ and the one that was sent by the company on the ground. So the company will go and the battalion log should record this somewhere."

This explanation would appear to indicate that the "+" sign apparent on some of the logs actually refers to 1 RHF and not "ditto" as might be thought, and as was suggested to some witnesses. If that is correct, then this appears to be an anomaly used by 1 RHF only. The likelihood that this is correct is apparent when comparing entries across the logs of 1 RHF with the subsequent corresponding entries across referrals to HQ 39 Inf Bde and HQ NI G Ops.

[166] The 21:42 hours log of the 39 Infantry Brigade is confirmed in two subsequent 1 RHF entries at 21:43 hours and 21:45 hours. The first of these at 21:43 hours was from 1 RHF Support Company to 1 RHF TAC and reads:

"Contact Casualty door RVH (50L)"

[167] I pause to note that the origin of this message from 1 RHF Support is likely to be PC02. This is because in his deposition of 19 December 1979, he confirmed that he was a member of call sign 50 Lima and that he radioed his base location after the shot had been fired.

[168] The entry at 21:43 hours has a "+" in the "To" column. Six lines above this entry is an entry where a message is sent to "Bde". If the "+" sign in these logs is a connotation of "ditto", then this was a message from 1RHF Support Company up to Brigade, informing them that there has been contact at the RVH Casualty door.

However, this was not how PC08 in evidence explained this entry. His view was that the entry must denote 1 RHF Support Company informing 1 RHF TAC of contact at Casualty door and then TAC informing 39 Inf Brigade. His evidence was that 1 RHF Support Company would not have been able to talk to 39 Inf Bde and so they must be reporting to 1 RHF TAC. If PC08's evidence is correct, then this entry refers to 1 RHF informing TAC that there has been contact at the RVH Casualty door and so TAC knew that information at the relevant time. However, I do not consider anything turns on this as the logs indicate that both TAC and Brigade knew that someone, and within a short space of time who that someone was, had been shot at Casualty. This knowledge is also confirmed in later logs.

[169] The second message was from 1 RHF Tac to 39 Inf Bde at 21:45 hours and reads:

“Contact RVH Casualty entrance.”

[170] This would appear to be 1 RHF Tactical HQ noting and escalating the incident to 39 Inf Bde. If PC08 is correct in his evidence, this represents a further escalation of the reporting of the shooting at the Casualty up the chain from 1 RHF Support to TAC and then to Brigade. There is no evidence before me of any log or any document noting what original information Support Company operations received from 50L in order to trigger this information being sent to TAC and then on to 39 Inf Bde. Having heard all the evidence I consider that there would have been further contemporaneous information available providing fuller detail of this event at the Casualty entrance, but which is not available to me. According to the deposition of PC02, “All Sp Coy records have since been destroyed”. These were never disclosed to me for the purposes of this inquest.

[171] There is then a further message from 1 RHF Support Company to 1 RHF TAC at 21:52 hours which reads:

“Man shot from Falls Rd area at RVH.”

I note in passing that this entry appears to contain a reference to the location of the shooter.

[172] There is a further log at 21:52 hours within the logs of the HQNI G Ops with an entry from 39 Inf Bde to G Ops HQ, which appears to mirror the information likely given by PC02, and which states:

“1 RHF - 2142 Contact at RVH entrance.”

[173] I have been unable to locate any military log entries after 21:52 hours that definitively pertain to any investigation into the circumstances into the shooting. There is a relevant entry in the 39 Infantry Brigade logs at 22:49 hours, from 2 RMP which simply confirms the death of Patrick:

“Patrick Crawford (15) (RC) GSW 13 Bauran Drive AI
PIRA Fianrei Vol DOA.”

[174] There are other log entries which may relate to Patrick, although this cannot be said for certain. For example, there is a further entry in the HQNI G Ops logs at 21:58 hours which states:

“COS (“Chief of Staff”) briefed”

[175] Again, at 22:00 hours, the HQNI G Ops logs record from ‘Watchkeeper’:

“GOC (“General Officer Commanding”) briefed.”

[176] The 2 RMP logs report at 22:45 hours information received from RVH to RMP:

“GSW – Cas- Fatal
Patrick Crawford (RC)(15)13 Ramoan Ave. Admitted at
21.40 hrs Dead on arrival.
Duty Officer informed.
2 R Anglian Informed.
Inf Brig informed.
Action HQNI.”

Despite the clear indication from these logs that the death of Patrick required escalation and dissemination to other elements of the military, including to the duty officer, there is no documentation that any contemporaneous (or later) investigation was ever carried out into Patrick’s death by the RMP. Yet, it was still deemed of sufficient relevance to require escalating to HQ NI. I note that the final paragraph of Michael Knox’s statement reads “a shooting of any description would have been reported up to the level of Headquarters of Northern Ireland.”

[177] At 22:49 hours the HQ 39 Inf logs record contact from RMP:

“Redacted GSW. Not listed.
Redacted Not listed Patrick Crawford (15)(RC) GSW. 13
Bauran Drive AI PIRA Fianrei Vol DOA.”

[178] This log entry reveals that the RMP had been informed or involved in some way in the aftermath of Patrick’s death, as this log entry is approximately one hour after he had been shot. It is not clear, nor has it been explained, why the RMP would be notified or involved at all in the circumstances surrounding Patrick’s death if there was no military involvement in the death. It is also clear from this log that only an hour after Patrick’s death, he was being described as a member of the Provisional IRA. What is not clear, however, is why the RMP, when contacting HQ 39 Inf at 22:49 hours, referred to Patrick as “... PIRA Fianrei Vol” when this information, according to the logs was not given to them by the RVH source just four minutes earlier. There is no

other log, or any other document within the material disclosed to me, indicating where the RMP may have obtained this information.

[179] One further log is noted at 00:10 hours on the 11 August 1975 and it is from RVH to TAC. This entry reads:

“Patrick Crawford 13 Ramoan Dr (15). REL N/K. 21.40. GSW chest. In and out. DOA outside ward 21 RVH Witness (1) Annie McKimmon ... (2) Cathleen Faloon... Shot came from main building just after gunman was chased into dental centre. Walking home asked for company.”

[180] Whilst PC08 in his evidence stated that he was not aware if any soldiers were located in the RVH Casualty as liaison officers or under protection detail, he did accept that if the notation “RVH” was inserted into a “from” column by a watchkeeper it was safe to assume that it was because the origin of the information was the RVH. I accept that the information in this log came from someone located at the RVH at the time. I note that the log records that the shot came from “the main building just after a gunman was chased into dental centre”. This log entry suggests a clear link, at least in the mind of the RVH military personnel reporting the information to TAC, between the shooting of Patrick and location of the shooter, as well as connecting it to an earlier search for a gunman. This log serves to, in effect, conflate two incidents that evening: the shooting of Patrick and the chase of a gunman. It is not clear who from the RVH made this report. This log is the first and only log indicating that the search for a gunman had resulted in a chase of him and that he had entered “the dental centre.” This RVH to TAC message is recorded in the 1 RHF log at 00:10 hours, with a note to say that this was sent to BDE (Brigade) at 00:20 hours. However, there appears to be no corresponding entry in the 39 Inf Bde log at this time.

[181] We know from evidence that Sergeant Bellamy, PC03 and PC04 were at the RVH. We also know that PC02 was in the area of the RVH as he was able to send a report in and around the time Patrick was shot. We also know from the available logs (and his original deposition) that the only person who made radio contact about the shooting of Patrick was PC02 and he could only have contacted Support Co operations room in Broadway. It must be assumed that it was they who notified TAC as evidenced by the log report to TAC HQ at 21:43 hours.

[182] In addition to the military logs referred to above, I have also been provided with RUC logs from the date in question. These logs provide further information regarding civil disturbances on the evening and night of Patrick’s death, including shots fired in and around the locality of the RVH, including in Albert Street (18:45 hours), Mulhouse Street (18:49 hours - though I note this is a report of shots coming from Mulhouse Street and not the dentistry building at the RVH), and McDonnell Street (19:24 hours and 20:58 hours). I note that these latter shootings resulted in a

bullet apparently meant for the military hitting and killing a four-year-old child named Siobhan McCabe.

[183] These RUC logs do not provide many more details specific to activities or shooting within the RVH, although I do observe within the report of occurrences for 24 hours ending at 08:00 hours on Monday 11 August 1975, the following is stated in relation to the death of Patrick:

“At 2150 hours Patrick CRAWFORD (RC) 13 Ramoan Drive Belfast was admitted to hospital with serious GSW to the chest and was found to be DOA. He was in the grounds of the RVH at the time of the shooting and several gunmen were firing at Army patrols. It has not yet been ascertained how he received his injuries and a PM will be held.”

[184] While the military logs that I have referenced above highlight the fear of there being a gunman in the School of Dentistry, as well as gunfire in the vicinity of the RVH, none of these logs refer to several gunmen firing at army patrols within the RVH.

[185] There are no other relevant logs pertaining to the death of Patrick.

[186] I derive the following from the available logs and briefings:

- (a) There was considerable civil unrest throughout the day leading up to Patrick's death, both in and around the location of the RVH (including the Grosvenor and Broadway Roads) but also more widely throughout Belfast;
- (b) I allow a margin of error in the recording of timings by the military, as I do not know the reliability of the source of timings in either the logs or the statements.
- (c) However, the available typed logs provide accurate details relating to the shooting of Patrick in terms of time and location. I am satisfied, and there is no dispute, that the log entries mentioning Patrick relate to him.
- (d) I am also of the view that the contemporaneous logs, including the 2 RMP logs, are more likely to be accurate than the military statements, recorded several years after the incident. I say this as the only evidence I have is from soldiers who were at the locality of the RVH Casualty Department and two of whom state (PC03 and PC04) in statements taken from them several years after the events around Patrick's death for the purposes of the original inquest, that they have no recollection at all of the events that evening. I note this is in marked contrast to Sergeant Bellamy (PC01), who was also there that evening and who provides a brief but detailed account, as set out above. I could not hear evidence from PC02 and PC03 as both are now deceased.

(e) PC04, on orders from Sergeant Bellamy, provided information likely reflected in the log at 21:42 hours, which represents the first report of the shooting of Patrick, as this entry refers specifically to “contact” and Sergeant Bellamy recorded in his deposition that he asked PC04 “to give a contact report.”

(f) PC02 states in his 1979 deposition that he radioed in his base location after he heard the shot and before heading towards the Falls Road. There is no log entry to that effect at the time he says he did this, roughly around 20:00/20:30 hours. He did, however, provide a follow up communication with information on the shooting at 21:43 hours. This is confirmed by the entry of his call sign “50L” (Lima) in the log. This was after Patrick had been shot as it contains details he could not have known before reaching Casualty (“Contact Casualty door RVH (50L)”) unless he was in that locality at the time.

(g) I accept, per the evidence of PC08, that the information relating to the shooting of Patrick would likely have contained more background information than that contained simply on the face of the log. This is also reflected in the evidence of Michael Knox. I also accept his evidence that these logs would have been handwritten contemporaneously and typed up later as he stated, “[w]e didn’t have type-writers in the Ops room”. I consider it so unlikely as to be impossible that it was the case that the shooting of Patrick was simply sent up the chain of command without such further detail. This information would clearly be directly relevant for this inquest but is not available to me. The MoD informs it has provided all relevant materials that they hold for the purposes of this inquest, but neither the contemporaneous handwritten logs, nor the relevant contemporaneous background information to those logs, is amongst those materials.

(h) HQNI G Ops knew at 21:52 hours, one hour after the report at 20:52 hours to 2 RA which read “2 shot from area of RVH 3 mins ago”, that there had been a shooting at the RVH.

(i) The Chief of Staff and the General Officer Commanding were briefed at 21:58 hours and 22:00 hours respectively according to the logs.

(j) The RMP logs indicate that they received information directly from “RVH” at 22:45 hours regarding Patrick’s death and that the Duty Officer was informed, Royal Anglian were informed, 39 Inf Brigade were informed, and an “Action HQNI” note suggests that HQNI were informed also. There is no information explaining why the information about Patrick’s death was required to be shared so widely and escalated to HQNI.

(k) The RMP also make an appearance in the logs at 22:49 hours, referencing Patrick, his age and that he was an IRA volunteer. There is no note of where this information was derived from. It is unclear from the logs why the RMP, whose role it is to police the army, were involved at this stage.

(l) There is an entry in the 10 August briefing which states:

“At 2110 hours the following was admitted to the RVH with GSW and is believed to have been shot during a shooting incident on the Falls Rd outside the RVH:

Patrick Crawford (RC 15) 1 Ramoan Drive,
Andersonstown

Crawford was dead on arrival. The RUC SPRINGFIELD ROAD are investigating.”

Pathology evidence

[187] I will set out the pathology evidence reports regarding Patrick in chronological order.

[188] Professor TK Marshall, State Pathologist, recorded his autopsy findings dated 11 August 1975. His findings were:

(External):

- (a) An entrance bullet wound on the front of the chest estimated 58 inches above the soles of the feet
- (b) An exit bullet wound on the right side of the back of the chest estimated at 54 ½ inches above the soles of the feet
- (c) Sooty soiling around both ankles.

(Internal):

- (d) Small hole between the front ends of the 1st and 2nd right ribs at the lateral border of the sternum
- (e) A hole through right lung
- (f) There was significant haemorrhaging into the right chest cavity and the air passages of the lungs
- (g) A hole overlying the spinal end of the eighth right rib.

[189] I note in passing that Professor Marshall had the singular advantage of conducting the examination of Patrick’s body. The commentary section in the autopsy report includes the following:

“Death was due to a bullet wound of the chest. He had been hit by a single bullet. This struck the front of the chest just to the right of the top of the breast bone. It went backwards through the chest with a declination of 45° and a deviation of 20° to the right to emerge on the right side of the back near the lower end of the shoulder blade.”

[190] Professor Crane, Consultant Forensic Pathologist and former State Pathologist, provided a report commissioned by the HET and dated 23 May 2011. Professor Crane had access to the original postmortem photographs in the preparation of his report. He provided representational photographs depicting the trajectory of the bullet on a skeletal model based on the angles noted in the original autopsy report, as well as the following opinion/comment on the autopsy findings:

- (a) Death was due to haemorrhage (internal) due to a single bullet wound of the chest
- (b) Direction of the bullet was downwards with a declination of 45 degrees and a deviation of 20 degrees to the right, i.e. a steep downwards path of the bullet
- (c) If Patrick was standing upright or walking, the gunman must have been above and in front when the shot was discharged. It would suggest the shooter was on the roof or in an upper storey of a building
- (d) There was nothing from the bullet wounds, to indicate with any degree of accuracy, the calibre of the bullet
- (e) The wound appearances and the internal damage were most likely caused by a high velocity rifle bullet
- (f) Sooty soiling around Patrick’s ankles would suggest exposure to low level fire.

[191] Dr Marjorie Turner, Consultant Forensic Pathologist, was also instructed by the HET to examine the possible calibre of the bullet that struck Patrick. She had access to the post-mortem report, the six post-mortem photographs and the eight RUC photographs of the grounds, and she produced a report dated 26 July 2012. Her opinion was as follows:

- (a) Patrick suffered a single gunshot wound to the chest
- (b) Front entry, passing downwards and backwards to exit his back slightly to the right of the entry wound
- (c) The bullet passed through his lung and rib; the only damage mentioned to the lung is aspiration of blood

- (d) Dimensions of holes and track were not photographed/recorded
- (e) If Patrick was standing or walking straight upright, then, in agreement with Professor Crane, the shot must have been from a position in front of and above him
- (f) But if he had turned, or was bent over, this would change the angles of the relative positions
- (g) There were no specific features of either the entry or exit wounds that would allow reliable specification of the calibre of the weapon or distinction between a high velocity rifle bullet and a bullet from other rifled weapons
- (h) In her experience and information available to her, while this pattern of injury could have been inflicted by a high velocity rifle, it can also be seen with injury from revolvers or automatic pistols and there are no distinctive features that allow differentiation.

[192] Dr Turner was emailed by my solicitor on 2 March 2022, enclosing a report from Ann Kiernan, Forensic Scientist, and the report from Professor Crane referred to above, and asked to comment, as appropriate. She replied to say:

“There is nothing that essentially alters my opinion. Ann Kiernan’s report appears broadly in agreement with my view ... in relation to whether it was high or low velocity, I am unsure the exact basis on which Professor Crane bases his opinion as to high velocity. As best I can determine from the original post-mortem findings there being in particular no definite description of the extensive tissue destruction one might expect in high velocity injury or other specific findings.”

[193] Professor Crane provided a further report for me dated 9 March 2022. He maintained his opinion from his previous report. With reference to the report from Ann Kiernan dated 23 February 2022, where she says, “it is not possible to discount that a shot was fired from a height towards Patrick Crawford”, Professor Crane opines in response that “there is no other possible explanation for the bullet trajectory if the position/posture of Patrick Crawford is as stated”. He adds that even if Patrick was crouched or kneeling, then the firing position may not be elevated but would still be in front of him. Professor Crane discounts Ann Kiernan’s opinion that a low velocity bullet caused the injuries as follows:

- (a) Entrance wounds caused by high velocity bullets are usually small, neat holes surrounded by a collar of abrasion as in this case. Microtears may be seen around the wound margins, but are not, in Professor Crane’s experience, common.

- (b) The general shape and characteristics of the entrance wound in this case is entirely typical of that caused by a high velocity bullet. (Ann Kiernan had said it was typical of a low velocity bullet).
- (c) The lack of disruption of the internal organs is because the bullet did not strike a solid structure or fluid containing organ, such as the heart or liver. (Ann Kiernan had said the lack of disruption to the internal organs supports a low velocity bullet).
- (d) The ballooning of the left lung was a compensatory effect due to the presence of blood in the right lung and air passages and had nothing to do with temporary cavitation.

Agreed note from the Pathologists

[194] During the currency of the inquest hearings, and immediately prior to giving evidence, Professor Crane and Dr Turner met on 17 April 2024 and agreed a joint note which set out the key aspects of their joint evidence. This note stated:

“We agree that: -

1. Patrick Crawford died as a result of a single bullet wound to the chest.
2. The entrance wound was located on the front of the upper chest near the upper end of the sternum (breastbone).
3. The exit wound was on the right side of the back of the chest.
4. The bullet passed downwards and backwards through the chest with a declination, determined by Professor Marshall, of approximately 45°.
5. He must have been facing the shooter when struck and if standing or walking upright then the shooter must have been above and in front of him. If he was not facing the shooter then it is possible that he was struck if his trunk was twisted such as if he was turning around.
6. If Patrick Crawford was kneeling, crouching or was bent forwards then the shooter would not

necessarily have needed to have been in an elevated position in respect of the deceased.

7. Professor Marshall noted that the bullet trajectory in his body had a 20 degree deviation to the right. This does not assist in determining the position of the shooter and does not mean that the shot came from his left. It must be borne in mind that this deviation is only an approximation and even the slightest rotation of Mr Crawford's trunk could cause such a deviation. Therefore, this is of no value in ascertaining whether the shot came from straight ahead or from his left or right.
8. It is not possible to determine the calibre of the bullet from the size of the entrance wound due to variability in the elasticity of the skin, the angle at which the bullet struck the skin and the presence of supporting tissue beneath the skin surface.
9. We are both agreed that Mr Crawford could have been struck by a non-high velocity round eg from a handgun or by a high velocity round such as from a military rifle. However, Professor Crane is of the view that the injuries sustained by Mr Crawford were more likely to have been from a high velocity bullet."

Ballistics evidence

[195] I commissioned a report from Ann Kiernan, Forensic Scientist, to assist me in understanding the ballistics evidence and how it may inform an understanding as to the events around Patrick's death. The Next of Kin obtained their own report from Mark Mastaglio, Forensic Scientist. The MoD and PSNI reserved their position until they had sight of all expert reports. They ultimately did not seek to call any expert to provide witness testimony on their behalf.

[196] Ann Kiernan provided a report for me dated 22 February 2022. The following are her conclusions from that report:

- "1. There is an apparent disagreement in the type of bullet that caused the fatal gunshot to Patrick Crawford. Professor Marshall, the original pathologist does not opine on the type of weapon, or whether the injuries are consistent with that of a high velocity weapon.

2. Professor Crane is of the opinion that the wound is that resulting from the passage of a high velocity bullet.
3. Dr Turner is more cautious and opines that it could be either a low velocity or a high velocity bullet that caused the injury.
4. Based on the recording of the post-mortem, inclusive of the unscaled post-mortem photographs, I am of the opinion that the characteristics of the entrance and exit wound are more consistent with that associated with a low velocity bullet. The apparent lack of disruption of soft tissues within the rib cage of Patrick Crawford, as described by Professor Marshall, is more consistent with that associated with a small temporary cavity, and therefore a low velocity bullet, however a high velocity bullet that remained stable and exited before cavitation began cannot be excluded.
5. However, it is a matter for the pathologists to have the final opinion on this.
6. Based on the trajectory of the bullet within the chest, it is not possible to discount that a shot was fired from a height towards Patrick Crawford, if he was in an upright position, and whether the shot was discharged from a lower level and struck Patrick Crawford whilst he was crouched/hunched forward.
7. It is not possible to discern the origin of the shot, especially in a built-up area, where the sound of the shot can echo off the building and be misinterpreted.
8. The lack of forensic recovery of the bullet, and the fired cartridge case, and a scene reconstruction at the time of the shooting, and photographs of the internal chest cavity, would have assisted in a more accurate review."

[197] As to point 4 above, where Ms Kiernan opines on the pathology evidence, in his subsequent report dated 9 March 2022, Professor Crane refers to these comments by her as being “incorrect, inaccurate and misleading”, concluding in that report that he is entirely satisfied that the appearance of the external wounds and internal injuries sustained by Patrick are entirely consistent with those expected from a high velocity bullet.

[198] Ms Kiernan was provided with further documentation by my office by letter dated 24 October 2022 and was asked if, in light of this additional material, she could she comment on the following matters:

“Any comments you feel able to make on the position and range from which the fatal shot may have been fired.

Whether it is possible the deceased could have been struck by a descending bullet.

The Coroner should also be grateful if you could provide any comment/opinion on any other issue, falling within your expertise, that you consider may be of relevance or which would otherwise assist the Coroner in his inquiry into the death of Master Crawford.”

Ms Kiernan was advised that if she thought there might be other information not yet provided that would assist her in providing further comment, that she should let my solicitor know and she would enquire as to the availability of same.

[199] Ms Kiernan provided a technical report on firearms evidence dated 8 April 2024, incorporating her reply to the instructions dated 24 October 2022 and after having visited the locus of the shooting. Her conclusions in this report, which she states supersedes her previous statement, are as follows:

- “1. Master Crawford died as a result of a single gunshot to the front of the chest. The bullet perforated through the body and was never recovered. The bullet struck the front right of his chest, with a steep downward path, and a slight deviation to the right (left to right downward path).
2. No firearms or any fired ammunition components were recovered from this incident to allow the attribution of a calibre of bullet or any potential weapon type to the incident.
3. Professor Marshall, the original pathologist, does not opine on the type of weapon that could have

discharged the fatal shot, or whether the injuries are consistent with those typically caused by a high velocity projectile.

4. Professor Crane is of the opinion that the wound is that resulting from the passage of a high velocity bullet.
5. Dr Turner is more cautious and opines that it could not be reliably determined whether it was a low velocity or a high velocity bullet that caused the injury.
6. Based on the recording of the post-mortem, inclusive of the unscaled post-mortem photographs, she is of the opinion that the characteristics of the entrance and exit wound are more consistent with that associated with a bullet travelling nose front (stable flight). The apparent lack of disruption of soft tissues within the rib cage of Patrick Crawford, as described by Professor Marshall, is more consistent with that associated with a small temporary cavity, and therefore a low velocity bullet, however a high velocity bullet that remained stable and exited before cavitation began cannot be excluded. In addition, a high velocity bullet near the end of its flight path, with sufficient energy to penetrate and exit the body cannot be discounted.
7. It is a matter for the pathologists to have the final opinion on this, however, a collaborative approach between the pathologists and the ballistics experts, which has happened in previous historical cases can be of more assistance to the Coroner.
8. There exist multiple lines of sight that can be considered, as indicated by Arcs A-D described within this report, and as annotated within TBM8 of Mr Murphy's aerial view. The relative distances involved range from less than 6 metres to approximately 191 metres. This distance could be associated with a shot from both a low velocity and a high velocity weapon, and a bullet from either could have struck the body and exited. However, if line D was considered, then a high velocity shot

from within this range would, in her opinion, result in a larger wound.

9. With regards to the orientation Master Crawford was in as described by the two witnesses, Ms Miskimmin and Mrs Faloon, describe him as walking with them in the direction of the Falls Road, when a shot rang out believed to be from the Falls Road direction or from the direction of the Casualty building. If upright and facing forwards, the wound ballistics would indicate that the shot came from above him and from his left, Therefore the possible arc of shots from the dentistry building would support a shot into the back, if Master Crawford was walking towards the Falls Road. To account for the wound ballistics of the injury he sustained he would have had to turn almost 180 degrees to present the front of his chest to a gunman positioned in this location. The angles of possible shots (3 degrees- Falls Road) and between 11 and 23 degrees RVH building) would also not support a shot fired from these positions.
10. Ultimately, based on the trajectory of the bullet within the chest if Patrick Crawford was stood upright the shot would have had to have been fired from above him. If bent over then the shot could have come from various positions, depending on the angle of the body.
11. It is not possible to discern the origin of the shot from the report (sound signature), especially in a built-up area, where the sound of the shot can echo of the building and be misinterpreted.
12. The lack of forensic recovery of the bullet, and the fired cartridge case associated with this discharge, in conjunction with a scene reconstruction at the time of the shooting, would have assisted in a more accurate review of the ballistics in this case. In addition, scaled photographs of the gunshot wounds, with photographs of the internal injuries observed during the post-mortem would have also assisted in interpreting the wound ballistics."

[200] Mark Mastaglio, Forensic Scientist, was instructed by the Next of Kin. His report is dated 15 April 2024 and he concludes it as follows:

- "Patrick Crawford had been shot once; the bullet had entered the front of his chest and had exited from the right of his back.
- The appearance of the bullet entry wound is typical of a direct shot as opposed to a ricochet.
- One cannot reliably specify the calibre nor type of weapon used; it could have been a rifle or a handgun, such as those chambered in 7.62 x 51mm/7.62 NATO and 9 x 19mm/9mm Parabellum calibres, respectively, or any number of other similar calibre firearms.
- The bullet had entered Master Crawford's chest at a downward angle, as described relative to the upright anatomical position; other postures whereby the bullet passed through the body at the angle described/illustrated could also explain this wound track.
- The range at which he was shot cannot be determined; a perforating injury such as that sustained by Master Crawford could have resulted from a shot discharged from hundreds of metres away in the case of a pistol and a couple of kilometres away in the case of a rifle.
- Had Master Crawford been shot whilst upright by a person situated within the immediate confines of the hospital then the shot would have been fired from his left at an elevated position. However, had the shot had been discharged from an extreme range then the bullet could have had some downward directionality.
- Given the substantial degrees of freedom of movement of the human body, it is not possible to deduce Master Crawford's posture when he was shot based solely on the described wound track. Without this precise information it is not possible to determine the likely location of the shooter nor

make any comment as to whether they were level with the decedent or elevated.

- Master Crawford's chest was facing the direction of the shooter's location when he was shot.
- It cannot be determined whether the shot was an aimed one or not.
- From solely the wound ballistics it is not possible to determine if Master Crawford was moving, stationary or had his arms raised/by his side when he was shot."

[201] I also had the benefit of a report from Professor Burton, Armagh Observatory, informing of meteorological data such as weather, sunrise, and twilight times at the time of the shooting. This report confirmed that it was a sunny, sultry evening on 10 August 1975 with sunset being recorded as 21:07 hours.

Agreed Note from the Ballistic Experts

[202] On 17 April 2024, Ann Kiernan and Mark Mastaglio produced a joint note, setting out their agreed position on the ballistics evidence. This note stated the following:

- "1. Patrick Crawford had been shot once; the bullet had entered the front of his chest and had exited from the right of his back.
2. The bullet, which was never recovered, struck the front right of his chest, with a steep downward path, and a slight deviation to the right (left to right downward path).
3. The appearance of the bullet entry wound is typical of a direct shot as opposed to a ricochet.
4. No firearms or any fired ammunition components were recovered from this incident to allow the attribution of a calibre of bullet or any potential weapon type to the incident.
5. Nor was Patrick Crawford's bullet damaged upper outer garment available to us; this may have given some insight as to possible range of fire (if less than a couple of feet) and possible calibre of bullet.

6. From the material supplied to us, the range at which he was shot cannot be determined; the resulting perforating injury could have resulted from a shot discharged from hundreds of metres away in the case of a pistol and a couple of kilometres away in the case of a rifle.
7. One cannot reliably specify the calibre nor type of weapon used; it could have been a rifle or a handgun, such as those chambered in 7.62 x 51mm/7.62 NATO and 9 x 19mm/9mm Parabellum calibres, respectively, or any number of other similar calibre firearms.
8. AK favours the gunshot injuries having been caused by a 'low velocity' bullet (from a pistol round) due to the inferred lack of disruption of soft tissues within the rib cage and the apparent absence of so-called micro-tears around the entry wound margin.
9. MSM is more cautious and cannot say that a pistol round was more likely than a rifle one; both could have caused the gunshot injuries. This is due to the absence of photographs/detailed descriptions of the internal wound track, the low relative density and high elasticity of lung tissue not necessarily leading to extensive tissue destruction when struck by rifle bullets and that micro-tears around an entry wound margin do not always result from a rifle bullet impact.
10. A 'high velocity' bullet (from a rifle round) that remained stable and exited before cavitation effects were caused or one discharged at long range could have been responsible, as could a pistol calibre bullet that retained sufficient kinetic energy to perforate the body.
11. Had Patrick Crawford been shot whilst upright by a person situated within the immediate confines of the hospital then the shot would have been fired from his left at an elevated position. However, given the substantial degrees of freedom of movement of the human body, it is not possible to

determine his posture when he was shot based solely on the described wound track.

12. Had the shot been discharged from an extreme range then the bullet could have had some downward directionality.
13. No reference to the uncertainty of measurement, or the methodology used in determining the wound track angles has been disclosed. Caution is required regarding the accuracy of the angles quoted by Professor Marshall.
14. Multiple lines of sight to the assumed position [marked as 'X'] of Patrick Crawford have been considered, (including those indicated by Arcs A-C & Line D) a shot from both a handgun and a rifle at any of these locations could have caused the gunshot injury sustained by Patrick Crawford located at position 'X'. In our opinion, extreme caution is required in assessing this data given the huge impact a slight alteration in position 'X' can have.
15. However, the shallow downward angles extending from both the Dentistry Building and the railings of the Falls Road to position 'X' (Arc B and Arc C, respectively) are too small to correspond with the wound track had Patrick Crawford been upright when he was shot.
16. Had Patrick Crawford been shot by a rifle bullet at the short distance as represented by Line D, then the size of the wound could have been expected to have been larger than the one he sustained. However, such relatively close-range discharges do not necessarily result in larger wounds.
17. It is not possible to discern the origin of the shot from the sound of the discharge, especially in a built-up area, where the sound of the shot can echo off buildings and be misinterpreted.
18. However, an experienced ear witness shooter may be able to differentiate between a pistol and a rifle shot.

19. It cannot be determined whether the shot was an aimed one or not.
20. From solely the wound ballistics it is not possible to determine if Patrick Crawford was moving, stationary or had his arms raised/by his side when he was shot. “

Oral evidence from all experts

[203] I heard evidence from Brian Murphy on 12 April 2024 and again on 18 April 2024. I also heard from all pathology and ballistics experts jointly at a hearing on 18 April 2024, given the overlapping issues and the areas of divergence. I considered this was the best approach to allow me to clarify and test the evidence of each expert witness. The representatives of the Next of Kin and the MoD were advised in advance of this approach and did not object to it. Accordingly, the expert evidence was heard, and each expert was questioned by my counsel and counsel for the Next of Kin and MoD.

[204] The evidence of the experts was broadly focused on four main aspects reflective of the issues set out in the scope document. They were:

- (a) the position and direction of Patrick Crawford when he was shot and how that might inform how he died;
- (b) the possibility of identifying the calibre and velocity of the bullet which killed him;
- (c) the possible location from which the shot may have been fired;
- (d) the nature of Patrick Crawford’s injuries, the mechanism of those injuries, and how that might inform the narrative as to how he died;

[205] While these points require separate consideration, they often overlap and inform each other. Therefore, in considering the competing views on these issues, I have been cognisant throughout this inquest that I must remain alert to other aspects of evidence so as to enable me to take a multi-factorial approach to supplement my understanding and opinion on what likely occurred on the night of Patrick’s death.

Brian Murphy - oral evidence

[206] I have already set out the parameters of Mr Murphy’s written evidence, which was sought to assist me in understanding the layout of the RVH as at the time of Patrick’s death and now. The crux of Mr Murphy’s evidence was centred around an attempt to try to establish potential lines of sight to the point at X where Patrick was

shot, within the context of the other evidence on this issue. I summarise the relevant aspects of his oral evidence as follows:

- (a) Only some aspects of the layout of the locality in the RVH where Patrick was shot remain the same today.
- (b) Significantly for my purposes, Quinn House, which housed Wards 21 and 22, is now demolished (the new Casualty standing in the area of that previous site), and the one and a half storey Gynae building is also demolished.
- (c) Mr Murphy was able to ascertain, as far as he could, the likely heights of both these buildings by analysing photographs and maps and making comparisons to buildings which existed at the time and remain today (such as ENT). This allowed him to calculate likely angles of deviation from these and other potentially relevant buildings within the locality of Patrick's death. These lines were A-D. Mr Murphy factored into his assessment Patrick's height and the incline of Maternity Road as it rose to the Falls Road, there being a 2.75 metre height difference between the corner of the Royal Maternity Hospital and the base of the ENT building.
- (d) Line A denotes the line from the ENT building to X. The possible angles of fire from ENT to the point of "X" does not allow for anywhere near a 45-degree approximation angle of declination. For example, the top of this building provides for an angle of 23.5 degrees to the point of X, which is 75.6 metres away from the ENT building. As one moves down the building, the angle lessens. The Next of Kin favour this location in their written submissions, relying on the uncertainty of the precision of "X" and the variations in angle possible, in that even a shift of one millimetre of "X" on the map would mean movement of up to two metres on the ground.
- (e) Line B, from the School of Dentistry, was not a viable consideration for the location of a shooter as it was behind Patrick, who was shot from the front.
- (f) Line C is the line of possible fire from the Falls Road to X. This line of sight provides the narrowest possible angle to X and could not arguably be considered as a viable location for the shooter.
- (g) Line D is the line from the one and a half storey Gynae building. The evidence was that a location on the top of this building, "at points" could allow for an angle of 45 degrees to the point of "X". Self-evidently, movement along the line of sight to "X" while on top of this building impacted on the angles, as does any movement in "X". The roof of this building was accessible, as noted by Mr Murphy, given there were maintenance vents on the roof, as is apparent in photographs available to me, where this is clearly visible.

- (h) Quinn House was located to the right of Patrick as he walked up Maternity Road. The roof of this building was also accessible. It was assessed by Mr Murphy as being 21.39 metres high, using the same datum point used to assess all possible locations. This building allowed for a declination angle of 32.3/29.1 degrees, depending if one was on the parapet on top of it. A caveat is that the height of the parapet varies depending on where one was on that building. This will have a consequential impact on angles.
- (i) Of particular note was Mr Murphy's explanation as to reliability of the marking of "X" on the RUC map by Annie Miskimmin at the original inquest. Mr Murphy explained that while this map was to scale, it was not to the scale marked on it, but was to the scale 1:1250, ie approximately 104 feet to one inch once reduced. This meant that even a one millimetre movement of the "X" would mean a real time movement of up to two metres on the ground, thus impacting on angles and the ability to precisely identify the exact location of Patrick and the position of the shooter.

[207] The ballistic and pathology experts gave evidence together on 18 April 2024. I derive the following from their evidence:

- (a) Patrick was killed by a direct shot, not a ricochet.
- (b) Patrick must have been facing the shooter. If he was standing or walking upright, then the shooter must have been above and in front of him.
- (c) Neither the exit nor entrance wound assist in establishing the calibre of the bullet. Clothing, if had been retained, might have assisted in diameter of the bullet, informing calibre conclusions.
- (d) It is not possible to determine the type of weapon used. The ballistics experts agreed "[i]t could have been a rifle or a handgun such as those chambered in a 7.62x51, 7.62 NATO, and 90mmx19mm, 9mm Parabellum calibres respectively or any number of other similar calibre firearms."
- (e) Therefore, it is not possible to be definitive about the velocity of the bullet which caused Patrick's injuries. All experts, save Professor Crane, consider the injuries may have been caused by a high or a non-high (low) velocity bullet.
- (f) It is not possible to be definitive about the location of the shooter, from either a ballistics or pathology perspective, save that the shooter was in front of Patrick. However, Professor Crane opined that "the significant declination of the bullet passing through his body must indicate ... that the front of his trunk must have been facing the shooter, and that the shooter must have been at an elevated position in respect of Mr Crawford. There's no other way that you would get the declination of the bullet under those circumstances."

- (g) The potential for error in the 45 degree declination angle calculation, as assessed at Patrick's original post-mortem by Professor Marshall using a tracking rod, requires caution to be exercised when seeking to establish a narrative based solely on this calculation. Mr Mastaglio stated this calculation could be "at least plus or minus five degrees it could be plus or minus ten degrees, it's a possibility", that "there was a great hazard of disappearing down a rabbit hole of pseudo precision" and that one should "inject a degree of caution when looking at these angles". However, Professor Crane thought this was "a fairly reliable figure" and "would suggest that the shooter was above him and in front of him". Professor Crane also considers that he had been able to assess the angle the bullet has passed down through "reasonably accurately because it has gone through the chest". When asked whether he considered Professor Marshall was "in the right ball park of 45 degrees" in his calculation, Professor Crane replied: "Yes, I do. Professor Marshall was a very experienced pathologist and I think that the angle that he gave is a good approximation of the track of the bullet through Mr Crawford's body". Professor Crane also stated that "[t]here certainly is a margin of error because it is done by looking at it all and saying I think this is 40, I think this is 45. One of the things in this case that helps us is the fact that it's gone through the ribcage which is fairly rigid. So, the amount of, I think Mr Mastaglio used the term 'wiggle room', is reduced." Professor Crane further states: "to me there is absolutely no doubt whatsoever that this bullet was directed sharply downwards".
- (h) The potential for a deviation from the 45 degree declination angle as a result of any particular posture or movement in Patrick in regards to X will impact on any potential shooter location.
- (i) Consideration of the shooter location, and subsequent angles of declination, may also be impacted by Mr Murphy's evidence that even a one millimetre movement in the position of X could move the position on the ground by up to 1.7 to 2 metres.
- (j) The 20 degree deviation of the bullet track should be deemed irrelevant when trying to assess the location of the shooter as even the slightest movement in Patrick's body could cause such a deviation. Professor Crane did not think it had "any evidential value".
- (k) From the information available, the range of the shot cannot be determined. The injury could have resulted from a shot discharged from hundreds of metres away in the case of a pistol and a couple of kilometres away in the case of a rifle.

[208] As I have stated, while there were some areas of agreement between the experts, there were also competing theories regarding the likely velocity of the shot which killed Patrick and the likely location and distance of the shooter. I accept that the evidence presents challenges, but I must also consider the known and uncontested

facts, and what is likely to have happened to Patrick Crawford when all the evidence is considered in the round.

Standard of proof

[209] I have read in detail and listened with care to all the evidence in order that I might make findings, on the balance of probabilities and to the requisite cogency, as to the circumstances of the death of Patrick. I have noted the areas of agreement and disagreement amongst the experts. I have reflected at length on the absence of a clear-cut narrative from the experts, their differing views and the basis for those views, as well as the variety of possibilities postulated by them regarding the core issues. I have had the benefit of seeing and listening to all witness testimony, including the experts, and I derive my conclusions from my assessment of that evidence and all other documentary and written material and submissions available to me.

[210] I pause at this point to remind myself of the requisite standard of proof on which I must be satisfied before making any findings. The standard of proof was considered by the Supreme Court in the case of *R (Maughan) v Oxfordshire Senior Coroner* [2021] AC 454 in which the court cited with approval the approach in *Re H (minor) (sexual abuse: standard of proof)* [1996] AC 563 and *Re B (children) (children proceedings: standard of proof)* [2008] UKHL 35.

[211] At para 99, Lord Carnwath relied on the dicta of Lady Hale in *Braganza v BP Shipping Ltd* [2015] 1 WLR 1661 at para 34, where she stated:

“Those cases make it clear that there is not a sliding scale of probability to be applied, commensurate with the seriousness of the subject matter or the consequences of the decision. The only question is whether something is more likely than not to have happened.”

[212] This approach was applied by Keegan, J in *In the Matter of a Series of Deaths That Occurred in August 1971 at Ballymurphy, Belfast* [2021] NI Coroner 6.

[213] Subsequent to that, in *An application for judicial review by the Ministry of Defence* [2021] NIQB 101, Colton J said at para 11:

“In relation to the issue of the appropriate standard of proof to be applied in inquests, the EWCA judgment in *Maughan* had been delivered on 10 May 2019 some months before the inquest verdict. The decision of the Supreme Court in the same case on 13 November 2020, the NICA judgment in *Stepaviciene* (following *Maughan*) on 17 December 2020 and the findings in the inquest touching the death of Patrick McElhone on 21 January 2021 should have made it clear to the applicant that the appropriate

standard of proof was indeed the civil one. Any remaining doubt on this issue should have been put to bed after the delivery of the verdicts in the Ballymurphy inquests on 11 May 2021.”

[214] In relation to the cogency of the evidence required to meet this standard, the remarks of Lady Hale at para 35 of Braganza are relevant:

“Some things are inherently a great deal less likely than others. The more unlikely something is, the more cogent must be the evidence required to persuade the decision-maker that it has indeed happened. As Lord Nicholls explained in *In re H*, at 586,

‘When assessing the probabilities the court will have in mind as a factor, to whatever extent is appropriate in the particular case, that the more serious the allegation the less likely it is that the event occurred and, hence, the stronger should be the evidence before the court concludes that the allegation is established on the balance of probabilities.’

Thus, for example, most parents do not sexually abuse their children. Cogent evidence is therefore required to establish that sexual abuse is more likely than not to have happened. But once it is clear that such abuse has happened, the threshold of incredulity has been surmounted, and the question of who was responsible can be answered on the balance of probabilities. Hence it is not the seriousness of the consequences of a finding of suicide which demands that there be cogent evidence to support it, but its inherent improbability.”

[215] Applying this principle to this inquest, I am mindful that the more serious the allegation, the less likely it will have occurred and so the stronger the evidence should be. This does not mean the standard is higher but does mean that the inherent probability or improbability of the conduct is a matter to be taken into account when weighing the probability and deciding whether, on balance the conduct occurred.

[216] Ultimately, it is for me to decide, in light of all the evidence, how I may answer the statutory questions and address the issues in the agreed scope. Without a definitively agreed conclusion from all experts on the core issues, I must look to other sources of evidence to see if they assist me, either individually or collectively, in fulfilling my duty to ensure that the relevant facts are fully, fairly and fearlessly

investigated so that I may make findings. I have reflected on these sources at length, and the following are my conclusions.

Conclusions on the circumstances of the death of Patrick Crawford

The day of Patrick's death

[217] On Sunday 10 August 1975 Patrick left his family home in Ramoan Gardens, Andersonstown, Belfast and by that evening was present in the vicinity of Dunville Park, Grosvenor Road, Belfast.

[218] That day there was considerable civil disturbance throughout Belfast including in and around the Dunville Park area where a rally had taken place to mark the fourth anniversary of the introduction of internment in Northern Ireland in August 1971. As per the log entry from RA to Brigade at 1652 hours, this rally was instructed to disperse at that time and was followed by intermittent but persistent civil disturbances. There are logs of sporadic violence, including gunfire towards members of the army, particularly in and around the area of the RVH.

Patrick's entry into the grounds of the RVH

[219] Shortly after 21:30 hours Patrick entered on foot the grounds of the RVH via the entrance on the Grosvenor Road. Witness evidence is that he did so with the intention of leaving the RVH site via the exit on the Falls Road to make his way back to his home in Andersonstown.

The evidence of the women accompanying Patrick

[220] In or around the Grosvenor Road entrance Patrick encountered Annie Miskimmin and Catherine Faloon and proceeded to walk with them, firstly along the main thoroughfare of the RVH, before all three turned and together began to walk up Maternity Road in the direction of the Falls Road exit. It appears from the evidence that Patrick asked to walk with these two ladies through the RVH towards the Falls Road and that he told them he was making his way home to Andersonstown. He stated to them he was nervous of the army in the RVH and so wanted to accompany them. These women made no contemporaneous or subsequent comments about Patrick's posture other than he was walking along Maternity Road towards the Falls Road alongside them, with Mrs Miskimmin a step in front.

The position of "X"

[221] At the point marked "X" by Annie Miskimmin on a map used at the original inquest, while on Maternity Road Patrick was struck by a single bullet and fell to the ground. This location was confirmed by the staff nurse, Elizabeth McElkerney, who was working in Quinn House on nightshift, who heard the shot and left her ward to attend to Patrick as he lay on the ground. Mrs McElkerney had a particular knowledge of the area, the layout of the buildings and roadway, and their proximity to each other,

and so her confirmation of "X" assists in assessing its reliability. Her particular knowledge of this area was acknowledged by Mr Murphy in his report of 4 March 2024 and his evidence to me assisted in assessing the reliability of "X". In his report he stated:

"In my experience, in general, the positioning of "X" markings by a witness needs to be treated with some caution. However, in this case the witness was well acquainted with the area, being a nurse, and the X is spatially related to a path and a nearby building. In my opinion the degree of circumspection is less than normal, all other variables being the same. In short though, the placing of the "X" will not be pinpoint accurate. I have assumed that "X" is situated in the centre of the road."

[222] The location of surrounding buildings and clearly identifiable markings on the original RUC map, such as the doors to Wards 23 and 24, the road leading down to Casualty, and the location of Quinn House, all assist in providing as close an affirmation as is possible as to Patrick's location when shot. I have no difficulty in finding that this location properly identifies where Patrick was shot on Maternity Road and have taken into consideration both the assumptions made by Mr Murphy in placing it in the centre of Maternity Road and the logically inherent difficulties in being absolutely precise about its location given the map scale and variances that occur if "X" is moved even slightly.

[223] There has been much discussion around the precise location of "X" given the unusual scale of the original RUC map, which was blown up to enable a better view, the evidence being that even a millimetre movement of the "X" in any direction might impact on the position of Patrick by up to two metres and would cause a corresponding change in the angles achievable to that spot from any given vantage point. I listened carefully to the evidence on this issue. It is clear to me that the location of "X", marked contemporaneously and confirmed by both the civilian witnesses and a staff nurse with knowledge of the area, is as accurate as is possible. I take note of the variations inherent in even the slightest movement of "X" on the map and the corresponding impact this will have on the ability to precisely locate where he may have been shot from.

[224] I also note the potential for an error of margin in the angle of declination of the bullet which struck Patrick, such being assessed as 45 degrees by Professor Marshall. I accept that there must be a margin of error applied to the precision of that deviation given that it was carried out visually, with the aid of a tracking rod, by Professor Marshall. I note what the experts say on this issue. I favour the evidence of Professor Crane when he stated that the margin of error in such a determination of the angle of declination of the bullet entering Patrick to be not as large as advanced by Mr Mastaglio for the reasons he gave. Professor Marshall was a very experienced pathologist with particular experience in examining gunshot wounds, and so by

implication, has experience of assessing their likely tracks and angles. I accept that the methods deployed at that time would not be the methods used today. As Mr Mastaglio stated, it is a quantitative assessment which, he reminds us, was “standard practice at the time and there is, of course, no criticism of that”. Nevertheless, I am of the view that Professor Marshall’s expertise, and his examination of Patrick’s body, has properly informed his assessment and conclusions. I do not think that his methodology, replicated very helpfully by Professor Crane in his report by visually representing on a diagram/model the track of the bullet and deviation as assessed, allowed for the significant margins of error postulated by Mr Mastaglio, though I do accept that the 45 degree angle assessed may not be absolutely precise. I factor into my considerations the required flexibility and caution inherent in the 45 degree method of assessment.

[225] I am satisfied on all the evidence that “X” is marked as accurately as is possible. In coming to my conclusions and findings I make allowances for both the potential for the deviation of 45 degrees to not be entirely precise and for any movement in the positioning of that “X” to impact on Patrick’s location and the likely shooter locations. I do not need, however, to pinpoint with absolute precision Patrick’s location on Maternity Road to enable me to make findings about the likely location of the shooter.

[226] What is clear to me from the evidence is that Patrick was walking along Maternity Road when shot in and around the entrance to Ward 23 and 24, just near to Quinn House, and directly in line with the road leading down to Casualty, which would have been on Patrick’s right-hand side. He was walking upright, there being no evidence that he was in any other position, chatting with the women either side of him, though the evidence from Mrs Miskimmin is that she was slightly in advance of Patrick. There is an incline in Maternity Road, from the Royal Maternity Hospital up towards the ENT building and the Falls Road, which I accept may have caused him to be leaning very slightly forward as he walked. That is a matter of common sense rather than science. The likely impact of that position is factored into my views on possible shooter location.

The location of the shooter

[227] All experts agreed that the shooter must have been in front of Patrick. I take this as being self-evident given he was shot in the chest. Unfortunately, that is where the unanimity of agreement ended.

[228] Several locations ruled themselves out of contention for shooter location simply due to this fact and the deviation of the entry wound of the bullet which killed Patrick. The School of Dentistry was behind him, so is excluded; the Falls Road location, while in front of him, does not provide the necessary angles; the ENT building, favoured as a possible location by the Next of Kin, does not provide the necessary angles of deviation at its most upper floors. Given the 45 degree deviation angle of the shot which killed Patrick, the limited angles possible from ENT to the “X”, even allowing

for the caveats around "X", the ENT building is not, in my view a likely location for a shooter.

[229] I heard evidence about the location of the school on the Falls Road, St Dominic's, and the potential it may pose for a shooter location. Given Patrick was shot during the school holidays I consider it very likely the school buildings were closed. Even if there was access, I heard no evidence at all that would lead me to believe that there was any shooter located in the school, nor do the logs provide any evidence to that effect either, and so I rule it out of consideration.

[230] Similarly, I consider that the evidence that the bullet that struck Patrick may have been a random shot emanating from up to 2 kilometres away or have been the result of some sort of random victory shot in the air, and which subsequently travelled to Maternity Road, entering the centre of Patrick's chest killing him as he walked within the grounds of the RVH, whilst theoretically possible, to be so remote as to be fanciful.

[231] I am mindful that the shot which killed Patrick was heard by Annie Miskimmin, Catherine Faloon, the staff nurse Elizabeth McElkerney, Sergeant Bellamy, Detective Sergeant Gibbons and PC02, who were all in and around the immediate location of Maternity Road and Casualty. I remind myself that the evidence from the ballistics experts was that it would not be possible for anyone hearing a shot to be able to determine its point of origin. Nevertheless, three witnesses state they believed the shot came from the direction of the Falls Road. Having ruled that location out as likely location of the shooter, it is my view that the witness testimony in this regard means that the witnesses considered the shot came from the immediate area or close by to where Patrick was killed. I must, therefore, consider the viability of the buildings surrounding Patrick's location as possible shooter locations, given the shooter was in front of and above him, keeping in mind the position needed to achieve the (approximate) 45 degree deviation angle, and the possible impact of the imprecision of the mark X, caveated as already stated.

[232] Whilst I had initially favoured the likelihood of the one and a half storey Gynae building as being the likely location of a shooter, this was predicated, in part, on the evidence of the 20 degree deviation track of the bullet which passed through Patrick from left to right. This appeared to logically suggest that the shooter would have been in front of Patrick, above him and to his left, as postulated by both ballistics' experts in their written evidence, though modified subsequently by them in oral evidence on foot of the evidence of the impact of Patrick moving and the variances applicable to a change in the position of "X".

[233] I accept the evidence from both Professor Crane and Dr Turner on this issue that this 20 degree deviation may have been caused by even the slightest movement of Patrick as he walked up Maternity Road and that it cannot, and in fact should not, be considered determinative of shooter location. That does not mean that the shooter being to the left of Patrick is to be ruled out for consideration, but simply means that

that deviation cannot be relied upon, without more, to categorically establish the direction of travel of the bullet so as to establish shooter location.

[234] I note what was said by the experts when questioned about muzzle flash and the evidence as to whether a shot from these locations would have enabled any witness to be able to immediately identify the location of the shooter. While it may well have done, the absence of evidence of this type does not, to my mind, operate to exclude these locations. The witnesses may have simply been distracted by other matters or may have been unable to identify evidence of that nature given the split-second nature of shooting.

[235] I do not consider that I require to know precisely where Patrick was located to enable me to conclude on a likely shooter location. I acknowledge that none of the experts could provide a definitive location for the shooter. However, I am mindful of the standard and cogency of evidence required for me to make findings.

[236] Given all the evidence, I conclude that there are two possible locations for the shooter: the one and a half storey Gynae building located on the left-hand side of Patrick as he walked up Maternity Road, and Quinn House, which would have been on his right. Both were in his immediate surroundings. Both buildings were in front of Patrick. Both allowed access to the roof. Both enabled satisfaction of the bullet entry deviation angles necessary, bearing in mind the caution required when considering the (approximate) 45 degree declination angle of entry and the possible change in angles wrought by moving "X" millimetres, as already discussed. Both provided a line of sight to where Patrick was on Maternity Road. Both would have allowed shots fired to be heard as described by the multiple witnesses. Both buildings allowed access to, and egress, from their roofs.

[237] Taking all this into consideration, however, I am struck by the imagery of the recreation of the bullet trajectory through Patrick's body, presented by Professor Crane in his report. I remind myself that the 20 degree angle of deviation has been deemed irrelevant by the experts in so far as it might assist me in identifying precise shooter location given that such a deviation may occur from even a slight movement by Patrick immediately prior to impact.

[238] Nevertheless, on a commonsense approach, for a bullet to enter Patrick as it did so, at an approximate 45 degree angle from left to right, it is difficult to see how such a deviation could be caused by a shot from the top of Quinn House, which was located on Patrick's right-hand side as he walked up Maternity Road. The bullet that struck Patrick was, as agreed by all experts, a direct strike, not a ricochet. Therefore, Patrick would have had to have turned around to a considerable degree to achieve any deviation angle of entry into his body from left to right if the shot had come from the top of Quinn House. Such a positioning or movement of Patrick would, in my view, have been so notable or obvious so as to attract comment at the time by the two eye witnesses walking alongside him, who simply, and consistently, stated that Patrick was walking up Maternity Road between them, with Mrs Miskimmin a step in front.

[239] On balance, therefore, I favour the location of the shooter as being on top of the one and a half storey Gynae building, though I do not consider that anything of particular significance turns on this aspect of my findings given the factual and evidential basis for my conclusions regarding both the possible shooter location and the identity of the shooter, which I discuss further below.

The bullet which struck Patrick

[240] I am conscious that there is some divergence of expert opinion on whether Patrick was shot from a high velocity or non-high/low velocity weapon. All experts agreed it could be either, with Professor Crane favouring a high velocity shot.

[241] Having revisited the evidence from the experts, I prefer the evidence of Professor Crane on this issue. I do so for several reasons, including Professor Crane's extensive hands-on experience in this jurisdiction involving gunshot wounds and their subsequent injuries. Professor Crane favoured a high velocity bullet based on his "experience of dealing with gunshot wounds over a long period of time ...". He considered that "this is very typical of what you would get with a high velocity round passing through the body". He explained further that he had "conceded in the joint report which I did with Dr Turner, I think this could be a low velocity round but I do feel that on balance this is more likely to be a high velocity round that has passed through Mr Crawford's chest."

[242] Professor Crane also gave evidence as to lung pathology and how the pathology scenarios relied on by Mrs Kiernan in support of her view that the injuries were caused by a low velocity bullet could not, in his view, be sustained. He informed that: "because of the elasticity of the lung, a high velocity round will pass through it without causing disruption and without the typical appearance of cavitation which we see in some solid organs, and cavitation is where not only do you get damage along the track but you get damage into the surrounding tissues because they sort of expand, but with the lung, with high velocity rounds you don't see that. The bullet will pass through and it's because of the nature of the tissue of the lung, it's elasticity."

[243] However, before making a finding on this issue, I remind myself of the other available evidence which might inform my conclusion on this issue.

[244] The prosecution papers of Thomas Moore contain information regarding the decision to no longer pursue a prosecution against him for Patrick's death. The Crown Prosecutor at the time, Mr Ronnie Appleton QC, refers to the Crown case being that the bullet was "a HV bullet". I take this to mean high velocity. It is unclear where this information came from, but I consider it likely that it derived from information or advice provided to the prosecution by the Pathologist, Professor Marshall.

[245] In his original deposition, PC02 also refers to a shot he heard around or at the time Patrick was shot, which he refers to "as a high velocity shot from the direction of

the Falls Road.” I heard evidence from PC08, who was asked if, in his view, a soldier could tell the difference between gunshots heard so as to identify whether they were high or low velocity and he agreed they could.

[246] Apart from the deposition from PC02, the only available contemporaneous evidence on this issue is in the RUC statement of (then) Detective Sergeant Morrison, dated 11 August 1975, the day after Patrick’s death, in which he states: “the Pathologist is of the opinion that the weapon used was similar to an Armalite and fired from close range.” Whilst this information is not in the autopsy report, I find that it must have been information received by Detective Sergeant Morrison from the pathologist, Professor Marshall, as noted on the face of Detective Sergeant Morrison’s contemporaneous statement. Professor Marshall had the singular advantage of having physically examined Patrick and his wounds, though his upper clothing does not appear to have been available to him at the time of autopsy. As Professor Crane also said, Professor Marshall was a very experienced pathologist.

[247] Having considered in detail all the evidence on this issue, it is my conclusion that the bullet which struck Patrick was more likely than not to have been a high velocity one.

The military presence/activity at the time and location where Patrick was shot

[248] I heard evidence of a considerable presence of military personnel within the grounds of the RVH, whether with the RUC or not, depending on the circumstances, and that military personnel were located in Casualty and had a base in an area beneath it.

[249] I heard how the corridors beneath and between the RVH Casualty and the ENT building provided a link through which anyone including soldiers could move from one building to the other without having to leave the main hospital building, and, therefore, without being seen to move from anyone on the outside.

[250] I saw clips from old videos that showed sandbags at the entrance to the ENT building which suggested that there was an army presence in this building also. I heard that the army had access to roof tops within the hospital including, but apparently not limited to, the Mulhouse building.

[251] Whilst the MoD provided historical documentation comprised of records from the National Archives from October 1979 meetings between health officials, the Government (at Cabinet level) and military representatives relating to a proposal to establish an Observation Post on top of the nurses’ accommodation at Broadway Tower, which they relied on to suggest that the military presence in the RVH was in some way restricted or limited (or that there was, at least, an expectation that it would be), the evidence from witnesses was not always supportive of this, and indeed the documents provided suggested that it was, in effect, a matter for the military as to when they considered their presence was operationally necessary in the RVH.

[252] I note the evidence of PC11 who stated that military patrols were not allowed inside the hospital grounds unless the police requested military support. Whilst there is a report from the RUC in the 1 RHF logs at 21:05 hours of a gunman in the Dental School, and that “SP info’d”, I did not see, on any log, any police request for military assistance in the RVH that evening, or at any point. Yet, on the testimony of PC02 he was in the grounds actively looking for a shooter as part of an eight-man patrol.

[253] I did not hear any evidence, nor has any been provided to me, that anyone, whether RUC or hospital management or anyone else, sought to actively curtail, interfere with or in any way control the operational use of the hospital buildings or grounds by the army, or interfered in their operations in any way or at any point. Documents provided to me by the MoD from the National Archives entitled “Correspondence from N Dugdale, DHSS to Mr Alison, Minister of State October 1979” state that “[t]he Board’s Policy is and always has been to co-operate with the security forces ... in pursuance of this policy, the board has never attempted to deny whatever access to the RVH site the security forces have judged to be necessary for operational reasons.” I consider that the army had, in effect, unfettered access to, and within the grounds of the RVH and could move with apparent impunity throughout the buildings, including the rooftops.

[254] The narrative account apparent from the logs show considerable military activity and civil unrest in and around the vicinity of the RVH on the day and evening of Patrick’s death. The military depositions, which I will discuss below in more detail, place at a minimum 12 soldiers in and around the environs of Maternity Road and Casualty.

[255] The logs detail shooting activity specifically referencing the RVH:

B Company 2 RA to 2RA Tactical HQ at 20:52 hours
2 shot from area of RVH 3 mins ago

RUC to RHF at 21:05 hours
Report in Dental School RVH of gunman Sp info’d

A Company 1 RHF to 1 RHF Tactical HQ at 21:06 hours
Gunman escaped east from La Salle Drive into Iveagh Crescent Sp info’d

1 RHF Support Coy to A Company 1RHF at 21:16 hours
Mulhouse claim being shot at from Dentistry School.

[256] I consider that prior to and at the time of Patrick’s death there was a significant and persistent military presence in the RVH and specifically around the School of Dentistry and Maternity Road as well as Casualty. For the reasons I set out in the following paragraphs, I consider that to all intents and purposes the military were in

control of this area, in significant numbers, were armed, and recorded as being actively looking for a gunman, at least in the time prior to Patrick's arrival in that area.

The identity of the shooter

[257] It has not proved possible to identify the person who shot Patrick. Clearly two possibilities exist: a soldier or a member of a paramilitary organisation. The only evidence available to me that suggest that a paramilitary shooter was within the grounds of the RVH is the previously discussed log about a gunman at the School of Dentistry at 21:05 hours.

[258] In submissions made on behalf of the MoD it is submitted that it was "unlikely the fatal shot was fired by a soldier" for reasons that are then set out. The MoD submitted, inter alia, the following points - that no military personnel were identified as operating from any elevated positions in the vicinity at the time of the shooting; soldiers who were known to have been stationed at the RVH namely Sergeant Bellamy, PC04 and PC03 were not likely to have been in a position to have fired at Patrick; PC02, who was searching the RVH site for a gunman together with his eight man patrol, made a statement to the original inquest which recounted him moving along Maternity Road in the direction of the Falls Road but only after he had heard a shot; the use of the RVH site by the army was restricted so as not to make it a target for terrorist activity; the army radio logs while they record various shootings including hearing the shot that killed Patrick do not record that any soldier fired a shot at the material time; soldiers did not operate alone but in four or eight man patrols; soldiers were not permitted to patrol the grounds of the RVH without specific authorisation; soldiers were trained to only fire within the parameters of the "Yellow Card" which required, amongst other criteria, any shooting to be justified. The Yellow Card is a reference to a set of instructions issued to soldiers on the circumstances in which it would be appropriate to open fire, namely "Instructions by the Director of Operations for Opening Fire in Northern Ireland". These instructions were for the guidance of soldiers operating collectively and individually. The terms of the guidance changed over the years. The version that applied at the material time included the following:

"General Rules

'2 Never use more force than the minimum necessary to enable you to carry out your duties.

3 Always first try to handle a situation by other means than opening fire. If you have to fire

- (a) Fire only aimed shots.
- (b) Do not fire more rounds than are absolutely necessary to achieve your aim.'

'(6) A warning should be given before you open fire. The only circumstances in which you may open fire without giving warning are described in paragraphs 13 and 14 below.'

'You may fire without warning

(13) either when hostile fire is taking place in your area, and a warning is impracticable, or when any delay could lead to death or serious injury to people whom it is your duty to protect or to yourself; and then only:

Against a person using a firearm against members of the security forces or people whom it is your duty to protect or

Against a person carrying a firearm if you have reason to think he is about to use it for offensive purposes.' "

[259] I have no difficulty in accepting that the Yellow Card is the applicable standard expected of military personnel when the use of force is anticipated or actioned and would be the standard applied should the army accept their involvement in the use of force or should the identity of any such personnel be known.

[260] The MoD submissions also note the evidence before the inquest that a gunman who the army had been unable to find had been reported to be present within the RVH grounds before the shooting of Patrick took place. The MoD also draw attention in their submission to the evidence from Mrs Miskimmin and state:

"Mrs Miskimmin gave two early accounts which included the specific detail that a security man told her that there was a 'sniper in the crowds.' This is plainly a reference to a terrorist." (Emphasis original)

[261] The first of these accounts from Mrs Miskimmin can be found in the statement that she made to the RUC on 12th August 1975, where she describes leaving her house at about 20:20 hours and then states:

"We walked along Abyssinia Street onto the Grosvenor Road and crossed the road to the hospital gates. We went through the gates which were open at the time to let a car out. I saw the security man talking to someone in the car. When we had gone through the first time the security man told us that there was a sniper in the crowds."

[262] This statement appears verbatim in the deposition made by Mrs Miskimmin to the Coroner on 19 December 1979, although it does not appear in her statement to the RUC on 17 October 1978.

[263] If Mrs Miskimmin's timeline is accurate then she would have been told that there was a sniper in the crowds at the very least sometime after 20:30 hours, as she had to walk to the RVH from her home in New Barnsley Grove.

[264] Mrs Miskimmin gave a later account of the night Patrick was killed to the Police Ombudsman for Northern Ireland. In her statement of 18 March 2003 she stated she did not see any security guards at the gates of the RVH that night, that she could not recall mentioning the security guards at the Coroner's court and, therefore, any reference to security guards in her original statement is totally inaccurate.

[265] The only direct use of the word sniper that appears in the logs in the preceding number of hours is one found almost two and a half hours earlier at 17:50 hours in a message from 39 Inf to 2RA Tac HQ which reads:

“We have fired one round at a Sniper in PERCY St and engaged 2 men who were carrying pistols. We have hit one of them. No of Rnds fired uncertain. “

[266] While the term 'sniper' does not appear in the logs at around the time Mrs Miskimmin reports being informed of one being in the crowds, the logs do suggest a belief on the part of the army that a gunman was operating in the vicinity of the RVH:

1 RHF Support to HQ 39 INF Brigade at 20:17 hours
(Illegible) fired at Falls Rd from cordoning tps Dunville St.

1 RHF 22L to 1RHF at 20:26 hours

1 x shot fired from Dunville St area.

1 RHF to HQ 39 INF Brigade at 20:27 hours
Dunville St shots at us perhaps - not sure yet.

RHF to HQ 39 INF Brigade at 20:27 hours
Contact - wait out. Contact gunman Dunville Park. We are engaging him from Waterford St No Cas so far.

1 RHF call sign 22L to 1 RHF at 20:28 hours
3 x further shots fired from Dunville St area

1 RHF Support to 1 RHF A Company at 20:42 hours
Shooting from Dunville St to my loc in Waterfield St 1 x 7.62 returned gunman behind taxi.

1 RHF Tactical HQ to 39 Inf Brigade at 20:43 hours
Contact Shooting at gunman in Dunville Pk at the moment no cas no hits claimed.

1 RHF Support to 1 RHF at 20:45 hours
Shooting from Dunville at 22L in Waterfield St shots returned. Bde info'd 2045

1 RHF B Company to 1 RHF at 20:45 hours
Dunville St Sorella St Civ. Injured possibly dying shooting confirmed Bde info'd.

2 RA B Company to 2 RA Tactical HQ at 20:45 hours
Shots from DUNVILLE PARK area

1 RHF B Company to 1 RHF at 20:51 hours
1 HV from area Dunville St claimed by Sp Coy

2 RA B Company to 2 RA Tactical HQ at 20:52 hours
2 shot from area of RVH 3 mins ago

1 RHF Support to 1 RHF at 21:00 hours
Hot pursuit [REDACTED] Iveagh Crescent [REDACTED] Iveagh Street

1 RHF Recce to 1 RHF at 21:03 hours
12 Empty carbine case bottom end of La Salle Drive

RUC to 1 RHF at 21:05 hours
Report in Dental School RVH of gunman Sp info'd

1 RHF A Company to 39 Inf Brigade at 21:06 hours
Gunman escaped east from La Salle Drive into Iveagh Crescent Sp info'd

1 RHF Support to 1 RHF at 21:16 hours
Mulhouse claim being shot at from Dentistry School.

[267] It is clear from these logs that from the time at which Mrs Miskimmin allegedly said that she was told there was a sniper in the crowd until the time at which Patrick was shot, whilst there is no direct reference to a "sniper", there was considerable and ongoing activity in and around the immediate locality of the RVH at the Grosvenor Road end as well as there being a report of a gunman in the RVH Dental School. Therefore, the logs support a narrative that there was a gunman in the area, that this gunman potentially escaped and that there were reports of a number of shots fired from the area of the Royal Victoria Hospital. The log references to being in "hot pursuit" of a gunman (1 RHF Support to 1 RHF at 21:00 hours) is prior to the RUC report of a gunman in the Dental School at 21:05 hours.

[268] I remind myself of the witness evidence of what was happening at the precise time when, and location where, Patrick was shot. I have the benefit of two eyewitnesses who were walking with Patrick up Maternity Road, with Mrs Miskimmin a step in front of him and Mrs Faloon. He was not posing any threat to anyone and was not engaged in any activity which could have been construed as a threat. I recall that it was still "broad daylight" as stated in the handwritten note added to the deposition of PC02, who I consider was called to give evidence at the original inquest given the handwritten addition to his deposition. Also, according to the report of Professor Burton provided to me for the purposes of the inquest, the time of the shooting was during civil twilight which, he explains, is enough natural light that artificial light is not required, ie streetlights would not be on.

[269] The evidence establishes that there was an active search for a gunman prior to Patrick being shot. According to PC02, an eight man unit, led by PC02, had been "tasked at about 1900 hours to investigate a gunman in the Dentistry building in the grounds of the RVH". I note there is nothing in the logs referencing a gunman in the Dentistry building, or anywhere else in the RVH, at this time. Nor is there any entry indicating where this information might have come from or how and when and by whom it was passed to PC02. Beyond informing that he was "tasked" to do this, PC02 provides no further information on this issue in his original deposition or his subsequent statement to my investigator.

[270] It is also unclear why PC02, having been tasked to investigate a gunman at 19:00 hours, was still in the area at the time of Patrick's death more than two and a half hours later. In his deposition he states that, having completed the search for the gunman, "about an hour and a half later I heard the sound of a 'high' velocity shot from the direction of the Falls Road". This would make the time around 20:30 hours. Patrick was shot around 21:40 hours, so this time cannot have been correct. In any event, PC02 provides no information as to what he and his patrol were doing during those one and a half hours, only that, having heard the shot, he "decided to move across towards the Falls Road in case I could get any details about the shot and its origin. Together with my patrol I moved along Maternity Road still in the grounds of the RVH". PC02 also states there was "no gun battle of any description in progress, just one shot." He further states that he returned to Broadway base about 22:00 hours, around twenty minutes after Patrick was shot. Therefore, the search by him (and his team if included) and any attempts to source and secure evidence could not have taken more than this time, if this timing is accurate.

[271] Therefore, on PC02's own evidence he places himself and his patrol at the location of Patrick's death almost contemporaneously, though on his version of events, after Patrick was shot, as he states that he radioed "my base location after the shot had been fired and before I began to move towards the Falls Road."

[272] This radio contact from PC02 is in the logs and is the second report made of contact outside RVH Casualty at 21:43 hours, this being almost immediate to the time

of, and at the location of, Patrick's death (I note that Dr Shepherd pronounced Patrick's death at 21:45 hours). Given PC02 and his patrol's swift arrival at the locus of Patrick's death, it is clear to me that they must have been very close by. This evidence founds my view that PC02 and his seven-man unit were more likely than not in and around the very area Patrick was shot. It has not been possible to identify the other members of PC02's unit, either through tracing or information from other military personnel. PC02, who was in command of this patrol, could not recall who they were at the time of his Deposition for Patrick's original inquest on 19 December 1979, stating that "[b]ecause of the date of the incident and the fact that all Sp Coy records have since been destroyed I am unable to remember the names of any member of my patrol."

[273] As previously noted, there were further military personnel in and around the location of Patrick's death. Sergeant Bellamy, PC03 and PC04 were located at Casualty in the RVH which was located within a very short distance from Quinn House and subsequently the location of Patrick's death. Sergeant Bellamy describes being on guard duty at Casualty. It is unclear if this was outside or within Casualty. PC03 and PC04 claimed in their original depositions to have no recollection of the night Patrick was killed or of his death in general, though both confirm they were liaison NCOs at the relevant time. The Casualty department is confirmed on maps made available to me as being very close to where Patrick was shot and so I consider these soldiers to have also been within the vicinity of his death. I also heard evidence from Patrick's sister that Sergeant Bellamy had sought to contact Patrick's father through a third party after Patrick's death. Sergeant Bellamy was himself then killed and so there is no further information about this. Patrick's sister was told this by her father. While I have no reason to doubt Maggie Crawford and her recollection of this, it is not possible for me to take any view on what, if anything, may have come from any such contact, should such contact have been sought by Sergeant Bellamy.

[274] I have no doubt that the sporadic violence and incidences of shooting in and around the area of the hospital over a prolonged period of time on 10 August 1975 placed the military on high alert. They were coming under fire or were at least aware of the civil disobedience and gunfire around them. There was a specific report of a gunman as being located at the dental school at 2105 hours which is located at the bottom of Maternity Road in the grounds of the RVH. It was within this heightened atmosphere that Patrick, Mrs Miskimmin and Mrs Faloon made their way through the hospital and up Maternity Road.

[275] Patrick was tall for his age, according to the post-mortem, he was five foot 11 inches, and references in the logs to a "man" being shot in reference to Patrick reveal that he was likely considered such. He was also in close proximity to the locus of an earlier alleged incident where a gunman had been reported. I find that Patrick was walking away from the direction of the dental school, up Maternity Road towards the Falls Road, whilst significant numbers of military personnel were in and around that area, when he was shot.

[276] The evidence of this significant military presence in and around Maternity Road informs my view as to who would likely have access to the elevated position necessary to shoot Patrick at an approximate 45 degree angle.

[277] Having considered all the evidence, and in all the circumstance pertaining at that time, in particular the significant number of military personnel who were in and around the relatively confined area within which Patrick was shot, I consider that the reality was that only military personnel could have had sufficient freedom to access the roof of either the one and a half storey Gynae building or Quinn House. As acknowledged by PC10, and which I take as a matter of common sense, a gunman who places himself on a roof where his means of access and egress are limited by the presence of army makes himself vulnerable.

[278] I am satisfied that the evidence before me substantiates that the military had unfettered access to the RVH and would have very likely been unchallenged in gaining access to any area. I accept that there were at times an operational necessity for the army to access the higher buildings of the RVH. I do not consider that the conditions as they existed at that time and in that location on Maternity Road would have permitted for any member of a paramilitary organisation to have entered that area unseen, accessed the roof, shot Patrick and then escaped without being seen by the military at some stage. The logistical unattractiveness of a paramilitary accessing a roof was agreed upon by PC08 in his evidence. In his written statement he had stated that it would be standard procedure for the military to seek out high ground if they wanted to watch what was going on. He was asked by counsel for the MoD if the same rational applied to a paramilitary group, in that they would also seek out high ground to better survey the scene. He replied as follows:

“The only snag with that if it was a terrorist they have to fire a shot and get out, so the higher up in a building you are, you’ve got to make pretty sure you can get out again ... [S]o it wouldn’t necessarily follow with their tactics for they are more likely to employ a crowd to provide a screen ... [S]omething of that order and they can scarper having fired the shots as opposed to being stuck up on the top of a building somewhere and trying to get out, whichever, whatever kind of building it was. So, I wouldn’t say it necessarily follows for their tactics. It might make sense, might not.”

[279] I am further fortified in my belief that military personnel were involved in the shooting of Patrick by the immediate involvement and actions of RMP, who were informed of Patrick’s death at 22:45 hours directly from a military source within the RVH. At 22:49 hours they then informed the HQ 39 Inf of this information, with additional information that Patrick was an IRA Volunteer. There are no log entries of how or from where RMP would have received this information that alleged Patrick was an IRA volunteer. I note that PC11 in his evidence was asked if the RMP would

be involved if a civilian was shot and he replied, "not really" and he could not think of any reason why they would be involved.

[280] The 22:49 hours communication from RMP was to the 39 Inf Brigade and shown on the Brigade logs. It was then in the "Action" column of the Brigade logs that HQNI were to be informed. There was no evidence, at that time or since, supportive of an allegation that Patrick could or should have been labelled an IRA volunteer, given he was unarmed and, on contemporaneously available witness evidence, posing no threat whatsoever. This persistent narrative that he was a gunman has served, to attribute some blame on Patrick or present his death as being in some way warranted.

[281] Other contemporaneous evidence reflects a narrative that Patrick was killed by a stray bullet. The RUC statement from Detective Inspector Morrison, dated 11 August 1975 states:

"It has been suggested that Crawford was the victim of a stray bullet. The Army were not engaged with any gunmen in this area and it is now known Republican elements were involved in a gun battle amongst themselves before the Army took control in the Lower Falls, its (sic) possible that Crawford may have been the victim of an internal feud. However, a number of witnesses have yet to be interviewed with regards to the exact location where Crawford was shot. Further information will be telephone if required (sic)."

I have already stated that I consider that it is likely that this information was provided to the RUC by the military, nevertheless, it informs of the narrative at the time of Patrick's death.

[282] Contrary to the general thrust of the IRA/feud narrative, there is no evidence of there being a paramilitary gunman within the grounds of the RVH at the time Patrick was shot. As stated, there is reference to a gunman at 21:05 hours at the dental school and then to a gunman having escaped at 21:06 hours via Iveagh Crescent into La Salle Drive, but these areas are located at the Broadway exit of the RVH, off site of the hospital, and a considerable distance from Maternity Road.

[283] I also rely on the evidence PC08 and Michael Knox who stated that the logs reporting and referencing a shooting, and Patrick's death itself, would have been informed by a more detailed narrative, and most notably be contained in handwritten log entries. This reflects in substance what is said by PC02 in his witness statement to my investigator. When asked about the log entry "contact at RVH" he stated that he took this "to mean that the person making the report heard a shot fired, but nothing more than they heard a shot fired. The report does not say what action was taken or anything else in relation to that specific event." I consider that both this evidence, and, as a matter of common sense, support my view that it is highly probable that more

information relating to events surrounding the shooting of Patrick would have been made contemporaneously.

[284] I am also mindful that neither the RUC nor the RMP undertook any investigation of substance, even within the standards applicable at the time. There was no scene search as such, no attempt to retain clothing for analysis, no proper attempt to look for the bullet that killed Patrick and no proper engagement with witnesses. There is no explanation as to why a more thorough investigation was not undertaken into the shooting dead of a 15 year old boy. I remind myself that according to his deposition, PC02 and his unit were back in their barracks in Broadway Road 'about 2200 hours', 20 minutes after Patrick was shot). The absence of investigation only lends itself, in my view, to support a narrative that what happened to Patrick was known at the time and so there was no appetite to explore those events given the involvement of the army.

[285] I am cognisant that PC02 and the seven -man unit are recorded by him as carrying self-loading rifles (SLRs). These are high velocity weapons. I am aware that in his statement PC02 records that no-one in his patrol opened fire that night. I have no evidence to gainsay that statement from PC02 and I could not hear evidence from him as he is now deceased. In his statement to my investigators, he did not recall anything whatsoever about the night of Patrick's death. He also disavowed any knowledge of the original PC02 deposition, its content, or anything at all about Patrick's death. However, the deposition he made, dated the day of the original inquest, 19 December 1979, appears to establish that four years after Patrick's death, he recalled full details of that night.

[286] I also note that Sergeant Bellamy stated in his deposition for the original inquest that he, along with PC03 and PC04 were all in possession of .9mm Brownings, low velocity weapons, while on duty that night in Casualty.

[287] I am conscious that the evidence as to which individual killed Patrick is not clear cut. I wish to make it clear that I am not and cannot, on the evidence available to me, make any finding naming any individual in relation to Patrick's death. However, I consider that the cumulative effect of the facts as found by me, and the various strands of evidence, when brought together, satisfy me on the balance of probabilities to a sufficient degree of cogency that it is more likely than not that Patrick was shot by an unidentifiable British Army soldier in circumstances where there could not have been a reasonable belief of a threat of force.

Events after Patrick was shot

[288] After he was shot Patrick was carried by a nurse and a security man from Maternity Road to the Casualty Department.

[289] He was pronounced dead on arrival at the Casualty Department in or around 21:45 hours.

Verdict

[290] I therefore find that the verdict on inquest is:

- (a) The deceased was Patrick Joseph Crawford, a 15 year old male, of 13 Ramoan Drive Andersonstown, Belfast.
- (b) He was born on 21 December 1959 at the Royal Victoria Hospital in Belfast.
- (c) The cause of death was a bullet wound of the chest.
- (d) He was a schoolboy at La Salle Boys School in Edenmore, Belfast.
- (e) His parents were Patrick Joseph Crawford and Martha Crawford.
- (f) He was struck by a high velocity bullet in the vicinity of Maternity Road within the RVH.
- (g) The bullet killing Patrick was fired by an unidentifiable member of the British Army.
- (h) He was posing no threat at the time he was shot.
- (i) He was pronounced dead in or around 21:45 hours on 10 August 1975 in the Casualty department of the Royal Victoria Hospital, Belfast.

[291] Finally, and as noted earlier in these findings, two soldiers, whose identities were anonymised for the purposes of this inquest, PC02 and PC03, are deceased. Given that, and subsequent to these Findings, it is appropriate to revisit the grant of anonymity to them and I propose to now do so. However, before doing so, I wish to give the properly interested persons the opportunity to make written submissions on this issue, should they so wish, and ask that they do so by Monday 6 January 2025. I will then consider any submissions received before making my final decision on this issue. Once I have made my decision on that issue, I will let all parties know and this inquest will then be formally closed.

Glossary

Broadway Base

Located on the grounds of the Royal Victoria Hospital Complex, this was the military base for the Support Company and Reconnaissance Platoon of the First Battalion Royal Highland Fusiliers from 02.07.1975 to 01.11.1975.

CAIN	Conflict Archive on the Internet. Open source website providing information and source material on the 'Troubles' and politics in Northern Ireland from 1968 to the present day.
Company Headquarters	The Command and Control base of a military Company from where the company managed its operations.
Coy	An abbreviation used in military records for “Company”, a number of Companies combining to make up a military battalion.
DPP	Department of the Director of Public Prosecutions. Senior Government law officer whose functions and responsibilities are established by statute (then the Prosecution of Offences (Northern Ireland) Order 1972).
Fianna na H'Eireann	An illegal nationalist youth organisation.
HET	Historical Enquiries Team. A unit set up to examine deaths attributable to the Troubles that occurred in Northern Ireland between 1968 and 1998.
HQNI/GOPs	An abbreviation used in military records created, of radio transmissions and information shared with British Army Headquarters of Northern Ireland. HQNI G Ops refers to Headquarters Northern Ireland General Operations.
39 Inf Bde	39 Infantry Brigade. In August 1975, the British Army deployment to Northern Ireland was organised by geographically defining Northern Ireland into three areas each managed by a separate Brigade. Belfast was managed by the 39 Infantry Brigade. Each Brigade commanded a number of separate regiments
KOSB	Kings Own Scottish Borderers - A regiment under the command of the 39 Infantry Brigade in July and August 1975. The regiment appear in records as KOSB.
Lost Lives	a book that details the lives of people that died as a result of the Troubles in Northern Ireland
NCO	an abbreviation used in military records for Non-Commissioned Officer
Operations (ops) Room	the location in which the Command and Control managed their military/police operations and implemented the

decisions made at that level of command. Military Operations Rooms existed at Company, Battalion, Regiment, Brigade and Headquarters NI levels of Command. The Operations Room communicated and reported upward and downward in command

PONI	Police Ombudsman for Northern Ireland. Independent appointed official who has responsibility for investigating the activities of the Police. Came into existence in November 2000.
Quick Reaction Force	A team of military or police personnel placed on standby and in a position to be able ready to provide a fast response to any incident when tasked.
2RA	Second Battalion of the Royal Anglian Regiment. A regiment under the command of the 39 Infantry Brigade in July and August 1975. The regiment consisted of a number of battalions deployed separately. The second battalion of the Royal Anglian Regiment appear in records as 2 RA and were deployed to Belfast from 06.08.1975 to 01.12.1975.
1RHF	First Battalion of the Royal Highland Fusiliers. A regiment under the command of the 39 Infantry Brigade who were deployed to Belfast from 02.07.1975 to 01.11.1975. The regiment consisted of only one battalion, known as the First Battalion of the Royal Highland Fusiliers. The battalion appear in records as 1RHF.
RMP	Royal Military Police. British army regiment which investigates crime involving military personnel or the discharge of weapons by military personnel.
TAC HQ or TAC	An abbreviation used in military records for the Command and Control Headquarters and Command Team of a battalion.
TAOR	An abbreviation used in military records for Tactical Area of Responsibility, the area which the respective military unit is required to manage. Military units did not operate outside their TAOR unless commanded to do so.
Watchkeeper Log	Watchkeeper Logs refer to the military records created of radio transmissions and information shared with military command from non-military sources. The watchkeeper was the individual who records the information as it was

being received or transmitted at the respective time. If a deployed regiment consisted of only one battalion, that battalion's log may be referred to as a Battalion Log or Regimental Log.

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