

Report of the Bloody Sunday Inquiry

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

Volume VIII

Paramilitary Organisations
and Activities on Bloody
Sunday

Fort George

Other Events and Matters

The Senior Officers

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Report of the Bloody Sunday Inquiry – Volume VIII



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Report of the **Bloody Sunday Inquiry**

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Ordered by the House of Commons to be printed on 15 June 2010

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VOLUME VIII

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146.1 As we have noted earlier in this report,¹ both the Official and the Provisional IRA had, in the period before and up to Bloody Sunday, engaged in paramilitary activity in Londonderry, as well as elsewhere in Northern Ireland, during which time they had used nail, petrol and blast bombs as well as firearms in pursuance of their aim to bring an end to partition through a campaign of violence. In the course of that campaign, and as we have also described earlier in this report,² members of the security forces had been killed and injured in Londonderry, the last only three days before Bloody Sunday.

¹ [Chapters 7, 8 and 9](#)

² [Chapters 7, 8 and 9](#)

146.2 In general terms, the evidence of soldiers was that on Bloody Sunday, before Support Company had gone into the Bogside, someone fired a shot at soldiers by the Presbyterian church and at about the same time someone prepared to throw a nail bomb across William Street at troops in a derelict building. Then, as or immediately after soldiers of Support Company entered the Bogside, they came under threatened and actual firearm and bomb attacks from paramilitaries operating from the Rossville Flats and the car park behind those flats; from the rubble barricade in Rossville Street and its

immediate area; from Glenfada Park North; and from other areas. It is, again in general terms, the case advanced on behalf of the represented soldiers that they responded legitimately by opening fire.

- 146.3** According to the soldiers, it was in the course of these encounters that civilians were killed and wounded.
- 146.4** Those acting on behalf of soldiers submitted that the evidence of paramilitary presence and activities on Bloody Sunday was of fundamental importance in assessing the credibility of the accounts of the soldiers, particularly those who fired on Bloody Sunday. As will have been seen, in the course of discussing the events of the five sectors we have looked in detail at those accounts. With two exceptions (namely Lieutenant N and Corporal P, who said that they fired some of their shots over the heads of a crowd), the soldiers who fired on Bloody Sunday claimed that they had aimed and shot at people armed with lethal weapons, namely firearms or bombs.
- 146.5** There are two important matters that in our view have to be borne in mind when considering, for the purposes of this report, the evidence we obtained of paramilitary organisations and activities on Bloody Sunday.
- 146.6** In the first place, for the reasons that we have set out when considering the events of the five sectors, we have concluded that with the exception of Gerald Donaghey, none of those killed or injured belonged to the Official or Provisional IRA, was armed with or in possession of firearms or bombs, or was posing a threat of causing death or serious injury. Indeed, those acting on behalf of soldiers did not suggest otherwise. In our view Gerald Donaghey (who was a member of the Fianna¹ associated with the Provisional IRA) was probably in possession of nail bombs when he was shot in Abbey Park, but the bombs were in his pockets; and he was shot not because of his possession of such devices, but by a bullet that had been fired at Gerard McKinney and which went on to hit him.²
- ¹ [Chapter 149](#)
- ² [Chapters 125–145](#)
- 146.7** In the second place, again for the reasons that we have set out in the course of this report, we have concluded that there were no unidentified casualties of Army gunfire in any of the five sectors.
- 146.8** We took into account the evidence we obtained on paramilitary organisations and activities in reaching these conclusions.

- 146.9** We have no doubt that on Bloody Sunday there were in the city people armed with guns and in possession of, or with ready access to, bombs. Thus the soldiers' claims that they came under or were about to come under attack from armed people posing a risk of causing death or serious injury cannot be rejected out of hand on the basis that there were no gunmen and no nail bombs, and therefore no possibility that the soldiers could have come under attack from gunmen or bombers. We have not suggested that the soldiers' evidence could or should be rejected on such a basis.
- 146.10** It follows from the two conclusions that we have described above that on Bloody Sunday, contrary to the evidence that they gave, soldiers did not shoot people who were posing a threat of causing death or serious injury, but did shoot people who were not posing any such threat. The question is why this happened.
- 146.11** We do not accept that all the casualties could have been shot by mistake, in the sense that the soldier responsible was firing at someone armed with a lethal weapon and posing a threat of causing death or serious injury, but unfortunately in every case missed his target and hit someone else instead. Such an explanation for all the casualties is to our minds so unlikely that it has to be rejected, quite apart from the fact that none of the soldiers who in our view were responsible for the casualties suggested or admitted that he had missed his target and hit someone by mistake. As we explain during the course of this report, Margaret Deery, Joe Mahon and Gerald Donaghey were or were probably hit by shots fired at others, but for the reasons we give, we consider that the soldiers' targets in those cases were not posing a threat of causing death or serious injury.
- 146.12** An alternative suggestion is that if not in all cases, in some at least the casualties were mistakenly hit by shots fired at someone armed and posing a threat of causing death or serious injury. Again this suggestion involves rejecting the evidence of those soldiers who in our view were responsible for the casualties, that they hit their intended targets.
- 146.13** For the reasons we have given, we have concluded that there were no unidentified casualties. Thus any suggestion that one, some or all of the casualties were hit by mistake, with the soldier aiming at someone posing a threat of causing death or serious injury, has in our view to proceed on the basis that the alleged target survived uninjured. If the soldier shot at someone about to throw a nail bomb, or about to use a firearm, but missed and hit one of the casualties, did the nail bomber then throw the bomb or the gunman then fire his weapon? Or did the nail bomber put out the fuse or the gunman put away his gun? Or did they take some other action and if so what? Those acting on behalf of soldiers did not address this point.

- 146.14** Having examined in detail the evidence of the soldiers and others, we have concluded for the reasons that we have given, that apart from Margaret Deery, Joe Mahon and Gerald Donaghey, the casualties on Bloody Sunday were either the intended targets of the soldiers who shot them and were not hit by mistake, or were the victims of soldiers firing indiscriminately at people without identifying any legitimate target.
- 146.15** On the basis of the conclusions that we have reached, the question thus remains as to the state of mind when they fired of the soldiers who in our view were responsible for the casualties. In the course of this report we examine the evidence relating to each casualty and express our view on whether or not the soldier concerned believed, albeit mistakenly, that he had identified a target who was or might be armed with a lethal weapon and was posing a threat of causing death or serious injury.
- 146.16** In the course of considering that question we have proceeded on the basis that most if not all the soldiers concerned believed that they had or might at any time come under lethal attacks from paramilitaries; and were accordingly very much on their guard against such attacks and ready to respond without delay if they identified someone attacking or about to attack them with lethal weapons. We also appreciated that soldiers facing a situation in which they or their colleagues believe that they have or might at any moment come under lethal attack have little time to decide whether they have identified a person posing a threat of causing death or serious injury; and may have to make that decision in a state of tension or fear. It is a well-known phenomenon that, particularly when under stress or when events are moving fast, people often erroneously come to believe that they are or might be hearing or seeing what they were expecting to hear or see. We have borne this in mind when assessing the credibility of the evidence given by the soldiers who we consider were responsible for shooting the casualties and their state of mind when they fired.
- 146.17** When dealing with the events of the five sectors in which people were killed or injured, we examined and drew conclusions from the evidence of paramilitary activity in those sectors. We also considered the evidence contained in the present part of the report, to see whether it added to our knowledge of the circumstances in which the casualties were shot. As we have stated above, we found nothing in this evidence that qualified or undermined our conclusions that none of the casualties was posing a threat of causing death or serious injury and that no-one apart from those casualties was killed or wounded by Army gunfire in any of the sectors. We also found nothing that suggested to us that in the five sectors paramilitaries threw nail or petrol bombs or fired at or towards the soldiers who went into the Bogside, over and above that firing to which we made reference when

considering the events of the five sectors. However, in view of the submissions of those representing soldiers, it is right that we should set out the evidence we have obtained concerning the organisation and activities of paramilitaries on Bloody Sunday; and give our views on that evidence.

146.18 This part of the report draws in a number of respects on the closing submissions of Counsel to the Inquiry, insofar as they relate to the organisation of the Official and Provisional IRA (and of the Fianna) and the steps taken to obtain evidence from those who were in 1972 members of one or other of these organisations, or who otherwise were people we wished to interview. We are satisfied, on examining the underlying evidence and other materials, that in these respects the submissions provide a balanced and comprehensive account of these matters.¹

¹ [CS8.1-347](#)

146.19 We deal first with the question of the degree of co-operation we received from former members of these organisations. As will be seen, many of these were granted anonymity and given ciphers by the Inquiry, in the cases where we considered that they were entitled to anonymity, on the basis of the principles laid down by the Court of Appeal. Those given the cipher OIRA were former members of the Official IRA; those given the cipher PIRA, former members of the Provisional IRA. Elsewhere in this report¹ we have given an account of the splitting of the IRA into two organisations, the Official IRA and the Provisional IRA. These two factions existed in January 1972. We granted others anonymity, again on the basis of the principles in the judgment of the Court of Appeal.

¹ [Chapter 7](#)

Co-operation of witnesses with the Inquiry

146.20 From 1999 onwards, the Inquiry attempted to trace and contact a number of individuals believed to have been members of the Provisional or Official IRA in January 1972. Among those who responded were William Anderson, Eddie Dobbins, Martin McGuinness (after some delay), Reg Tester, Witness X, OIRA 9 and PIRA 23. In early 2001, an approach was made to the Inquiry on behalf of OIRA 1, OIRA 2, Johnny White (OIRA 3), OIRA 4 and OIRA 5.

146.21 In our ruling dated 1st June 2001, we set out the way in which the Inquiry would deal with intelligence material held by a number of government security agencies, including, in particular, information about witnesses who had given or who were likely to give evidence to the Inquiry.¹ We decided not to make any further approaches to potential paramilitary

witnesses until we had completed the exercise (which became known as the antecedents exercise) of considering the material held by the security services as required by the ruling. In fact, a tracing agent employed by the Inquiry did send a few further letters, apparently unaware of the Inquiry's decision.

¹ A2.17

- 146.22** On completion of the antecedents exercise in the summer of 2003, the Inquiry identified 82 individuals who were believed to have been members of the Provisional IRA, Official IRA or Fianna in January 1972 and from whom the Inquiry wanted to obtain statements or who had already made statements.
- 146.23** Of those identified, 51 co-operated with the Inquiry to the extent that they were asked to do so, though PIRA 24 required to be subpoenaed to give oral evidence. Edward McLaughlin failed to sign a statement that he had approved in draft and Liam O'Comain and Stephen Mellon declined to be interviewed by solicitors acting for the Inquiry. The latter two were each served with a witness summons and gave oral evidence. In some cases, after initial contact with a witness, we decided that it was not necessary to proceed with an interview and the taking of a witness statement. Fourteen of those identified could not be found, seven were unable to assist for medical reasons, one of whom ("Red" Mickey Doherty) later died; one had already died; one failed to co-operate but this appeared to be because of his personal circumstances, which themselves led us to conclude that there was no useful purpose to be served by taking any further steps to obtain his evidence. One was Witness X.
- 146.24** The remaining seven of the 82 refused to co-operate. One was Martin Doherty (originally given the cipher PIRA 9). On 27th July 2004 the Tribunal certified him to the High Court in Belfast for his contempt in failing to obey a witness summons. The Court subsequently sentenced him to three months' imprisonment for contempt of the Tribunal. Two of the seven were resident outside the jurisdiction. The other four were considered insufficiently important to justify the issue of a witness summons.

Status of the witnesses who provided evidence to the Inquiry

146.25 The table below sets out the name or cipher of each witness who admitted to the Inquiry that he was a member of the Provisional or Official IRA or Fianna at the time of Bloody Sunday. The table also gives the rank that each claimed to have held within his organisation.

Provisional IRA

Name or cipher	Reference	Claimed rank
PIRA 24	APIRA24	Officer Commanding (OC) of the Derry Brigade
Martin McGuinness	KM3	Adjutant of the Derry Brigade
PIRA 17	APIRA17	Quartermaster of the Derry Brigade
PIRA 8	APIRA8	Section Leader of the Bogside on Bloody Sunday (described by PIRA 24 as having the role of Brigade Intelligence Officer on 30th January)
Sean Keenan Junior	AK46	Explosives Officer for Derry Brigade and volunteer, Bogside Unit
Gerard “Mad Dog” Doherty	AD65	Volunteer, Bogside Unit
Kevin Daly	AD196	Volunteer (probably in Bogside Unit)
PIRA 25	AG17	Volunteer, Brandywell Unit
PIRA 26	APIRA26	Volunteer, Brandywell Unit
PIRA 23	APIRA23	OC of the Creggan Company
Michael Clarke	AC157	Explosives Officer, Creggan Company
Eddie Dobbins	AD195	Volunteer, Creggan Company
Stephen Mellon	No reference	Volunteer, Creggan Company, but not present on Bloody Sunday
PIRA 1	AM508	Volunteer (probably in Creggan Company)
William Anderson (PIRA 18)	APIRA18	Volunteer in Creggan Company but suspended at the time of Bloody Sunday
PIRA 12	AM248	Head of a unit in County Derry
PIRA 14	APIRA14	Senior member of Provisional IRA in Republic of Ireland

Official IRA

Johnny White (OIRA 3)	AOIRA3	OC of Command Staff in North West
OIRA 4	AOIRA4	Command Staff Adjutant and Finance Officer
Reg Tester	AT6	Derry Command Staff Quartermaster
OIRA 1	AOIRA1	Member of Derry Command Staff and volunteer in Bogside Unit
OIRA 2	AOIRA2	Member of Derry Command Staff and volunteer in Bogside Unit
OIRA 5	AOIRA5	Member of Derry Command Staff
OIRA 9	AOIRA9	OC of Command Staff until late January 1972
OIRA 6	AOIRA6	Volunteer, Creggan Unit
OIRA 7	AOIRA7	Volunteer, Creggan Unit
OIRA 8	AW14	Volunteer, Creggan Unit
OIRA 11	AOIRA11	Volunteer, Creggan Unit

Fianna

Gearóid Ó hEára	AO79	Leader of Derry Provisional Fianna
Dermot Liddy	AL11	OC of the (Official) Fianna
PIRA 19	APIRA19	Member of younger element on fringes of Provisional IRA who did not regard himself as a Fianna member but who said that Gearóid Ó hEára was in charge of group to which he belonged. He was sworn into the Provisional IRA shortly before Bloody Sunday
Edward McLaughlin	AM512	Member of Fianna
Michael McLaughlin	AM513	Member of Fianna
Patrick Ward	AW8	OC of Derry Fianna

146.26 The following individuals, who had or are alleged at some time to have had links to the republican movement or to paramilitary organisations, also gave written statements and in some cases oral evidence to this Inquiry:

James Ferry	AF13	Member of Provisional Sinn Féin at the time of Bloody Sunday. Recipient of the IRA bug tape
John Carlin	AC34	Member of Patrick Pearse Republican Club
Aidan Hegarty	AH59	Senior member of Official Republican Movement in South Derry (not City of Derry) in January 1972
Raymond McCartney	AM91	Senior member of Provisional IRA after Bloody Sunday. Alleged to have been involved in attempts to intimidate witnesses to this Inquiry
Donncha MacFicheallaigh (Denis McFeely)	AM7	Associated with Fianna members at the time of Bloody Sunday. Joined Provisional IRA in about August 1972
Thomas McGlinchey	AM249	Provisional IRA volunteer in the Waterside and worker for Prisoners' Dependants' Fund
Patsy Moore	AM505	Fianna scoutmaster until 1971
Liam O'Comain	AO82	"On the fringes" of Official IRA in January 1972
Hugh O'Donnell	AO32	Convicted in 1973 of causing an explosion. Denied membership of Provisional IRA in January 1972. Named by Patrick Ward in intelligence material as the man who had asked Ward to join Provisional IRA
OIRA 10	OIRA10	Member of Official IRA in Belfast in January 1972. Had dealings with Paul Mahon
PIRA 11	APIRA11	Declined to comment on Special Branch material that indicated that he was a member of Provisional IRA. Denied any involvement in the organisation of Provisional IRA in Derry in 1972. Named in <i>Sunday Times</i> material
RM 1	ARM1	Member of the Official Republican Movement and in charge of Prisoners' Dependants' Fund which benefited families of those interned

RM 2	AK42	Fianna member until 1970. Provisional IRA member from May or June 1972
Witness X	AX1	According to the RUC's records, a member of Provisional IRA at the time of Bloody Sunday, something denied by Witness X

146.27 The tables exclude those witnesses who have convictions in respect of paramilitary activity that occurred after January 1972, who are not alleged to have had any paramilitary involvement at the time of Bloody Sunday and whose paramilitary connections did not in our view have any direct relevance to the matters being investigated by this Inquiry. Witnesses such as Joseph McColgan,¹ Gerard McGillan² and Terry Crossan³ fall into this category.

¹ [AM123.1](#)

³ [AC158.1](#)

² [AM234.1](#)

Submissions on behalf of the majority of represented soldiers

Late and limited co-operation

146.28 The representatives of the majority of represented soldiers submitted that members of both the Official and Provisional IRA co-operated with the Inquiry only at a late stage and then to a limited extent. Their submission was that their conduct revealed an intention to orchestrate the evidence of former members of these paramilitary organisations and to prevent the Inquiry from discovering the truth about paramilitary activities on Bloody Sunday.¹

¹ [FS7.397](#); [FS7.406](#); [FR7.53](#)

146.29 The antecedents exercise, which involved the examination of thousands of documents dealing with paramilitary activity, was completed in August 2003. Only after that exercise was completed did the Inquiry approach paramilitary witnesses who were thought likely to be able to give relevant evidence. Several witnesses had approached the Inquiry before August 2003. However, the Inquiry decided to delay the taking of statements from these witnesses until completion of the antecedents exercise, so that the witnesses could be shown at the statement-taking stage any material relevant to them.

146.30 These representatives of soldiers set out in tabular form the dates on which the statements of 23 republican witnesses were signed and distributed to the interested parties.¹ Of those, only two (Sean Keenan Junior and Gearóid Ó hEára) came forward at a time of their choosing, without an approach from the Inquiry. Seven had been in contact with the Inquiry for a substantial period before a statement was taken, while the Inquiry was awaiting the completion of the antecedents exercise. The others (with the exception of Martin McGuinness, who failed for some time to respond to requests to be interviewed by the Inquiry) were contacted at a time selected by the Inquiry, following completion of the antecedents exercise.

¹ [FS7.410](#)

146.31 This table also includes the civilian witnesses Daniel and Vera McGilloway, who came forward of their own accord in order to deal with the allegation made by their former son-in-law, Patrick Ward, that he had fired at a helicopter from their back garden on Bloody Sunday. The timing of their evidence, and the allegation that witnesses orchestrated their evidence in order to discredit Patrick Ward,¹ is considered later in this part of the report.

¹ [FS7.411](#)

146.32 The fact that many paramilitary witnesses did not volunteer to give evidence at an early stage did not in our view necessarily entail that they had something to hide about their activities on Bloody Sunday. Their reluctance to come forward could equally have reflected the fact that their republican beliefs made them unwilling to co-operate with a Tribunal established by the United Kingdom Government and perceived to be British, despite its international membership. This is the explanation given by PIRA 24 for his failure to co-operate until the last moment and until the service of a subpoena.¹

¹ [APIRA24.1](#); [Day 426/39](#)

146.33 Martin McGuinness gave the following reasons for not coming forward at an early stage:¹

“Q. ... It is right, is it not, that you were asked on four separate occasions during the course of 1999 to provide evidence to this Tribunal and to help in identifying others who might be able to assist the Inquiry and failed to reply?

A. Yes, that is correct.

Q. Why was that?

A. Well, for a variety of reasons. I recognised that that would have serious implications for me. It would have been a huge decision to take. I decided that I had to give it careful – very careful consideration.

I also believed that it had implications for my political party, but maybe more importantly, could have huge implications for the peace process, for the crucially important ingredient in the peace process, and that is, that progressive section of the Unionist community who, like the Good Friday Agreement, are prepared to go ahead with the Good Friday Agreement, who wish the peace process to succeed and any statement from me as someone who is, for example, a minister of education in a power-sharing executive would be a bit of a thunder bolt, albeit that people would have their own views of my past republican history, but it would have been such a huge story, as it obviously did transpire to be whenever I made the announcement that I would go forward.

So, quite a number of issues in the legal field, in the political field and in the peace process field had to be considered and, you know, I – in all probability I should have responded, that would have been the courteous thing to do to the letters that came, but I did not and I apologise for that, but these are huge decisions.

We are not just talking about the need to ensure the proper conduct of this Tribunal, which I certainly want to see; there is a bigger picture and that bigger picture is around the whole issue of the peace process and the need for us within that process to try and manage that process conducive to making it more solid, making it stronger and making it capable of attack from whatever quarter.

Of course, there are people out there within the political scheme of things who are totally opposed to that process and who seize on every announcement to try and undermine it.”

¹ [Day 390/129-131](#)

146.34 Despite the criticism of these reasons made by the representatives of the majority of represented soldiers,¹ we have no reason to doubt the explanation put forward by Martin McGuinness. Although many knew or suspected that Martin McGuinness had been a senior member of the Provisional IRA in Londonderry on Bloody Sunday, a public announcement by him of that fact was a large step for him to take. He had campaigned for an inquiry into Bloody Sunday, but that to our minds is a different matter from coming forward himself to give evidence. He had, for example, to consider the effect that coming forward to give evidence might have on those espousing the republican cause.

¹ [FR7.48](#)

146.35 The representatives of the majority of represented soldiers made particular criticism of Martin McGuinness's attitude towards the Inquiry. Their submission was that Martin McGuinness deliberately refrained from providing evidence until a late stage in order, with others, to earn for themselves the inestimable advantage of being able to tailor their evidence to accord with the factual situation as it emerged from the other evidence.¹ We remain unconvinced by this general submission, which is unaccompanied by any details of the tailoring that is said to have occurred. While we have found no evidence of any such tailoring, we were disappointed with Martin McGuinness's failure to respond at all to our requests for a considerable time.

¹ FS7.407-409

146.36 There are other former members of the Official or Provisional IRA whose involvement was not as well known as that of Martin McGuinness. Their reluctance publicly to admit to membership of a paramilitary organisation and paramilitary activities in our view stemmed, at least in part, from fear of prosecution (notwithstanding the Attorney General's undertaking), the risk of reprisals from loyalist paramilitaries or others, or generally from the impact that such public admission might have on their livelihood, friends and family; as well as their attitude (which we have mentioned above) to what they regarded as a British inquiry. We were made aware of the personal circumstances of some of these witnesses, having been given such information privately by many of those who sought anonymity.

Refusal of republicans to provide information

146.37 The same representatives criticised the Provisional IRA witnesses who refused to name other members of the Provisional IRA or to give the precise location of weapons dumps or meeting places.¹ They made similar criticisms of members of the Official IRA.²

¹ FS7.398; FR7.51

² FS7.507

146.38 It is the case that these witnesses refused to provide this information. However, in our view this did not in the end materially impede our work. In a number of cases, some of the information that witnesses refused to provide was at best of peripheral importance, such as the precise location of the Provisional IRA meeting places within Stanley's Walk. More importantly, during the course of the antecedents exercise, we obtained access to thousands of documents, created principally by the Royal Ulster Constabulary (RUC), which enabled us to build up a reasonably detailed picture of the membership and activities of both the Official and the Provisional IRA in January 1972. The Inquiry has disclosed in redacted form several hundred of these documents. Although our duty under

the Human Rights Act 1998 meant that we could not make some details available to the parties, we were persuaded by this evidence that the refusal of various witnesses to provide information and the non-co-operation of the seven witnesses (whose identities we know) did not to a significant degree adversely affect our search for the truth about Bloody Sunday.

- 146.39** We formed the same view of the refusal of other witnesses, including particular civilians and journalists, to provide the names of various paramilitaries.

The Green Book

- 146.40** The representatives of the majority of represented soldiers drew our attention to what was known as the “*Green Book*”, which appears to be an instruction manual for Provisional IRA members, and submitted that what they described as the cynical “*stage management*” of the evidence given by those who were members of the Provisional IRA at the time was in accordance with the orders contained in this book.¹ Representatives of the majority of represented soldiers on occasions asked Provisional IRA witnesses whether they knew of the Green Book. The Inquiry has no evidence to indicate whether the Green Book, or its equivalent, existed at the time of Bloody Sunday or this Inquiry, or whether, if it did, its rules continued to bind former members of the Provisional IRA. We do not know when the copy of the Green Book that the Inquiry obtained originally came into existence.

¹ FS7.258; FS7.406

- 146.41** The passage in the Green Book to which these representatives referred was to “*EXPLOIT A SITUATION OR CREATE A SITUATION AND THEN EXPLOIT IT. Exploiting a situation simply means taking advantage of our enemy’s political or military mistakes.*”¹ It is difficult to follow how the alleged “*stage management*” can be said to be in accordance with this very general order or exhortation. Furthermore, as noted above, we do not know whether there was a current Green Book when this Inquiry got under way, what its terms were, or whether those who had put their paramilitary past behind them were aware of its existence, or if they were, still felt bound by its provisions. We found nothing to support the proposition that the evidence of former members of the Provisional IRA was stage managed as suggested by these representatives.

¹ FS7.406

The need for witnesses to obtain clearance to give evidence

146.42 In a report in the *Irish News* newspaper dated 8th September 2003¹ it was alleged that the Provisional Republican leadership had given clearance to former Provisional IRA members to co-operate with the Inquiry. Martin McGuinness, when asked about this, said only that he had not sought approval to come forward and did not know whether anyone else had done so.² He told us that he did not know the identity of the senior republicans alleged to have visited a number of former Provisional IRA members, urging them to give evidence.³

¹ [KM3.135-136](#)

³ [KM3.136](#)

² [Day 390/129](#)

146.43 No Provisional IRA witness admitted having received approval to give evidence. PIRA 24 said in February 2004 that Martin McGuinness had encouraged him to come forward a year earlier.¹ Michael Clarke (who came forward in August 2002) said that he had not been approached.² Eddie Dobbins came forward in 1999 and, although no Inquiry statement was taken from him at the time, said in his evidence that he at that stage gave to his then solicitors a similar account to that which he later gave to the Inquiry.³ We do not know whether senior republicans did in the autumn of 2003 give approval to witnesses to come forward. It is in our view likely that there was some discussion about the question as to whether Provisional IRA members should give evidence to what many regarded as a British inquiry, which consequently, at least initially, was treated with some suspicion. It may have been the case that some at least of those who eventually came forward considered that they should obtain guidance from senior republicans on whether they should co-operate with the Inquiry. We have found nothing that suggests to us that there was some concerted plan not to assist the Inquiry; or to stay away from the Inquiry until a late stage, and then to come forward with carefully prepared false or distorted evidence.

¹ [Day 427/64](#)

³ [Day 400/2](#)

² [Day 402/108](#)

Allegations of intimidation

146.44 There were allegations that republicans were intimidated in an attempt to prevent them from giving evidence. Liam Clarke (one of the co-authors of the book *Martin McGuinness: From Guns to Government*) said he had been told that William McGuinness and

Raymond McCartney were visiting others and instructing them not to give evidence.¹ Raymond McCartney was not asked in specific terms whether he had given such instructions but he denied any knowledge of intimidation of witnesses.²

¹ Day 387/170

² Day 228/25

146.45 Liam Clarke said that he understood that the purpose of the visits was:¹

“to ensure that the clear message, a clear and unified message went out from the Provisional IRA and there were not too many voices with differing accounts or differing recollections.”

¹ Day 387/171

146.46 He said to us that he had not been told whether the Provisional IRA were discouraging witnesses from coming forward in a deliberate attempt to suppress truthful evidence or whether the Provisional IRA just wanted a clear case put forward by Martin McGuinness and did not wish that case to be damaged by inaccurate accounts from those whose memories might have changed.¹

¹ Day 387/171

146.47 Witness 1 was the legal process server who told us that PIRA 24 had told him in September 2003 that he had been ordered not to co-operate.¹ PIRA 24 denied that he had been intimidated by anyone although he admitted telling Witness 1 that he had been put under pressure not to give evidence. His explanation for saying this was that he had been trying to gain the process server’s confidence in order to try to discover from him the names of others whom the Inquiry was trying to approach.²

¹ AWT1.1

² Day 427/63-64; Day 427/116-117

146.48 We find implausible the explanation given by PIRA 24 for telling Witness 1 that he had been put under pressure not to give evidence. We do not know whether he had in fact been put under pressure, or (as Witness 1 told us he said) that he had been ordered not to give evidence, since it is equally possible that neither of these things had happened but that PIRA 24 said what he did in an attempt to provide an excuse for not giving evidence.

Alleged orchestration of evidence by Provisional IRA witnesses

146.49 The representatives of the majority of represented soldiers made a general submission that Provisional IRA witnesses orchestrated their evidence, and singled out PIRA 24 for particular criticism, alleging that he delayed making a statement with the result that he

*“did not have to commit himself to any line of evidence until he had heard what all other relevant witnesses had said”.*¹ However, as these representatives themselves pointed out later in their submissions,² the evidence of PIRA 24, both on the question of assurances given to the march organisers and on the crucial question of the location of IRA weapons on Bloody Sunday was inconsistent with the evidence of other Provisional IRA witnesses, including that of Martin McGuinness and PIRA 17. Martin McGuinness gave oral evidence three months before PIRA 24 made a written statement to this Inquiry. In such circumstances we find it difficult to follow the submission that PIRA 24 tailored his evidence.

¹ FS7.406

² FS7.439; FS7.450

Official IRA co-operation

146.50 The representatives of the majority of represented soldiers advanced somewhat similar submissions in relation to alleged failures to co-operate by former members of the Official IRA. Those submissions were answered by those acting on behalf of former members of the Official IRA in the following terms:¹

“(3) The alleged lack of cooperation by the OIRA witnesses

(a) It is suggested by the military teams that the OIRA witnesses have adopted an uncooperative attitude towards the Tribunal in order to contribute their evidence at a time judged by them to be most opportune. The suggestion is that the value of their evidence is thereby undermined.

(b) That analysis of the actions of the OIRA witnesses is rejected.

(c) The Tribunal is referred to **CHAPTER 1 – PRELIMINARY MATTERS** **PARAGRAPH 1 GENERAL OBSERVATIONS (4)** of the clients’ submissions. It is repeated that the OIRA witnesses ought to receive particular credit for breaking with Republican tradition and coming forward to participate in the British legal system.

(d) It is contended that the factual background to the coming forward of the OIRA witnesses is significant in that it indicates a longstanding engagement with the Tribunal. OIRA 1 consulted his solicitors, Jones and Co., on 21st February 2000. Initial representation rights were granted to OIRA 1 on 3rd March 2000. Reg Tester made a witness statement on 26th March 2000. An application for anonymity was made by OIRA 1 in May 2000. That application was unsuccessful. In May 2000 other OIRA witnesses contacted Jones and Co. and although they wished to cooperate with the Tribunal they were concerned about the question of anonymity. In June 2000 an application for judicial review was made by OIRA 1. That application concerned anonymity. It did not proceed to a full hearing. OIRA 1 was granted anonymity in 2001. Thereafter, other OIRA witnesses became involved in the Tribunal process. Once anonymity and representation issues were resolved the clients participated in the standard statement taking processes.

Thus, there has been a longstanding engagement with the Tribunal and it is without merit to suggest that the time taken evidences any opportunistic motive. The view taken by the Army Teams perhaps evidences a failure to seek the true position from those who were aware of it.

(e) The OIRA commenced a ceasefire in 1972. Subsequently, the clients have not sought elected office. Thus, there is no political grouping which may benefit from the opportunistic activities alleged against the clients.”

¹ FR13.6-8

146.51 We are not persuaded by the submissions that former Official IRA members failed to co-operate with the Inquiry. We should note, however, that “Red” Mickey Doherty, one of those the Inquiry wished to interview, did not come forward. In October 2002 we were informed that he was unwell and unlikely to be able to provide coherent evidence; and in November 2002 that he was very ill and in Altnagelvin Hospital. “Red” Mickey Doherty died on 12th May 2003.

Late identification of paramilitary witnesses

146.52 The representatives of the majority of represented soldiers submitted that a difficulty arose from the late identification of paramilitary witnesses.¹

“When ciphers were allocated to these individuals, it was not possible to employ the same ciphers to link the individuals with other material before the Inquiry, which had been disclosed to the interested parties and the public, in which they had been identified by name. As a result there has been not only a loss of transparency in the Inquiry’s proceedings but a loss of information to the interested parties which could have been avoided.”

¹ [FS7.261](#); [FS7.75](#)

146.53 The granting of anonymity necessarily resulted in some loss of transparency and carried the risk of loss of information, so far as interested parties and the public at large were concerned. We did our best to keep such loss to a minimum. In many cases we granted limited anonymity to those paramilitary witnesses who were identified at a late stage and whose names had already been made public in oral evidence or in relevant documents disclosed by the Inquiry. When limited anonymity was granted to a witness, the parties were made aware of the true name of the witness and were able to link him with documents or other evidence in which his name appeared.

146.54 Loss of public transparency was also kept to a minimum. In many cases redacted documents were used on the public screens and the watching public learned through the questioning of the witness the link between that witness and documents in which his name appeared. In order to protect human rights, however, which it was the statutory duty of the Inquiry to do, it was necessary for some names to be replaced with blanks in documents placed on the Inquiry’s website.

146.55 In our view, however, these matters did not in any event to any significant degree impede our search for the truth. We knew the names of all the paramilitary witnesses concerned and thus were ourselves able to make the links between them and other materials.

PIRA 23

146.56 PIRA 23 was convicted in 1977 of four firearms offences. The certificate of conviction reveals that he was convicted of possessing two .303 rifles and a quantity of ammunition on a date unknown between 31st December 1971 and 1st February 1972. The Inquiry,

although informed of PIRA 23's convictions in 2002, in error overlooked them when he was called to give evidence. The error was subsequently identified and the parties informed.

146.57 Following the conclusion of the evidence and at the request of the representatives of the majority of represented soldiers, the Inquiry obtained from the Northern Ireland Court Service and Director of Public Prosecutions documents relating to these convictions, which in redacted form we supplied to the interested parties.

146.58 The representatives of the majority of represented soldiers submitted that the Inquiry should have taken further steps to investigate the circumstances in which PIRA 23 came to possess these arms and ammunition and should have obtained the material relating to these convictions at an earlier stage. They further submitted that "*most if not all*" of the Provisional IRA witnesses ought to have been required to give evidence about the matters raised in this material.¹

¹ [FR7.920](#); [FR7.941-942](#)

146.59 Among the papers supplied to the interested parties was a statement that PIRA 23 made to the RUC under caution on 14th December 1976.¹ The relevant part of the statement was that:

"After I joined the Provos my first job was patrolling the Creggan in a car with another man. I was armed was [sic] a .303 rifle and the other man had a .303 rifle. He was driving. One day in January 1972 about five or six o'clock in the evening I was at Kildrum Gardens with this other man in a car. The both of us got out of the car and fired a shot each at the Mex Army Post..."

¹ [FR7.940](#)

146.60 In our view these admissions are likely to have formed the basis of the two counts on the indictment that related to the possession of arms and ammunition in January 1972.

146.61 The representatives of the majority of represented soldiers described the late arrival of this material as an example of the way in which the Inquiry had been deprived of "*potentially critical evidence*".¹

¹ [FR7.920](#)

146.62 We do not accept that the material relating to PIRA 23's convictions had the significance that the representatives of the majority of represented soldiers appeared to attach to it. PIRA 23, in his evidence to the Inquiry, told us he was the Officer Commanding (OC) of

the Creggan Company of the Provisional IRA in Derry at the time of Bloody Sunday.¹ This was the largest Provisional IRA company in the city. As the commander it is likely that PIRA 23 would have been in possession of weapons in the month before 30th January 1972.

¹ [APIRA23.1](#)

146.63 The representatives of the majority of represented soldiers suggested that PIRA 23 might not have been OC of the Creggan Company in January 1972.¹ They made this suggestion having seen another statement made by PIRA 23 to the RUC on 14th December 1976 in which he is recorded as having said that he had joined the Provisional IRA in January 1972 and, having joined, had undergone two weeks of training.

¹ [FR7.942](#)

146.64 We have examined intelligence material that shows to our satisfaction that PIRA 23 was, as he claimed, OC of the Creggan Company at the time of Bloody Sunday. That information was available to the Inquiry at the time that PIRA 23 made his written statement to us. We cannot put that material in the public domain.

146.65 We do not accept that the material later obtained by the Inquiry should have been put to “*most if not all*” of the former Provisional IRA witnesses. We do not see what difference the putting of such material would have made to the evidence that they gave. There is no evidence to suggest that PIRA 23’s convictions related to any of the events in the five sectors on Bloody Sunday; nor that he was responsible for any of the shots fired at the Army position at the Mex Garage on that day. We discuss this latter firing later in this report.¹

¹ [Paragraphs 151.1–31](#)

Conclusions on the soldiers’ submissions

146.66 We are not persuaded that there was some concerted action on behalf of witnesses either deliberately to delay coming forward to give evidence to this Inquiry, or to conspire together to concoct false accounts of what they did on Bloody Sunday, or to dissuade witnesses from giving evidence in order to present through others a consistent account. For many former republican paramilitaries, the step of coming forward and co-operating with what they regarded as a British Inquiry, and thus suspect for that very reason, was a very difficult one to take. Some may, or may initially, have decided that they should not take this step, and may have sought to persuade others to the same view.

- 146.67 These matters do not mean that we therefore accepted the truth or accuracy of the evidence that former republican paramilitaries did give to this Inquiry. Whether or not we accept that evidence depends upon our assessment of the credibility of the witnesses concerned, an assessment that we made on the basis of the whole of the relevant evidence that we have collected on the events of Bloody Sunday.

Chapter 147: The Provisional IRA

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Membership of the Provisional IRA at the time of Bloody Sunday

147.1 It was submitted by the representatives of the majority of represented soldiers that the use by Provisional IRA witnesses of differing terminology (for example, the description by some witnesses of a Provisional IRA unit as a "*section*" and the description by others of the same unit as a "*company*") and the provision by various paramilitary witnesses of different figures, when asked the number of members of the Provisional IRA in Derry, is indicative of a desire to mislead.¹

¹ FS7.412

147.2 This submission appears to imply that the various Provisional IRA witnesses conspired to give differing accounts. We do not accept this submission. There is nothing that suggests to us that any differences or inconsistencies in the evidence arose from some plot (the reason for which is not explained) to mislead us; to our minds such differences are far more likely to arise from understandable difficulties in trying to recollect what the position was at a particular time decades ago.

147.3 Various Provisional IRA witnesses gave figures for overall membership of the Provisional IRA in Derry that varied between 20 and 60. PIRA 24 and Martin McGuinness, who as respectively Officer Commanding (OC) and Adjutant of the Brigade might be expected

to have a greater overall knowledge of the membership than would ordinary volunteers, gave figures that were at the higher end of the scale and which were consistent with each other.¹

¹ [APIRA24.2](#); [KM3.22](#)

147.4 All of those who gave membership figures were aware of the existence of Provisional IRA companies in the Creggan, Bogside and Brandywell. Most recalled that the Bogside and Brandywell operated as one combined company. However, those Provisional IRA members who gave the highest figures were, generally, those who were also aware of the existence of companies in Shantallow and the Waterside. The obvious exception is PIRA 17, who was aware of the Shantallow and Waterside companies but told us in his written and oral evidence to this Inquiry that his “*best estimate*” was that there were no more than 30 volunteers in total.¹

¹ [APIRA17.8](#); [Day 404/10](#)

147.5 The table below summarises the evidence given on this point.

Membership of the Provisional IRA in Londonderry on 30th January 1972

Witness	Status	Figure given	Evidence of companies in Shantallow and Waterside	Reference/Notes
PIRA 24	Command Staff	40–60 (about 40 active)	Yes	APIRA24.2 paragraph 5; Day 426/43-44
Martin McGuinness	Command Staff	40–50	Yes	KM3.22 paragraph 83.4
PIRA 17	Command Staff	30	Yes	APIRA17.8 ; Day 404/10 . PIRA 17 was unsure of the figure
Eddie Dobbins	Volunteer	40–50	Yes	Day 399/81-82 . This figure was at the “ <i>top end</i> ”

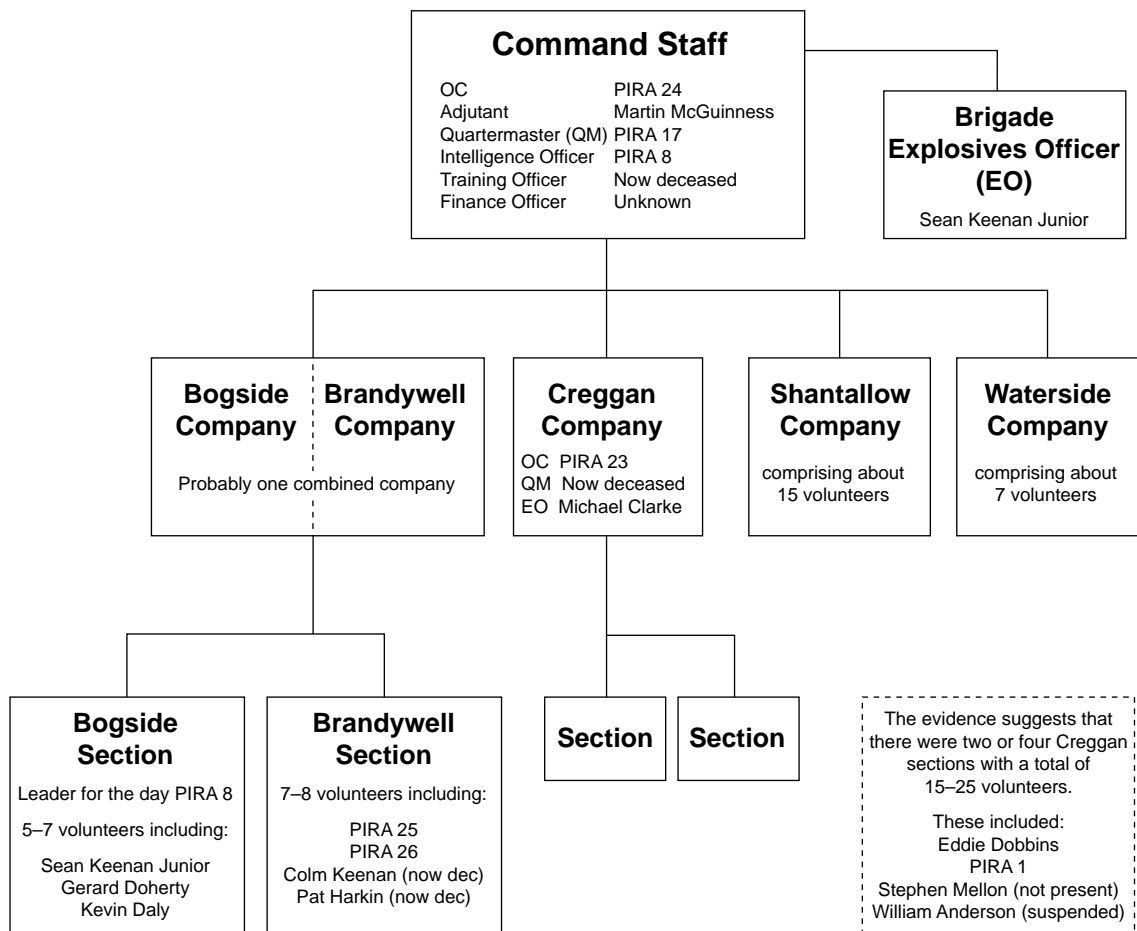
Witness	Status	Figure given	Evidence of companies in Shantallow and Waterside	Reference/Notes
Gerard “Mad Dog” Doherty	Volunteer	40 (20–25 active)	No	Day 400/25, 29; AD65.22 paragraph 20; Day 400/24; AD65.19 paragraph 4
William Anderson	Volunteer	30–40	No	APIRA18.6 paragraph 25; Day 408/2-3
Sean Keenan Junior	Volunteer	25–30 (and a “handful” of inactive members)	No	AK46.5 paragraph 25
PIRA 1	Volunteer	20–30	No	AM508.5 paragraph 31; AM508.8 paragraph 50; Day 409/52
PIRA 26	Volunteer	20–25	No	APIRA 26.1 paragraph 5
PIRA 19	Probably Fianna	30 IRA volunteers and 20 youngsters (probably Fianna)	Yes, but sworn in only days before Bloody Sunday	APIRA19.2 paragraphs 9–10

147.6 As we have observed above, the witnesses were being asked to recall the composition of the Provisional IRA on a specific date decades ago. The membership numbers at about that time would undoubtedly have fluctuated, partly because of the effects of arrest and internment of members and also because of the release of a soldier, Private INQ 2245, who had been abducted by the Official IRA in January 1972. Many Official IRA members took the view that this soldier should not have been released and in consequence left to join the Provisional IRA. Bloody Sunday itself had a significant effect on increasing recruitment after the day. Further, many Provisional IRA witnesses testified that they simply did not know the details of Provisional IRA membership in areas of the city other than their own. PIRA 24, for example, said that volunteers would often not know volunteers in other companies or even in other sections within the same company.¹

¹ [Day 426/42; APIRA24.2](#)

- 147.7** We have found nothing sinister in the differing accounts of the numbers of volunteers on Bloody Sunday. As we have noted, it was senior members of the Provisional IRA, such as PIRA 24 and Martin McGuinness, who it might be suggested had the most to gain from downplaying the scale of Provisional IRA membership, who gave the highest figures. In our view those figures are likely to be reasonably accurate.

Structure of the Provisional IRA in Londonderry on 30th January 1972



- 147.8** The diagram, prepared by Counsel to the Inquiry, represents what Counsel described and we agree is a “*best fit*” picture put together from the evidence of all Provisional IRA witnesses. It shows a brigade divided into companies and sections. There is no battalion level. This seems to represent the understanding of the majority of the witnesses. However, the evidence is complicated by the fact that the witnesses used varying terms;

some, for example, referred to a “*battalion*” while others referred to the same level of division as a “*company*”. PIRA 17 suggested that the Inquiry should not take much notice of the difference in the terms used by various witnesses and we accept that suggestion.¹

¹ [Day 404/4](#)

147.9 In our view Martin McGuinness’s evidence on this topic helps to explain why there are discrepancies in the terms used by the witnesses:¹

“Q. Can you help us as to the organisation of the Derry brigade. That was, was it, divided into subsidiary units?

A. Well, at that time we considered ourselves to be the Derry command of the IRA. Others called it the Derry brigade of the IRA and the city was effectively divided into four battalions: the Creggan, the Bogside and Brandywell, the Shantallow area and the Waterside, but in reality they were not battalions at all, we are talking about very small numbers of people who would not have constituted, in my view, anything close to a battalion.

Q. Were they called battalions, did you use the expression, ‘the Creggan battalion’?

A. That grew up over the years, yes.

Q. What you are saying, as I understand it, is that that may have been rather grand phraseology for rather a few number of people?

A. It was rather grand phraseology, yes.”

¹ [Day 390/8](#)

147.10 It is also possible that the title given to the organisation in Londonderry changed shortly after Bloody Sunday and that it was not in fact a brigade on 30th January 1972. Michael Clarke told us that in January 1972 the Provisional IRA in Derry consisted of a single battalion divided into two companies, one in the Creggan and one in the Bogside and Brandywell. Afterwards, following an influx of members, the Derry battalion was promoted to brigade status.¹

¹ [Day 402/8](#)

Youthful members of the Provisional IRA

147.11 The representatives of the majority of represented soldiers submitted that it is clear that some Provisional IRA volunteers were very young indeed.¹

¹ [FS7.416](#)

147.12 They relied in support of this submission on the evidence of PIRA 19, who told us that he was one of a group of 20 youngsters on the fringe of the Provisional IRA and that he was formally sworn into the Provisional IRA, aged 17, shortly before Bloody Sunday. The representatives of the majority of represented soldiers deduced from this evidence that all 20 of the youngsters to whom PIRA 19 referred were members of the Provisional IRA. We are not persuaded that this was so. PIRA 19 said that Gearóid Ó hEára (who told us that he was the leader of the Provisional Fianna in Derry at the time of Bloody Sunday¹) was in charge of the group of youngsters and also accepted that, with hindsight, the group would probably have been regarded as a Fianna group.² The group members did not, he said, have access to weapons. PIRA 19 told us he saw weapons training being given only to older, fully fledged Provisional IRA volunteers. His evidence was that the youngsters were “*on the fringes of the IRA ... [and] keen to be involved in the excitement of it all and ... wanted to be closer to the movement*”. He told us that the youngsters acted as look-outs, monitored troops and generally helped out.³

¹ AO79.9

³ APIRA19.1

² Day 416/151

147.13 While PIRA 19 may well have been sworn into the Provisional IRA at the age of 17, his evidence does not suggest that the other 19 or so youngsters became members of the Provisional IRA with him or were already members. He said that he was sworn in with others after a meeting of the youngsters. His evidence was that some youngsters then left and others were sworn in. He thought that about 15 volunteers were sworn in but it was unclear from his evidence how many of these were youngsters.¹ He agreed with the proposition that he was sworn in with 15 other “*young*” volunteers but it is not at all clear from his answer that he was directing his mind to the question of the age of the volunteers or intended to convey that the new recruits were all from the pool of youngsters to which he had formerly belonged.²

¹ APIRA19.2; Day 416/148

² Day 416/164

147.14 PIRA 19 accepted that he might have been sworn into the IRA after Bloody Sunday¹ but, questioned by counsel for the majority of represented soldiers, reverted to his original account that he was sworn in before Bloody Sunday and shortly after the shooting of the two police officers from Rosemount. That shooting had taken place on 27th January 1972.²

¹ Day 416/155

² Day 416/163-164

147.15 The evidence of PIRA 19 and others does indicate, as the representatives of the majority of represented soldiers submitted, that it was possible for volunteers below the age of 18 to be sworn into the Provisional IRA. These representatives did not invite us to attach any particular significance to this fact beyond submitting that an organisation which included a “significant proportion ... of very young personnel”¹ needed experienced leadership, which they aver was not available because so many senior Provisional IRA men had been interned. While we accept that there probably were some very young members of the Provisional IRA at the time of Bloody Sunday, we have found no evidence that suggests to us either that they formed a significant proportion of the membership, or that the presence of young members gave rise to any problems of discipline within the Provisional IRA.

¹ FS7.420

Members newly recruited from the Official IRA

147.16 The representatives of the majority of represented soldiers submitted that most members of the Provisional IRA would “apparently” have shared the low regard for the Official IRA held by Fr Denis Bradley.¹ Fr Bradley described the Official IRA as a “different and disparate” group compared with the Provisional IRA. “It was an old Catholic thing. They were seen as Marxist left wing and were not particular about who joined them. They were inclined to be considered ‘gangsterish’. There were some very irresponsible people in their organisation.”²

¹ FS7.418

² H1.7

147.17 These representatives did not identify the evidence on which they relied in support of their proposition. It is clear that at the time of Bloody Sunday there was hostility between the two groups in the city. However, the representatives of the majority of represented soldiers went on to rely on the unchallenged evidence of PIRA 24 that about one-third of those who were members of the Official IRA defected and joined the Provisional IRA in the wake of the abduction and release by the former of Private INQ 2245 in mid-January 1972¹ to which we have already referred. We see force in our Counsel’s comment that it seems unlikely, as a matter of common sense, that the Provisional IRA would have accepted as members individuals whom they despised as roundly as the representatives of the majority of represented soldiers suggested.

¹ FS7.418

147.18 These representatives also referred to the evidence of PIRA 24 to the effect that the Official IRA was undisciplined and submitted that it “*may be of some concern*” that such undisciplined men joined the Provisional IRA, observing that there was no time for them to undergo re-training by the Provisional IRA before 30th January 1972. It seems unlikely that members of the Official IRA who joined the Provisional IRA remained undisciplined. As Fr Bradley himself said, “*The Provisionals were much more careful [than the Official IRA] about who was allowed in and were more disciplined*”.¹ We consider it unlikely that the Provisional IRA would have accepted individuals who presented a risk to the discipline of their organisation. Further, as the representatives of the majority of represented soldiers fairly pointed out, PIRA 24 told us that these new recruits were spread out among Provisional IRA units so that they could be “looked after” by existing volunteers.² We have found no evidence, nor was any suggested to us, that former members of the Official IRA disobeyed orders on Bloody Sunday.

¹ H1.7

² FS7.419

Lack of discipline within the Provisional IRA

147.19 The representatives of the majority of represented soldiers submitted that “*We are not in a position to suggest precisely why PIRA 24 ceased to be Derry OC. We suggest, however, that the timing of his removal from office, two weeks after Bloody Sunday, is suspicious.*”¹

¹ FS7.422

147.20 These representatives did not suggest the nature of the suspicion that they submitted should be aroused from this event.

147.21 They also submitted that “*The command structure, which should have exerted a degree of control on its membership, had been more than decimated by internment, leaving PIRA 24 in charge. These were not the circumstances in which one would expect a disciplined regime to exist. It plainly did not.*”¹

¹ FS7.422

147.22 These representatives drew to our attention evidence on which they relied to show that discipline was a problem.¹ Martin McGuinness’s account to Praxis Films Ltd² that weapons were removed on Bloody Sunday to prevent ill-disciplined use does not necessarily show that discipline was a problem; it could equally show, as Martin McGuinness suggested in the interview, that the risk of indiscipline was being avoided. William Anderson’s suspension for burning a vehicle³ evidences criminal behaviour on his

part (not necessarily disobedience of an order) and also shows the firm action taken by the Provisional IRA to deal with such conduct. The representatives of the majority of represented soldiers referred to the evidence of Charles Coyle,⁴ the manager of the Pop Inn, about “*hotheads*” but fairly acknowledged that Charles Coyle did not say whether he was referring to members of the Official or Provisional IRA.

¹ FS7.422

³ APIRA8.1

² KM3.64

⁴ AC88.1

147.23 The same representatives also referred to Eddie Dobbins’ actions in leaving the Creggan on the afternoon of Bloody Sunday as a potential example of “*the breach of the most basic of orders*”.¹ Eddie Dobbins accepted that he had been ordered to stay within the Creggan. What he did could correctly be described as a breach of his orders. However, in the unique circumstances of receiving reports of fatal shootings in the Bogside, his decision to investigate does not in our view evidence a general lack of discipline among members of the Provisional IRA.

¹ FS7.424-425

147.24 In the *Observer* newspaper galley proofs of an article to be published in February 1972, which in the event was not published because of concern that it might amount to a contempt of the Widgery Inquiry, a section leader of the Provisional IRA covering the Bogside is reported to have spoken in the following terms:¹

“Some members came down with guns in a car and it was difficult to restrain them. We got their weapons away and took them out of the area. Three shots from a sub-machine-gun were fired by one volunteer in the Bogside Inn (Meenan Park) area. These were the only shots fired. There were no nail bombs.”

¹ ED24.10

147.25 The section leader of the Provisional IRA Bogside Section was PIRA 8.¹ To our minds this account, assuming its accuracy, tends to show that discipline was maintained, since it is to the effect that those arriving were restrained and that the arms were removed. In the course of this report we discuss the evidence of firing by paramilitaries on Bloody Sunday, but there is nothing that suggests to us that this resulted from a lack or loss of discipline among members of the Provisional IRA.

¹ APIRA8.1

147.26 We now turn to the question of the weapons at the disposal of the Provisional IRA and whether these were used on Bloody Sunday.

Weapons and explosives available to the Provisional IRA

Weapons

147.27 PIRA 17, the Command Staff Quartermaster, told us that the Provisional IRA had 21 or 22 weapons at the time of Bloody Sunday. These were two M1 carbines, two Thompson sub-machine guns, 11 Lee-Enfield .303s and six handguns. Of these, eight weapons were issued on Bloody Sunday, four to each Active Service Unit (ASU).¹ His evidence was that the ASUs did not have explosives in their cars.²

¹ [APIRA17.8](#)

² [APIRA17.13](#)

147.28 The figure given by PIRA 17 was roughly consistent with the figures given by other senior Provisional IRA witnesses. Martin McGuinness estimated that the Provisional IRA possessed 18–19 weapons,¹ PIRA 24 said that there were 21² and Gerard “Mad Dog” Doherty said he thought that there were 15–20.³

¹ [KM3.21](#)

³ [AD65.20](#); [Day 400/27](#)

² [APIRA24.8](#)

147.29 The evidence of the Provisional IRA witnesses suggested that the Provisional IRA held two Thompson sub-machine guns at the time of Bloody Sunday. Michael Clarke told us that it was hard to get ammunition for the Thompson sub-machine guns and PIRA 24 that the Provisional IRA in Derry had very little ammunition for the machine guns and none on Bloody Sunday.¹ PIRA 8 told us that the claim that two rounds of sub-machine gun fire were fired up at the City Walls was incorrect. “*This did not happen.*”² However, Martin McGuinness told Philip Jacobson of the *Sunday Times* that two rounds of sub-machine gun fire “*were fired by a provisional between 5.30 and 6 pm, that is, after the army had stopped firing and carried away most of the dead*”.³ We return to consider this firing (the so-called “symbolic” firing) later in this part of the report. As we have already noted, the Quartermaster of the Provisional IRA in Londonderry told us that each of the ASUs was equipped with, among other armaments, a Thompson sub-machine gun. Furthermore, we are of the view that PIRA 8 did give the account contained in the *Observer* galley proofs. In these circumstances we have concluded that it is probable that a member of the

Provisional IRA did fire two or three rounds from a Thompson sub-machine gun on Bloody Sunday, though there is nothing in the evidence under consideration that suggests to us that the shots were fired in or into any of the five sectors.

¹ [AC157.12; Day 426/146-147](#)

³ [KM3.51](#)

² [APIRA8.7](#)

- 147.30** PIRA 24 also said that he had a private, reserve weapons dump of which the other Provisional IRA members knew nothing. He told us that the dump was in Donegal. Within that dump were five M1 carbines, one Lee-Enfield, two pistols, two Garands, four shotguns, two .22 rifles, two “*Henry Martinis*” (ie Martini-Henry rifles) and a Bren gun (which fired only single shots). He told us that these weapons were not in circulation and were not used on Bloody Sunday.¹

¹ [APIRA24.8](#)

- 147.31** We have no doubt that weapons were in short supply and that there were definitely more volunteers than weapons.¹

¹ [APIRA26.2; Day 402/11](#)

Explosives

- 147.32** PIRA 24 said that explosives were kept only in the Bogside, Brandywell and Creggan and that there were two Explosives Officers who covered these three areas between them. He told us that Sean Keenan Junior and Michael Clarke were the two Explosives Officers and added that Colm Keenan (to whom we refer later in this part of the report) was not an Explosives Officer and would not have had access to detonators, which were under the control of the Command Staff Quartermaster. PIRA 24 told us that he had good contacts, who were able to provide commercial explosives when he wanted them, but that he did not want to keep large quantities in the dumps. He thought that there might have been about 50lb of explosives in total within the three areas at any given time in January 1972.¹ He said that he and the Quartermasters would have known the location of the explosives dumps but that as far as he was aware no use was made of any of the explosives from the dumps on Bloody Sunday.²

¹ [APIRA24.5](#)

² [Day 426/60](#)

- 147.33** Martin McGuinness said that he thought that the Provisional IRA had only small amounts of commercial gelignite. By “*small amounts*” he said that he meant that people would have been lucky to have more than 25–30lb.¹ Most nail bombs were made with gelignite.

He added that the Provisional IRA made its own explosives other than gelignite for purposes other than making blast bombs and nail bombs. He also said that many explosions were carried out with small quantities, sometimes ounces, of explosive.²

¹ [Day 391/28](#)

² [Day 391/29](#); [Day 329/51](#)

147.34 Sean Keenan Junior, who was too ill to give oral evidence, told us in his written statement to this Inquiry that he was the Explosives Officer of the Provisional IRA in Derry. He said that the Provisional IRA never had much explosive. It was difficult to obtain military explosives and the Provisional IRA had only gelignite. The explosives dump was separate from the weapons dumps. He and one other volunteer, whom he would not name, knew the location of the dump. He stated that there were no explosives in use on Bloody Sunday; and that he did not make any nail bombs or other bombs or give any bombs to anyone.¹

¹ [AK46.5-6](#)

147.35 PIRA 17 told us that gelignite was not in plentiful supply. He thought that on Bloody Sunday itself the Provisional IRA had no more than 10–15lb of explosives suitable for making nail bombs.¹ He also told us that access to the explosives dump was available to two people only and said that he was one and the Explosives Officer the other.²

¹ [APIRA17.10](#); [Day 404/40](#)

² [APIRA17.11](#)

147.36 PIRA 17 also said that members of the Provisional IRA had no nail bombs available to them that day. He told us that no nail bombs had been prepared and that for safety reasons, nail bombs were not prepared and kept in dumps.¹

¹ [Day 404/24-25](#)

147.37 According to PIRA 17, each company had its own weapons dump and separate explosives dump. On the night before Bloody Sunday all weapons were brought to a central location. The companies retained very small amounts of explosives. The explosives were not brought to a central location but the order was that they were to be “*neutralised*” and the dumps sealed.¹

¹ [Day 404/79](#)

147.38 Gerard “Mad Dog” Doherty told us that the Provisional IRA had only a very limited supply of explosives. Gelignite was the only explosive substance available and this was kept under the strict control of the engineers.¹

¹ [AD65.20](#)

147.39 We have no grounds for doubting that at the time of Bloody Sunday explosives for making bombs were in short supply, as described by these witnesses. At the same time, bearing in mind the use of nail bombs in the weeks and months preceding Bloody Sunday, there is no doubt that there was sufficient explosive available for the manufacture of numbers of nail bombs. Each nail bomb only required some four ounces of explosive.

147.40 Michael Clarke's evidence was that the Quartermaster supplied him with explosives when he needed them.¹ He stated that he was positive that no Provisional IRA nail bombs were used on Bloody Sunday.²

¹ [AC157.7](#)

² [AC157.8](#)

147.41 For the reasons we give elsewhere in this report,¹ we have concluded that it is probable that Gerald Donaghey (a member of Provisional Fianna) had nail bombs in his possession when he was shot. In these circumstances we cannot accept any of the evidence that suggests that there were no nail bombs available for use by Provisional paramilitaries in the Bogside on Bloody Sunday. However, again for the reasons that we have set out in the course of this report, we have concluded that no-one threw or attempted to throw a nail bomb in any of the five sectors.

¹ [Chapters 125–145](#)

147.42 We should note that in his first written statement to this Inquiry, Donal Deeney said that it was easy for a rioter to obtain nail bombs or petrol bombs. These were kept in stashes and were available to those who were not members of the IRA.¹ However, in his oral evidence to this Inquiry he said that he did not know whether there were recognised places from which one could obtain a nail bomb or petrol bomb and said that he had never obtained one.² We were not persuaded that bombs (particularly nail bombs) were as readily available as this witness suggested.

¹ [AD26.1](#)

² [Day 86/5](#)

147.43 We should also note that Patrick Ward's evidence was that Provisional Fianna members made nail bombs for use on Bloody Sunday. All relevant Provisional IRA and Fianna witnesses rejected this evidence. We consider it in more detail when examining the evidence given by Patrick Ward later in this part of the report.

147.44 Although we are sure that no-one threw or attempted to throw nail bombs in any of the five sectors, we should draw attention to the evidence of Captain 021 and Captain 028. The first of these gave a Royal Military Police (RMP) statement dated 3rd February 1972,¹ in which he stated that he had been on the City Walls by Echo Observation Post

during what appears to be the early afternoon of 30th January 1972, when his attention was drawn by Captain INQ 2225, an Intelligence Officer, to three garages located “*near the Bogside*”. This account continued, “*There were three cars at this location and a number of men and youths. Although INQ 2225 told me that he had seen some of the men make nail bombs, I myself did not witness this.*” Captain 028, in his RMP statement also dated 3rd February 1972,² gave an account of going onto the City Walls and at about 1430 hours meeting Captain INQ 2225, “*who informed me that there were two cars situated below his posit[i]on in LECKY STREET and the occupants were handing out, what he thought were nail bombs. I saw the two cars and the men who were distributing something but I was unable to see what it was.*”

¹ B1501

² B1566

147.45 Captain INQ 2225 gave evidence to this Inquiry, in the course of which he told us:¹

“I have been referred to the statement of Soldier 021 and his subsequent evidence. I remember this soldier and note that he says he was on the Walls when I was, at around the lunchtime period. I have no present recollection of this. I have been referred specifically to page 1501 which is the Royal Military Police statement that this soldier appears to have given in 1972. In this document, there is reference to him having met me, and to my having drawn his attention to three garages located near the Bogside Inn where there were three cars with a number of men and youths. It is reported that I told Soldier 021 that I had seen men make nail bombs.

I have also been referred to the Royal Military Police statement of Soldier 028 where he states in his statement that he was informed by me that there were two cars in Lecky Street and that the occupants were handing out nail bombs.

It was known that the garages around the Bogside Inn were used by the paramilitaries. From the Walls, you could not see into the garages and one would simply see people and cars in that area. I remember once seeing Martin McGuinness put up a sign on the wall of the Bogside Inn on which was written – ‘Join the IRA!’. The lock ups were once raided by the Royal Green Jackets after 30 January 1972.

I think I would remember if I had seen anyone manufacturing or handing out nail bombs on Bloody Sunday. On the day, I was not using any optical instruments such as binoculars. I now have no recollection of seeing anything as is described by Soldiers 021 and 028 in their statements. I do not now remember but I may have said that the general area of the garages was an area used by paramilitaries for the storage and distribution of explosives. I may well have pointed out people in that locality. Eversheds have made me aware of the evidence given to this Inquiry by Paddy Ward of the distribution of nail bombs in this area on Bloody Sunday. I have no recollection of drawing anyone's specific attention to the area of the garages on the day, although I accept that I may well have done so."

¹ [C2225.7](#)

- 147.46** We accept this evidence of Captain INQ 2225. There is no record of the reporting of men making or handing out nail bombs, a matter which we consider would be very likely to have been reported had it been seen, because of its self-evident importance. Furthermore, it seems to us unlikely in the extreme that paramilitaries would engage in the manufacture or distribution of nail bombs in full view of what they must have known was constant observation by soldiers on the City Walls.

Control of weapons

- 147.47** The representatives of the majority of represented soldiers submitted that the Provisional IRA witnesses "*unhelpfully*" refused to disclose the precise locations of weapons dumps in Londonderry.¹ Knowing where these dumps were would have added to our knowledge of the situation in Londonderry in January 1972, but on considering the whole of the evidence we have concluded in the end that the exact places where weapons were kept were of little significance. PIRA 24 told us that, so far as the Bogside was concerned, they were near Rossville Street and on the boundary of the Bogside and the Brandywell.² Martin McGuinness told us that the closed dump to which weapons were moved for 30th January 1972 was a building in the Bogside area in the vicinity of a safe house, which was itself about 200 yards from the Bogside Inn.³

¹ [FS7.427](#)

³ [Day 390/46](#)

² [APIRA24.8](#); [Day 426/93](#)

147.48 William Anderson told us that at about the time of Bloody Sunday access to weapons was strictly controlled. In order to obtain a weapon a volunteer would have to ask his Section Leader who would then ask the Quartermaster. Weapons and explosives needed for a job were taken to a pick-up point. Volunteers never went to a dump.¹

¹ [APIRA18.7](#)

147.49 PIRA 8 gave a similar account. He said that no member of his section knew where the Provisional IRA's weapons were kept and that his section did not have its own weapons. On his account, if he had wanted a weapon at short notice, he would have asked his Section Leader, who would have asked the OC of the Bogside who would then have approached the Derry Quartermaster.¹ He did say that it was possible for a section to keep weapons for a short time in its own dump.²

¹ [Day 418/17-18](#)

² [Day 418/19](#)

147.50 PIRA 24 told us that no individual held a personal or private weapon.¹

¹ [APIRA24.12](#)

147.51 PIRA 23 told us that the Command Staff Quartermaster controlled access to weapons. Within the Creggan Company, only he and the Creggan Company Quartermaster could gain access to weapons. *"There was no such thing as a personal weapon. All weapons were strictly accounted for. The chances of volunteers obtaining personal weapons were nil."*¹

¹ [APIRA23.2](#)

147.52 Charles Coyle, the manager of the Pop Inn, gave evidence of efforts made by IRA members before the march to contact "*hotheads*" who were in possession of weapons.¹ It is not apparent from his evidence whether these "*hotheads*" were members of the Official or Provisional IRA.

¹ [AC88.1](#)

147.53 Our assessment of the evidence is that efforts were made to guard weapons and to control who had them.

Weapons available to members of the Provisional IRA on Bloody Sunday

Evidence given to this Inquiry

- 147.54** According to the evidence given to this Inquiry by Provisional IRA members, certain weapons were under the control of the ASUs, of which PIRA 8 and Eddie Dobbins were members. These weapons were not brought into the Bogside until after the soldiers had shot all the casualties. All other weapons were under the control of the Command Staff Quartermaster, PIRA 17, and were not deployed on Bloody Sunday.
- 147.55** In essence, the account given by the Provisional IRA witnesses to this Inquiry was that all weapons other than those in the possession of the ASUs were placed in a dump on the edge of the Bogside.
- 147.56** PIRA 17 told us that all Provisional IRA weapons, other than those to be used by the two ASUs on duty in the Creggan and Brandywell, were taken to a central location and placed in a dump under his control in the early hours of the night of 29/30th January.¹ The dump was in the Bogside and, he thought, its location was known only to him and to the Adjutant.² Some weapons were already there. Others had been in the possession of two of the companies.³ PIRA 17 was adamant that no weapons left that dump on Bloody Sunday:⁴

“I wish to state to this Tribunal that I, as command quartermaster, and I also stated [this is clearly a typographical error for ‘state it’] to the people sitting in the gallery at the back, the relatives, the friends of the people murdered on Bloody Sunday, in particular to them: I bear full and absolute responsibility for the weapons that were in the central dump; I bear full and absolute responsibility for putting them in the central dump; I bear full and absolute responsibility for telling this Tribunal, and you, the relatives of the people murdered, that that dump remained intact.”

¹ [APIRA17.1](#)

³ [Day 404/15](#)

² [Day 404/16-18](#)

⁴ [Day 404/17](#)

- 147.57** He declined to say where the dump was but did say that it was in the Bogside.¹

¹ [APIRA17.9](#)

147.58 PIRA 23 told us that his Company Quartermaster informed him early on the morning of 30th January that the Command OC had ordered that all weapons other than those used by the patrols were to be placed in a dump under the control of the Command Quartermaster.¹ He was aware of a general order, as far as the Creggan Company was concerned, that there were to be no weapons in the Bogside.²

¹ [Day 422/7](#)

² [APIRA23.1](#)

147.59 PIRA 24's account differed from that of PIRA 17, PIRA 23 and Martin McGuinness, whose evidence is considered below. However, since PIRA 24 was one of the last witnesses to provide a statement, it was not possible to put his account to these other witnesses. PIRA 24 said that he gave instructions that weapons should be removed from the Bogside and taken to the Creggan. Martin McGuinness and PIRA 17 took the weapons to the Creggan on Saturday night, only to discover that the OC of the Creggan did not want his closed dump to be opened. The weapons were instead transported to a dump on the perimeter of the Brandywell and the Bogside. On that Saturday night, the OC of the Creggan told PIRA 24 what had happened. PIRA 24 said that he was content with the altered arrangements because the weapons were in a closed dump, the location of which was known only to him, the Adjutant and the Quartermaster.¹

¹ [APIRA 24.8; Day 426/72](#)

147.60 Martin McGuinness said that all Provisional IRA weapons other than those in the possession of those patrolling the Creggan and the Brandywell were placed in a closed dump for the duration of the march.¹ He said that the dump was a building in the vicinity of a safe house which was itself about 200 yards from the Bogside Inn and that he, with assistance, placed the weapons there. He would not identify with precision the location of the dump.²

¹ [KM3.2](#)

² [Day 390/46-47](#)

147.61 Frankie Boyle told us in his written statement to this Inquiry that at about 2.00am on the morning of 30th January 1972 he saw about six vehicles carrying weapons and people from the Bogside to the Creggan.¹ Martin McGuinness said that he knew nothing of this. Frankie Boyle has indicated to the Inquiry, through his solicitor, that he now believes that the incident to which he referred may have occurred on a day other than Bloody Sunday. The solicitor has informed this Inquiry that Frankie Boyle's recollection of events has become very confused. Frankie Boyle has been unable, for health reasons, to provide a

further statement to this Inquiry. Other information in the possession of the Inquiry, which in performance of our duty under the Human Rights Act 1998 we cannot make public, also indicates that his initial account to the Inquiry is very likely to have been incorrect.

¹ [AB48.1](#)

Other accounts

- 147.62** The *Observer* newspaper galley proofs¹ contain the following account, attributed to the Section Leader of the Provisional IRA covering the Bogside, who was PIRA 8:

“Our volunteers were under the strictest orders not to take any weapons into the area. It could have been far too dangerous for the community. We took all our weapons out to the Creggan estate where members of the Provisionals guarded them.”

¹ [ED24.9](#)

- 147.63** Martin McGuinness said it was possible for volunteers to have taken weapons to the Creggan, not knowing that the weapons were going to be moved on to the closed dump in the Bogside. Great care was taken to limit the numbers of people who knew that weapons were in a closed dump.¹ His evidence was that only two members of the Provisional IRA, of whom he was one, knew the location of the dump.²

¹ [Day 390/56-57](#)

² [Day 390/63](#)

- 147.64** Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team made the following note of an interview that took place on or about 3rd February 1972:¹

“We spoke to a senior member of the provisionals in a sprawling house in the heart of the Bogside: just over 20, he said the average age of his command was no more than 23. He told us that on the Saturday evening before the march, the provisional command staff sent out firm verbal orders forbidding members to carry arms on the march. Many provisionals did attend the march, some, we believe, as stewards. Arms were not withdrawn, but this senior provisional officer told us he had been present all the time and was confident that none of his men had defied the ban.”

¹ [KM3.51](#)

- 147.65** Their evidence was that Martin McGuinness was the interviewee. He said that he did not recall the interview, but we are sure that he was the person these journalists interviewed.

147.66 In an interview for Praxis, Martin McGuinness said that there probably were guns in close vicinity to the march but that they were “*in houses, a few like dumps and things like that there*”.¹ In his oral evidence to this Inquiry he said that he had been as meticulous and accurate as he could in giving an account to the Inquiry and implied that he had taken more care in giving it than he took when speaking to journalists. He said that his account to the Inquiry was the accurate one.² However, in our view Martin McGuinness would not have made this remark to Praxis if he had not believed it to be accurate.

¹ KM3.67

² Day 390/60-61

147.67 The OC of the Provisional IRA (PIRA 24) told Peter Taylor in 1972 that weapons had been taken out of the Bogside.¹ Martin McGuinness said he thought that the OC, in referring to the Bogside, might have been thinking of a smaller geographical area than the area now considered to be the Bogside. He said that now the Bogside is regarded as extending to the area of Stanley’s Walk. In 1972 many regarded it as extending southwards only as far as the Old Bog Road (Fahan Street West).²

¹ X1.74.1

² Day 390/58-59

147.68 A draft of what became the final *Sunday Times* Insight article included the words “... *the Derry Provisional Cmd staff issued orders forbidding members to carry arms on the march. Many provisionals did march, some as stewards; their arms were not withdrawn.*”¹ The relevant part of the final version of the article² was in the following terms:

“The Provisionals’ orders were more simple. As a result of an appeal by local MPs, all their arms were withdrawn from the Bogside – except for those acting as stewards on the march.”

¹ S44

² L211

147.69 It would appear that those preparing the draft and the final Insight article understood the note prepared by Peter Pringle and Philip Jacobson¹ as meaning that stewards retained their weapons. In our view, it is unlikely that this was what the note meant, as it is difficult to see why stewards should be armed. The note itself records an unambiguous statement that there were verbal orders forbidding members to carry arms on the march. The next sentence records that many members of the Provisional IRA did attend the march, some as stewards. After the words “*arms were not withdrawn*” the note continued with recording that the same Provisional officer who had told the journalists about the verbal orders was confident that none of his men had defied the ban. The reference to the ban could in its context only refer to what had gone before, namely the prohibition on carrying arms on

the march. To our minds it follows that the words “*arms were not withdrawn*” cannot mean that members of the Provisional IRA on the march who were acting as stewards were carrying arms. What the words in our view probably did mean was that arms were not removed from where they were normally kept, which would be consistent with what Martin McGuinness later told Praxis.

¹ [KM3.51](#)

- 147.70** The representatives of the majority of represented soldiers drew our attention to what they described as a variety of conflicting claims that had been made about the removal and storage of Provisional IRA weapons in preparation for the march. They submitted that over the years each of the following suggestions had been put forward:¹

“(1) ‘Arms were not withdrawn’;
(2) ‘We took all our weapons out to the Creggan Estate’;
(3) ‘They were brought to a central location ... Creggan was too vulnerable’; and
(4) Weapons were rejected at Creggan and so were returned to Bogside.”

¹ [FS7.444-452](#)

- 147.71** The first of this list was based on the note made by Peter Pringle and Philip Jacobson, which we have discussed above. These representatives submitted that Martin McGuinness’s accounts to the *Sunday Times* and to Praxis¹ made it clear that weapons were not withdrawn to a single, closed dump.²

¹ [FS7.445](#)

² [FS7.452](#)

- 147.72** As to the remaining points, it is the case, as can be seen from what we have described above, that various and differing accounts were given by the witnesses of what was done with weapons.

- 147.73** The same representatives submitted, on the basis of these discrepant accounts, that “*The Tribunal may wonder why senior PIRA witnesses have felt it necessary to invent such a web of lies, unless they have important issues to conceal*”.¹

¹ [FS7.452](#)

- 147.74** We find difficulty in following this submission, which appears to imply that the witnesses have conspired together to put forward differing false evidence in order to conceal something (we are not told what) from this Inquiry.

147.75 Had there been such a conspiracy, then, as these representatives have pointed out elsewhere (and as we have noted above), the Provisional IRA witnesses had plenty of time to concoct a coherent story and give consistent accounts. They did not do so. It seems to us that it is equally possible that the discrepancies are explicable on the basis of genuine differences of recollection; and do not necessarily evidence any plot to keep matters from or to mislead this Inquiry.

147.76 The representatives of the majority of represented soldiers submitted that we should reject the evidence that weapons were dumped in the Bogside, submitting that this was unlikely, because it was where marchers would gather to make their protest, where the Army would be present on the periphery, and that “*all weapons, save for those with the patrol cars, would be lost if the dump were compromised*”.¹ We are not persuaded by this submission. There was evidence to suggest that apart from the dump near Rossville Street, there was a dump in the area of Stanley’s Walk, on the border between the Bogside and the Brandywell,² which to our minds would be no more safe or unsafe than on any other day.

¹ [FS7.452](#)

² [APIRA24.8](#)

147.77 In the end, in view of the conflicting accounts, it is difficult to be sure whether arms were removed to one dump, or were left in their usual places. On the whole, however, we consider that the latter is the more likely to be the case. We accept that there probably was an instruction for Provisional IRA members going on the march to do so without firearms.

The question of assurances sought from and provided by the Provisional IRA

147.78 Ivan Cooper told us that he had had no previous experience of either wing of the IRA using a civil rights march to attack the security forces. He said that some months had elapsed between the last marches and the march on 30th January 1972; and that the IRA had become increasingly active in those months and so, although he had no reason to believe that the IRA would attack the security forces during the march, he wanted to be sure that they would not do so.¹

¹ [Day 419/11](#)

147.79 Ivan Cooper said that a few days before the march he arranged through Paddy Devlin MP to meet a representative of the Provisional IRA. He met four members, the OC (PIRA 24), PIRA 17 and two others.¹ On the Thursday before the march, he said he received in a telephone call confirmation from PIRA 24 that the Provisional IRA would confine itself to the Creggan estate while the march proceeded.²

¹ Day 419/13

² Day 419/14-15; Day 420/35

147.80 According to Ivan Cooper, Brigid Bond told him that she had made representations to the Provisional IRA. He said Fr O'Neill told him that members of the clergy had done the same. Ivan Cooper told us he recalled speaking to Fr O'Neill, Fr Vincent Anthony Mulvey and another priest who told him that they had had discussions with the Provisional IRA who were not going to seek any type of confrontation. Ivan Cooper said that he received similar information from a businessman, whom he did not wish to name.¹ He said that his understanding from "*the feedback which we were getting*" was that the Provisional IRA had issued a direction that there were to be no arms in the Bogside on the day of the march.²

¹ Day 420/33-34

² Day 419/17-18

147.81 For the following reasons we have taken the view that it would be unwise to rely upon the accounts given by Ivan Cooper, save where other evidence supports them. According to John Barry, one of the journalists on the *Sunday Times* Insight Team, in 1972, after the publication of the *Sunday Times* Insight article on Bloody Sunday in April of that year, he conducted a long interview with Ivan Cooper and made notes of that interview. As John Barry told us:¹

"The problem is that I interviewed Cooper after we had finished writing the story. I went back to – we had some ambitions, as I think I mentioned in my statement, to write a book about it and I went back to Derry, also I think to Belfast, to see if I thought it was possible to get any more information.

My thinking was partly that – I knew that the story had been much read, obviously, in the community and I hoped that what people would say was 'good piece' or 'bad ghost, but of course what you did not know was this'; in other words, the impulse to boast, I hoped, would lead us to more information and it was in the course of that round of interviews that I finally managed to get hold of Ivan Cooper.

I do not know why I had not managed to before, perhaps he had been in Dublin or somewhere, but it was only afterwards – after we had written this that I heard the story that he recounts.

Q. Is that after you had published that, the Sunday Times article?

A. Yes.”

¹ [Day 193/105](#)

147.82 John Barry told us that these notes,¹ in typescript with his handwritten notes at the side, were a summary with, on occasion, verbatim quotes of a taped interview with Ivan Cooper.²

¹ [KC12.65-72](#)

² [Day 193/120-136](#)

147.83 Ivan Cooper gave written and oral evidence to this Inquiry. In the first of his four written statements he made the following observations on the notes made by John Barry:¹

“I have read some typewritten notes which I am informed were prepared by the Sunday Times Insight team. I have never seen them before making this statement. I find this account poisonous and disturbing and I reject it in its entirety. The manner in which it is written smacks of British security intelligence operating; it is for the most part, factually incorrect. There are many examples of factual inaccuracies in the article. I therefore wish to reject this document in its entirety and will not even begin to give it credibility by addressing it in more detail.”

¹ [KC12.30](#)

147.84 John Barry was asked whether British security intelligence or any British authority had anything to do with his notes. He denied that this was the case.¹

¹ [Day 193/121-122](#)

147.85 In view of what Ivan Cooper had stated in writing to this Inquiry, it was necessary in our view to take him through the notes in detail when he gave oral evidence. When this had been done, there was the following exchange with Counsel to the Inquiry:¹

“Q. I have now gone at great length through each page of this document. Can you think how on earth a document in this length and detail came to be prepared if it does not in fact reflect a conversation with you?

A. I have never been interviewed by the Sunday Times Insight team or by anyone other than David Holden who I believe interviewed me prior to Bloody Sunday; the entire document is a fabrication.

Now, there are things that puzzle me about it.

First of all, why were these notes not taken at the time that they were here, the Sunday Times Insight team was here in Derry conducting, conducting a series of interviews; they made no attempt to contact me, and what I understand that Mr Barry said to this Tribunal was that he had undertaken this exercise some months later.

I had a full-time office. I was easily contactable, but I can tell you one thing, why would I give this sort of story to the Sunday Times? I represented a small rural constituency in the Sperrin mountains. There would not have been any more than three or four Sunday Times sold in it. It was not any good to me; that is the first thing. The second thing is, do you think that I have harboured this all of these years and spoken as often as I have spoken about Bloody Sunday, in the full knowledge that I had knowledge of bombs and guns?

Q. Could we have on the screen KC12.94. This is an article written by Don Mullan that appeared in Ireland on Sunday in June 2001. It contains in it a passage which may or may not be right, but which I want to ask you about.

Which reads as follows:

‘According to Ivan Cooper, highly-placed and credible sources have told him that journalists working for the Sunday Times Insight team in 1972 are not going to stand over the above notes and other material attributed to them.’

Is that what you told Mr Mullan?

A. Yes.

Q. Who was the ‘highly-placed and credible source’ who gave you the information which is there recorded?

A. A number of journalists have very strong opinions as to how these eight pages have emerged. A number of journalists have got opinions as to how these eight pages emerged. I am certain of one thing: John Barry did not interview me. So these pages must have been constructed in some way, I do not know who was part of the construction, but I know I contributed nothing towards it.

Q. But were there highly-placed and credible sources who told you – erroneously as it turned out – that the journalists were not going to stand over the notes, people who were on the Sunday Times or had any knowledge of what they were talking about?

A. They were people who were associated with the Bloody Sunday film.

Q. With the Bloody Sunday?

A. Film.”

¹ [Day 419/142](#)

- 147.86** As the result of the exercise of going through the notes with Ivan Cooper, we became more and more convinced that, contrary to what he insisted was the case, he had given the interview to John Barry. We are also sure that the notes represent an accurate account of what he told John Barry, who in our view was a reliable and impressive witness. We accept John Barry’s denial of the suggestion that British security services or any British authority had anything to do with his notes, a suggestion that we regard as without substance and for which in our view the notes provide no support at all. The length, detail, form and content of the notes all point to their being what John Barry said they were. We can see no basis for supposing that John Barry, or anybody else, should set about creating, by way of complete invention, a coherent if sometimes meandering account, interspersed with journalistic asides and comments, including outright scepticism.
- 147.87** In these circumstances we reject as untrue Ivan Cooper’s insistence that John Barry did not interview him. To our minds this throws serious doubt on his evidence to us, save where, as we have said, there is other evidence to support what he said.
- 147.88** While we have no doubt that in 1972 Ivan Cooper did tell John Barry what the latter recorded in his notes, we also take the view that it would be unwise to rely on what Ivan Cooper said then, unless again it is supported by other evidence. Although some of this interview does contain matters for which there is such support, other parts conflict with evidence that we regard as much more reliable. We prefer to rely upon the latter.

147.89 However, on the question as to whether Fr O'Neill, Fr Mulvey and another priest told Ivan Cooper that they had had discussions with the Provisional IRA and that they were not going to seek any type of confrontation, there is support for what Ivan Cooper said. Fr Michael McIvor told this Inquiry that the Derry priests decided that they would “*go and see if we could come up with any news*” about whether there would be paramilitary “*trouble*” on the march. He also said that Fr Thomas O’Gara (now deceased) had obtained assurances that neither the Provisional nor Official IRA would be involved in the march.¹

¹ [Day 55/39-44](#)

147.90 The businessman to whom Ivan Cooper referred may have been Brendan Duddy. As we have described elsewhere in this report,¹ Brendan Duddy made a written statement to this Inquiry and gave oral evidence after the parties had delivered to the Inquiry their Final Submissions and Replies and made their oral submissions. His evidence was that he was at the time of Bloody Sunday a businessman with a keen interest in local politics and a member of the Derry City Centre Police Liaison Committee. He said that about ten days before the march, Chief Superintendent Frank Lagan had asked him to seek assurances from both wings of the IRA that individual IRA members would be told not to march and that all weapons would be removed from the vicinity of the march. Brendan Duddy said that he had approached Ruairí Ó Brádaigh, then the leader of Provisional Sinn Féin, seeking an assurance that members of the Provisional IRA would not march and that all weapons would be removed from the vicinity of the march. According to Brendan Duddy, Ruairí Ó Brádaigh regarded the request for an assurance about the absence of weapons as unnecessary because it was well known that the policy of the Provisional IRA was not to engage the armed forces during marches. Nevertheless on 27th January 1972 he contacted Brendan Duddy (possibly through a third party), saying that there would be no weapons on the march. Brendan Duddy told us he passed the message on to Chief Superintendent Lagan.²

¹ [Paragraphs 9.519–529](#)

² [AD199.5](#)

147.91 Earlier in this report¹ we accepted the evidence of Brendan Duddy on this matter and explained the apparent conflict with accounts given by Chief Superintendent Lagan. As we also observed, assuming Chief Superintendent Lagan passed on any such assurances to the Army, this would only have reinforced the view held by the security forces that it was not so much the march, but the rioting that was very likely to take place, when there might be armed IRA activity.

¹ [Paragraphs 9.519–529](#)

147.92 After Brendan Duddy had given evidence, the Inquiry attempted to obtain a statement from Ruairí Ó Brádaigh, who we believed lived outside the jurisdiction, but he did not respond to our enquiries. He was, however, asked by a journalist to comment on the statement of Brendan Duddy. Ruairí Ó Brádaigh was quoted in the *Irish News* of 16th June 2004 as saying:¹

“The period in question was a very hectic time. I had many contacts some very casual.

I have known Brendan Duddy for over 30 years. I have no clear recollection of such an event taking place. It was standard practice at the time that such marches were not used to carry out armed actions.

If asked I would certainly have given such an opinion.”

¹ [L312](#)

147.93 The evidence of Martin McGuinness was that another Provisional IRA volunteer told him on 27th January 1972 that people representing the civil rights movement had approached the OC (PIRA 24), asking that the day of the march be peaceful. Martin McGuinness told us that on the following day he discussed this request with the OC. Martin McGuinness told us that he had readily agreed to the suggestion that the march should be quiet.¹ He said that he did not know who on behalf of the civil rights movement had approached the OC.²

¹ [KM3.14](#)

² [Day 390/29](#)

147.94 PIRA 8 said that a member of the Provisional IRA Command Staff told him that the Provisional IRA had given an assurance to the Northern Ireland Civil Rights Association (NICRA) that there would be “*no [paramilitary] activity in the area of the march*”.¹

¹ [APIRA8.2; Day 418/10](#)

147.95 PIRA 24 told us that he could not recall anyone asking him to give an assurance on behalf of the Provisional IRA and did not think that any approach had been made to him.¹

“I have been referred to the evidence given to this Inquiry by Ivan Cooper in relation to assurances which he says were given by the Provisional IRA to the organisers of the march. To be frank, this did not happen. There were other people such as Hugh Logue who would have been the sort of person I would have expected to have approached me in relation to the march if any such approach were to be made, or Brigid Bond who might have asked for some sort of assurance. However, I cannot remember any time that anyone came and asked me about assurances. Neither did anybody else.”

¹ [APIRA24.10](#)

147.96 However, PIRA 24 told us that he gave orders that the volunteers were not to take action and were to be unarmed and, once that order had been given, word would have spread easily within Derry. Anyone could have approached a known volunteer and discovered the Provisional IRA's plans for the day.¹ He said, and we accept, that he did not attend a meeting with Ivan Cooper.² As to possible assurances sought by others, it is possible that PIRA 24 was not approached, or that he had forgotten that others had come to him.

¹ [APIRA24.11](#)

² [Day 426/84](#)

147.97 According to Brendan Duddy, Ruairí Ó Brádaigh regarded Chief Superintendent Lagan's request for assurances as unnecessary. Brendan Duddy took the same view. His evidence was that at the time both the Provisional and the Official IRA would have had regard to the views of the community and that it would have been totally unacceptable for the IRA to shoot during a march, endangering civilian lives.¹

¹ [AD199.3](#)

147.98 PIRA 23 (the commander of the Creggan Company, but not a member of the Command Staff) told us that he was unaware that any assurances had been given, and also queried the need for such assurances.¹

¹ [APIRA23.2](#)

147.99 Martin McGuinness's evidence was that the request for an assurance was “*no big deal*” because the Provisional IRA would not in any event have thought of using the march to try to shoot at soldiers. “*I can never recall a civil rights march where the IRA had taken advantage of people on the street to attack the British Army. It was unthinkable.*”¹

¹ [KM3.14](#)

- 147.100** PIRA 17 gave us the following explanation for why a march would not be used as a cover for paramilitary activity:¹

“We could not have established Free Derry without massive popular support. We had that massive support but we did not have many weapons and indeed did not have enough to go round the volunteers we had. I was proud that after the Battle of the Bogside the people of Derry got off their knees and said ‘enough was enough and no further.’ The massive public support which we had meant that I was confident that people would not seek to interfere with the dumps or the orders which had been given by the Adjutant or the OC. Neither would we put this support at risk by taking any military operations during the march – hence the orders.”

¹ [APIRA17.9](#)

- 147.101** PIRA 24 also gave evidence of the need not to alienate local support:¹

“I have explained above that the Provisionals had to be careful that they did nothing wrong and thereby alienate our support in the community. For example, we were careful not to steal a car which someone desperately needed for their work. We were very keen not to mount operations which exposed civilians to danger. I have been asked about whether marches or riots were used by the Provisional IRA as shooting opportunities. Marches were never used by us for those sorts of purposes, although it is possible that riots or their aftermath might be so used. What we used to do was to send a well known volunteer down to a riot in order to clear the rioters from the street. There were a couple of our volunteers who were so well known so that you only had to see them on the streets for people to get off sides so an operation could commence. I have been asked whether we would use women, children or youngsters for cover, for example, but this never happened.”

¹ [APIRA24.3](#)

- 147.102** Sean Keenan Junior emphasised the importance to the Provisional IRA of public support:¹

“At that time the Provisional IRA was trying hard to gain public support. Any military action on the day would have been pointless. With tens of thousands of people cramming into the streets on a peaceful march, people would not have tolerated any IRA action. We knew this and had no intention of alienating support. The march was being held to gain the basic rights which everybody else took for granted.”

¹ [AK46.2](#)

- 147.103** The following exchange took place between Michael Clarke, the Provisional IRA Explosives Officer in the Creggan, and counsel for the majority of represented soldiers:¹

“Q. Over the page 12, AC157.16, please, paragraphs 63 and 64. You say in your conclusion to paragraph 63, what has been written down is: ‘The IRA was still in its infancy and we would have been in deep trouble if we had put the lives of local people at risk.’

A. I think I already explained that.

Q. Did you mean by that that if the IRA had fired at or towards the Army on Bloody Sunday, that would have put civilians at risk?

A. What I mean by that is, that we would not have used the march to open fire on the British soldiers, that if we had put people, no matter whether it was Bloody Sunday or any other march, at risk, we would have put ourselves out of business. We were not in the business of using people for cover; this is our community we are talking about.

Q. That does mean that if the IRA had fired at or towards the Army on Bloody Sunday, you would have regarded that as putting local lives at risk?

A. During the march, yes.

Q. Are you saying that it is within your knowledge that no IRA activity ever took place during marches?

A. Yes.”

¹ [Day 402/113](#)

- 147.104** We have found no evidence of any occasion before Bloody Sunday in which either the Provisional or the Official IRA used civilian marchers as cover from which to attack the security forces. We are of the view that both priests and Brendan Duddy were assured that, in effect, the Provisional IRA would not use the march as a means of launching any form of armed operation against the security forces. So far as the Provisional IRA is concerned, we are also of the view that this assurance was given in good faith.
- 147.105** It is very important, however, to distinguish between using the march for the purpose of attacking the security forces and the use of rioting crowds. It should be noted that in his oral evidence Brendan Duddy told us that there was no discussion at all on what might happen after the march had finished.¹ It was accepted by several witnesses (for example,

PIRA 8,² PIRA 19³ and PIRA 24⁴) that riots were regular occurrences and were used to provide cover for civilian snipers. Earlier in this report⁵ we gave details of soldiers who had been shot in such circumstances.

¹ [Day 432/82](#)

⁴ [APIRA 24.3](#)

² [Day 418/7](#)

⁵ [Chapters 8 and 9](#)

³ [Day 416/140](#)

147.106 As we have discussed elsewhere in this report,¹ it was likely that riots would occur on the day of the march. Thus while we are sure that there were no plans to use the march itself in order to mount an attack on the security forces, this left entirely open what might happen after the march was over, and particularly what might happen when rioting broke out in the city.

¹ [Chapter 9](#)

147.107 We should note at this point that the representatives of the majority of represented soldiers referred us to the activities of a man with the nickname of “Scatter”,¹ to whom PIRA 19 referred in his evidence. PIRA 19 told us that, as far as he was aware, “Scatter” would turn up at riots with a Thompson sub-machine gun; and that it was his understanding that a Thompson was used at riots.² However, we know that “Scatter” had been interned for many months by the time of Bloody Sunday.

¹ [FS7.432-434](#)

² [Day 416/167](#)

The question of orders given by the Provisional IRA for the day

Provisional IRA evidence

147.108 PIRA 24’s evidence was that the Command Staff met on the Thursday and Friday before Bloody Sunday and decided that the Provisional IRA would do nothing during the march. Both meetings took place at a disused house in Stanley’s Walk that was often used as a meeting place. The Command Staff members who attended the meeting were Martin McGuinness, PIRA 17, the Training Officer (now deceased) and PIRA 8, who was shortly to be appointed to the Command Staff as its Intelligence Officer. The Command Staff left PIRA 24 to make the ultimate decision and on Friday night PIRA 24 decided that the Provisional IRA would not take any action on Sunday, that arms would be taken out of the Bogside and dumped in the Creggan and that there would be a car on normal patrol duty

in each of the Creggan and the Brandywell.¹ He said that the reason for removing the guns from the Bogside was that there was a risk that the Paras might come into the Bogside and find any weapons that were there.²

¹ [APIRA24.11](#)

² [Day 426/88](#)

147.109 PIRA 24 told us that it was the responsibility of the others present at the meeting to inform the volunteers of the order. According to his account PIRA 17 was responsible for telling those in the Creggan and Martin McGuinness was responsible for telling those in the Brandywell. However, as no volunteer was to have access to weapons or to take action, it was not necessary to pass the word to every volunteer.¹

¹ [APIRA24.11](#)

147.110 The representatives of the majority of represented soldiers drew our attention to the following exchange in the course of the oral evidence of PIRA 24:¹

“Q. Why was it necessary to give people an order, effectively to do nothing?

A. (Pause). The people that was, that was doing nothing was not given an order to do nothing. The people that was doing something was given an order to do nothing.

Q. But you say you went to the lengths of ensuring that all volunteers knew that nothing was to be done, save those who were given specific instructions, as to which we will come back later. In addition to that, you even stopped people in the street and told them. What I am asking you is, if people were effectively being told to do nothing, what was the point of telling people that they were to do nothing?

A. It sounded a good idea at the time.

Q. It sounded a good idea at the time?

A. Yes.”

¹ [Day 427/12](#)

147.111 It is not clear from the written and oral evidence of PIRA 24 whether he was telling us that all volunteers were told to do nothing; or was excluding those who had not been given anything to do. The representatives of the majority of represented soldiers submitted that giving orders to refrain from any action “*raises the question why it was necessary to give such orders to a force of supposedly disciplined and restrained men, who would not be inclined to take action against the Security Forces during a march and would in any event not do so without specific orders*”.¹ As we understand it, the point is that if such orders were given, this evidences the lack of discipline among members of the Provisional IRA.

We do not accept the validity of this point. The fact that commanders give instructions to do nothing does not necessarily entail that without such orders something was likely to be done.

¹ FS7.439

- 147.112** Martin McGuinness told us that on the morning of Saturday 29th January he met PIRA 24 and was instructed to issue orders to all volunteers that the IRA would not engage militarily with British forces in order to ensure that the march passed off peacefully.¹ Martin McGuinness said that he was unsure whether orders were given to the units about their conduct after the march had dispersed. His own view was that after the parade had passed off peacefully, Provisional IRA patrolling would have recommenced and they would have been free to resume the struggle against British occupying forces.²

¹ KM3.1

² Day 390/30-31

- 147.113** Martin McGuinness told us that he passed on the orders to the Command Staff and all active service volunteers. Two Provisional IRA units, each consisting of four men, remained armed. One was to patrol the Creggan and the other the Brandywell.¹

¹ KM3.2

- 147.114** According to Martin McGuinness, the orders given to Provisional IRA members were that no offensive action should be taken against the British military or Royal Ulster Constabulary (RUC) during the course of the march; and that the only people who could use weapons were the volunteers in the cars in the Creggan and the Brandywell and they could use them only if the Army made incursions into the Creggan or Brandywell areas. He told us that no orders were given to the volunteers about firing back at the British Army in the event of attack, because no-one contemplated that people would be targets for the British Army.¹

¹ KM3.16

- 147.115** PIRA 17 told us that Martin McGuinness told him of the orders for the day on the Saturday preceding Bloody Sunday. The orders were that no weapons were to be carried and that all weapons were to be dumped with the exception of weapons to be carried by two ASUs in two cars, one in the Creggan and one in the Brandywell.¹ At a Command Staff meeting later on the Saturday, the orders were confirmed. The OC, the Adjutant, PIRA 17, the Training Officer and the Finance Officer attended the staff meeting. The sixth member of the Command Staff, the Intelligence Officer, was not present.²

¹ APIRA17.1; Day 404/11

² Day 404/13-14

147.116 PIRA 23 was OC of Creggan Company. He said that on the day before the march the Command Staff OC told him that he was to stay in the Creggan during the march. He was not given a specific reason for the order. He said that the company patrolled the Creggan daily and the order was no different from the orders given on other, normal days.¹ He passed the order to the section leaders whose responsibility it was to inform the Creggan volunteers.²

¹ [APIRA23.1](#); [Day 422/4](#)

² [APIRA23.1](#)

147.117 PIRA 23 told us that he understood that there was a general order that there would be no weapons on the march.¹

¹ [APIRA23.1](#)

147.118 Eddie Dobbins was a member of the Creggan Company. He said that the orders were that there was to be no military activity during the march but that IRA members would be free to take action against the Army as soon as the march was over and the crowd had dispersed. He received his orders from the OC of the Creggan Company.¹ He said that after the march he would have reported, as usual, to the headquarters in the Creggan to see whether there were any orders.² He told us that there were no plans made in advance for an attack on the British Army after the march was over.³

¹ [Day 399/91-92](#)

³ [Day 399/94](#)

² [Day 399/93](#)

147.119 Eddie Dobbins said that he was told on the morning of 30th January or on the preceding day by the OC of the Creggan Company or by his section leader that he could not attend the march because he would be needed on active service that afternoon. He was told to meet his colleagues behind the Creggan shops at 1.00pm in order to receive his orders. On arriving there he was told by the Company OC that he and three other volunteers were to patrol the Creggan in a car during the march. He told us that the volunteers were provided with a car, an M1 carbine, three rifles and ammunition.¹

¹ [AD195.1](#); [Day 399/154](#)

147.120 Sean Keenan Junior said that he was told on the Saturday afternoon or evening by a member of the Command Staff, who was a friend of his, that there would be no military action on the Sunday; and that later that day his section leader repeated that order to him.¹ Sean Keenan told us that his section, which was the Bogside section, therefore had the day off. The section members agreed to report back, as they normally did, at about 5.00pm or 6.00pm on Sunday and then decide what action needed to be taken.²

¹ [AK46.1](#)

² [AK46.1](#)

147.121 Gerard “Mad Dog” Doherty told us that he was a volunteer in the Bogside section on Bloody Sunday. His orders were that his section was to do nothing on the day. His section leader gave the orders to him. He did not know at the time the orders that were given to other sections.¹

¹ [AD65.19](#)

147.122 PIRA 26 was a member of the Brandywell section. He said that at a meeting in the Brandywell, attended by all of his section, the OC or the Adjutant of the Brandywell Company said that there was to be no operational activity on Sunday 30th January, although volunteers could attend the march if they wished. He thought that this meeting took place on the Saturday before Bloody Sunday.¹

¹ [Day 425/52-53](#)

147.123 We are of the view on the evidence that it is likely that members of the Provisional IRA were instructed to take no paramilitary action against the security forces during the march; but we do not accept that there was some more general decision to take no such action at all at any stage during 30th January 1972.

Other evidence

147.124 Donal Deeney told us in the second of his written statements to this Inquiry that it had been made clear to the rioters that they were not even to think about making trouble until after 5 o'clock when the marches and speeches were over.¹ In his oral evidence to this Inquiry he said that he had heard this as gossip and did not know the source of the instructions.² He said that he thought that after 5 o'clock the local IRA would have decided whether weapons such as nail bombs, petrol bombs or perhaps guns should be used by the rioters.³

¹ [AD26.10](#)

³ [Day 86/10](#)

² [Day 86/9](#)

147.125 We do not accept that any such general instructions were given, though as appears below, there is some evidence that a group of youths were told not to make trouble. Donal Deeney admitted that he was relying on gossip. In any event rioting broke out long before 5.00pm, when the march reached the junction of William Street and Rossville Street, as we have described earlier in this report.¹

¹ [Chapters 13, 14 and 15](#)

- 147.126 Donncha MacFicheallaigh, in an interview with Jimmy McGovern, gave the following account:¹

“... but I mind when we got round the bottom of the Cathedral ... naw [sic] there was another we [sic] incident, I always think it very important ... there was a fella, he ended up interned himself Jim Wilde ... we were going up Westland Street he was saying out ‘no rioting’ you know, all this type of stuff. He would a been sort of republican persuasion background, you know. I would have known him to see and talk to and he was just a certain young fella, they were busying themselves somewhere all in groups, you know, ready for action so to speak. He was saying ‘now this will be a peaceful march, the Brits are up to something the day right’ I mind him saying ‘the Brits are up to something, they’re all down William Street and there in’ you know, and ‘don’t be getting engaged’ something like that you know. He says something about ‘the boys are away to Creggan’ you know, meaning the IRA ‘like the boys are away up the Creggan, they think the army is going to come in the back of Creggan’. Most of the population is down the Bog, they’re going to take the high ground something like that you know, and he was indicating more or less the [I]RA’s going to Creggan and the Brits are up to something, they think they have a big operation on the day and it might be to take the Creggan. And then consolidate there you know. So that ... it was something like that there, I remember, I always remember that ... and it sort a put me you know, alert to sort of your saying about the Brits being in all down William Street and ... you know, the back, I think he actually says the back of the Baths.”

¹ [AM7.39](#)

- 147.127 In his second written statement to this Inquiry, Donncha MacFicheallaigh explained that the reference to Jim Wilde should have been to Jim Moyne, whom he described as a respected republican and whose death in January 1975 while interned is reported in *Tírghrá*. He is described in *Tírghrá* as a Provisional IRA volunteer. According to Donncha MacFicheallaigh, Jim Moyne was giving a warning to a group of young people who, Jim Moyne thought, might become involved in rioting later in the day.¹

¹ [AM7.88](#)

- 147.128** Eamon Melaugh claimed that he approached members of both the Official IRA and the Provisional IRA and advised them not to bring weapons on 30th January 1972. His evidence was that he understood that there would be no weapons on the march:¹

“A. ... I had advised both sets of paramilitary organisations not to bring weapons into the area on that particular day, not to be provoked into firing shots so that the army would have an excuse to do what they did; I warned repeatedly over a period of days: no arms near the march.

Q. How did you deliver that advice?

A. Verbally, to individuals I knew who were members of both organisations.

Q. Did you get any response when you said that?

A. Yeah, the consensus of opinion was that there would be no weapons in the area.

Q. Can you tell us who it was you advised in those terms on each side of the paramilitary divide?

A. Well, I, I gave everybody I knew to be members or thought to be members the same advice, I rammed it home at every conceivable opportunity. So you can say that I spoke to the leadership of the Provisionals, or some of them and the Officials before the Bloody Sunday march.”

¹ [Day 143/66](#)

- 147.129** It was submitted by the representatives of the majority of represented soldiers that the Provisional IRA Command appreciated that there was a risk that some of its members might take it on themselves to disobey orders and attack the security forces; and that there were many in the city who had “*real misgivings*” about the Provisional IRA’s “*powers of self-restraint*” during the march.¹ We do not accept this submission. In this regard we accept the view expressed by Fr Bradley in his written evidence to this Inquiry,² who in the context of considering the shot fired by members of the Official IRA at a soldier on the side of the Presbyterian church (discussed elsewhere in this report³) was comparing the two organisations:

"I had held a fear about the Official IRA's activities that day. I had gone on the march aware that the Provisionals, were not going to be there. I knew this because I was aware of who they were. I knew how they reacted. I lived among them. My parish was densely populated with the Provisionals. Members of the youth club I ran were members of the Provisionals I would have said to them that they had better not be on the march. They had assured me that they would not be. I was not sure however of the Official IRA. Generally the Provisionals were conscious that there was a mass of 'their people' on this march who didn't want them there. If there were any Provisionals on the march, I feel sure they would not have been armed.

The Official IRA however was a different and disparate group. They were mainly disliked in the city. It was an old Catholic thing. They were seen as Marxist left wing and were not particular about who joined them. They were inclined to be considered 'gangsterish'. There were some very irresponsible people in their organisation. The Provisionals were much more careful about who was allowed in and were more disciplined. When I was therefore told that an Official IRA gun man had fired a shot but the Provisionals had taken him away or disarmed him, I believed what I was told."

¹ [FS7.444](#)

³ [Chapter 19](#)

² [H1.7](#)

Scouting on the morning of Bloody Sunday

147.130 PIRA 26, who was a junior Provisional IRA volunteer in January 1972, told us he recalled going on a scouting mission on the morning of 30th January to see where the soldiers had built their barricades. He said that he went on the mission with Colm Keenan and one other person whose name he could not remember and who may not have been a volunteer. He did not recall receiving an order to carry out this scouting nor could he remember passing the information obtained to anyone else. He thought that Colm Keenan might have received the order and relayed the information.¹ We have no reason to doubt that some such scouting did take place.

¹ [APIRA26.2](#); [Day 425/49-50](#)

Provisional IRA activities on the afternoon of Bloody Sunday

The Active Service Units in the Creggan and the Brandywell, and the risk of military incursion

147.131 The representatives of the majority of represented soldiers submitted that *“the risk of a military incursion [into the Creggan or the Brandywell] has now been shown to be a myth”*¹ and that *“The claims made by Martin McGuinness and others that there was a need to patrol the Creggan and the Brandywell to protect those areas from invasion by the Army have ... been exposed as false”*.²

¹ FS7.453

² FS7.457

147.132 The basis for these submissions is the unequivocal reliance by the representatives of the majority of represented soldiers on the evidence on this topic given by PIRA 24, a witness whose evidence in other respects they rejected with vigour. For example, they submitted that *“PIRA 24’s explanation is inherently improbable”*,¹ that *“By refusing his limited co-operation until the very last possible moment, PIRA 24 did not have to commit himself to any line of evidence until he had heard what all other relevant witnesses had said”*,² that *“PIRA 24’s claim ... does not ring true”*³ and that *“So unlikely is [PIRA 24’s] explanation that we suggest it is a lie”*.⁴ These representatives offer no reason why we should accept this part of PIRA 24’s evidence while rejecting much of the rest.

¹ FS7.405

³ FS7.421

² FS7.406

⁴ FS7.470

147.133 These representatives referred to the evidence of Martin McGuinness, Eddie Dobbins, Michael Clarke and PIRA 8 to the effect that an Army incursion was considered a possibility. However, they invited us to prefer the account of PIRA 24 who accepted, when questioned during his oral evidence, that the story of the need to defend the Creggan was a *“black propaganda myth put out by the British authorities”*. They also rely on the evidence of PIRA 23 who said that, having spoken to PIRA 24, he did not expect an incursion and thought that the Provisional IRA would have obtained intelligence warning of such an incursion had one been planned. The representatives of the majority of represented soldiers do not, however, refer to PIRA 23’s evidence that he did not know the source or sources of intelligence available to the Command Staff.¹

¹ Day 422/8-13

- 147.134** There is on the face of it some conflict between the evidence of PIRA 23 and PIRA 24 and that of the other Provisional IRA witnesses. In our view, however, this falls short of demonstrating that the accounts given by Martin McGuinness and others of fearing the possibility of an incursion were false. In our view those accounts are likely to be accurate.
- 147.135** Colin Wallace told us that a rumour was put around of a possible Army invasion.¹ Such a rumour might have been untrue propaganda but, as our Counsel pointed out, the question was not whether the risk was a real one, but whether the Provisional IRA thought at the time that it was. We do not accept Ivan Cooper's claim, made to John Barry, that he gave a false warning to PIRA 24.²
- ¹ [KW2.12](#) ² [KC12.68](#)
- 147.136** PIRA 24's evidence was that he did not expect an invasion by the Army. However, some of his evidence at least appears to us to be directed to the inability of Provisional IRA patrols to take on the Army.
- 147.137** PIRA 24 and PIRA 23 both told us that the patrols were routine ones of the sort carried out every day.¹ The representatives of the majority of represented soldiers do not dispute that the patrols were there.²
- ¹ [APIRA23.1; Day 422/4](#) ² [FS7.452](#)
- 147.138** PIRA 17 gave the following account of the role of the ASUs in the Creggan and the Brandywell:¹

"The active service units which had weapons on the day were well away from the area of the march. They were on the periphery in Creggan and Brandywell and the units were there not so much because they would have been able to defend the area had the army decided to come in, but as a token gesture and so that we would know what was going on. I was realistic. I knew that if the army had decided to come in, and seek to re-take the no-go areas, we did not have the manpower or weapons to stop them.

...

I have been asked to clarify the position of the active service units present in the Creggan and Brandywell. They were there to stall the army if they came in. As I have said, we were not so stupid as to assume that we could take on and defeat the second largest army in the world but I believed that we could present Free Derry as a place where the Queen's Writ did not apply and therefore hold up Free Derry to the world as an example of a place where all was not well, but people were trying to

control their own destiny. I am not aware of the specific orders which were given to the active service units as that would have been the responsibility of the Adjutant not me. I looked after my own business. All I will say is that it was never our intention or belief that we could hold the army at bay forever or that we could take on the army in a conventional way and win. What people assumed about the IRA was different from the cold facts. They had a perception about what the IRA was capable of but it was not necessarily the right perception although it was in our interest to perpetuate that perception.”

¹ [APIRA17.2](#); [APIRA17.8](#)

147.139 PIRA 24 gave a slightly different account, but one that again recognised the limits of the ability of the Provisional IRA to take on the British Army:¹

“If we had thought the Army was coming into the Creggan, the patrols would not have had any weapons. Only a madman would try and stop the British Army coming into the Creggan if they really wanted to do so. If they wanted to come in, my philosophy was to let them. That is what happened at Motorman.² The patrols were largely for publicity purposes and could be regarded, in reality, as cosmetic. There was no point in patrols having weapons if the Army were going to come in in force because all it meant was that we would lose the weapons.”

¹ [APIRA24.10](#)

² Motorman was the Army operation conducted in July 1972, in order to remove the barricades and regain control of the no-go areas of the city.

147.140 As the representatives of the majority of represented soldiers observed,¹ there was a dispute among those whose evidence was that an Army incursion was anticipated as to whether the role of the Provisional IRA was to take on the Army or to buy time so that the local people could take to the streets and repel the Army by rioting. However, the conflict was limited. The Provisional IRA members acknowledged that the British Army had overwhelming power. The evidence of some Provisional IRA witnesses was that the Provisional IRA could tackle small Army raiding parties. Others thought that the Provisional IRA could do no more than delay the Army. No Provisional IRA witness indicated that the purpose of the patrols was to do anything more than defend where possible against a small incursion, or seek to delay an Army incursion, or at least to give warning if the Army came into the Creggan or the Brandywell.

¹ [FS7.454](#)

147.141 Our assessment of the evidence as a whole is that there were no patrols in the Creggan for the purpose of beating off any incursion by the Army. As PIRA 24 put it, *“they would not have been so foolish as to take on the British Army in a confrontation with a couple of old guns in a car”*.¹ To our minds, the possibility of an Army incursion into the Creggan was one that was a view held by some, if not all of the Provisional IRA Command. Although there was no prospect of beating off an incursion, there was value in having patrols there that would at least show local people that the Provisional IRA was resisting the Army, albeit in a token way, and which might at least temporarily delay or hold up any incursion.

¹ [Day 427/16](#)

The patrol in the Creggan

147.142 The representatives of the majority of represented soldiers made submissions about the size of this patrol.¹ They alleged that the patrol was far larger than PIRA 24 and Martin McGuinness led the Inquiry to believe.

¹ [FS7.457-458](#)

147.143 It is the case that the evidence of PIRA 23 and Michael Clarke suggested that there was more than one car in use and also that there were four volunteers on foot patrol. However, the evidence, which we accept, is that the ASU was given either three or four weapons and the evidence of all relevant witnesses (other than that of Michael Clarke) is that these were placed in one car. Whether there were weapons in one car or two, the accounts of the witnesses indicate that only a maximum of four volunteers could have been armed.

147.144 These representatives suggested that the claim that only a limited number of volunteers were on duty, *“safely away from the Bogside”*, was *“a ruse to hide [the] fact”* that *“members of the Provisional IRA were involved in a number of exchanges with the military that afternoon”*.¹ We do not follow the logic of this submission. The more volunteers patrolling the Creggan, the fewer would have been available in the five sectors, quite apart from the fact that only three or four guns were available to the volunteers.

¹ [FS7.458](#)

147.145 PIRA 17 told us that each of the ASUs was given one .303, one M1 carbine, one Thompson sub-machine gun and one handgun.¹ PIRA 24 said he thought that these weapons were already in the cars in the Brandywell and the Creggan for use in routine

patrols and were left there when all other weapons were placed in the central dump. However, he was not involved in the alleged collection of the weapons for removal to the dump.²

¹ Day 404/71

² Day 426/92-95

147.146 PIRA 23 said that there were three cars on patrol in the Creggan. Only one carried weapons. There were four volunteers in this car and they were armed, to the best of PIRA 23's recollection, with a carbine, a .303 and a short arm. The second car was the Quartermaster's car in which the Quartermaster and PIRA 23 travelled. The third car was parked as a stand-by car and had no volunteers in it. In addition, four members of the Creggan Company patrolled on foot.¹

¹ Day 422/5-7

147.147 According to PIRA 23, nothing occurred in the Creggan that afternoon. He first learned of the shooting in the Bogside when two men returning from the Bogside in a car stopped and told him. The men drove PIRA 23 in their car to Stanley's Walk. This was at about 4.50pm. In Stanley's Walk PIRA 23 met the Command Staff OC. They went to the old house used as a Provisional IRA meeting place where they were joined by the OC of the Bogside/Brandywell Company. After a short meeting PIRA 23 was instructed to return to the Creggan and await further orders. He was driven back to the Creggan by a volunteer and went to the meeting place behind the Creggan shops to which he knew that all Creggan volunteers would go. The volunteers, who included both those who had been on duty and those who had not, all waited there until about 5.30pm. At that time the Command Staff OC arrived, said that the British Army had withdrawn from the Bogside and ordered the volunteers to stand down. The Command Staff Quartermaster took the weapons from the patrol vehicle in order to place them in a dump.¹ *"People were shocked and frightened and it was felt that the sight of guns on the streets would only make matters worse."*²

¹ APIRA23.1

² APIRA23.2

147.148 PIRA 23 said that at about 6.00pm the volunteers who had been in the Creggan car told him that they had gone down to Lecky Road to find out what was going on but, mindful of their orders not to leave the Creggan, had returned to the Creggan. He said that the volunteers did not tell him whether or not any of the weapons had been removed from the car while they were in the Lecky Road area.¹

¹ Day 422/15-16

147.149 Michael Clarke said that he was the Explosives Officer of the Creggan Company. His evidence was that he had one of his regular meetings with the Company OC on the Friday or Saturday before the march. He was told that it was thought that the Army was planning an incursion on the day of the march. The decision had therefore been taken to suspend operations for the day of the march. Michael Clarke, though, was told that he was to remain in the Creggan as a member of an ASU in order to patrol and look out for and report upon Army activities. He said that it was not the intention of the Provisional IRA to take on the Army if it came into the Creggan. The Provisional IRA did not have sufficient resources to do so. Had the Army come in, a warning would have been given, bin lids would have been rattled and ordinary people would have come out onto the street to drive the Army out.¹ Michael Clarke said that the reason for the suspension of operations was not that the Army was expected to come into the Creggan but because the Provisional IRA would never have mounted an operation during a peaceful protest.²

¹ [AC157.13](#); [Day 402/35-36](#)

² [Day 402/100](#)

147.150 Michael Clarke told us that he believed that the ASU consisted of 6–7 volunteers who used two or three cars. He thought that there were weapons in two of the cars. Michael Clarke's recollection was that the Company Quartermaster was in charge. According to his evidence, the Quartermaster remained at the control centre all day and did not go out in a car.¹

¹ [AC157.13](#); [Day 402/35](#)

147.151 He also told us that he might have travelled around the Creggan in one of the cars, but that if he did, it would have been a car without weapons in it.¹ His evidence was that he heard no shooting at all that day. However, as people started to come back with news of others having been killed, he jumped into one of the patrol cars and drove to Frederick Street. There were weapons in the car. He said he got out and walked to Little Diamond. He was looking for a sniping position although he was unarmed.² He also said that the Company OC came down in the car with him but stayed in it while he walked into the Bogside.³ This evidence is somewhat inconsistent with the account of PIRA 23 but once again it should be borne in mind that these witnesses were trying to recall events from long ago and we take the view that there is nothing necessarily sinister in this difference of recollection.

¹ [Day 402/67](#)

³ [Day 402/39-41](#); [Day 402/74](#)

² [AC157.14](#)

147.152 Michael Clarke stated that as he made his way back to his car he was stopped by an IRA Command Staff officer, whom he later named as Martin McGuinness, who told him that a ceasefire had been ordered and that he should return to the Creggan, which he did.¹

¹ [AC157.14](#)

147.153 Eddie Dobbins told us that he was one of four Creggan volunteers who patrolled the Creggan in a car throughout the march. On being told by people returning to the Creggan that paratroopers were killing people in the Bogside, the members of the patrol decided to go and find out what was going on.¹ He was asked during his oral evidence about the motives of the group in going to the Bogside:²

“Q. Did you also, having heard that soldiers had killed people, want to take the British Army on?

A. Oh, yes.

Q. Is that why you went?

A. To find out – to see what was happening and then take it from there.”

¹ [AD195.2](#)

² [Day 399/106](#)

147.154 Eddie Dobbins said that he and his colleagues did not travel down Westland Street, which could be seen by soldiers on the City Walls, but took a longer route along Southway and drove up Lecky Road, stopping near the Bogside Inn. The section leader got out of the car and walked up Lecky Road towards Free Derry Corner, speaking to people on the street as he went. He had an M1 carbine concealed under his coat. He was away from the car for less than five minutes and remained within the sight of the others in the car. On his return, the section leader said that there was not a soldier to be seen and that there were reports of people having been murdered. He decided that the group should return to the Creggan.¹ Eddie Dobbins told us that he saw no-one whom he recognised as a member of the Provisional or Official IRA in the area as he waited in the car.² He said that the section leader did not fire any shots; and that he heard no shots and saw no-one firing while he was waiting in the car, saw no-one who appeared to be injured or dead and saw no ambulances.³ Eddie Dobbins said that he thought that the group was in the Bogside for about five minutes but could not say at what time in the afternoon the group was there.⁴ According to his account, the group then returned to the Creggan shops where they met the Creggan Battalion OC. The OC went away to take instructions from the Brigade Staff. On his return, the Battalion OC said that all operations were off

and that there were to be no military operations until after the funerals. Eddie Dobbins said that he and the other members of the patrol then returned the car and the weapons to the OC.⁵

¹ AD195.2; Day 399/110

⁴ Day 399/113-116

² Day 399/112

⁵ AD195.3

³ Day 399/117

147.155 We have found no evidence that suggests to us that those patrolling the Creggan were or might have been involved in any of the events in the five sectors, during the period when people were killed or injured by Army gunfire.

The patrol in the Brandywell

147.156 The representatives of the majority of represented soldiers suggested that the Brandywell patrol was larger than a single car.¹ However, the evidence on which they rely indicates that there was one car containing weapons and one or two other cars. There is no evidence that the latter car or cars contained weapons. Unarmed volunteers in such vehicles cannot have posed a lethal threat to the soldiers.

¹ FS7.458

147.157 PIRA 8 told us that he was told about two days before Bloody Sunday that he was to patrol the Brandywell in case the British Army sent a raiding party into the Brandywell while the march was going on. Although not the regular leader of his section, he was appointed section leader of the Bogside for the day and was told to find three volunteers to patrol with him.¹ He said that he was given his orders by Martin McGuinness² and that Martin McGuinness also told him that “*nothing was happening on Sunday*”.³

¹ APIRA 8.1

³ APIRA8.1

² Day 418/10; Day 418/87

147.158 PIRA 8 said that at about lunchtime he met the other three volunteers in a derelict house in Stanley’s Walk. He had a car, which was either a blue Avenger or a tan Cortina. PIRA 17 arrived, took the car away and returned it to the volunteers shortly afterwards, having placed weapons in the boot. There were four rifles and a pistol in the car.¹ PIRA 8 checked the weapons and, having done so, closed the boot. His evidence was that none of the volunteers in his section took the rifles out of the boot again that day. He said he retained the pistol and carried it throughout the day.²

¹ Day 418/22

² APIRA8.3; Day 418/24

147.159 PIRA 17's account was that he allocated the weapons for use by the ASUs but was not present when the weapons were put in the cars.¹

¹ [Day 404/87-88](#)

147.160 At some time between 3.00pm and 4.00pm, according to PIRA 8, the Brandywell patrol parked the car on Lecky Road and went to see what was going on at the old City Dairy at the end of the road. The volunteers had no weapons other than PIRA 8's pistol.¹ They spent 30–45 minutes there and saw no sign of the march. The march had passed them when they were in Stanley's Walk.² They saw no activity in the area of the dairy and so went on to Southway, where they spent at least 30–45 minutes. While they were there they heard bangs, which PIRA 8 took to be the noise of a riot, coming from the area of the Bogside.³ While the patrol was in the Southway area, civilians driving away from the Bogside brought the news that people had been shot. PIRA 8 said that he then decided to go down to the Bogside and see what was happening.

¹ [Day 418/25](#)

³ [Day 418/27](#)

² [Day 418/26](#)

147.161 We deal elsewhere in this report¹ with the shots that were fired at an Army position at the Mex Garage and the suggestion that PIRA 8 or members of his patrol were responsible for these shots.

¹ [Paragraphs 151.1–31](#)

147.162 PIRA 8 described parking the car in Elmwood Road and walking with two of the volunteers towards the Bogside. The third stayed with the car. On the corner of Westland Street and Blucher Street, the Provisional IRA volunteers met four men whom PIRA 8 knew to be members of the Official IRA. PIRA 8, remembering that the Official IRA had days earlier captured and then released a soldier (Private INQ 2245) and thinking that that soldier might have been in the Bogside that afternoon, killing innocent people, became involved in an argument with the Official IRA men and hit one of them. PIRA 8 said that he did not believe that any of the Official IRA men were armed but said that he had later been told by one of his volunteers that one of them had had a weapon.¹ He said to us that neither OIRA 1 nor OIRA 4 was among the four Official IRA men whom he confronted.²

¹ [Day 418/77; APIRA8.5](#)

² [Day 418/32-35](#)

147.163 PIRA 8's evidence in this respect is consistent with an account given to Peter Pringle and Philip Jacobson in or around March 1972:¹

“3. Towards the end of the action, about when our M1 man [the Provisional IRA man with an M1 carbine] was heading home, an Official who had taken no part in the action and was not, therefore, carrying was attacked by three or four Provos walking down Westland St. towards the Bogside Inn. The Provos threw him to the ground and said ‘You’re the bastard that let the soldier go.’ This referred to an incident some days earlier when the Officials had captured a British soldier stupid enough to be visiting his Creggan fiancée. After interrogation, the soldier was allowed to go free, a decision which infuriated the Provos, and some of the Officials too we understand.”

¹ [S37](#)

147.164 The journalists recorded their report of this incident as having been “*authenticated by staff officers*”. Their principal source was Reg Tester but his evidence was that he knew nothing of this incident.¹

¹ [Day 414/64-65](#)

147.165 PIRA 8 said that he and the other two volunteers separated and went into the Bogside to try to discover what had happened. They returned to the car, having been given confused accounts. They drove to Stanley’s Walk, hoping to obtain a clearer picture at the derelict house at which they knew Provisional IRA members would congregate.¹ After PIRA 8 had been at the house with other volunteers for about an hour, Martin McGuinness arrived and gave the instruction that “*nothing was to happen*” and said that the volunteers would be contacted in due course.² PIRA 17 drove the car away and returned it, having removed the weapons. As far as PIRA 8 was aware, no-one took any weapons out of the car while it was standing in Stanley’s Walk.³

¹ [Day 418/44](#)

³ [Day 418/47](#)

² [Day 418/45-46](#)

147.166 We have found no evidence that suggests to us that those patrolling the Brandywell were or might have been involved in any of the events in the five sectors, during the period when people were killed or injured by Army gunfire.

The movement of the Creggan and Brandywell vehicles into the Bogside

147.167 The representatives of the majority of represented soldiers submitted that the members of these patrols were either acting in breach of orders, if they had not been permitted to go into the Bogside, or must have been free to enter the Bogside during the afternoon; and that if it was the latter, these “*heavily armed PIRA volunteers*” were in the Bogside “*in addition to the gunmen already there*”.¹

¹ [FS7.459-460](#)

147.168 In our view the volunteers in question did not go into the Bogside until after all, or virtually all, the firing had taken place in the five sectors; and until after all the casualties had been sustained. Their presence in the Bogside therefore has no relevance to the circumstances in which people were killed or wounded in those sectors.

147.169 As to the “*gunmen already there*”, the representatives of the majority of represented soldiers did not seek to identify who these were or point to any evidence that suggested that armed members of the Provisional (as opposed to the Official) IRA were present in the Bogside during the period when the casualties were sustained. We deal below with the submission that Martin McGuinness was present in the Bogside and fired a Thompson sub-machine gun; and with the shots fired from the area of the Bogside Inn at soldiers on the City Walls.

Other Provisional IRA activity

The meeting at Stanley’s Walk

147.170 PIRA 17’s evidence to this Inquiry was that he was on the march and heard shooting but saw no-one shot. He told us that he lay in the Rossville Flats car park during the shooting and, during a lull, ran towards Joseph Place and then to the Provisional IRA meeting place in the heart of the Bogside. In his oral evidence he said that he met the OC and Adjutant on the street and then went with them to a Provisional IRA safe house. He would not reveal its location.¹ He said that he, the OC and the Adjutant decided that the British Army was trying to lure the IRA into a firefight and that the IRA would not respond.² According to this witness the OC or Adjutant asked him to go back to Rossville Street and try to find out what had happened. He did so but could not establish an accurate account of what had occurred.³

¹ [APIRA17.6; Day 404/33](#)

² [Day 404/34](#)

³ [APIRA17.7](#)

147.171 PIRA 24 said that, after the shooting was over, he made his way towards Blucher Street and was confronted by people who shouted “*Give us weapons, give us guns*”. He told us that he explained to them that the weapons had been dumped; and said that he thought that PIRA 17 was with him at the time. He also told us that a few volunteers came along and asked what action should be taken. PIRA 24 stated that he decided to make his way towards the house at Stanley’s Walk and that he met Martin McGuinness on the way. On arrival at the house, he told everyone there to put the word out to volunteers to stand by. He sent PIRA 17 into the Bogside to try to find out what had happened. He also sent a couple of runners up to the Creggan. He thought that at some stage the Brandywell car arrived in Stanley’s Walk. In the end, PIRA 24 decided to stand everyone down and ordered that the weapons from the two cars be taken off the streets. Everyone agreed with this course of action. There was to be no action taken until after the funerals. Volunteers were sent out to pass on the orders. PIRA 24 told us he believed that the Creggan car’s weapons were dumped in the Creggan and that PIRA 17 took the weapons from the Brandywell car away after a short time.¹

¹ [APIRA24.14](#)

147.172 PIRA 24 told us that people were asking for guns in order to retaliate. He thought that it would calm people if they heard gunfire; they would believe that the IRA was present and operational. He and Martin McGuinness therefore decided that a few shots should be fired at the City Walls. According to his evidence the gun used was one from one of the patrol cars and was not a machine gun. He stated that he did not know who had fired the shots.¹ We return later in this part of the report to the evidence relating to this firing.

¹ [APIRA24.15](#)

147.173 Although we have elsewhere identified particular aspects of the evidence of PIRA 24 that we do not accept, we have found no evidence that suggests to us that PIRA 24 was or might have been involved in any of the events in the five sectors, during the period when people were killed or injured by Army gunfire.

The arrival of armed volunteers by car

147.174 Ivan Cooper is recorded by John Barry as having said that, after the shooting had taken place, he saw George McEvoy in the Meenan Square area in a car in the back of which were six gelignite bombs, two revolvers and at least one Thompson sub-machine gun.¹ According to John Barry, Ivan Cooper said that three cars containing members of the Provisional IRA then arrived in Westland Street.² In his oral evidence to this Inquiry, PIRA 17 denied that there had been any cars containing weapons in the Meenan Square

area and said that he knew nothing of any Provisional cars coming down to Westland Street.³ Martin McGuinness also said that the account of a car with weapons in the back and of cars containing Provisional IRA men coming down from the Creggan was “*totally and absolutely wrong*”.⁴

¹ [KC12.70](#)

³ [Day 404/53-54](#)

² [KC12.71](#)

⁴ [Day 390/153](#)

147.175 Philip Jacobson of the *Sunday Times* Insight Team made the following note of an interview with Martin McGuinness:¹

“At the height of the army shooting when civilian casualties were mounting, some provisionals sent for a car full of guns – pistols and .303s – which arrived in the area of Free Derry Corner. But then, it is claimed, the commanding officer of the Derry provisionals, decided that it was still too risky in terms of potential civilian casualties to launch any major counter attack on the army. The arms were allegedly driven back into the Bogside. A few hours after the shootings, most of the provisional staff command met in a street in the Bogside. Still very shaken, they too decided to suspend operations, at least until the funerals were over. Later that night, they sent a car to Dublin with a full report for provisional HQ. The provisionals are adamant that none of the dead or wounded are or were members of their organisation.”

¹ [KM3.52](#)

147.176 These accounts are consistent with a report that appears in the *Observer* newspaper galley proofs, in which PIRA 8 was quoted as saying:¹

“After the shooting some of our members went off to Creggan to get weapons. Feelings were running very high – known Provisional marksmen were attacked by women in the streets after the shooting, hysterically asking where the IRA was and why we weren’t defending them.

Some members came down with guns in a car and it was difficult to restrain them. We got their weapons away and took them out of the area. Three shots from a sub-machine-gun were fired by one volunteer in the Bogside Inn (Meenan Park) area. These were the only shots fired. There were no nail bombs.”

¹ [ED24.9-10](#)

147.177 PIRA 24 told us that he had no recollection of IRA volunteers obtaining weapons and bringing them down to the Bogside.¹

¹ [Day 426/136-139](#)

147.178 Martin McGuinness said that he did not recollect the interview with Philip Jacobson and said that the incident involving volunteers in a car and described in the notes did not occur.¹ He said that he did not accept the story in the galley proofs.²

¹ [Day 390/118](#)

² [Day 390/151](#)

147.179 PIRA 8 said that his car, in which he had been patrolling the Brandywell and which contained weapons, was driven to Stanley's Walk after the soldiers had fired.¹ Eddie Dobbins, who was in the Creggan car, said that his car was driven to the Bogside Inn.²

¹ [APIRA 8.5; Day 418/45](#)

² [AD195.2; Day 399/106-108](#)

147.180 In our view, contrary to Martin McGuinness's recollection, one or other of the patrolling cars did come down as recorded in Philip Jacobson's note. This was probably the Creggan car. We accept that this happened as a response to Army firing.

147.181 William Breslin gave the following account to Praxis:¹

" – M. McGuinness [sic] story. That group of men wanting to go down into the bogside and do something when the shooting had stopped, as Breslin was up by Free Derry corner. McG argued against that, and in any event they had no weapons to hand there, all in Creggan. McG nonplussed, lost, been outwitted type of feeling to him then."

¹ [AB112.1](#)

147.182 This account appears to refer to an incident where guns were not available, though it does indicate that, according to William Breslin, Martin McGuinness was not in favour of armed retaliation.

Other evidence of Provisional IRA activity

147.183 Ivan Cooper told this Inquiry that at some time after the shooting of Bernard McGuigan, he took a telephone call in a flat in Glenfada Park from PIRA 24, who asked whether people had been killed and, on being told that they had, replied, "*The deal is off, we are coming in*".¹ In an interview with Dr Niall Ó Dochartaigh, Ivan Cooper gave a similar account.² Ivan Cooper said to us that he did not know what had been done after the deal had been called off.³

¹ [KC12.8](#)

³ [Day 419/66](#)

² [KC12.121; Day 419/63-64](#)

147.184 Ivan Cooper also told us that after he had spoken to PIRA 24 on the telephone, he made his way to John Hume’s house in Westland Street. As he did so, he was conscious that there was a different type of shooting from the shooting that he had heard before he had received the telephone call. The sound was softer. In his oral evidence to this Inquiry, Ivan Cooper said that he could not identify the type of weapon being fired.¹ In his written evidence to this Inquiry, he stated that he knew at the time of making his statement but not when he heard the shots that the weapon was probably a short arm. He was certain that he heard no fire other than high velocity fire up to the time at which he received a telephone call from PIRA 24.²

¹ Day 419/74

² KC12.12

147.185 For reasons given earlier in this chapter, we take the view that it would be unwise to rely upon the evidence of Ivan Cooper, unless supported by other material. We have found nothing to support this part of his account.

The firing of “symbolic” shots

147.186 In his written statement to this Inquiry, Martin McGuinness told us that:¹

“Much later in the evening I was party to a decision made by the IRA to fire a number of shots, symbolically, at the British Army observation post on Derry walls. This decision was not taken until at least one and a half hours after the British army shooting had ended. Following this decision, shots were fired from the vicinity of the Bogside Inn by an IRA volunteer. I was not however present when this incident occurred.”

¹ KM3.18

147.187 PIRA 8 told us that he was aware of these “symbolic” shots, but that he did not fire them himself and was not present when they were fired.¹

¹ APIRA 8.7; Day 418/49

147.188 The representatives of the majority of represented soldiers submitted that shots were fired from the area of the Bogside Inn much earlier in the afternoon.¹ This was the incident described by Private AD and others, which we consider later in this part of the report.² What is not clear is whether these representatives were submitting that there were no later “symbolic” shots or that there were two separate shooting incidents.

¹ FS7.468-473

² Paragraphs 151.57–79

147.189 In our view there were probably two separate shooting incidents. We have referred above to the note made by Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team of what we are satisfied was an interview with Martin McGuinness.¹ After the passage quoted above, and as we have already noted above, the journalists continued:

“He did admit however that two rounds of submachine gun fire were fired by a provisional between 5.30 and 6 pm, that is, after the army had stopped firing and carried away most of the dead. The IRA man fired from a position near Free Derry Corner at troops in the Rossville Street area.”

¹ [KM3.51](#)

147.190 According to this note, shots were fired at troops in the Rossville Street area. According to the account Martin McGuinness gave us, the “*symbolic*” shots were fired at an Army Observation Post on the City Walls. According to PIRA 24, he and Martin McGuinness decided at a late stage that a few shots should be fired at the City Walls.¹

¹ [APIRA24.15](#)

147.191 There is no entry in any Army log that records these shots. This, however, does not amount to proof that shots were not fired. As we discuss when dealing with the events of the five sectors, there were instances when shots were undoubtedly fired but not recorded in Army logs. Furthermore, we find it difficult to see what purpose would be achieved by claiming falsely that shots had been fired at a late stage; for this could hardly be expected to conceal the firing of earlier shots. Thus we accept that there was some late firing by the Provisional IRA. In our view shots were fired up at the City Walls. It is unlikely that at the late stage under consideration shots were fired at troops in the Rossville Street area, since by that stage the soldiers had withdrawn and it would have been dark.¹

¹ [B2213](#); [B222](#)

147.192 At this point it is convenient to note the evidence given by Deidre McNamara, a daughter of a former Vice President of Sinn Féin, Derry Kelleher. In her written statement to this Inquiry, she told us:¹

“I clearly recall my father saying to me that ‘the Provos’ had ‘set up’ the civil rights march which had taken place. By the use of the words ‘set up’ he was not implying organisation he was giving me a very clear message of having subverted the civil rights march which had taken place. He said that the ‘Provos’ used the march as a means of moving the focus of the civil rights movement, which had previously espoused non-violent means, into something which was different in character, namely something prepared to embrace and use violence. He was explicit in his description saying that the ‘Provos’ strategy was to use the march to provoke the British Military Forces into firing their weapons and thereby create the appearance that the violence and mayhem which would follow had been caused by the British Military Forces acting in a seemingly unprovoked way.”

¹ [AM511.2](#)

147.193 We have found no evidence to support this account. As will have been seen, the march itself did not provoke the soldiers to open fire. The march was more or less over by the time the first shooting occurred. The major incidents that then occurred and resulted in the deaths and injuries followed the launch of the arrest operation.

Other evidence of the presence and activities of Provisional IRA members

147.194 Pat Harkin, then a member of the Brandywell section of the Provisional IRA and now deceased, was photographed at Barrier 14 at an early stage of the afternoon. Barney McFadden, a veteran republican, and PIRA 25 appear in the same photograph, trying to restrain the crowd. PIRA 25 said that he was asked by one of the stewards at Barrier 14 to lend a hand.¹ PIRA 17 also said that he, at various points, assisted the stewards in keeping angry marchers on the move.²

¹ [Day 424/109](#)

² [APIRA17.3](#)

147.195 PIRA 1 was photographed sheltering at the south gable end of the eastern block of Glenfada Park North.

147.196 He and OIRA 8 were arrested on the day. Neither was found to be in possession of a weapon.

- 147.197** Notes made by Kathryn Johnston (one of the authors of the book *Martin McGuinness: From Guns to Government*) entitled “KATHRYN JOHNSTON TYPED UP NOTES FOR PREFACE 2” included the following:¹

“Guns on the day

1 Man who joined McG in High St had a Spanish Star pistol.

2 McG took guns from the car.

3 A Volunteer arrested by the Paras in Glenfada Park had a shortarm. When he saw the Paras coming, he stuck it in the hedge. When he went back to get it a few days later it was still there.”

¹ [M112.48](#)

- 147.198** PIRA 1 and OIRA 8 were both interned after arrest. Neither can have retrieved any weapon a few days after Bloody Sunday. In his oral evidence to this Inquiry, PIRA 1 said that he was not aware of any other volunteer being arrested at Glenfada Park with him. He also said that he did not know of any Provisional volunteer carrying a short arm in Glenfada Park.¹

¹ [Day 409/85](#)

- 147.199** PIRA 1 gave evidence of having helped to pull George Roberts and Denis Patrick McLaughlin to the safety of the gable end from the area of the rubble barricade.¹ This evidence is supported by George Roberts, who told us he knew PIRA 1, and by Denis Patrick McLaughlin, who said he knew PIRA 1 by his nickname only.²

¹ [AM508.3](#)

² [Day 151/77](#); [Day 159/36](#)

- 147.200** As we have described when considering the events of Sector 3, Robert White took a photograph of Hugh Gilmour running close to the entrance to Block 1 of the Rossville Flats after he had been shot. PIRA 14's and PIRA 26's evidence was that they and Colm Keenan were in the area at the time. PIRA 26 identified himself and Colm Keenan as being shown in the photograph.¹ Neither of these Provisional IRA members appears to us to have a visible weapon or to be taking, or preparing to take, any offensive action.

¹ [APIRA26.8](#)

147.201 There is a photograph that shows two men supporting a third. The man in the middle of the photograph is Pat Harkin. One of the men supporting the third is PIRA 26.¹ PIRA 26's evidence was that he was trying to comfort Pat Harkin, who was very distressed, having learned of the death of Patrick Doherty, a close friend.² This photograph was taken after all the casualties had been sustained.

¹ [Day 425/78](#)

² [APIRA26.5](#)

147.202 Eugene McGillan, also a member of the Provisional IRA, gave a NICRA statement in which he claimed to have helped to carry away a body from Glenfada Park.¹ We agree with our Counsel's comment that if this statement were untrue and he had in fact been engaged in paramilitary activity, it would seem odd for him to have volunteered the statement.

¹ [AM233.1](#)

147.203 The representatives of the majority of represented soldiers submitted that there was something surprising about the concentration of members of the Provisional IRA in the area of the rubble barricade.¹

¹ [FS7.495](#)

147.204 We do not find their presence at the rubble barricade in itself surprising or sinister. Members of the Provisional IRA were likely to have been among those civilians who resented most fiercely the presence of the Army in the city and who therefore were likely to be among those shouting defiance and throwing missiles, whether at the Army barriers or from the rubble barricade. The fact that members of the Provisional IRA were present does not of itself indicate to us that they were armed, let alone that they engaged or were preparing to engage the soldiers with lethal weapons.

Assessment of the Provisional IRA evidence

147.205 There was paramilitary activity in the five sectors, as we have described when dealing with the events of those sectors. As we have observed above, we do not accept the evidence that suggested that the Provisional IRA had no nail bombs available for use on Bloody Sunday. However, our examination of the evidence relating to the events of the five sectors has led us, for the reasons that we have given, to conclude that no-one threw or attempted to throw a nail bomb on the day in any of the sectors. The fact that the Provisional IRA may have had nail bombs available only advances the case of those soldiers who claimed to have seen or fired at nail bombers to the extent, as we have

earlier noted, that their accounts cannot be rejected out of hand on the basis that because there were no nail bombs available, there was no possibility that any nail bombers could have been seen.

147.206 Leaving aside allegations against Martin McGuinness and PIRA 17, which we consider below, so far as firearms are concerned our examination of the evidence in this part of the report has revealed nothing that suggests to us that those openly carrying firearms or firing in or into any of the sectors before or during the period when people were killed and injured in those sectors were members of the Provisional as opposed to the Official IRA. If, notwithstanding the Provisional IRA evidence, any members of that organisation were carrying concealed weapons, this again in our view does no more than establish that the accounts of those soldiers who said that they saw men with guns and responded by firing cannot be rejected out of hand on the basis that because there were no firearms available, there was no possibility that any firearms could have been seen or used.

Martin McGuinness

147.207 At the time of Bloody Sunday, Martin McGuinness was Adjutant of the Derry Brigade of the Provisional IRA. There are allegations that he was involved in plots to plant and use bombs, that he was armed on the day, and that he fired a shot. Martin McGuinness's account was that he went on the march as a civilian, having given orders to the Provisional IRA that they were to take no paramilitary action during the march; and that it was only in the evening of the day that he authorised the firing of "symbolic" shots, as we have described earlier in this chapter.

147.208 The evidence relied upon in support of the allegation that, contrary to Martin McGuinness's account, he did engage in paramilitary activity comes from the following sources:

1. the Security Service agent "Infliction" who claimed that Martin McGuinness admitted to him having fired a machine gun on the day from the Rossville Flats;
2. various unknown individuals who told Liam Clarke and Kathryn Johnston that Martin McGuinness was involved in a plot to plant a bomb in Duffy's bookmakers in William Street and that he fired one shot there from a machine gun;

3. John Barry, editor of the *Sunday Times* Insight Team, whose notes record that Ivan Cooper in 1972 alleged that Martin McGuinness had been involved in paramilitary activity;
4. Patrick Ward, who claimed that Martin McGuinness was involved in a plan to use members of the Fianna to throw nail bombs at buildings; and
5. a record of an interview conducted by the RUC in the early 1970s with a person who alleged that he saw Martin McGuinness on Bloody Sunday carrying a Thompson sub-machine gun.

The evidence of Martin McGuinness

147.209 In his first written statement to this Inquiry, Martin McGuinness told us that he followed the route of the march until it reached the junction of William Street and Rossville Street. He stated that he was some distance from the front of the march. There is a photograph that shows him a short distance behind the lorry, which we reproduce below together with an enlarged portion of the relevant part of this photograph. The photograph was taken in Brandywell Road. There is no evidence to indicate whether or not he was still this close to the lorry when he reached William Street.



Martin
McGuinness



147.210 According to Martin McGuinness:¹

“When we reached the junction of Rossville Street and William Street I could see that the main body of the march had turned right towards Free Derry Corner and that a large group numbering several hundred had proceeded on down William Street towards the City Centre. I walked on towards William Street and stood with the crowd in front of the British Army’s blockade at William Street ... It was clear to me that a riot would soon begin. Shortly after this the protesters began throwing stones and bottles at the British Army who were blocking William Street.”

¹ [KM3.3](#)

147.211 In the course of his oral evidence to this Inquiry, Martin McGuinness was asked whether he had arrived just before the stone-throwing began. He replied:¹

“Well, we all arrived together, the several hundred people who marched on towards William Street, and it was soon after that that angry words were exchanged and stones and bottles were thrown.”

¹ [Day 390/74](#)

147.212 Martin McGuinness said that he was at the barrier for about five minutes before leaving, fearing that he might be caught by a snatch squad and interned. He said that he had not stayed for a long period, knowing that there was a prospect of snatch squads being used.¹ He also said that he had probably moved off before the water cannon was used.²

¹ [Day 390/75](#)

² [Day 391/34](#)

147.213 He told us that he walked down Chamberlain Street and that, as he did so, he heard people running behind him and so assumed that the Army had sent in a snatch squad. However, he said that he did not see any soldiers and so continued to walk down Chamberlain Street; and that others, believing that the Army was coming in, ran past him.¹ He said that he crossed the Rossville Flats car park and, as he did so, saw a woman being carried away. He told us that at this stage he had not heard a shot or seen either a soldier or an Army vehicle in the Bogside.² Martin McGuinness said that he walked through the gap between Blocks 1 and 2 of the Rossville Flats and, as he approached the Free Derry wall and was near Joseph Place, he heard self-loading rifle (SLR) shots for the first time. He also told us that at this time he heard the noise of Armoured Personnel Carriers coming down Rossville Street.³ He said that he thought that it had taken him a couple of minutes to reach that area from the top of Chamberlain Street.⁴

¹ [Day 390/76-78](#)

³ [KM3.9](#)

² [Day 390/79](#)

⁴ [Day 390/83](#)

147.214 Martin McGuinness gave evidence that as the shooting continued, he moved back to the Free Derry wall and across to Lisfannon Park and then Abbey Park.¹ He said he assumed that the firing was coming from William Street because he knew that there were soldiers there. He thought it possible that a group of soldiers had been attacked by rioters, having become separated from the other troops.²

¹ [Day 390/89](#)

² [Day 390/88-89; KM3.10](#)

147.215 Martin McGuinness told us that in Abbey Park he met people who told him that others had been shot. The shooting was still continuing. He moved back to the Westland Street area near the Bogside Inn and there met other Provisional IRA volunteers.¹ One told him

that people had been shot at the Rossville Flats. Martin McGuinness told the Inquiry that he realised that the situation was becoming increasingly serious. He said that he suggested that the volunteers should gather and arm themselves. They went to the safe house close to the arms dump and there met other volunteers, sympathisers and the OC.²

¹ [KM3.11](#)

² [KM3.5](#)

147.216 According to Martin McGuinness, volunteers were then sent on a number of occasions to the Creggan and the Brandywell to check on the situation there. They returned, reporting that all was quiet.¹

¹ [Day 390/101](#)

147.217 Martin McGuinness said that he, the OC and a small number of volunteers then made the decision that the Provisional IRA should not go into the Bogside with weapons, giving the British Army an excuse to fire. They thought it better to let the journalists present report that which the Provisional IRA knew to be the truth, that the British Army had opened fire on innocent civil rights marchers.¹ The word was passed to volunteers that there was to be no retaliation. Martin McGuinness said that he was certain that the order was obeyed. He told us that in any event, no-one other than the men in the two cars patrolling the Brandywell and the Creggan had access to a weapon.²

¹ [Day 390/101-102](#)

² [KM3.12](#)

147.218 As we have described elsewhere in this report,¹ the water cannon was first deployed at Barrier 14 at about 1545 hours. On the basis of his account, therefore, Martin McGuinness had probably moved away from the vicinity of that barrier by that time. According to this account, he reached the southern end of Chamberlain Street, crossed the Rossville Flats car park and went through the gap between Blocks 1 and 2 of the Rossville Flats without seeing any soldiers or any Army vehicles. He said that it was only when he was approaching Free Derry Corner, about two minutes after he had set out, that he heard Army fire.

¹ [Chapter 15](#)

147.219 As we have also described elsewhere in this report,¹ Army vehicles went into the Bogside just before 1610 hours and firing broke out soon afterwards.

¹ [Chapter 24](#)

147.220 There is on the face of it, therefore, a difficulty in the account Martin McGuinness gave. If he left the area of Barrier 14 after a short while and before or about the time that the water cannon was used, ie at or about 1545 hours, and if he got to near Free Derry Corner before he heard Army gunfire and Army vehicles he cannot have spent only about two minutes on that journey, since some 25 to 30 minutes elapsed between the use of the water cannon and firing by soldiers who had come into the Bogside in vehicles. It was submitted on behalf of the majority of the represented soldiers that during this unexplained period Martin McGuinness was involved in paramilitary activities. We return to consider this submission later in this chapter.

Evidence of those on the march

147.221 Martin McGuinness said that he went to Bishop's Field with his friend Colm Keenan at about 2.30pm, but that he and Colm Keenan lost each other in the crowd while they were still at Bishop's Field.¹ PIRA 26 also claimed to have gone to the march with Colm Keenan, saying that at about 3.00pm he and Colm Keenan left the house at which they were staying and joined the march at Southway. He told us he lost contact with Colm Keenan shortly afterwards. We do not regard this apparent conflict as of any materiality, since it is possible that both Martin McGuinness and PIRA 26 were in the company of Colm Keenan at an early stage of the march.

¹ [KM3.3; Day 390/67](#)

147.222 PIRA 26 told us that he saw Colm Keenan again in William Street. According to his account the two of them followed the marchers who had gone down William Street towards Barrier 14. His account was that while they were in the area of the junction between William Street and Chamberlain Street, he saw his brother (PIRA 14) speaking to Martin McGuinness. He told us that he and Colm Keenan joined the other two and that he, PIRA 14 and Colm Keenan left the area before the water cannon was deployed and walked southwards down Chamberlain Street, crossed the Rossville Flats car park, went through the gap between Blocks 1 and 2 of the Rossville Flats and walked along Rossville Street to Free Derry Corner.¹

¹ [APIRA26.3](#)

147.223 In his written statement to this Inquiry, PIRA 14 told us that he went on the march and, by the time he reached the bottom of William Street, was with his younger brother (PIRA 26) and Colm Keenan. He stated that in the area of Chamberlain Street, Eden Place or High Street they bumped into Sean Keenan Junior (Colm Keenan's brother) and Martin McGuinness. After some conversation, they all agreed that it would be best to move away

from the area. PIRA 14, his brother and Colm Keenan moved down Chamberlain Street. PIRA 14 said that he did not know where Martin McGuinness and Sean Keenan went.¹ In his oral evidence to this Inquiry, PIRA 14 said that he knew that he had met Sean Keenan somewhere on the day, but was no longer sure that it was in that area.² He agreed that he might have seen Sean Keenan on Rossville Street (which would be consistent with Sean Keenan's evidence). So, while the recollections of the two brothers are slightly inconsistent as to which one of them was accompanying Colm Keenan, they give consistent evidence about the presence of Martin McGuinness in the Chamberlain Street area. We should note at this point that PIRA 14 told us that he was certain that Martin McGuinness was not carrying a gun. He accepted that he might not have seen a handgun had Martin McGuinness had one, but believed that Martin McGuinness had no weapon at all since the orders for the day were that no-one was to carry a gun.³

¹ [APIRA14.2](#)

³ [APIRA14.2-3](#)

² [Day 421/28](#)

147.224 Noel Breslin said that he spoke to Martin McGuinness, whom he knew, when the latter was at the bottom of High Street, about 12 feet from an entrance to Duffy's bookmakers. This was before the soldiers had come into the Bogside.¹ Martin McGuinness, when this was put to him, said that this evidence placed him at the Chamberlain Street end of High Street and that he, Martin McGuinness, had been in Chamberlain Street. He denied ever having been in High Street.²

¹ [Day 184/165](#)

² [Day 391/213](#)

147.225 The evidence of Noel Breslin, PIRA 26 and PIRA 14, if correct, suggests that Martin McGuinness spent some of what appears to be the unexplained period to which we have referred speaking to friends in the Chamberlain Street area. The representatives of the majority of represented soldiers submitted that it was inconceivable that Martin McGuinness would not have been spotted by a single soldier if he spent 20 minutes in the area of Barrier 14 and walking around.¹ However, Martin McGuinness's evidence was that he spent only a few minutes at Barrier 14. It is unlikely that he would have been in sight of any soldiers while he was in Chamberlain Street.

¹ [FR7.45](#)

147.226 In our view it is probable that Martin McGuinness did spend some time in the area near the bottom of High Street, though there is nothing to indicate how long he was there.

147.227 We now turn to consider the evidence of paramilitary activity on the part of Martin McGuinness.

The allegation of a shot by Martin McGuinness from the Rossville Flats

“Infliction”

147.228 “Infliction” is the code name given by the Security Service to an agent who in 1984 provided information to the Security Service concerning Martin McGuinness’s alleged activities on Bloody Sunday. The information that he provided in April 1984 to an officer known as Officer A is summarised in a document provided by the Security Service:¹

“Martin MCGUINNESS

Martin MCGUINNESS had admitted to INFLICTION that he had personally fired the shot (from a Thompson machine gun on ‘single shot’) from the Rossvill [sic] flats in Bogside that had precipitated the ‘Bloody Sunday’ episode.”

¹ [KA2.6](#)

147.229 In November 1984 Infliction repeated the allegation to a different Security Service officer, Officer B. The conversation between the two of them was taped. The Security Service provided the Inquiry with a redacted transcript, part of which contained the following:¹

“INFLICTION: (Comment: makes noises indicating hesitation). Well (Comment: pause) you know, MCGUINNESS found himself in a certain position. Er, (Comment: pause) really didn’t manipulate it. Er, he found himself as (Comment: pause) overseeing Derry and first spokesman [...] and, er, I think the one thing that bothers MCGUINNESS is, er the Bloody Sunday thing, that he fired the first shot, which no one knows. And then the (Comment: unfinished as Officer B interrupts).

OFFICER B: You mean that’s on his conscience? (??? find) (Comment: unfinished as INFLICTION interrupts).

INFLICTION: Yeah, because, you know, he talked to me a few times about it, and er (Comment: unfinished as Officer B interrupts).”

¹ [KB3.3-3.5](#)

147.230 According to Officer A, Infliction told him that the conversation with Martin McGuinness had taken place fairly shortly after Bloody Sunday.¹ Infliction told Officer B that Martin McGuinness had spoken to him “*a few times*” about having fired the first shot. We have been provided with additional information concerning the reported conversation between

Martin McGuinness and Infliction and also about Infliction's reliability as a whole. We cannot make these details public because disclosure of them might endanger the life of Infliction.

¹ [KA2.2](#)

147.231 The representatives of Martin McGuinness at one stage appeared to submit that it was possible that Infliction did not in fact provide the information attributed to him by Officer A.¹ It was not suggested by anyone to Officers A or B that either was giving anything other than truthful evidence of the accounts given to them by Infliction. We were later informed that the submission was not intended to make this point; but instead to suggest that Infliction might well have invented the allegation in order to make himself more attractive to his handlers as a high-ranking IRA insider.

¹ [FS12.3](#)

Evidence relating to the reliability of Infliction

Officer A

147.232 Officer A was, at the time that he gave evidence to the Inquiry, a senior member of the Security Service. For six to seven months in 1984 he was the handler of Infliction. He told us:¹

“... for the most part, Infliction's reporting was reliable and, in [the Security Service's] view, honest. However, there were some areas where he was not prepared to provide information and there were a small number of occasions on which, we believe, that he did not tell the truth.”

¹ [Day 326/83](#)

147.233 His evidence was that Infliction gave no information relating to Martin McGuinness that the Security Service ever came to regard as dishonest.¹ On occasions Infliction, when refusing to give information, provided reasons for his refusal that the Security Service regarded as dishonest. None of those occasions was one on which the information sought related to Martin McGuinness.² On the occasions on which Infliction did lie, he did so in order to protect his security.³

¹ [Day 326/84](#)

³ [Day 326/94](#); [Day 326/101](#)

² [Day 326/95](#)

147.234 Officer A also told us:¹

“Infliction produced an enormous amount of information on which he had direct knowledge, either by talking directly to people or by seeing an event or whatever. Now, with that information – on those areas he was very rarely, if ever, mistaken and most of that material, we are confident, was truthful and subsequently much of it was corroborated.”

¹ Day 326/96-97

147.235 Officer A contrasted this type of information with that provided by Infliction in circumstances in which Infliction was less certain of the origin of the material. In the latter instances, the information could be inaccurate. Although in these cases Infliction might have appeared untruthful, for the most part the inaccuracies were simply mistakes.¹

¹ Day 326/97

147.236 Officer A said that there were very few instances in which the Security Service considered that Infliction was embellishing his reporting or seeking to bluff. Officer A could not recall any particular instance in which this had occurred.¹

¹ Day 326/98-99

147.237 According to Officer A, Infliction was paid between £15,000 and £25,000 a year for his work for the Security Service. These sums were at the top end of amounts paid at the time to agents. He was not given payment in return for specific pieces of information but received bonuses when he had worked particularly hard to obtain information in a difficult subject area and when his information over a period had been extremely good. His payment was at the top end of the scale to reflect his level of access to the IRA, the potential of the information and the risks that he ran to obtain information.¹

¹ Day 326/85-87

147.238 Officer A told us that in April 1984 he had been Infliction’s handler for about two months but Infliction had been a Security Service agent for a number of years.¹ Officer A said he was confident that he had had more contact with Infliction than any of his other handlers. He also said that he had shown his written statements to this Inquiry to Infliction’s other case officers and that they did not disagree with any of the contents of those statements.²

¹ Day 326/87-88

² Day 326/89

147.239 According to Officer A, Infliction knew Martin McGuinness quite well and was friendly with him. The Security Service had other information that corroborated Infliction's account of the relationship between the two.¹

¹ Day 326/139

147.240 Officer A said that he could not think of any credible reason for Infliction to lie to him when providing the information about Bloody Sunday. Infliction did not seek and was not given any additional payment for the information. Infliction, as far as Officer A was aware, did not dislike or resent Martin McGuinness. When providing the information, Infliction did not appear uncertain and gave no indication that he might be mistaken about it. Officer A did not know of any reason for which Infliction might bear a grudge against Martin McGuinness.¹

¹ Day 326/137-138; Day 326/140

147.241 The information noted by Officer A was recorded by another officer in an internal Security Service document.¹ That officer, who had detailed knowledge of the case, added an assessment of Infliction's reliability.² Officer A told us that he recalled that he was not available at the time that the report was issued and therefore could not provide the assessment. The assessment appeared in code in the unredacted version of the document. According to Officer A the assessment, decoded, read "*Reliability not fully established*" or "*[reliability] not fully tested*".³ The information in the internal document, slightly amended, was then set out in a Northern Ireland Intelligence Report (NIIR), a document created by the Security Service and sent to, among others, the RUC and Army Headquarters Northern Ireland. In the NIIR, an assessment of Infliction's reliability appeared in plain text as "*reliability not fully assessed*". A desk officer's comment was also added, to the effect that at the time of Bloody Sunday, Martin McGuinness was a senior figure, "*IF NOT OC, OF LONDONDERRY PIRA*", and while there was no "*COLLATERAL*" for the account of what Martin McGuinness had done on Bloody Sunday, there was intelligence that he was actively involved in Provisional IRA attacks shortly after that day.⁴

¹ G109.668

³ Day 327/14

² Day 326/129; Day 327/14

⁴ G109.670-671

147.242 Officer A told us that he thought that the reason that Infliction's reliability was not fully assessed in April 1984, although he had been an agent for a considerable time, was that it had until then proved difficult for the Security Service to obtain corroboration of Infliction's reporting.

147.243 Officer A accepted that there were people within the Security Service who viewed Infliction's reporting with scepticism. He pointed out that very few within the Security Service would have had information about Infliction's identity and the full range of his reporting and been in a position to hold an authoritative view. Others, who did not know Infliction's identity and who might only have received individual reports about particular issues based on information provided by Infliction, might, in the absence of any corroborative intelligence, have regarded him as a "*bullshitter*".¹

¹ Day 326/101-103

Officer B

147.244 Officer B was formerly a senior Security Service officer within the Irish Joint Section (IJS), a unit set up by the Security Service and Secret Intelligence Service to deal with matters relating to terrorism in Northern Ireland. He said that in the latter stages of his IJS work, he came into frequent contact with Infliction. At the time of his debriefing of Infliction in November 1984, he had had contact with Infliction for a matter of months.¹ He told us that his role did not include the assessment of Infliction's reliability or credibility.²

¹ Day 327/20-21

² KB3.2

147.245 Officer B filed a report of his debriefing. In code, he wrote that Infliction's reliability was not fully assessed.¹ This entry has been redacted from the version of the document made available to the parties but Officer B gave evidence of it.² He said that the assessment was made and agreed by a number of people including senior managers and case officers of the IJS and some recipients of the intelligence.³

¹ KA2.15

³ Day 327/34

² Day 327/33-34

147.246 Counsel for some of the families suggested to Officer B that, if Infliction's account were true, then Infliction must have been one of very few people to whom Martin McGuinness had confessed his role on Bloody Sunday. If that were right, then public disclosure of the information might well enable Martin McGuinness to identify Infliction. Counsel suggested that the Security Service published the information because it did not believe the account to be true and therefore did not believe that dissemination would create a risk to Infliction.

147.247 Officer B could not assist, saying that it had not been for him to assess Infliction's reliability and that he had not been involved in the decision to disclose the information to the Inquiry. Subsequently, solicitors for the majority of the families, in a letter to the Inquiry dated 1st May 2003, set out four questions that they wished to have answered in a statement to be provided by a member of the Security Service. The questions were:

"(a) In view of the evidence of Officer B to the effect that the likelihood was that Martin McGuinness had made such an admission either to Infliction only or to a very small number of others (Day 327 page 37 line 5 to page 38 line 2) and the evidence of David Shayler (see Day 327 page 80 lines 6–10) it would seem to follow that the decision to release the documentation which we have would allow Martin McGuinness to identify Infliction with some ease and that the release of the material by the Security Service in fact identified Infliction to Martin McGuinness if such a conversation had taken place?

(b) Is it correct therefore that the Security Service released this material knowing they were identifying Infliction and thereby endangering him?

(c) In the alternative, did the Security Service believe that Martin McGuinness made no such admission at all and therefore the release of the material would not therefore allow Martin McGuinness to identify Infliction?

(d) Was the Security Service's purpose in releasing this material to use the Inquiry to prejudice Martin McGuinness or in the alternative to prejudice the case made by the families by releasing information about events on Bloody Sunday the Security Services [sic] knew to be false?"

147.248 The Inquiry passed the letter to the Security Service, which replied by letter dated 22nd October 2003. This exchange of correspondence was copied to all interested parties on 4th November 2003. The relevant parts of the reply were in the following terms:

“In answer to questions (a) and (b) the Security Service can say:

2. The Security Service does not know how many people would, if the information was true, know that Martin McGuinness fired the first shot that precipitated Bloody Sunday. However, in deciding to allow public release of the redacted INFLICTION documents the Service took into account the likelihood that, if true, Martin McGuinness might well have told others the same information as he told INFLICTION. INFLICTION did not have a uniquely close relationship with Martin McGuinness. The Service considered and considers that it is unlikely that, if INFLICTION's report is true, INFLICTION would have been the only person to whom Martin McGuinness spoke about this matter in the years following Bloody Sunday. Further, if it is true, it is likely that others who were present on the day of Bloody Sunday itself would also be aware of Martin McGuinness' role. For these reasons the Service assesses that, if the report is true, a number of people are likely to know this information, and that with the passage of time Martin McGuinness may not remember exactly who he has told or who he believes might be aware of what he did.

3. The Service does not accept the suggestion in question (b) that, by releasing the INFLICTION material, it was putting INFLICTION at risk for the reasons set out above. The Service had (and still has) an obligation to ensure that INFLICTION's right to life is protected, and would not knowingly have released material publicly that it assessed would place INFLICTION's life at risk. In addition, before deciding to release the material the Service was very conscious of its obligation to provide all relevant information to the Inquiry in as open form as possible and to ensure that material was withheld from public view only when its disclosure would cause 'real damage' to national security or a real risk to life. The Service's understanding of its obligation to provide information to the Inquiry, to do so as openly as possibly, but at the same time protect national security and the right to life of agents was and is as set out in its skeleton argument of November 2000. Put shortly, the Service has treated its obligation to make open disclosure of its material to the Inquiry as analogous to an obligation to make open disclosure to a court of justice. The question for the Service at the outset was whether there was such a risk to INFLICTION's life in disclosing the material openly to the Inquiry as to outweigh that obligation. The Service's assessment was that there was not.

4. Further details of INFLICTION's relationship with Martin McGuinness and the circumstances in which he received this information, and other information relevant to the above questions have been made available to the Tribunal in the Security Service's PII [Public Interest Immunity] applications.

In answer to questions (c) and (d) the Security Service can say:

5. The Tribunal has been provided with a detailed account of the circumstances in which INFLICTION provided reporting on this matter, the arrangements which were made by the Service for recording and storing it, and the Service's view of the reliability of INFLICTION as an agent. The Tribunal is therefore in possession of all relevant material to enable it to make a judgment about the questions raised by Mr. McDonald."

147.249 Having considered the information provided to us, we are satisfied that there is no substance in the allegation that the Security Service provided the information about what Infliction had said, knowing it to be untrue.

David Shayler

147.250 David Shayler is a former employee of the Security Service. He told us that from August 1992 until October 1994 he worked in a branch of the Security Service dealing with threats from Irish terrorists on the mainland.¹

¹ [KS2.1](#)

147.251 David Shayler said that he did not know the identity of Infliction. He never saw Infliction's file and never saw any documents recording any views on the reliability of Infliction.¹

¹ [KS2.4](#); [Day 327/59](#)

147.252 David Shayler told us that his work did not usually bring him into contact with Infliction's reporting.¹ However, he told us that on one occasion in about 1993 he had needed to seek an assessment of the reliability of a piece of intelligence for which Infliction was the source. He could not recall whether this piece of intelligence itself bore a grading for reliability.² He approached a member of T8, the agent-running section, who told him that Infliction was a "*bullshitter*". The member of T8 had gone on to say that Infliction had once been totally believed and regarded as reliable but that on one occasion Infliction's information was contradicted by other intelligence and proved to be inaccurate. David Shayler stated that he could not recall the name of the person in T8 to whom he had spoken.³ He said he did not know whether that person had ever himself run Infliction as

an agent.⁴ He also said that he did not know anything about the information provided by Infliction that later proved inaccurate and, in particular, whether it was information of which Infliction claimed to have had first-hand knowledge.⁵

¹ KS2.2

⁴ Day 327/63; Day 327/67-68

² Day 327/65

⁵ Day 327/63

³ KS2.1

147.253 David Shayler also told us that, after speaking to the T8 officer, he noted in his report that Infliction was being re-assessed.¹ He said that he spoke informally to other colleagues who also gave the opinion that Infliction was a “*bullshitter*”.² He said that he could not remember the names of those to whom he had spoken about Infliction but provided a list of the names of colleagues to whom he spoke most frequently on Irish republican matters. Statements were obtained by the Inquiry from all of these officers, who were given the Inquiry ciphers Officers F–K. None of them could recall describing Infliction as a “*bullshitter*”. David Shayler said that he might not have discussed Infliction with any of these officers, or with Officer E, who was his line manager within the Irish section within which he worked. David Shayler said that any conversation that he had had about Infliction was very limited.³

¹ KS2.2

³ Day 327/70

² Day 327/67

147.254 David Shayler told us that he did not believe that Infliction was a Security Service agent, because the Security Service did not usually use a single-name codeword to describe their agents. We accept the evidence of Officer A that Infliction was indeed a Security Service agent.

Annie Machon

147.255 Annie Machon, who had a relationship with David Shayler, told us that she had heard of Infliction in August 1993 during her induction into a new job within the Security Service. In this job, she dealt with Irish terrorism in all parts of the world other than the United Kingdom. Her predecessor, known as Officer N, showed her a number of reports which were based on information provided by Infliction and which were headed, “*the reliability of this agent is being assessed*”. According to Annie Machon, Officer N said that he thought that everyone in T branch knew that Infliction was a “*bullshitter*”. Annie Machon stated that Officer N also told her that T8 officers were at that time reappraising Infliction’s files to see whether they could reach an assessment of his reliability.¹

¹ KM12.1

147.256 Annie Machon's evidence was that it was unusual for the comment "*the reliability of this agent is being assessed*" to be made in respect of an established agent rather than a new source.¹ She said that her understanding was that this comment had been added in or about 1993 to reports that were substantially older. She said she believed that the comments related to the reappraisal that she understood to be going on at the time.²

¹ KM12.2; Day 327/85

² Day 327/87-88

147.257 Annie Machon told us that she had no personal knowledge of Infliction.¹ She said, though, that Infliction was notorious for his unreliability and for the fact that he was being reassessed.² She said that she never learned the result of any reappraisal of Infliction's reliability.³

¹ KM12.2

³ Day 327/88

² Day 327/92

147.258 Officer N made a written statement to this Inquiry but did not give oral evidence. In his written statement he told us that he did not recall either describing Infliction as a "*bullshitter*" or regarding him as such.¹ He stated that he did not recall having any view of Infliction's reliability. His evidence was that there would have been no point in having the type of reappraisal described by Annie Machon. He was aware, though, that Infliction's reporting was being reviewed in order that it could be checked for leads that might have been missed in the past.

¹ KN1.1

147.259 Officer A was asked whether Annie Machon would have been in a position, in 1993, to form an informed view of the reliability of Infliction. He said that he could not recall whether he had been a member of T branch at that time. He thought it possible that Annie Machon would have had access to some of Infliction's reporting but doubted that she would have known enough to enable her to reach any informed opinion.¹

¹ Day 326/106-107

147.260 Officer A told us that he recalled that there were three categories of annotation that could appear on a report: the first was "*reliable*", the second "*reliability not fully established*" (or "*fully tested*") and the third "*reliability not yet established*" (or "*untested*"). He thought that any report seen by Annie Machon in 1993 would in fact date from a much earlier time. Infliction's reporting was reassessed in the early 1990s in order that the Security Service could check whether there was information of value that had not been fully exploited and on which further work could be done. No new reports based on Infliction's reporting were generated in the 1990s.¹ He said that on completion of the review, anyone

who knew anything about that review and about Infliction would have come to the conclusion that he was, for the most part, a very reliable agent.² In the course of his oral evidence he said this:³

“... the people who were in the service who were knowledgeable about the entirety of Infliction’s reporting and were up-to-date with the review that I have strived to mention yesterday, would have come to the view that Infliction’s reporting was, with the benefit of hindsight, reliable. There were still, I accept, a number of people in the service who either, because they had not been involved in the Infliction case for some time, or who only knew a little about the Infliction case, might have still considered or might have considered that his information was unreliable; I accept that.”

¹ Day 326/107-109

³ Day 327/5

² Day 326/112

Officers E–K

147.261 Officers E, F and G gave oral evidence. Officer E was David Shayler’s line manager while he was working in T2, the Security Service section dealing with Irish terrorism on the mainland. She worked in T2 from about April 1992 to October or November 1994.¹ She told us she recalled hearing comments made by others that Infliction’s reporting was considered to be of mixed reliability. She was never herself in a position to assess the reliability of Infliction’s reporting.² She did not regard Infliction as being generally notorious within T branch for his unreliability and recalled him being mentioned on very few occasions.³

¹ Day 328/3-4

³ Day 328/23-24

² Day 328/5

147.262 Officer F told us he recalled seeing one or two reports that were based on information supplied by Infliction. He thought that the information appeared consistent with information provided by other sources. He did not himself assess any intelligence provided by Infliction and was not in a position to have a view on Infliction’s reliability.¹ He did not recall Infliction being notorious within T branch for his unreliability and did not recall hearing anyone express a view on Infliction’s reliability.²

¹ Day 328/38-41

² Day 328/42

147.263 Officer G worked in T branch from 1990 to 1997 or 1998. He said that in the course of his work he saw fewer than ten intelligence reports based on information supplied by Infliction. He recalled seeing one report from Infliction, the accuracy of which was

subsequently verified.¹ Officer G did not recall Infliction being notoriously unreliable and thought that he would have known about such notoriety, had it existed.² He did not himself ever assess Infliction's reliability and was unsure, when attempting to recall details of Infliction's reported reliability, whether he was thinking of Infliction or of another agent.³

¹ [Day 328/54-55](#); [KG1.2](#)

³ [KG1.2](#); [Day 328/66-67](#)

² [Day 328/60](#)

147.264 Officers H, I, J and K gave written statements to this Inquiry. They told us that they could not express any opinion on the accuracy of Infliction's reporting and could not recall discussing Infliction with David Shayler.¹

¹ [KH1.1](#); [KI1.1](#); [KJ1.1](#); [KK1.1](#)

147.265 Our assessment of the evidence of David Shayler and Annie Machon is that in truth they knew little about Infliction and the information that he had supplied. We consider that their evidence does not undermine that of the officers to whom we have referred. We accept the evidence of the latter, which is to the effect that Infliction was regarded as generally reliable both at the time when he gave the information relating to Martin McGuinness under discussion, and at the later stage when Infliction's information generally was being reviewed; though there were some, who had less complete knowledge about Infliction's reporting, who took a different view.

Martin Ingram

147.266 Martin Ingram was a former member of the Army Intelligence Corps who worked in Northern Ireland in the 1980s. The representatives of Martin McGuinness made the following submission in reliance on the evidence that Martin Ingram gave to this Inquiry:¹

"2.19 ... [Martin Ingram] saw no Intelligence report which suggested Martin McGuinness was doing anything on Bloody Sunday which was in any way inconsistent with his evidence to this Inquiry. Indeed, Mr Ingram goes further than that as the material to which he had access disclosed that Martin McGuinness was being closely observed on Bloody Sunday,² yet no such material has been forthcoming to the Inquiry."

¹ [FS12.5-6](#)

² [KI2.41](#) paragraph 7

147.267 Martin Ingram's evidence was that he saw surveillance reports that indicated the whereabouts of Martin McGuinness from time to time on Bloody Sunday. However, Martin Ingram said that he could not remember the locations at which the reports placed Martin McGuinness.¹ In his first written statement to this Inquiry,² he told us that he saw these reports while working for the Force Research Unit (FRU), which was a military intelligence unit working in Northern Ireland. In his oral evidence he said that he saw them during his first posting at Headquarters Northern Ireland (HQNI).³ He then went on to say that he saw sighting reports from specialist surveillance units while he was at HQNI and from regular Army units while he was at FRU.⁴ The latter explanation was not consistent with the evidence that he had given in his third written statement to the Inquiry.⁵ Martin Ingram blamed confusion in the statement-taking process for the inconsistency.⁶ Later he said that he did not know whether there was a specialist surveillance unit present on Bloody Sunday but that he had assumed so having seen documents relating to surveillance.⁷ He also said that he did not know whether the local regular Army units had been responsible for surveillance but had assumed that this was so.⁸

¹ Day 329/35-36

² KI2.4

³ Day 329/78

⁴ Day 329/79

⁵ KI2.41

⁶ Day 329/82

⁷ Day 329/127

⁸ Day 329/145

147.268 We do not accept Martin Ingram's evidence of surveillance reports on Martin McGuinness's whereabouts on Bloody Sunday. Had there been such reports, we consider that we would have found them during the antecedents exercise, but we did not do so.

147.269 The representatives of Martin McGuinness also made the following submission:¹

"2.20 Insofar as the 'Infliction' material is concerned, Mr Ingram knew nothing of it until it came to public attention during the course of this Inquiry. In fact, he did not know of the existence of 'Infliction' at all despite the fact that he did two tours of duty in Northern Ireland between 1981–1984 and again, in Enniskillen between 1987 and 1990.² According to Officer A however the 'Infliction' reference to Martin McGuinness was disseminated throughout the security services, including the RUC by May of 1984,³ several months before Martin Ingram left the Derry Republican desk.⁴

2.21 One would have thought that intelligence of this nature on a very significant Republican figure would have attracted much more attention, if believed. The fact that an Intelligence Officer working specifically on Derry Republicanism with such high level access to all available material could find not a single reference implicating Martin McGuinness in respect of Bloody Sunday must weigh heavily with this Tribunal when assessing the weight to be attached to the ‘Infliction’ material, such as it is.”

¹ FS12.6

³ KA 2.2 paragraph 14

² KI 2.6 paragraph 12

⁴ KI 2.6 paragraph 12

147.270 It is the case that Martin Ingram claimed that he had access to all documents while he was working at HQNI.¹ However, he was at that time only a Lance Corporal.² The evidence of Officer A, which we accept, was that circulation within the Army of the NIIR relating to Infliction would have been restricted to a very small number of officers responsible for Army intelligence.³ We are of the view that Martin Ingram to a substantial degree exaggerated the importance of his role at HQNI and his level of knowledge and access to intelligence. We consider that his evidence does not undermine that of Officer A. Martin Ingram was too junior to be entrusted with the information.

¹ Day 329/11-12

³ Day 326/132

² KI2.43

147.271 The same representatives submitted that “*the evidence would suggest [that the allegation made by Infliction] was viewed with scepticism at the time*”.¹ The bases for this submission appear to be that Officers A and B did not press Infliction for further information on the topic, that the RUC seems to have taken no action on receipt of the intelligence and that the information provided by Infliction was not disseminated to Army intelligence soldiers at Martin Ingram’s level. However, Officers A and B did not suggest in their evidence that they had treated the information with scepticism. Officer A, when asked whether he had thought when given the information that it was nonsense, replied, “*I did not dismiss it as nonsense at all*”.² Officer B said that it would have been inappropriate for him, as a case officer, to make judgements about the information that he was given; his task was simply to record and disseminate it.³ The Inquiry has no evidence at all from the RUC as to the action, if any, that its officers took on receipt of the information; nor was any suggestion made as to what action the RUC might have taken.

¹ FS12.6

³ Day 327/55

² Day 326/146

147.272 These representatives at one stage also submitted that the Security Service made a successful application to prevent disclosure of the grading of the Infliction material and that the withholding of the grading has handicapped those trying to assess the value of the material.¹ This submission is factually inaccurate and based on an incorrect assertion made by Officer A in his third written statement to the Inquiry to the effect that the grading had been redacted.² Although the Security Service did initially apply for the grading to be redacted, the grading was later unredacted by consent. The grading is in the form of the words “*RELIABILITY NOT FULLY ASSESSED*”.³ Officer A explained in his second written statement that at the time of the creation of the Infliction report, agent handlers were required to provide an assessment of the source’s reliability and access. Desk officers were not required to grade reports but were encouraged to add comments to them.⁴ As noted above, Officer A gave details of the categories of reliability that could be noted on a report at that time.⁵ The submission was in the end abandoned.

¹ FS12.6

⁴ KA2.22

² KA2.25

⁵ Day 326/108; Day 326/115

³ KA2.12

147.273 We are sure that Infliction did tell Officer A that Martin McGuinness had told him that he had fired a shot from a Thompson sub-machine gun on single shot from the Rossville Flats which had precipitated the Bloody Sunday “*episode*”, and that he repeated much of this information to Officer B.

147.274 There is evidence, which we consider below, that Martin McGuinness was in possession of and fired a Thompson sub-machine gun on Bloody Sunday. Apart from Infliction, we have found no other evidence positively identifying Martin McGuinness as someone who fired from the Rossville Flats (or indeed its immediate area) at any stage during that day.

147.275 We return below to consider what weight we should give to the information provided by Infliction.

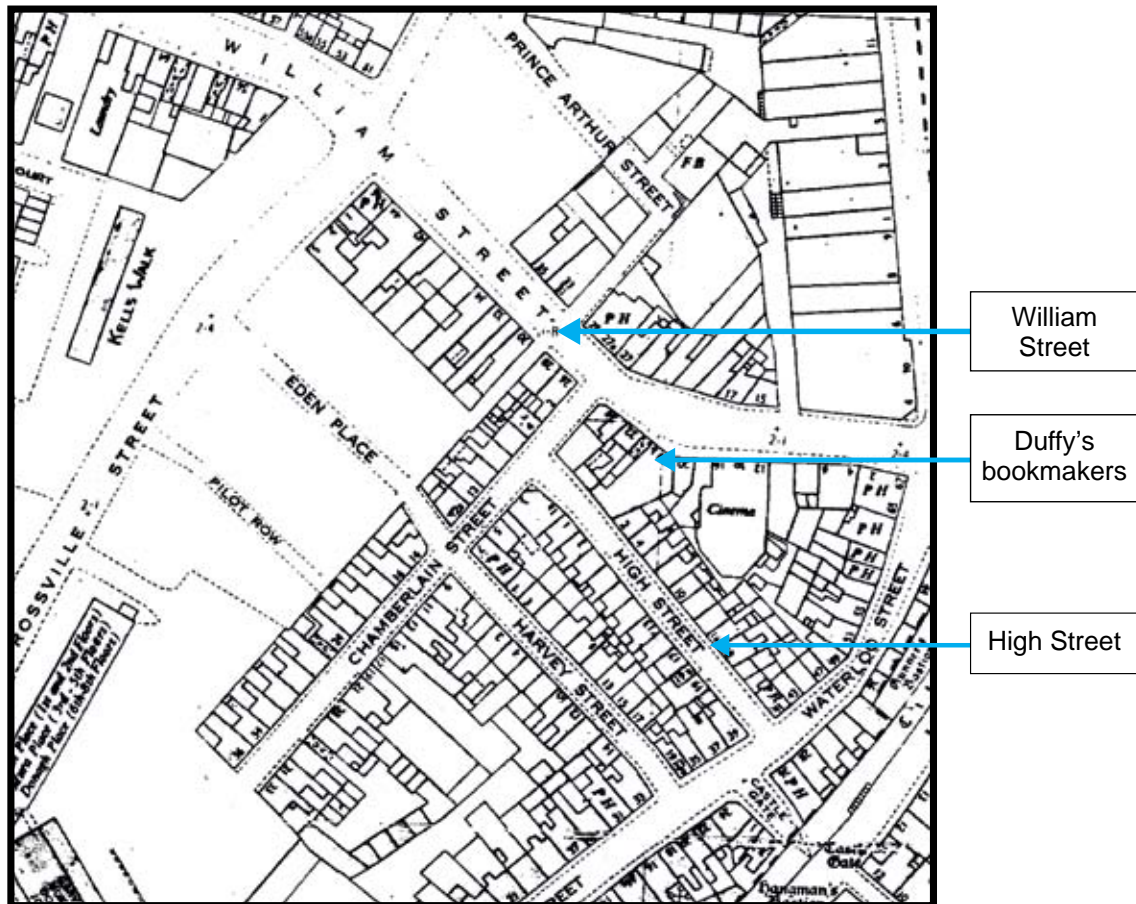
Martin McGuinness and Duffy's bookmakers

147.276 Duffy's bookmakers was a betting shop on the southern side of William Street and close to the position of Barrier 14, as can be seen in the following photograph.



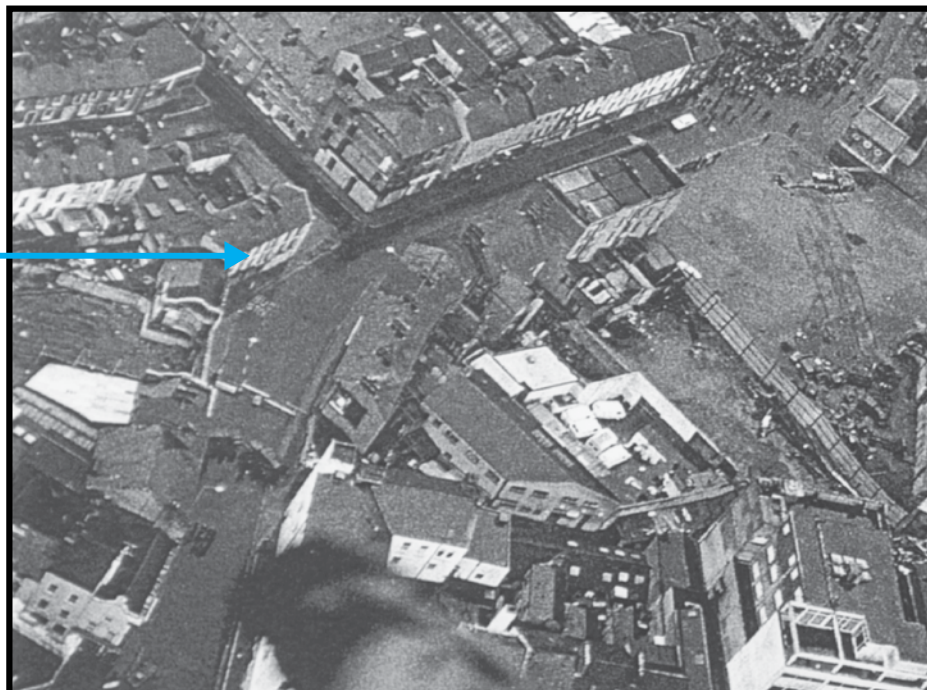
147.277 As can be seen from the photograph the upper floors of the building were boarded up.

147.278 There was an entrance through which Duffy's bookmakers could be accessed on High Street, which ran roughly parallel with William Street as shown on the following map.



- 147.279** The betting shop itself does not seem to have extended from William Street to High Street. An aerial photograph (shown below) indicates that there was some kind of covering in this area, but the exact nature of this structure is not obvious. Similarly the exact position of the High Street entrance is not apparent from any maps or photographs available to the Inquiry.

Duffy's
bookmakers



147.280 The first edition of Liam Clarke's and Kathryn Johnston's book *Martin McGuinness: From Guns to Government* contains the allegation that Martin McGuinness and others broke into Duffy's bookmakers with the intention of planting a bomb that would, when detonated, kill or maim soldiers manning Barrier 14. This book contains the further allegation that Martin McGuinness, when fleeing without planting the bomb, fired one shot from a Thompson sub-machine gun into a door of the bookmakers' shop:

"Around 3.45pm, Daly warned Patrick 'Barman' Duffy, one of the civil rights stewards, that he had seen some young people behaving suspiciously at the back of some nearby shops. One of them was Martin McGuinness.

McGuinness and his fellow IRA men looked like all the other young rioters as they mingled with the crowd on Chamberlain Street. As the firing intensified, they began to kick in the door of Duffy's Bookmakers. One of the youths who helped McGuinness was Des Clinton, an IRA sympathiser although never a member. 'The army barrier was across the road, just where the old picture house used to be, and the crowd was not that many yards away. I went round the back of the bookies, the High Street entrance, and I put the back door in, me and another fella. Then McGuinness and the rest of us went into the bookies.' Clinton had been on the civil rights march since the start, where he had met up with another friend who was in the IRA, who told him that weapons were on their way down to the city centre. As he looked around the bookies, Clinton believes he knew what McGuinness planned to do. 'It was an ideal place for a bomb.

The window upstairs looked on to William Street and we were actually looking down on the soldiers, they were only a few yards from us. You could do a lot of damage to the troops, but the crowd would have been safe because there was a gap between them and the soldiers. You could have blown every one of them up and still have got away. Then McGuinness got word that the army was coming in – I think from a walkie-talkie – and there was no time to put a bomb there. We all ran out the back.’ Just before McGuinness and the others escaped from the back of the bookies, a shot was heard. One person who was there alleges that, just before McGuinness left, and as he heard that the soldiers were coming, McGuinness had fired a shot from the Thompson at the door.”

- 147.281** In the preface to the paperback edition of the book, the authors claimed to have received, following publication of the first edition, further (second- and third-hand) information about the incident:

“In a new account we have been given, it is alleged that McGuinness left explosives in the bookies the night before Bloody Sunday. The sources of this information go on to say that McGuinness actually had a key to the bookies, and that the door was only kicked down on the afternoon of Bloody Sunday to disguise this fact.

Another account says that, after fleeing from the bookies, McGuinness was briefly trapped in a house in High Street, until a car arrived to take him back to the Bogside Inn, where he changed his clothes before meeting with other IRA volunteers in the safe house.

Another eyewitness claims that he saw Gerard Donaghy outside the bookies, where rioters wanted to throw nail bombs over the roof onto the army barricade. Because of the shortage of nail bombs after McGuinness had issued orders for their recall, at least one person argued with Donaghy, trying to get the nail bombs off him to throw himself.”

- 147.282** The sources for the information contained in the first of these two passages quoted above appear to be Des Clinton, the pseudonym of an IRA sympathiser who spoke to the authors, and another person who was present in the bookmakers, though it is not clear whether this latter individual actually spoke to the authors.

147.283 As to the information in the preface to the paperback edition, we do not know the sources to whom the authors refer. The authors do not make clear in the book the sources for some of the information that is not expressly attributed to any of the above sources. The evidence of Kathryn Johnston made it apparent to us that much of the information in the book should be interpreted and regarded with caution.

147.284 As to the passage about Daly (meaning Fr Edward Daly) warning Patrick “Barman” Duffy that youths (including Martin McGuinness) were behaving suspiciously at the back of shops, Kathryn Johnston accepted in her oral evidence to this Inquiry that she had not asked Fr Daly whether he had seen Martin McGuinness.¹ In his written statement to this Inquiry, Fr Daly told us that while he was in Rossville Street, between its junctions with Eden Place and Pilot Row, he saw some young people behaving rather suspiciously “*at the rear of some shops in William Street adjacent to the waste ground*”.² He gave a similar account to the *Sunday Times*³ and told the Widgery Inquiry that he was in the Kells Walk area when he saw the youths.⁴

¹ [Day 387/104](#)

³ [H5.9](#)

² [H5.2](#)

⁴ [H5.27](#)

147.285 This evidence to our minds is to the effect that the youths whom Fr Daly saw were on the Eden Place waste ground, not in High Street. He did not mention having seen Martin McGuinness among the youths.

147.286 As to the passage about a shot as Martin McGuinness and others escaped from the back of the bookies, Kathryn Johnston told us that she had taken the information of a shot being fired from newspaper reports or books about Bloody Sunday. She would not identify the person who had told her about Martin McGuinness firing. She added that, after publication, a new source had told her that Martin McGuinness had fired this shot into a steel door, believing that soldiers were trying to enter through the door.¹

¹ [Day 387/29-30](#)

147.287 Liam Clarke and Kathryn Johnston supplied to the Inquiry two pages of typed-up notes of an interview with Des Clinton.¹ The text of the typed-up notes, parts of which were redacted, is set out below:

“DES CLINTON

[...]

The bookies shop was shut.

[...]

Where the army checkpoint was, the Paras had a checkpoint there in William Street, there used to be an old cinema there and there was a bookies shop. There was two entrances to it, you could come in from the top part of High Street and you could come in from William Street.

That was in Chamberlain Street.

There was two entrances in, there was one from the back and one from the front, where the Paras had their check point, they put barbed wire across.

The minute we came out of the back of the bookies, Paddy Doherty was shot.

We were coming out of the back part because Martin got word, he must have had a walkie talkie, because he said the army's going to come in. We came out the back part of the bookies. Paddy Doherty was shot dead. He said to me, [...] watch yourself because you were nearly shot in [...] the other night [...]. His last words to me were watch yourself, [...], and then he was one of the first people shot.

The army had a place out the old city Derry [sic]² [...]. There was a lot of people there, things were serious then, there were thousands there. At the finish there were bombs thrown, we had been caught in a riot, I was crawling along the middle of the road. The army were returning fire and I had this fear that I was going to get shot in the soles of my feet.

[...]

Martin McGuinness was a goalkeeper, he played in nets at that time. He wasn't a bad keeper.

I saw a man with a rifle at the back of the Bogside Inn.

I was running beside young Duddy when he got shot, shot at the back of the flats. I just kept on running and when I looked up from behind the wee wall, the bullets were still flying around. It happened in minutes. Where Martin McGuinness went I don't know.

[...]

Then me and another friend, who was in the IRA, went down and we ended up outside the Bogside Inn. There was a boy there with a rifle, I think it was an old 303. The fella who was in the IRA, Pat Harkin, he died suddenly, started shouting at him, 'what the fuck are you doing with that'. I don't think the 303 had been fired. This was after the Para shooting.

[...]

The army barrier was across the road, just where the old picture house used to be, the thingummy there across the road and the crowd was not that many yards away from there. I went round the back of the bookies and I put the back door in, me and another fella. Then [...] and McGuinness went in to the bookies. What was going to happen was that they were going to put a bomb in the bookies, because it would have fucking blew every one of those soldiers up. You could actually see them from the bookies. It was only from here to that fence. It was an ideal place for a bomb. The window upstairs looked on to William Street and we were actually looking down on the soldiers, they were only a few yards from us. You could [do] a lot of damage to the troops, but the crowd would have been safe because there was a gap between them and the soldiers. You could have blown every one of them up and still got away. [...] That's just the way things happened that day.

Then McGuinness got word that the army was coming in and there was no time to put a bomb there.

Then I think he must have had a walkie talkie. He said the army's going to come in. [...] then Paddy Doherty was shot and then he said [...]. We all ran out the back ... We ran over to the ?, started to run over to Rossville Street, to the back of the flats, and then young Duddy was shot beside me, I jumped behind the wall and then they shot Michael Bridge. That all happened within minutes. Where Martin McGuinness went, I don't know, because he couldn't have went anywhere. If they had wanted to shoot him, they could have shot him, because he must have been visible, same as me."

¹ [M112.20-21](#)

² This may be a mistake for "Dairy", more commonly known as the Mex Garage, where there was an Army post. We discuss the firing at this Army post in [Chapter 151](#).

147.288 Taking the note as a true record of what Des Clinton told the authors, it contains obvious and significant inaccuracies. Paddy (Patrick) Doherty was shot in Sector 5. He was killed on the southern side of the Rossville Flats, one of the last of the casualties on the day, as we describe in detail elsewhere in this report.¹ This occurred some minutes after paratroopers had come into the Bogside and after Jackie Duddy (the first casualty) had been shot in the car park on the northern side of the Rossville Flats. Thus Patrick Doherty could not have been shot before or as Des Clinton came out of Duffy's bookmakers, if he and the others left because word had reached them that the Army was coming in; or indeed anywhere in that area. Nor was Jackie Duddy shot after Patrick Doherty. Furthermore, as will be seen from our consideration of the situation at Barrier 14 before the soldiers went in, the crowd was for most of the time close up against the barrier; and until just before the soldiers went in people were within stone-throwing range, so any bomb in Duffy's bookmakers would have been very likely to have injured civilians.

¹ [Paragraphs 118.116–204](#)

Other evidence relating to Duffy's bookmakers

147.289 Anthony Fry, a BBC radio journalist, was in the city on Bloody Sunday. He made a written statement for the Widgery Inquiry in which he recorded that he had run into Chamberlain Street after the water cannon had been deployed at Barrier 14. He told the Widgery Inquiry that while in Chamberlain Street he had seen a group of youths breaking down the door of a building in High Street. According to him, this incident had occurred before the soldiers came into the Bogside.¹

¹ [M27.1](#)

147.290 John Carlin told us that he saw five or six young men trying to break down the door of a property on the corner of Chamberlain Street and High Street while others tried to stop them. The door led to the back of the bookmakers in William Street. He said he did not recognise the men trying to break in nor the others who were arguing with them.¹

¹ [Day 91/174; AC35.2](#)

147.291 Two witnesses who gave evidence to this Inquiry, Donal Deeney and Francis Duddy, claimed to have broken into the back of the bookmakers.

147.292 Donal Deeney said that he was on the march with a friend, Sean McCallion. He did not refer to Sean McCallion having been with him at the bookmakers but did say that he was with him both before and after the incident. Sean McCallion told us that he did not break into any premises that day.¹

¹ [Day 147/171-172](#)

147.293 In his first written statement to this Inquiry, Donal Deeney told us that he and another man had broken into the bookmakers and gone to the first or second floor overlooking William Street, intending to “*suss out the place for future reference*”. He stated that he and his companion were not going to do anything because they were “*not tooled up*”. His evidence was that after spending a minute or two in the bookmakers he then rejoined the rioters in William Street and remained there for about five minutes before hearing shouts that the Army were going to come in.¹

¹ [AD26.2](#)

147.294 In his second written statement to this Inquiry, Donal Deeney told us that he recalled that he and several others had broken into the bookmakers.¹ In his oral evidence he said that he had joined a group of those who were already breaking down the door of the bookmakers.² He said that he did not remember seeing Francis Duddy there;³ and that he had been in the bookmakers for only about five minutes before the Army moved into the Bogside.⁴ Donal Deeney said that he was “*Positive*” that no-one present had had a weapon, adding that it would not have been advisable for anyone to do anything in the bookmakers.⁵

¹ [AD26.10](#)

⁴ [Day 86/163](#)

² [Day 86/12](#)

⁵ [Day 86/135](#)

³ [Day 86/18](#)

147.295 Francis Duddy said to this Inquiry that he had been a hard-line rioter and one of a group of three to five youths who decided to try to get behind the soldiers in William Street and throw missiles at them.¹ He told us that the group went in through the back entrance of Duffy’s bookmakers in High Street and reached a first floor room overlooking William Street. The windows were boarded up but they could look through slits into the street.²

¹ [Day 89/36-38](#)

² [AD144.2](#)

147.296 In his oral evidence to this Inquiry, Francis Duddy said that his recollection was that the group did not break in but entered through an open door. According to him, he and his companions had only been in the building for one or two minutes when they saw the

barrier being moved and “*Saracens*” going through it. They then decided to get out of the building. His said that his recollection was that the soldiers had reached Chamberlain Street by the time he had left the building.¹

¹ [Day 89/53](#)

147.297 In his written statement to this Inquiry, Francis Duddy named four people who, he told us, were with him when he went into the bookmakers. When he gave oral evidence he said that he could no longer recall the names of those present. He did say that Martin McGuinness was definitely not among the group and that he did not see Martin McGuinness in the area.¹ He said he thought, but was not sure, that Donal Deeney had been among the group.²

¹ [Day 89/105](#)

² [Day 89/107](#)

147.298 Francis Duddy’s recollection of the events of the day appeared confused. His oral evidence was inconsistent in several respects with that contained in his written statement. However, he was firm in his denial that Martin McGuinness was present in the bookmakers. If he is correct in this and in saying that he left the bookmakers as the soldiers went through Barrier 14, then it seems unlikely that Martin McGuinness could have been in the bookmakers at the time and in the circumstances alleged by the authors of *Martin McGuinness: From Guns to Government*.

147.299 Martin McGuinness described the allegation that he was involved in any incident in Duddy’s bookmakers on Bloody Sunday as entirely untrue.¹

¹ [Day 390/138](#)

The *Sunday Times* material

147.300 We have referred earlier in this chapter to the note made by John Barry of the *Sunday Times* Insight Team of an interview he conducted with Ivan Cooper after the publication of the Insight article in the *Sunday Times* in April 1972.¹ According to the note, Ivan Cooper told John Barry that on Bloody Sunday Martin McGuinness, George McEvoy and PIRA 17 were in a house in William Street, near Chamberlain Street, and were planning to fire through the doorway at the soldiers who were occupying some of the houses on the other side of William Street. The soldiers moved in and the three, on George McEvoy’s instructions, dismantled their Thompson sub-machine guns, put them up their jerseys and ran out. George McEvoy was also armed with a pistol.

¹ [KC12.68](#)

147.301 Although John Barry did not recall the interview, he said that he had a vivid recollection of the story about the planned ambush in William Street.¹

¹ [Day 193/105-106](#)

147.302 When typing up these notes, he added a comment, “*I’m highly dubious of that whole story. It reeks of ‘minimum approach’ to me.*” Unfortunately, when he gave evidence he could no longer recall why he was dubious about the story or the meaning of the words “*minimum approach*”.¹

¹ [Day 193/126](#)

147.303 Ivan Cooper is recorded later in the note as having said that he was approached after the shooting had started by a hysterical man who told him that four Provos were trapped in High Street.¹ The notes also indicate that it was George McEvoy who told Ivan Cooper of the incident in William Street.² Ivan Cooper is recorded as having said that George McEvoy was the Intelligence Officer of the Provisional IRA.³

¹ [KC12.70](#)

³ [KC12.68](#)

² [KC12.70](#)

147.304 As we have noted earlier in this chapter, we do not accept Ivan Cooper’s denial that he provided the information in the notes and that he had never been interviewed by the Insight Team.¹ We have also rejected his suggestion that British intelligence agencies had had a role in the creation of the notes.² He described the account of the incident in the house in William Street as a “*total and utter fabrication*”.³

¹ [Day 419/76-77](#)

³ [Day 419/110](#)

² [KC12.30](#)

147.305 We have concluded earlier in this chapter that it would be unwise to place any reliance on what Ivan Cooper told us, in the absence of supporting evidence. We take the same view of what he told John Barry, though with regard to Martin McGuinness there is some other evidence that Martin McGuinness was in the area described and in possession of a Thompson sub-machine gun.

Evidence of others concerning the *Sunday Times* material

147.306 In his written statement to this Inquiry, George McEvoy denied any involvement in the Provisional IRA or in any incident in William Street. He told us that Ivan Cooper was a “*fantastic liar*” who had fabricated the account given to the *Sunday Times*.¹ He stated that he had had business dealings with Ivan Cooper up to February 1971, but denied having any such links with him or being a close friend of his at the time of Bloody Sunday.²

¹ [AM208.1; AM208.5](#)

² [AM208.2](#)

147.307 We were unable to call George McEvoy to give oral evidence.

147.308 There is, however, other evidence of a link between George McEvoy and Ivan Cooper. In a redacted version of an RUC document, dated 21st June 1972, it is recorded that the two were at some time partners in a quarry business. In his oral evidence to this Inquiry, Ivan Cooper denied this.¹ However, in his third written statement to this Inquiry, he told us that he and George McEvoy knew each other well and had a much closer relationship in the early 1970s than that described by the latter.² In these circumstances we are doubtful of the reliability of George McEvoy’s evidence.

¹ [Day 419/153](#)

² [KC12.98](#)

147.309 PIRA 17 denied that he had been in a house in William Street with Martin McGuinness. He also said that George McEvoy was not a member of the Provisional IRA.¹ PIRA 17’s evidence was that neither he nor Martin McGuinness nor any other member of the Command Staff was armed on Bloody Sunday; and that it would not have been possible for Martin McGuinness to obtain a weapon or explosives without his knowledge.²

¹ [Day 404/49-52](#)

² [APIRA17.11](#)

147.310 Counsel acting for the majority of represented soldiers suggested to PIRA 17 that he, like Martin McGuinness, could not account for the time between when he was present during the rioting and when he was running down Chamberlain Street after it had become obvious that something serious had happened.¹

¹ [Day 404/113](#)

147.311 If that suggestion were correct, then it might lend support to the allegation that Martin McGuinness and PIRA 17 were in the bookmakers or another building in William Street during the “missing” time. However, PIRA 17’s account does not provide clear evidence of any such “missing” time. According to PIRA 17, he arrived at Barrier 14 at a time when there was a sizeable crowd present. He said that he moved back towards the Rossville

Street junction and, while he was in this area, heard a rumour that two people had been shot. He walked back along William Street towards Chamberlain Street. He could not recall the water cannon being used, “*although I was aware that it was there*”. He said that he left the riot when it appeared to be scaling down and encouraged others to head towards Free Derry Corner. He walked down Chamberlain Street and, as he did so, someone ran past saying that “*they*” were coming in. As he ran down Chamberlain Street, he heard SLR fire. He could not give estimates for the length of time for which he had been at Barrier 14.¹ In our view this evidence does not reveal any missing period for which PIRA 17 failed to account.

¹ [APIRA17.4](#); [Day 404/27](#); [Day 404/112-113](#)

Intelligence material

- 147.312** There is a record of an interview conducted by the RUC in the early 1970s. The name of the interviewee, the date of the interview and some names have been redacted from the version made available to the parties but we have seen the unredacted document. The redacted part included the following:

“I was at the March on Bloody Sunday. I was in Chamberlain St just before the shooting started I saw PIRA 8 [...] Mad Dog Doherty [...] in Chamberlain Street near the junction with William St.

I saw Martin McGuinness had a Thompson S.M.G. under his coat. I don’t know if any of the others were armed or not as I didn’t notice any guns. Neither do I know if McGuinness fired the Thompson or not. I didn’t see him firing.”

- 147.313** It is not entirely clear from this record whether the interviewee was suggesting that he had seen Gerard “Mad Dog” Doherty and PIRA 8 in the company of Martin McGuinness or separately, though read as a whole the record seems to us to indicate that the interviewee was saying that he saw Martin McGuinness in Chamberlain Street before the Army started shooting.
- 147.314** Gerard “Mad Dog” Doherty admitted to this Inquiry being in this area but said that he did not see Martin McGuinness while he was there, or at all during the course of the day.¹

¹ [Day 400/87](#)

147.315 PIRA 8 denied being in Chamberlain Street at any time on Bloody Sunday and told us he thought that he had not seen Gerard “Mad Dog” Doherty that afternoon.¹ He said he did not recall seeing Martin McGuinness that day other than at the end of the afternoon in Stanley’s Walk.²

¹ [Day 418/54](#)

² [Day 418/55](#)

Other evidence

147.316 Kathryn Johnston said that another source, given the pseudonym Peter Doherty (who was not present on Bloody Sunday), had said that Martin McGuinness had secretly planned to attack the Army. Peter Doherty did not, when speaking to the authors, refer to the nail bomb attack that Patrick Ward said was planned.¹ We deal elsewhere in this report with Patrick Ward’s evidence about a planned nail bomb attack and other matters.

¹ [Day 387/78](#)

147.317 William Breslin, when interviewed by Liam Clarke, said that Martin McGuinness was at the front of the crowd at Free Derry Corner when the shooting began.¹

¹ [M112.78](#)

147.318 William Breslin told this Inquiry that he saw Martin McGuinness between Joseph Place and Rossville Street about half an hour before the Army came in. Martin McGuinness said to this Inquiry that he had no recollection of seeing William Breslin.¹

¹ [Day 390/99](#)

147.319 William Breslin also said that Martin McGuinness called on him to come and confirm that there were no guns in Martin McGuinness’s car. He told us that they and others went to a car park behind the Bogside Inn where Martin McGuinness let him see that there were no guns in his car.¹ Martin McGuinness said that William Breslin’s recollection was “*mistaken*”.²

¹ [AB112.11](#)

² [Day 390/98](#)

147.320 Nell McCafferty gave evidence to this Inquiry of Martin McGuinness being called to rebuke some boys who were carrying guns. Martin McGuinness said that this was an example of a witness making a genuine mistake.¹

¹ [Day 390/100](#)

- 147.321** In her written statement to this Inquiry,¹ Sheila McLoughlin told us that she was at Free Derry Corner when the shooting started and made her way down Lecky Road, which runs southwards from Free Derry Corner. She told us she sheltered there until, she thought, the shooting had subsided. Her statement continued:

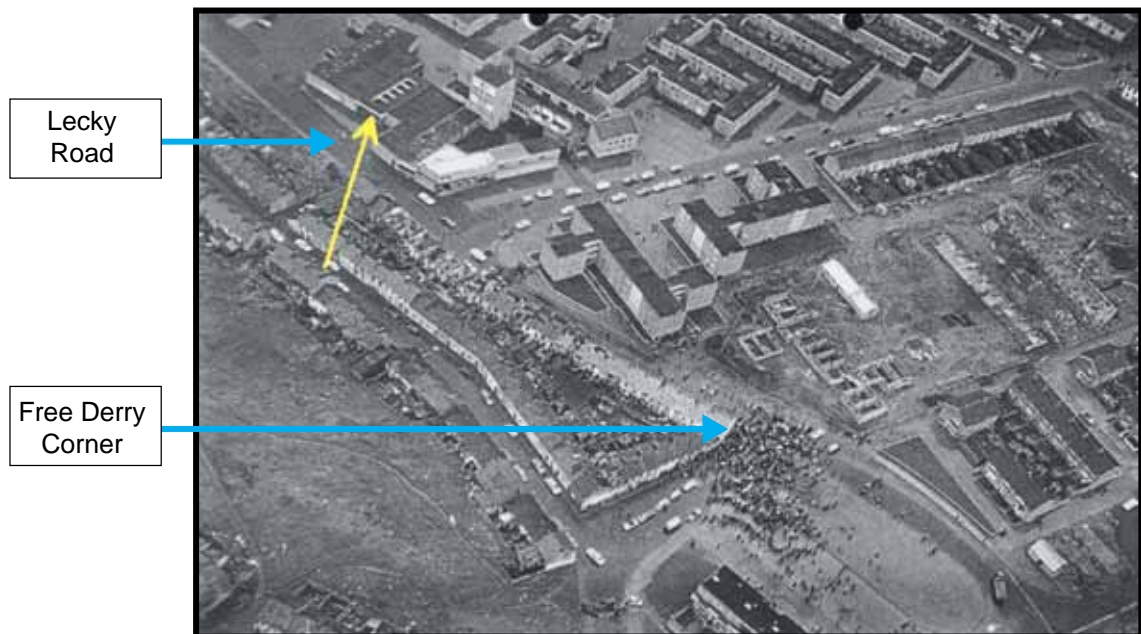
“The next thing I remember as we made our way down the Lecky Road is seeing Martin McGuinness and a couple of other men I did not know coming towards us from a little walkway which ran between the shopping precinct in Meenan Park and the Lecky Road. I do not think they were running, but they were certainly walking quite quickly and they were moving towards where we had come from. It was apparent from their faces that they [were] wondering what on earth was happening and I think one of them must have shouted ‘what’s happening?’ I distinctly remember shouting ‘so much for your protection then, they are killing people down there’. I knew by that time that the army was killing people – you didn’t need to see it to know what was happening. I have always assumed since that moment that Martin McGuinness and his friends must not have been on the march that day.”

¹ [AI.1.10](#)

- 147.322** In her oral evidence to this Inquiry, Sheila McLoughlin (now Sheila Ingram) said that she was still aware of gunfire when she saw Martin McGuinness.¹ She told us that she was not aware of Martin McGuinness or the men with him carrying weapons. In the course of her oral evidence Sheila McLoughlin marked a photograph with a yellow arrow (shown below) to indicate from where Martin McGuinness had come.²

¹ [Day 417/78](#)

² [Day 417/86](#); [AI1.12](#)



147.323 For clarification we have added an arrow to show Lecky Road and Free Derry Corner.

147.324 The representatives of the majority of represented soldiers submitted that Sheila McLoughlin's evidence of seeing Martin McGuinness in the area of Meenan Park while the shooting was continuing is inconsistent with Martin McGuinness's own account of his movements.

147.325 Martin McGuinness said that as the shooting continued, he moved back to the Free Derry wall and across to Lisfannon Park and then Abbey Park.¹ He said he assumed that the firing was coming from William Street because he knew that there were soldiers there. He told us he thought it possible that a group of soldiers had been attacked by rioters, having become separated from the other troops.²

¹ Day 390/89

² Day 390/88-89; KM3.10

147.326 Martin McGuinness gave the following account of his movements:¹

"Q. Presumably when it was apparent that the shooting was continuing, you moved away from where you were at Joseph Place; is that right?

A. I moved back to Free Derry wall and across the street to Lisfannon Park and across then to I think it was Abbey Park.

Q. Am I right in thinking that as you did that, as you moved across in a westerly direction from Joseph Place to the opposite side of Rossville Street, that you would have caught no more than a glance of whatever it was that was happening up at the other end of Rossville Street?

A. Well, at that stage there was just total and absolute confusion, I did not know what was happening, like many of the people around me.”

¹ [Day 390/89](#)

147.327 Martin McGuinness’s evidence as to confusion is consistent with Sheila McLoughlin’s account that the faces of Martin McGuinness and his companions showed that they did not know what was happening.¹ Martin McGuinness, when he gave evidence, did not mention being with companions.

¹ [AI1.10](#)

147.328 The representatives of the majority of represented soldiers submitted that, on Sheila McLoughlin’s evidence, Martin McGuinness was moving away from Stanley’s Walk.¹ Sheila McLoughlin’s account was that Martin McGuinness came out of a walkway in Meenan Park, which is immediately south of Lisfannon Park and north of Stanley’s Walk. In our view it is not possible to say, on the basis of that evidence, that Martin McGuinness was moving “*away from Stanley’s Walk*”. Further, when Sheila McLoughlin gave oral evidence, this exchange took place:²

“Q. Did you see where Mr McGuinness went after you had shouted at him or is it just that he was going in the opposite direction to you?

A. He was certainly going towards what I – I think he was going towards Free Derry Corner, but we were so intent on getting further up the Lecky Road and towards what we would have considered a safer area, I, I did not look to see where he was going.”

¹ [FR7.35](#)

² [Day 417/81](#)

Consideration of the evidence relating to Martin McGuinness

Martin McGuinness's movements near Free Derry Corner

147.329 We are not sure of the accuracy of William Breslin's recollection of when he saw Martin McGuinness, or that of Nell McCafferty. As to Sheila McLoughlin, we consider that we can place some reliance on her evidence that at some stage, while firing was continuing or when it had died down, Martin McGuinness came out of the walkway that she identified. We do not accept, as the representatives of the majority of represented soldiers submitted, that Martin McGuinness was attempting to conceal the fact that he had moved further south than Free Derry Corner. He was trying to recall his precise movements decades earlier and might well have forgotten some of the route he took.

The "missing minutes" and other matters

147.330 It is possible that failures of recollection explain the apparent difficulty in Martin McGuinness's account of leaving the area of Barrier 14 soon after the stoning began (and probably before the water cannon was used at about 1545 hours) and getting to near Free Derry Corner some two minutes later, when he heard Army gunfire and the Army vehicles coming in. In this connection there was the following exchange in the course of Martin McGuinness's oral evidence:¹

"Q. The reason that I ask you for these approximate times is that a question arises in relation to the timing that you have described. You told me before we broke that you were at the top of Chamberlain Street or that area for a short time, about five minutes or so and that as you say it cannot have taken you very long to get down from the top of Chamberlain Street to Joseph Place.

Your evidence is that you were up at the top of Chamberlain Street shortly before the stoning began and it is possible with some degree of precision to time when the stoning began. I can show you how if you like, but it appears to have begun at just before 3.40 and we know that the Army came into the Bogside at approximately 4.10; we know that because there is a picture which shows the Guildhall clock at 4.10 as the Army vehicles came in. They must have come in either at the time or very shortly after you had reached Joseph Place because you heard firing from that position.

The problem that I am suggesting to you is that there appears to be something like a half hour gap between the stoning starting and the Army coming in and the firing, therefore, beginning. There is a half-hour gap but your account of your movements only deals with, at best, something like ten minutes of that period. Do you follow the point I am making?

A. I do, indeed, but I did say that those were approximate times, that does not necessarily mean it was five minutes, it could have been much longer.

Q. What, as much as half an hour?

A. Well accumulated, yes, absolutely, but I mean, I cannot be certain.

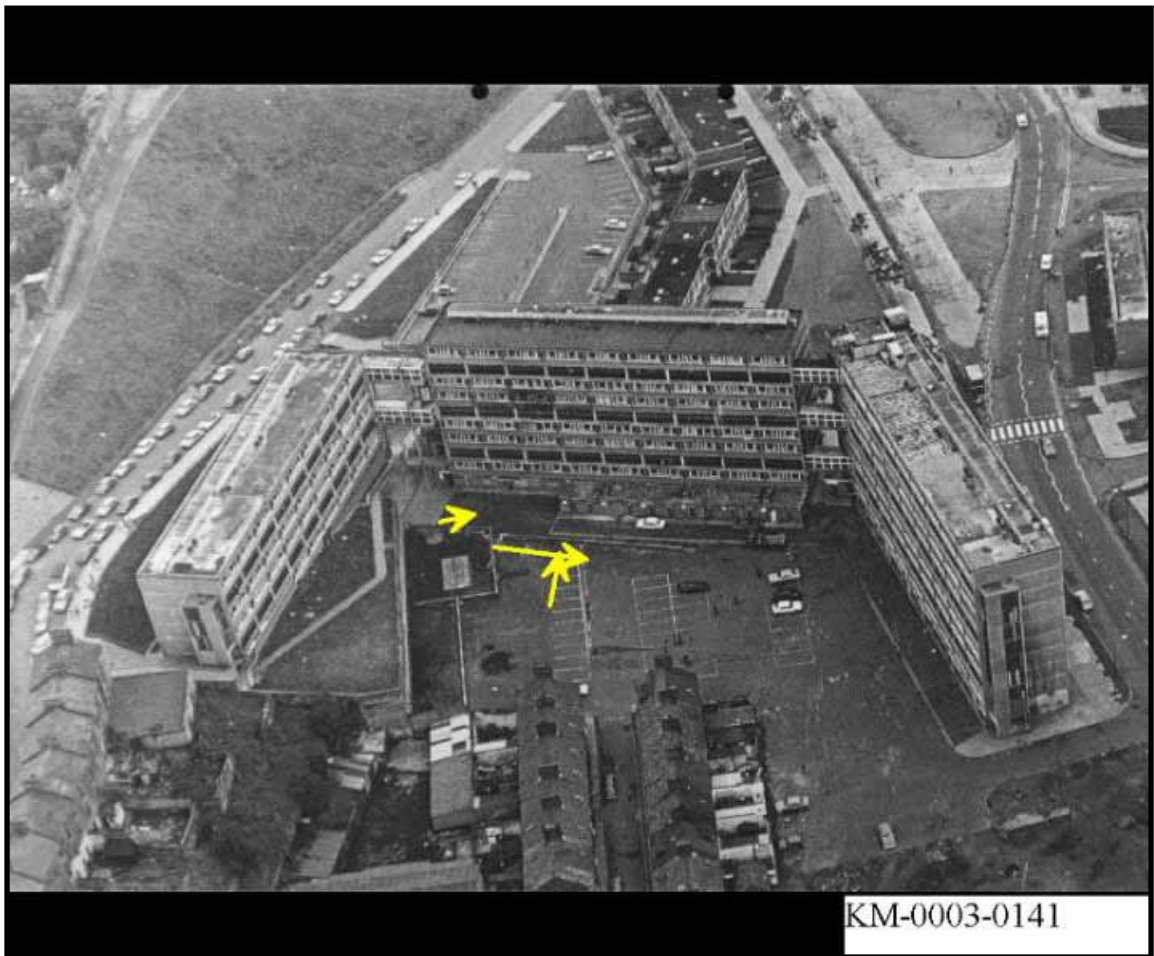
Q. What were you doing for half an hour between the time when you got to the barrier and the time when you ended up at Joseph Place, if it was half an hour?

A. I did say that I was part of the several hundred people who marched on to William Street. I have given approximate times; those times could be wrong, but it is 30 years later and it is very hard to be accurate in all of this."

¹ [Day 390/83-84](#)

147.331 There is, however, another factor to be borne in mind. As we have noted above, Martin McGuinness told us that as he was crossing the Rossville Flats car park he saw a woman being carried away. His evidence was that he saw the woman being carried as he walked from Chamberlain Street to the gap between Blocks 1 and 2 of the Rossville Flats, and that the woman was on his left. Though he was uncertain of her location, Martin McGuinness marked a photograph (reproduced below) that he was shown during the course of his oral evidence with arrows showing the general area from which he said that she had come.¹

¹ [Day 390/80](#); [KM3.141](#)



147.332 Martin McGuinness said that he had later learned that the woman was Peggy (Margaret) Deery.¹

“Q. Could we have on the screen, please, KM3.9. Can we have a look at paragraph 7, this comes from your Eversheds statement. You say that you have a recollection of seeing a woman being carried and you say your best recollection is that it was before you reached the alleyway between blocks 1 and 2 and to the left of you as you made your way. You record that at this time you had not heard any shots and you did not see her get shot and your impression is that she was being carried towards Chamberlain Street, though you accept that wherever she was, she may just have fallen off a wall and injured herself.

Am I right in thinking, is this a fair way of summarising it, that you are not at all certain that the person whom you describe was in fact Peggy Deery, who we know was shot in the leg on the day?

A. Well, at the time I did not know whoever she was, but since that I have learned that it was Peggy Deery.

Q. I wonder. You recollect a woman being carried and you say that you have some visual sense of blood coming out of her leg, but it is right, is it not, that at this stage you had heard no shot fired; is that right?

A. That has always mystified me, yes.

Q. And you had not seen either a soldier or an Army vehicle in the Bogside?

A. No, not at that stage.

Q. You were not in a position to recognise Peggy Deery?

A. No.

Q. Did you recognise who was carrying her?

A. No.

Q. In those circumstances, when you had not seen a soldier or a vehicle and had not heard a shot, would you accept that it may not in fact have been Peggy Deery that you saw being carried?

A. Well, I suppose that is a possibility. This is an area where I am not speaking with 100 per cent certainty.”

¹ Day 390/79

147.333 In his Praxis interview Martin McGuinness had given a rather more certain account of this incident:¹

“... And a lot of people, hundreds of people went down to where the British army was, and there was a state of if you like confrontation, you know verbal abuse and things like that going on. And I would have been there with that group, but I mean it quickly became clear to people that nobody was gonna get through. The snatch squad started to come out of the lower end of William Street and I ended up in Chamberlain Street over here, right, and this is where Peggy, right just here where Peggie Dearie [sic] was shot.

You ran down there, all the way down.

We didnt run we walked originally because the soldiers were coming so far.

Somebody had shouted they're coming out.

There was all sorts of shouting, state of confusion at that stage.

Did you see Dearie shot?

I didnt see her being shot but I seen her shortly after she was shot.

As she was being carried into the house.

She was bleeding profusely from a thig[h] wound.

And there were some people carrying her.

She was carried, there were all sorts of people around her.

And then where did you go then?

I ended up over here towards the front of the flats where, it was just a state of chaos at this stage because they were firing right left and centre and it was a matter of people surviving. Feeling that they were gonna be shot because this woman had been shot. And there was reports from all round this immediate area and this area here that the people were shot and were seriously wounded. Nobody at that stage knew that anybody was dead and at that stage it was just a mass of confusion. We ended up walking aimlessly round the place lifting people who'd been wounded and getting people out of the road who were frightened and scared. There was women crying and old men.

Any shots over your head when you were running down?

No I dont remember shots over my head no."

¹ [KM3.75](#)

147.334 The description Martin McGuinness gave to Praxis (and indeed to us) of the injured woman and what happened to her bears a close resemblance to the circumstances in which Margaret Deery was injured. As we have described elsewhere in this report,¹ Margaret Deery was shot in the thigh when she was near the southern end of the wall running along the western side of the western houses of Chamberlain Street and was then carried round the corner to the end house on the eastern side of Chamberlain Street. She was in our view the second person to be shot in the area of the car park of the Rossville Flats (Jackie Duddy was the first) and was followed by the shooting of Michael Bridge and Michael Bradley. There was thus shooting by soldiers in this area (Sector 2) both immediately before and after Margaret Deery was injured.

¹ [Paragraphs 51.81–140](#)

- 147.335** We have no evidence to suggest that another woman was injured in the thigh and carried away before Margaret Deery was shot, and though of course it remains possible that another woman was injured and carried away in the same area earlier, in circumstances that had nothing to do with the events that we are considering, and thus was not commented on by anyone giving an account of Bloody Sunday, this strikes us as being an unlikely coincidence. It is also possible that Martin McGuinness was mistaken in his recollection that he saw an injured woman being carried near the end of Chamberlain Street and (according to what he told Praxis, bleeding profusely from a thigh wound) though in our view it is difficult to understand how he could come mistakenly to believe that he had witnessed this.
- 147.336** If the woman that Martin McGuinness said that he saw was Margaret Deery, it would follow that (assuming he set off from the area of Barrier 14) he could not have got as far as the other side of the Rossville Flats before the Army vehicles came into the Bogside and soldiers opened fire. Furthermore, in view of the firing in the car park of the Rossville Flats that took place before and very soon after Margaret Deery had been shot and injured, it is unlikely in the extreme that Martin McGuinness would have been so foolish as at that time to have walked across that car park to the gap between Blocks 1 and 2 of the Rossville Flats.
- 147.337** Margaret Deery was shot only a short time after soldiers had come into the Bogside and opened fire, which was around 1610 hours. If Martin McGuinness left the area of Barrier 14 when he said he did (by about 1545 hours) and then saw Margaret Deery soon after she had been shot, there is a period of some 20–25 minutes which his account leaves unexplained.
- 147.338** On the basis that Martin McGuinness did see Margaret Deery after she had been injured, his account of his movements must accordingly be significantly inaccurate; he must have been in or near the area where Margaret Deery was being carried at a time when soldiers were firing in Sector 2.
- 147.339** The “missing” period of about 20 minutes might remain even if Martin McGuinness did not see Margaret Deery, if his account is correct of leaving Barrier 14 soon after the rioting began and probably before the water cannon was used (ie at or about 3.45pm) and getting to the area of the Rossville Flats about two minutes later and before the Army vehicles came into the Bogside and soldiers started firing. However, if he had spent longer in Chamberlain Street than he recalled, then the “missing period” could be explicable on this basis.

- 147.340** We have borne in mind that Martin McGuinness was seeking to recall to this Inquiry his precise movements decades after the event. Thus in our view on its own the so-called period of “missing” minutes may, by itself, be explicable on the basis of Martin McGuinness’s memory playing him tricks. However, we have come to the conclusion that it is probable that Martin McGuinness did see Margaret Deery shortly after she was shot. Whether or not he left the area of Barrier 14 when he said he did, this means that in our view he was probably somewhere near the southern end of Chamberlain Street at a time when the soldiers came into the Bogside and opened fire in Sector 2, and was not further south beyond the Rossville Flats; and that it was after he had seen Margaret Deery that he made his way to where he was seen by Sheila McLoughlin.
- 147.341** The question remains as to what Martin McGuinness was doing.
- 147.342** According to Infliction’s account, Martin McGuinness was in the Rossville Flats and fired a shot from a Thompson sub-machine gun on “*single shot*”.
- 147.343** According to the second- and third-hand material in the book *Martin McGuinness: From Guns to Government*, Martin McGuinness was in Duffy’s bookmakers, planning to set off a bomb, and fired a shot from a Thompson sub-machine gun at the door as he left.
- 147.344** According to Ivan Cooper, Martin McGuinness was in a house in William Street, near Chamberlain Street, planning to fire through the doorway at soldiers in houses on the other side of William Street, but when the soldiers moved in, he and others with him dismantled their Thompson sub-machine guns, put them up their jerseys and ran out.
- 147.345** According to the RUC interviewee, Martin McGuinness was in Chamberlain Street armed with a Thompson sub-machine gun before the Army started firing; but the interviewee did not see Martin McGuinness firing this weapon.
- 147.346** Martin McGuinness categorically denied each of these allegations and insisted that he was unarmed on Bloody Sunday.¹ He correctly pointed out the difficulties that he faced in dealing with allegations made by accusers whose identity he was not permitted to know and whom, particularly as regards Infliction, he was unable to question. He also said that in a small community like Derry, it would have been the talk of the town for the last 30 years had he been seen with a Thompson sub-machine gun on the day.²

¹ Day 390/138; Day 390/145; Day 390/141

² Day 390/135; Day 390/142

- 147.347** There is a common element in the allegations of paramilitary activity on the part of Martin McGuinness, namely that on Bloody Sunday he was at some stage before the soldiers went into the Bogside armed with a Thompson sub-machine gun; though much of the evidence about the incident in William Street or Duffy's bookmakers contains inconsistencies and in some cases (for example, the shooting of Patrick Doherty) is plainly wrong; and we are far from persuaded that Martin McGuinness was there with any plan to throw bombs or fire at the soldiers. With the exception of Infliction, who puts Martin McGuinness in the Rossville Flats, the other evidence puts him armed with a Thompson sub-machine gun in the area of Chamberlain Street and William Street. There is, however, no necessary inconsistency in this, as Martin McGuinness could have been in both places at different times.
- 147.348** We have considered the evidence that Martin McGuinness fired a shot with a Thompson sub-machine gun at or near Duffy's bookmakers. However, we have concluded that this is a very unlikely thing to have happened.
- 147.349** We were unable to obtain a written statement from Infliction, or call him to give oral evidence. Nor was Martin McGuinness able to question him or even be told who he was. The same applies to the account given by the RUC interviewee. Were we conducting a criminal trial there would in our view be substantial grounds for the submission that it would be unfair to admit this material or to place any reliance upon it. However, we are not conducting a trial but a public inquiry and we are not bound by the rules of evidence. We have to consider what weight, if any, we should give to this material, in circumstances where it has not been possible to question Infliction about his account. We also have to consider whether in the circumstances it would be so unfair, in the context of a public inquiry, to make any findings based on it, that we should refrain from doing so.
- 147.350** We have already expressed the view that Infliction was generally reliable and did give the information in question to the Security Service. Officer A told us that he had no grounds for believing that what Infliction had told him was the result of holding a grudge against Martin McGuinness. Furthermore, it should be noted that he said to Officer B during his debriefing that "*the Brits murdered thirteen people*" on Bloody Sunday,¹ so it would not appear that he was inventing what he told Officer B (or Officer A) about Martin McGuinness in an attempt to provide the soldiers with a reason for opening fire. If Martin McGuinness did tell Infliction that he had fired a Thompson sub-machine gun from the Rossville Flats on Bloody Sunday, it is in our view likely that this is what Martin McGuinness did.

¹ KB3.4

- 147.351** Nevertheless, our inability and that of those representing Martin McGuinness to question Infliction on such matters as his relationship with Martin McGuinness and the circumstances in which Martin McGuinness is said to have made the remarks in question, and otherwise to test the truth of Infliction's account and the accuracy of his recollection, have led us to conclude that it would be unwise (and indeed unfair) to place much weight on that account. On this basis we consider that this account by itself does no more than raise the possibility that, notwithstanding his denial, Martin McGuinness did fire a Thompson sub-machine gun on "single" shot from the Rossville Flats on Bloody Sunday.
- 147.352** We bear in mind two further factors.
- 147.353** Firstly, there is the evidence, apart from that of Infliction, to the effect that on Bloody Sunday Martin McGuinness was in possession of a Thompson sub-machine gun in the area of Chamberlain Street and William Street. We have concluded that on balance, though far from certainly, this was the case. In reaching this conclusion we have taken into account that Martin McGuinness had no opportunity to question the RUC interviewee who said that he had seen Martin McGuinness with such a weapon. We are, however, unpersuaded that Martin McGuinness was in Duffy's bookmakers at any stage.
- 147.354** Secondly, we have concluded that Martin McGuinness probably did see Margaret Deery being carried after she was wounded, which means that he was probably not (as he told us) to the south of the Rossville Flats when the soldiers came in and started firing, but still somewhere from where he could see Margaret Deery being carried, ie somewhere on the car park side of the Rossville Flats.
- 147.355** We should note at this point that in the course of considering the events of Sector 2, we have concluded that someone probably did fire a number of shots at the soldiers from the south-west end of the lower balcony of Block 3 of the Rossville Flats, close to one of the walkways joining Block 3 to Block 2 of the Rossville Flats, probably at a stage after soldiers had opened fire in that sector. From that position Margaret Deery could have been seen being carried to a house in Chamberlain Street after she had been wounded in the thigh. The evidence that we have on these shots suggests that they were fired from a carbine, but in our view this does not necessarily establish that it could not have been a Thompson sub-machine gun. Unless the weapon can be clearly seen and identified, for reasons given elsewhere in this report¹ a Thompson sub-machine gun fired on "single" shot (ie not repeatedly on automatic) could be mistaken for some other type of weapon being fired more than once. After firing there would have been an escape route away from the soldiers and out of their sight by the stairs that led down to ground level in the

gap between Blocks 2 and 3 of the Rossville Flats. However, Infliction's account is to the effect that Martin McGuinness told him that he had fired the first shot, not a number of shots, so that there is little to connect this account with the firing from the south-west end of the lower balcony of Block 3 of the Rossville Flats.

¹ [Paragraphs 65.182–202](#)

- 147.356** We have found that Martin McGuinness was more likely than not to have been in possession of a Thompson sub-machine gun in the area of Chamberlain Street and William Street, and that he probably had not reached the area south of the Rossville Flats when the soldiers came into the Bogside and opened fire. We cannot conclude, however, that he fired a Thompson sub-machine gun from the Rossville Flats. The Infliction material raises the possibility that he did. We have set out above our reasons for not giving much weight to this material. Accordingly, we can in this report make no finding on the point.
- 147.357** On one matter, however, we have no doubt. If Martin McGuinness did fire from the Rossville Flats he could have come to believe, as Infliction reported he had said, that his firing had precipitated what happened on Bloody Sunday, by which we would understand that he believed that what he had done had led to a response from soldiers that resulted in the numerous casualties of Bloody Sunday. In fact, as appears from our consideration of the events of Sector 2, he would have been mistaken in this belief, since none of the soldiers who in our view shot Jackie Duddy, Margaret Deery, Michael Bridge or Michael Bradley in that sector suggested at any stage that they had fired at people in response to fire from the Rossville Flats; they all claimed to have targeted people with bombs at ground level. Nor have we found any evidence to suggest that the casualties in any of the other sectors were targeted by soldiers because of fire from the Rossville Flats.

Conclusions on the activities of the Provisional IRA

- 147.358** Later in this report,¹ we discuss other incidents of firing on Bloody Sunday that occurred before the firing of the “symbolic” shots at the end of the day, to which we have referred earlier in this chapter. We should note at this point that we consider it probable that before these “symbolic” shots were fired, a Provisional IRA member fired at soldiers on the City Walls, as described by Reg Tester, whose account we discuss in the course of considering below the organisation and activities of the Official IRA on Bloody Sunday.

So far as other incidents are concerned, we express below our views on whether it is possible to tell whether it was members of the Provisional or the Official IRA who were responsible for this firing.

¹ [Chapter 151](#)

147.359 What we have concluded, however, is that there is no evidence that suggests to us that any member of the Provisional IRA used or intended to use the march itself for the purpose of engaging the security forces with guns or bombs. Nevertheless, we consider it likely that Martin McGuinness was armed with a Thompson sub-machine gun on Bloody Sunday and we cannot eliminate the possibility that he fired this weapon after the soldiers had come into the Bogside. Furthermore, we are unable, notwithstanding their evidence, to exclude the possibility that other members of the Provisional IRA may also have carried arms. As we have already pointed out, we do not accept the evidence that suggested that the Provisional IRA had no nail bombs available for use on Bloody Sunday. However, in our view no-one threw or attempted to throw a nail bomb on Bloody Sunday in any of the sectors.

147.360 The central question in the present context is whether Provisional IRA activity during Bloody Sunday supported the soldiers' claims that they legitimately responded to paramilitary activity by opening fire at what they claimed were people armed with firearms and bombs. Our answer to this question is that it did not, save in the limited respect to which we have referred earlier.¹

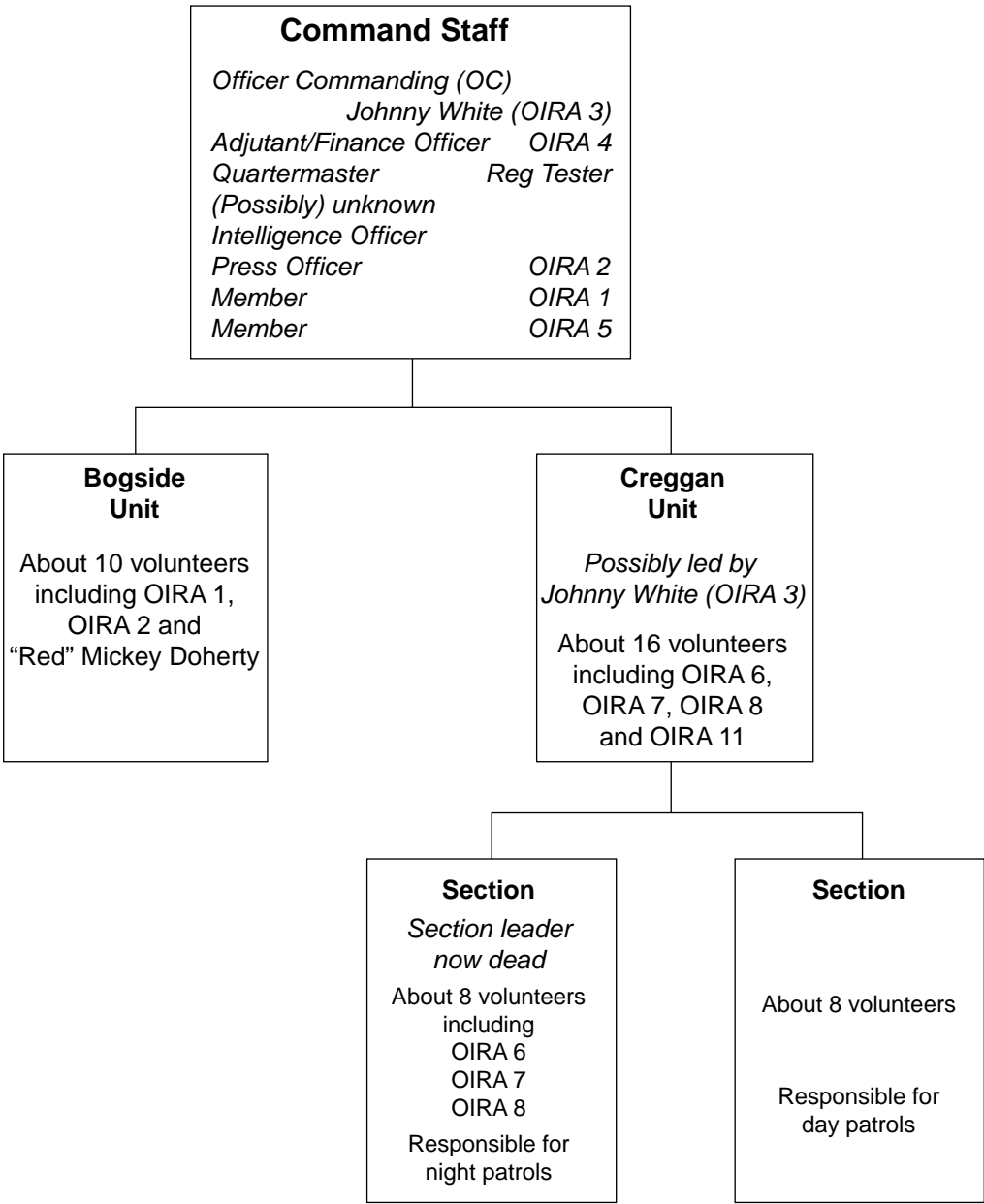
¹ [Paragraph 146.9](#)

Chapter 148: The Official IRA

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148.1 We set out below an organisation chart showing a “*best fit*” picture derived from the available material. The evidence of the Official IRA witnesses suggested that there were between 20 and 30 members of the Official IRA in the city in January 1972. Reg Tester, who told us he was the Quartermaster, recorded in his first written statement to this Inquiry that he thought that there were 30–40 members. He later revised that to 20–30. PIRA 24 said that one-third of the members of the Official IRA defected to the Provisional IRA shortly before Bloody Sunday. The chart assumes that the Official IRA had about 30 members following any such defection.



148.2 Johnny White’s anonymity was withdrawn. However, much of the evidence refers to him by the cipher OIRA 3 so, where appropriate, we add this cipher after his name.

148.3 It seems likely that there were about 16 members of the Creggan Unit. OIRA 6¹ and OIRA 7² gave evidence to this effect. Both OIRA 8 and OIRA 11 gave lower figures.³ However, these figures seem to us likely to be inaccurate and perhaps reflect a lack of knowledge of the organisation on the part of junior members.

¹ Day 413/145-146

² Day 399/76

³ AW14.13; AOIRA11.2

- 148.4** If there were about 16 members of the Creggan Unit and a total membership of about 30, then there must have been about 14 volunteers in the Command Staff and the Bogside Unit. The evidence indicates that, of the six Command Staff members, OIRA 1 and OIRA 2 were volunteers in the Bogside Unit and Johnny White (OIRA 3) may have been OC of the Creggan Unit. If the other Command Staff members did not belong to the Bogside Unit, then the Bogside Unit must have had a total of about ten members.
- 148.5** Reg Tester was the only witness who referred to an intelligence officer. He suggested that such an officer was a member of the Command Staff but in fact worked largely alone.¹ OIRA 7 and Reg Tester said that Johnny White (OIRA 3) was OC of the Creggan Unit.² OIRA 6 told us that his section leader of the Creggan Unit was dead.³
- ¹ [AT6.6](#) ³ [AOIRA6.2](#)
² [Day 398/133](#); [Day 414/9](#)
- 148.6** We have placed “Red” Mickey Doherty as a member of the Bogside Unit because intelligence material indicates that he was at some time the section leader of that unit.

Weapons available to the Official IRA

- 148.7** Reg Tester, the Command Staff Quartermaster, said that weapons and ammunition were in short supply. His evidence was that the Official IRA at the time of Bloody Sunday possessed 20–30 weapons, including some old Lee-Enfield .303s, some .22s, some shotguns, a .306 rifle, a Sterling sub-machine gun, an antique Sten gun which was never used, a Thompson sub-machine gun, a new M1 carbine, a Garand and a selection of pistols and revolvers. Most were in good working order. The Official IRA possessed ammunition for some but not all these weapons. Reg Tester said that the Thompson sub-machine gun was rarely used because the Official IRA could not obtain ammunition for it.¹
- ¹ [AT6.2](#); [AT6.9](#); [Day 414/11](#); [Day 414/88](#); [Day 414/114-115](#)
- 148.8** The evidence of other Official IRA witnesses was that the Official IRA in Londonderry had a substantially smaller number of weapons. OIRA 1, OIRA 2 and OIRA 7 gave accounts which suggested that the Official IRA possessed 12–15 weapons of various sorts.¹
- ¹ [Day 395/38](#); [Day 393/17](#); [AOIRA7.18](#)
- 148.9** OIRA 2, OIRA 4, OIRA 7, OIRA 8 and OIRA 9 all accepted that the Official IRA possessed at least one Thompson sub-machine gun at the time of Bloody Sunday.¹
- ¹ [Day 393/107](#); [Day 394/5](#); [AOIRA7.18](#); [AW14.15](#); [AOIRA9.3](#)

148.10 Other Official IRA witnesses did not support Reg Tester's evidence that the weapons were generally in good working order. OIRA 6 told us that there were weapons that were carried "*for show*" but which did not work.¹

¹ [AOIRA6.1](#)

148.11 Johnny White (OIRA 3) gave the following account in his second written statement to this Inquiry:¹

"There were very few weapons available to OIRA at that time and, although I can't now remember exactly the number I recall that there were limited numbers with some old rifles, some handguns and at various times some automatic weapons. The majority of the weapons were in a poor state and a significant number did not work, I know there were always more volunteers than there were weapons. It was never the case that everyone was armed at the same time. Also, many of the weapons that we had were antiquated, by which I mean not working, and a number were real antiques. We were further hampered by the lack of ammunition available and we had to co-ordinate operations to make sure that the right weapons had the right ammunition for any operation. It is for this reason that I regard it as a joke for the army to say that they came under heavy fire that day. Apart from the fact that no-one went on the march with the intention of causing trouble, and we had not prepared for trouble in the Bogside, we simply didn't have the weaponry to even think of taking on the British army in any form of large scale attack."

¹ [AOIRA3.17](#)

148.12 Other Official IRA witnesses also told us that ammunition was in short supply and that there were more volunteers than weapons.¹

¹ [AOIRA7.18](#); [AOIRA4.15](#)

148.13 It is difficult to determine from this evidence the precise, or indeed approximate, number of weapons available to the Official IRA in the city in January 1972. It seems to us on the whole that there were probably rather fewer than Reg Tester recalled. We are of the view that the weaponry included at least one Thompson sub-machine gun.

148.14 We accept that weapons and ammunition were probably in short supply and it is likely that some weapons were not in working order.

Explosives available to the Official IRA

148.15 Reg Tester told us that he was solely responsible for the Official IRA's stock of Gelamex. He said that the Official IRA obtained gelignite "*once in a blue moon*". Explosives were kept in various places including the Official IRA's headquarters in the Creggan, which was a vacant dentist's shop next door to Otto Schlindwein's pharmacy.¹

¹ [AT6.1](#); [AT6.7](#); [AT6.8](#); [Day 414/17](#)

148.16 Reg Tester's evidence was that the Official IRA had no explosives on Bloody Sunday and did not make up any nail bombs.¹ In our detailed examination of the five sectors into which we divided the events of Bloody Sunday, we concluded that nail bombs were seen in and close by Glenfada Park North. We do not know whether these were Official or Provisional IRA nail bombs. We have concluded elsewhere in this report² that Gerald Donaghey was probably in possession of four nail bombs when he was shot. His association with the Provisional Fianna suggests that the bombs may have come from Provisional IRA sources, but we are far from certain about this. In these circumstances, although we are sure that no-one threw or attempted to throw a nail bomb on Bloody Sunday, we do not accept the evidence from either Official or Provisional IRA sources that there were no nail bombs available for use in the Bogside on Bloody Sunday.

¹ [Day 414/18](#)

² [Paragraph 145.25](#)

The disposition of Official IRA weapons on Bloody Sunday

148.17 The representatives of the majority of represented soldiers pointed out that many of the Official IRA Command Staff witnesses initially told this Inquiry that it was agreed that all weapons were to go to the Creggan and the Brandywell, but then changed their evidence and said that the weapons were to go to the Creggan. The evidence of Johnny White (OIRA 3) remained consistent in his two written statements to this Inquiry. In both he said that the weapons were to go – and did go – to the Creggan and the Brandywell. Johnny White was too ill to give oral evidence to this Inquiry.

148.18 Reg Tester told us that he was ordered to ensure that all weapons were removed from the Bogside and taken to the Creggan; and that the weapons were placed in cars that drove around the Creggan during the day.¹ In his oral evidence to this Inquiry, Reg Tester said that the weapons were taken to the Official IRA's headquarters, a former dentist's shop in the Creggan. According to him, they were then placed in cars.²

¹ AT6.2; AT6.7

² Day 414/27; Day 414/31

148.19 Johnny White (OIRA 3) told us that he inspected the two cars on the morning of Bloody Sunday and that one was in Central Drive in the Creggan and one in Lone Moor Road.¹ Lone Moor Road runs along the boundary between the Creggan and the Brandywell.

¹ AOIRA3.18

148.20 According to the Official IRA witnesses, the weapons were withdrawn either so that they could be used to defend the Brandywell and the Creggan or to prevent them from being found by soldiers should the Army come into the Bogside. OIRA 2 agreed at one point in his oral evidence that one possible additional reason was to prevent the use of the weapons. Later he rejected that possibility.

148.21 In our view the essential questions are not so much concerned with the reasons put forward to explain why, according to the Official IRA witnesses, weapons were removed, but whether they were in fact removed as alleged, or were used on Bloody Sunday.

148.22 In support of their submission that the weapons were not removed, the representatives of the majority of represented soldiers referred to the evidence of OIRA 1 to the effect that he was not surprised to learn during the course of Bloody Sunday that soldiers had opened fire on marchers. These representatives invited us to conclude from that evidence that the Official IRA believed that the security forces were "*all too likely*" to fire on the marchers, and that in those circumstances the Official IRA would never have removed its weapons from the Bogside, leaving the people undefended.¹

¹ FS7.562

148.23 OIRA 1 said that in the past, it was not unusual for the Army to fire at unarmed civilians. In the course of his oral evidence to this Inquiry there was this exchange:¹

“Q. Is it true you were not particularly surprised by the shooting by the soldiers?

A. That is correct, yes.

Q. That is correct. Thank you.

Is it also correct that it was not out of the ordinary for people, according to you, for people to be shot by the Army at such demonstrations as this?

A. Well, I think that what I said – I am not sure exactly the words in my statement, but what I was inferring was that it was not unusual for the Army to shoot unarmed civilians in different circumstances.

Q. In the course of a demonstration?

A. Possibly in the course of a demonstration, possibly in the course of a confrontation, possibly in the course of when nothing was happening.

Q. Is it true that it was not out of the ordinary for shots to be fired by the Army at these types of demonstrations for no good reason?

A. Yes, it would not be true to say that the Army opened fire in the manner they did on Bloody Sunday on a regular basis on demonstrations. It would be true to say that the Army, on various occasions, had opened fire on innocent civilians in a number of different situations and, therefore, the fact that they had opened fire on Bloody Sunday before the full scale of the event became apparent, it was not such a shock to anyone that somebody innocent had been shot by the Army for no reason.

Q. Was it not out of the ordinary, in your experience, for soldiers to shoot civilians who were taking part in these type of demonstrations, such as the Bloody Sunday march?

A. I did not give it actually much thought at that particular point, whether it was out of the ordinary.”

¹ [Day 395/190-191](#)

- 148.24** We are not aware of any previous occasion on which soldiers had shot civilians engaged in marching or demonstrating. Our understanding of OIRA 1's evidence is that he was unable to point to any such occasion, but was speaking in generalities; and that his remark was really intended only to mean that, according to him, after the event he was not surprised that the Army had fired. The submission appears to depend on the proposition that in the belief that the Army had previously fired on civilians, the Official IRA would have made arrangements to defend the people in an attempt to prevent this happening again; and so would not have removed all its weapons from the Bogside.
- 148.25** In our view some weapons may have been moved from the Bogside in order to help protect the Brandywell and the Creggan. However, we do not accept the suggestion that weapons were moved to prevent them from being found by soldiers should the Army come into the Bogside. We have found no evidence that suggests to us that it was thought that soldiers were likely to come into the Bogside on Bloody Sunday. As we have described earlier in this report,¹ Colonel Derek Wilford (the Commanding Officer of 1 PARA) himself decided to send Support Company of 1 PARA into the Bogside only a few minutes before that happened.
- ¹ [Chapter 20](#)
- 148.26** In these circumstances we accept that it was unlikely that the Official IRA would have planned to move all its weapons from the Bogside on Bloody Sunday.

Evidence of specific weapons

- 148.27** As we describe below, Reg Tester told us he thought that the pistol missing from his stores was the personal protection weapon of Johnny White (OIRA 3).¹ OIRA 4's evidence was that the pistol in his possession was one that he habitually carried.² Johnny White's evidence was that each member of the Command Staff was permitted to carry a personal protection weapon, subject to such a weapon being available. He told us that there were not enough handguns for each member of the Command Staff to carry one. Johnny White told us that he was certain that only OIRA 4 was carrying such a weapon on Bloody Sunday.³

¹ [AT6.7](#); [AT6.13](#)

² [AOIRA4.15](#)

³ [AOIRA3.24](#)

- 148.28** In the course of considering the events of the five sectors, we have drawn attention to the fact that there was an Official IRA vehicle in Glenfada Park North with weapons in the boot, that OIRA 1 fired a rifle at soldiers from a position in Columbcille Court, and that OIRA 4 fired a pistol.
- 148.29** The representatives of the majority of represented soldiers, when dealing with the question of whether the pistol in the possession of OIRA 4 was or was not the pistol allocated to Johnny White (OIRA 3), observed that Johnny White had had only three days to establish a habit of “*always*” holding a pistol, since he had been OC for only three days.¹ However, Reg Tester, who gave evidence of the OC “*always*” holding a pistol, did not say whether he was referring to the person who at any one time held the office of OC or to Johnny White, who was the OC on the day. Since his release from detention in August 1971 (only a short time after being detained), Johnny White had been the Adjutant and was, according to OIRA 9, the true leader of the Official IRA, having been their leader before his arrest. Since Johnny White did not give oral evidence to this Inquiry, it was impossible to ask him; it might be, though, that it was his practice, both as Adjutant and OC, to carry a weapon. OIRA 9 had taken over command when Johnny White was interned; he retained the title of OC when Johnny White was released, but, according to him, “*worked under*” Johnny White. OIRA 9 was arrested two days before Bloody Sunday.²

¹ [FS7.582](#)

² [AOIRA9.1](#)

- 148.30** The representatives of the majority of represented soldiers referred to the evidence of OIRA 2, who said he was aware that another member of the Command Staff was carrying a personal protection weapon.¹ OIRA 2 thought that Reg Tester might have had such a weapon.² Reg Tester’s account was that he was in the Creggan with a large quantity of firearms.

¹ [FS7.578](#)

² [Day 393/23](#)

- 148.31** The representatives of the majority of represented soldiers refer to the report of Vincent Browne that “*a number of other volunteers in the parade were armed for their personal protection*”.¹ In our view this is likely to have been the case.

¹ [FS7.579](#)

- 148.32** The representatives of the majority of represented soldiers criticise the failure of the Official IRA witnesses, and Johnny White (OIRA 3) in particular, to admit from the outset the activities of “Red” Mickey Doherty who, away from the five sectors and as we describe elsewhere in this report,¹ fired a shot that hit a soldier in his flak jacket, but did

not injure him.² Since Johnny White did not give oral evidence to this Inquiry, it was not possible to ask him the reason why he failed to mention “Red” Mickey Doherty in his first written statement to this Inquiry. However, we are not sure whether Johnny White was trying to conceal “Red” Mickey Doherty’s actions. The latter’s engagement with the Army (in which he was injured by Army gunfire returning his shot) was acknowledged immediately after Bloody Sunday. On the evening of Bloody Sunday, Johnny White gave an interview in which he admitted that a volunteer had been wounded.³ In a press statement issued on 31st January 1972, an officer of the Official IRA said:⁴

“there had been certain ‘Military activity’ on the part of the Officials outside the immediate district and during an exchange with troops the volunteer received leg and neck injuries.”

¹ Paragraphs 151.102–164

³ X1.25.14

² FS7.574-575

⁴ ED12.5

- 148.33** By the time that the Official IRA witnesses came to make statements, the Inquiry had received evidence from Dr Domhnall MacDermott who treated “Red” Mickey Doherty on the day. It may be that the Official IRA witnesses considered “Red” Mickey Doherty’s actions irrelevant, in that they took place outside the area in which the paratroopers fired and also took place late in the day, since they can hardly realistically have hoped to conceal from the Inquiry the fact that “Red” Mickey Doherty had fired a shot on Bloody Sunday.

Weapons under the control of Reg Tester

- 148.34** The initial impression created by the Official IRA Command Staff witnesses was that virtually all weapons were removed from the Bogside and placed under the control of the Quartermaster, Reg Tester.¹ However, the evidence seems in most cases to reflect the understanding of the witnesses as to the orders given. The members of the Command Staff, other than Reg Tester and Johnny White (OIRA 3), did not give evidence of the implementation of the orders.

¹ AOIRA1.4; AOIRA2.2; AOIRA4.2; AOIRA5.2; AOIRA3.2; AOIRA3.8

- 148.35** Johnny White (OIRA 3), in his first written statement to this Inquiry, told us that all weapons had been recovered from the Bogside and taken to the Creggan and the Brandywell areas, with the exception of the .303 rifle in Columbcille Court and the

handgun in the possession of a Command Staff member.¹ He identified that Command Staff member as the person who had fired two shots at what he described as the British Army Saracens in the Rossville Flats area.

¹ AOIRA3.8

148.36 In his second written statement to this Inquiry, Johnny White (OIRA 3) told us that the weapons were removed from the Bogside, where he did not expect them to be needed, and taken to the Creggan and the Brandywell, which were areas that he thought might have to be defended against Army incursion.¹ He stated that all the weapons were placed in two cars. One of these cars was parked in Central Drive and the other in Lone Moor Road. On the morning of the march, he gave a cursory check to each car to see what was in it.² Johnny White also told us that the weapons in the cars and in the possession of the volunteer in Barrack Street were the totality of the Official IRA's working weapons.³

¹ AOIRA3.17

³ AOIRA3.18

² AOIRA3.17

148.37 However, evidence emerged which indicated that all the weapons were not in fact taken to the Creggan headquarters and put into cars. In his first written statement to this Inquiry, Reg Tester told us that before Bloody Sunday the OC had ordered him to ensure that all weapons were collected from the Bogside and taken to the Creggan. He stated that he obeyed this order but said that two weapons were missing: a .303 rifle and *"the pistol which was carried by the OC at all times"*.¹

¹ AT6.2

148.38 In his second written statement to this Inquiry, Reg Tester told us that all weapons belonging to the Official IRA were placed in two cars and driven around the Creggan during the afternoon of Bloody Sunday, with the exception of one missing rifle, one pistol and a rifle allocated to a volunteer. It appears that the volunteer was "Red" Mickey Doherty.¹

¹ AT6.7

148.39 In his oral evidence to this Inquiry, Reg Tester gave a different account, saying that those weapons that were already in safe dumps in the Creggan and the Bogside were left where they were. His evidence was that he needed to know where all the weapons were and to be sure that no volunteer had one in his possession.¹ However, he also said that there were weapons that were not under his control; these were ones that had been issued to the Bogside Unit.²

¹ Day 414/30

² Day 414/13

- 148.40** The solicitors acting for former members of the Official IRA submitted that the Inquiry should prefer the evidence of the other Command Staff members on this issue to that of Reg Tester.¹ We do not accept that submission. Reg Tester, as Quartermaster, was better placed than other members of the Command Staff to know the location of the Official IRA's weapons on the day. Johnny White (OIRA 3), if he inspected the cars as he said he did, could in our view not have failed to notice that weapons were missing. We consider below other evidence that to our minds supports Reg Tester's account.
- ¹ [FS13.34](#)
- 148.41** The representatives of the majority of represented soldiers submitted that the Inquiry should not accept that Reg Tester was wholly in control of the weapons in the Creggan, because he was unaware that "*a member of [the Creggan] section, OIRA 4, was armed on the day*".¹
- ¹ [FS7.597](#)
- 148.42** The representatives of the majority of represented soldiers did not identify the evidence on which they relied to support their allegation that OIRA 4 was a member of the Creggan Unit. We do not know whether or not he was. In any event, the evidence suggests to us that the pistol in the possession of OIRA 4 was one that Reg Tester knew to have been taken from his stores. Reg Tester said he thought that the pistol was in the possession of Johnny White (OIRA 3). He may have been wrong about this and the pistol may have been in the hands of another member of the Command Staff, OIRA 4. However, to our minds that would not necessarily lead to the conclusion that Reg Tester did not have control over the weapons for which he was responsible.
- 148.43** According to the oral evidence of Reg Tester,¹ a .303 rifle, a pistol in the possession of Johnny White (OIRA 3) or OIRA 4, the M1 carbine allocated to "Red" Mickey Doherty, weapons in one or more dumps in the Creggan, and weapons in one or more dumps in the Bogside were not under his control on Bloody Sunday. In our view this account is more likely to be accurate than that which he gave in his written evidence to this Inquiry.
- ¹ [Day 414/13](#); [Day 414/30-32](#); [Day 414/37-40](#); [Day 414/41-46](#); [Day 414/110-111](#)
- 148.44** Reg Tester said that "Red" Mickey Doherty did not obtain a weapon from him. His evidence was that any arms in the possession of Official IRA volunteers, other than one personal protection weapon and the .303 rifle, must have come from the arsenal kept by the Bogside Unit of the Official IRA, which was not under his control.¹ In our view he was probably right about this.

¹ [Day 414/153](#)

- 148.45** Some support for Reg Tester's evidence to this Inquiry about the Bogside dumps comes from the account that he gave to Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team in March 1972:¹

"the Officials orders of the day for Sunday, drawn up the previous day, were as follows:

1. There were to be no weapons in the bogside except for those held by the Bogside Official unit, and those were to be kept in several safe dumps. All other Official weapons were to be kept in two cars which would be on hand in the Creggan."

¹ [S34](#)

- 148.46** A further account of weapons having been available in the Bogside appears in the note John Barry of the *Sunday Times* Insight Team made of an account given to him by OIRA 1:¹

"The Bogside section was under his charge. He had the available arms stored in the boot of a car in Glenfada. (I think he said it was a green Avenger, but my notes don't record that).

...

[OIRA 1] was appalled. Someone shouted to him, and he went round the gable to see. Behold, the Saracens approaching. He sped back into Glenfada, and shouted to them to get the car out. He thought one of the Saracens would come into Glenfada and catch them red-handed. There were five or six Stickies [Official IRA] around the car, and they couldn't get the thing out in time. [OIRA 1] said to abandon it, and get the arms out of the boot. They did: the arms consisted of a Sten, a carbine, two 303s and a .22 automatic."

¹ [AOIRA1.1](#)

- 148.47** OIRA 7, who claimed to have accompanied OIRA 1 to the car in Glenfada Park in order to place in the boot the .303 rifle recently fired by OIRA 1, said that there were no other weapons in the boot.¹ We have considered these accounts in detail elsewhere in this report, in the context of the events of Sectors 1 and 4. In our view there were other weapons in the boot.

¹ [AOIRA7.9](#); [Day 398/51](#)

148.48 There is no evidence as to whether the dumps to which Reg Tester referred were being guarded or as to the number of people who knew of their location. OIRA 7, who was not a member of the Command Staff, gave evidence that the Official IRA's main arms dump was at the shops in the Creggan.¹ OIRA 1, OIRA 2 and Johnny White (OIRA 3) all knew the location of the Columbcille Court dump, as did the volunteer who had placed the weapon there and the supporter who, according to Johnny White, managed the dump.² It should be noted by way of contrast that the evidence of Provisional IRA witnesses was that the locations of Provisional IRA arms dumps were a closely guarded secret. Although there is no direct evidence concerning knowledge of the Official IRA Creggan and Bogside dumps (other than the one in Columbcille Court), we got the impression that these were likely to be known to a wider extent.

¹ [AOIRA7.18](#)

² [AOIRA3.24](#)

148.49 We have concluded elsewhere in this report¹ that there were weapons in a car in Glenfada Park North that were accessible to members of the Official IRA.

¹ [Chapter 111](#)

The extent of the Command Staff's control over weapons and ammunition

148.50 In his first written statement to this Inquiry, Reg Tester told us:¹

"I was in charge of hardware i.e. weapons, ammunition and explosives. My role was to obtain and distribute arms. Each volunteer had to account for each round of ammunition issued to him and god help him if he couldn't account for it."

¹ [AT6.1](#)

148.51 Johnny White (OIRA 3) also told us that he would check the ammunition when a weapon was returned and so would know whether a volunteer had fired; and that if he were not available, the Quartermaster would check.¹

¹ [AOIRA3.32](#)

148.52 In his oral evidence to this Inquiry,¹ Reg Tester said that he did not know immediately after Bloody Sunday or for many years that "Red" Mickey Doherty had fired in Barrack Street or that OIRA 4 had fired from the Rossville Flats car park. He said he knew of the Columbcille Court shot fired at soldiers on the other side of William Street, but had believed that this had been fired by "Red" Mickey Doherty.

¹ [Day 414/45-46](#)

- 148.53** The evidence of Johnny White (OIRA 3) was that he did learn at the Command Staff meeting on the evening of Bloody Sunday about these shots.
- 148.54** The representatives of the majority of represented soldiers submitted that Reg Tester had no knowledge of or control over the weapons that were fired, because he had no control at all over weapons in the possession of the Bogside Unit.¹ However, somewhat inconsistently, these representatives also invited us to disbelieve Reg Tester's claimed ignorance of the firing that took place.² We ourselves do accept Reg Tester's evidence that he did not control the weapons in the possession of the Bogside Unit. It is difficult to accept, however, that Reg Tester did not know until long afterwards of the firing by "Red" Mickey Doherty in Barrack Street or that OIRA 4 had fired from the car park of the Rossville Flats.

¹ FS7.565

² FS7.598

The purpose for which weapons were held

- 148.55** The representatives of the majority of represented soldiers queried whether OIRA 4 would have been allowed to carry a personal protection weapon when arms were in such short supply.¹ The evidence of Johnny White (OIRA 3) was that on Bloody Sunday there were 12–15 men on patrol, 8–10 of them in cars containing arms.² The representatives of the majority of represented soldiers pointed to the evidence of Official IRA witnesses that there were in general terms more volunteers than weapons; however, if only a few volunteers were on duty, there would be likely to have been more weapons than volunteers.

¹ FS7.579

² AOIRA3.18

Assurances sought from and given by the Official IRA

- 148.56** We have concluded elsewhere in this report¹ that Brendan Duddy (at the time a businessman in Londonderry and a member of the Derry City Centre Police Liaison Committee) did seek and obtain an assurance from the Official IRA. His evidence to this Inquiry, which we accept, was that Chief Superintendent Frank Lagan had requested him to seek assurances from paramilitary groups to the effect that individual members would be told not to march and that they would make sure that all weapons were removed from the vicinity of the march. He told us that a few days later he met Malachy McGurran, whom he regarded as a leading Official Republican in Derry, and told him what Chief

Superintendent Lagan had requested. According to Brendan Duddy's recollection, Malachy McGurran's immediate response was that the request for these assurances was unnecessary and superfluous, because he felt confident that there would be no shooting and that if people wanted to march they should be allowed to do so. However, he did give an assurance that all guns would be removed.² In his oral evidence Brendan Duddy told us that there was no discussion at all on what might happen after the march had finished.³ He also said that he might have spoken to Malachy McGurran on or about 22nd, 23rd or 24th January and would have reported his conversation to Chief Superintendent Lagan shortly afterwards, perhaps on the following day.⁴

¹ Chapter 147

³ Day 432/82

² AD199.4

⁴ Day 432/84

148.57 As we have noted above, OIRA 9 was OC of the Official IRA in Londonderry until his arrest on 28th January 1972. He made a written statement to this Inquiry but was too ill to give oral evidence. His evidence was that he and Malachy McGurran met Brigid Bond (one of the march organisers) in the week before Bloody Sunday. They gave Brigid Bond an assurance that the Official IRA would support the march and would not interfere with it and that there would be no paramilitary activity on the day. There was no need for the Official IRA Command Staff to meet before such an assurance was given because "*what Malachy said, or decided, went*".¹

¹ AOIRA9.1

148.58 Malachy McGurran and Brigid Bond both died before this Inquiry was established. OIRA 2 said in oral evidence to this Inquiry that Malachy McGurran would have known the plans of the Official IRA Command Staff.¹ Johnny White (OIRA 3), who had become OC of the Derry Official IRA by the time of the march, was also too unwell to give oral evidence. He told us in his first written statement to this Inquiry that he was not aware of any assurance having been given:²

"I am also asked about assurances reportedly given to N.I.C.R.A. [Northern Ireland Civil Rights Association] by both wings of the I.R.A. prior to the march that there would be no weapons carried. In any event I can not give any information as to what assurance may have been given by the Provisional I.R.A. As far as I am aware there were no formal or informal approaches to the Official IRA about assurances over weapons or operations. No such approaches were made to me. No assurances were given. The nature of the march and the presence of our friends and families would in themselves have been an assurance to the organizers. It may well have been noticed

in the community that weapons were being moved out of the Bogside and this information may have filtered back to the organizers. It would have been obvious that if we allowed our friends and families to attend the march we did not intend staging any form of attack under cover of the march.”

¹ Day 392/24

² AOIRA3.12

148.59 Johnny White (OIRA 3) also told us that there were no lines of communication between the Official IRA and the Army or the Royal Ulster Constabulary (RUC) through which any assurance could have been given.¹ He may well not have been aware of the role played by Brendan Duddy.

¹ AOIRA3.13

148.60 In his written statement to this Inquiry, John Goddard of Praxis Films Ltd told us that he and Tony Stark had interviewed two senior Official IRA men and that he alone had then interviewed the man who had been OC of the Official IRA at the time of Bloody Sunday. He told us that he no longer recollected the names of these men.¹

¹ M86.16

148.61 Johnny White (OIRA 3) accepted that he had had an informal meeting with a member of the Praxis team but said he had no recollection of its content.¹ We set out below John Goddard’s note of his meeting with Johnny White, which in our view was an accurate account of what he was told:²

“O/c of OIRA at time

Officials did give undertaking not to be there with arms, and stuck to it. Given both to organisers (Bonds) and to priests.

Not break it – because community would disown them.

Would have claimed any of dead – always did and have.

No Officials killed or wounded.

Not know of any official there with weapons who fired, because would have claimed him – been a propaganda coup to have one of your members take retaliatory or defensive action at time.

If get pic of the man to him he will identify it if he knows him.

(NB Hoping to see the man this week, and have got second hand account.)”

¹ AOIRA3.30

² O17A.2

148.62 Bearing in mind that an Official IRA member (“Red” Mickey Doherty) had been wounded on Bloody Sunday and that there had unquestionably been other firing by members of the Official IRA, in these respects at least what Johnny White (OIRA 3) told John Goddard was clearly untrue. This casts doubt on the reliability of his account that an undertaking had been given. Whether Johnny White was telling John Goddard the truth about an undertaking having been given, in contrast to his evidence to us that there had been no assurance, remains in doubt.

148.63 The Inquiry also has Tony Stark’s and John Goddard’s notes of their interview with the unidentified Official IRA volunteers. These included the following:¹

“Q: SO YOU MADE AN AGREEMENT WITH THE CIVIL RIGHTS ORGANISERS NOT TO USE THE MARCH AS AN EXCUSE TO LAUNCH AN ATTACK ON THE ARMY?

A: WELL – IT WASN’T ANYTHING LIKE AS FORMAL AS THAT. LOOKE – EVERYBODY HERE KNEW EVERYBODY ELSE. THE CIVIL RIGHTS ORGANISERS KNEW THE IRA PEOPLE AND THEY MET AND TALKED AND INFORMALLY THEY WOULD HAVE UNDERSTOOD THAT THERE WAS GOING TO BE NO MILITARY ACTION THAT DAY. THE CIVIL RIGHTS PEOPLE WANTED IT TO BE A NON-POLITICAL MARCH AND THE IRA SUPPORTED THAT WISH. SO WE TOLD ALL OUR ARMED VEHICLE PATROLS TO STAY OUT OF THE BOGSIDE. THE CARS AND WEAPONS WERE LEFT IN THE CREGGAN. ANYWAY, IT WOULD HAVE BEEN ILLOGICAL TO HAVE HAD OUR CARS IN THE MIDDLE OF THE MARCH. HOW WOULD WE HAVE USED THEM? THEY WOULD HAVE BEEN STUCK IN THE MIDDLE OF THE CROWD. IF THE BRITS HAD HAD ANY INTELLIGENCE AT ALL THEY WOULD HAVE REALISED THAT THE IRA WOULDN’T HAVE BEEN OUT THAT DAY.”

¹ O17A.1

148.64 In the course of the same interview, the interviewees also gave information that we now know to be false, in that they denied that “Fr Daly’s gunman” was a member of the Official IRA. Since the identities of the interviewees are not known to this Inquiry, it is not possible to say whether they made an honest mistake in speaking to the journalists or were deliberately lying. Despite this, it seems to us that this account indicates that some assurance (albeit informal) was provided by the Official IRA.

- 148.65 OIRA 1, a member of the Official IRA Command Staff in Londonderry, told us that he was unaware of any assurance having been given.¹

¹ [AOIRA1.19](#)

- 148.66 The representatives of the majority of represented soldiers quoted part of OIRA 2's written evidence on the question of assurances: "*I gave no assurances and I think it unlikely that the other members gave assurances.*"¹ The full text of this evidence was:

"As far as I recall I gave no assurances and I think it unlikely that the other members gave assurances. Local people may have been aware that we were not preparing to take action but I cannot say for sure."

¹ [FS7.551](#); [AOIRA2.13](#)

- 148.67 In the course of his oral evidence to this Inquiry, there was the following exchange in relation to this part of OIRA 2's written evidence to this Inquiry:¹

"A. I would imagine the substance of that is correct because, as I have already replied to you, there was no formal link between the Official IRA and NICRA, so that the orders of the day, which as you say you will come to shortly, could possibly have been verbally given to a member of the – one of the organisers of the civil rights march on the day. Um, and really, as to the assurances, I mean, I personally gave no assurances to the Northern Ireland Civil Rights Association because I did not have any discussions or any contact with any member of NICRA in the run-up to Bloody Sunday, so that is just my personal opinion, and I have stated in my statement that I personally gave no assurances. That does not rule out that somebody else on the command staff could have passed on information to NICRA that there would be no activity – there would be no OIRA activity on the particular day.

Q. Do you remember it being decided at the command staff that NICRA should be informed of the command staff's plans?

A. No."

¹ [Day 392/22-23](#)

- 148.68 In our view OIRA 2 was not ruling out the possibility that an assurance had been given by someone else. As the representatives of the majority of represented soldiers acknowledged,¹ OIRA 2 said that he had heard something of Malachy McGurran having given an assurance.

¹ [FS7.550](#)

148.69 The representatives of the majority of represented soldiers, in relation to OIRA 9's evidence that an assurance was given, queried why, if that were the case, the other Command Staff members were not aware of the assurance. The representatives submitted that *"how effective such an assurance could be if OIRA 3 himself, the OC on the day of the march, was ignorant of it is not at all clear"*.¹

¹ FS7.552

148.70 As we have pointed out, we are in doubt as to whether, as he told us, Johnny White (OIRA 3) was unaware that assurances had been sought and given. As to OIRA 1, it is possible that he might not have been aware that assurances had been given, but we place little reliance on his evidence, since in many respects, as we have pointed out elsewhere in this report,¹ we consider that he has not told the truth to this Inquiry.

¹ Chapter 19

148.71 Anthony Martin told us that he had received assurances from Malachy McGurran and Reg Tester that the Official IRA would not take action during the march. According to Anthony Martin, Malachy McGurran had said that he had given a similar assurance to Brigid Bond.¹ Further, Anthony Martin told us that while he accepted assurances that the Official IRA would take no action on the march, he recognised that personal protection weapons might still be carried.²

¹ Day 176/40-44

² Day 176/46

148.72 Michael Havord said that he had received an assurance from Malachy McGurran that the Official IRA would not abuse the march.¹

¹ Day 125/17

148.73 Eamonn McCann's evidence was that he was aware of assurances having been given. In his written statement to this Inquiry he told us:¹

"Although I was not involved in the organisation of the march, I was in touch with the leaders of the Official IRA and I knew from them that the orders of the day on 30 January 1972 was that its members would not be present carrying guns. A number of people would have been aware of these orders. I am talking about hundreds rather than thousands."

¹ AM77.2

148.74 We should note at this point that we have considered the evidence given by Ivan Cooper on the question of assurances by the Official IRA.¹ While he did not suggest that he had himself received assurances, he appeared to be saying that he was aware that assurances had been given. However, for reasons given in the previous chapter, we treat Ivan Cooper's evidence to this Inquiry with great caution.

¹ [Day 420/36](#)

148.75 Although the matter is far from clear, we have concluded that it is likely that some members of the Official IRA did give some form of formal or informal assurance that it would not use the march for the purpose of mounting attacks on the security forces. Such assurances may well have been given in good faith, though in view of OIRA 1's shot from Columbcille Court over the heads of the marchers at the tail end of the march, in one instance at least the assurance was not kept. If an assurance was given that Official IRA members would not carry arms, as opposed to promising not to use the march to attack the security forces, we do not accept that such an assurance was given in good faith.

The need for assurances

148.76 Brendan Duddy told us that it was his own opinion, as well as that of Malachy McGurran, that it was unnecessary for such assurances to be sought, since neither the Official nor the Provisional IRA used weapons on marches.¹

¹ [AD199.3](#)

148.77 The Official IRA men interviewed by the Praxis journalists also indicated that a march would not have been used by the Official IRA to attack the security forces:¹

"A: 'YOU HAVE TO UNDERSTAND WHAT IT WAS LIKE AT THE TIME. THE WHOLE OF THIS DISTRICT WAS A NO GO AREA. THERE WERE CONTINUAL PATROLS OF ARMED MEN IN CARS – THEY DROVE AROUND AT WILL. IT WAS VERY CASUAL. SO CASUAL THEY WOULD OFTEN LEAVE THEIR CARS – WEAPONS IN THEM – WHILE THEY WENT IN SOMEONE'S HOUSE FOR A CUP OF TEA OR DOWN TO THE PUB FOR A DRINK. BUT WHEN IT CAME TO MARCHES OR PROSECCIONS [SIC] – IT WAS UNDERSTOOD THAT MILITARY ORGANISATIONS KEPT CLEAR.

Q: WHY WAS THAT?

A: 'LOOK – EVERYONE KNOWS EVERYONE ELSE HERE AND WHILE WE DID HAVE A CERTAIN AMOUNT OF CONTROL, WE ALWAYS WORKED UNDER THE IMPRESSION THAT IF WE WENT TOO FAR WE'D BE OUT. YOUR BROTHERS OR MOTHERS OR SISTERS WOULD BE INVOLVED IN MARCHES AND NOONE WANTED TO CAUSE THEIR DEATHS. THE RISK WAS JUST TOO DANGEROUS. SO YOUR NEXT DOOR NEIGHBOURS HAD A SORT OF VETO ON WHAT YOU DID BECAUSE, AFTER ALL, WE LIVED IN THE AREA AS WELL.

Q: BUT YOU DID OFTEN USE RIOTS AS A COVER FOR ATTACKS?

A: 'WE DID TAKE ADVANTAGE OF RIOTS – BUT ITS NOT THE WAY THE BRITISH MEDIA PORTRAY IT. WE DIDN'T ORCHESTRATE THEM. SURE, IF SOME KIDS WERE RIOTING IN AN AREA IN WHICH HE HAD ALREADY PLANNED AN ATTACK, WE MIGHT ASK THEM TO LEAVE BUT WE DIDN'T SET UP RIOTS.'

¹ [O17A.1](#)

148.78 OIRA 5 told us that marchers would not be used as cover for Official IRA men to shoot.¹ He did not accept that riots were used as cover for Official IRA snipers.² OIRA 7 said that riots might be used but only after people had gone home, enabling the snipers to shoot; there was no strategy to use rioters as cover.

¹ [AOIRA7.20](#)

² [AOIRA5.22](#)

148.79 We have no doubt, from a substantial body of evidence – including that from civilians, paramilitaries and soldiers – that paramilitaries had before Bloody Sunday used riots as cover from which to attack the security forces. We have found no evidence that suggests to us that marches, as opposed to riots, had been used in this way.

Martin Ingram's evidence of the IRA's plans for the day

148.80 Martin Ingram told us that while he was working in the Army's Force Research Unit in the early 1980s he saw documents relating to the IRA's plans for the day:¹

"I can recall that there was information of intelligence value received prior to the march from both Official and Provisional IRA agents that there was no intent to undertake military activity during the march."

¹ [KI2.4](#)

148.81 Martin Ingram gave confused accounts in the course of his evidence about the intelligence that he said he saw. In his third written statement to this Inquiry he told us that “*The reference to no IRA activity on Bloody Sunday came from a MISR [Military Information Source Report] document*” and that he had spoken to an Army agent, Frank Hegarty, who was an Official IRA member on Bloody Sunday and who had been emphatic when telling him that “*the stickies*” had planned no activity on Bloody Sunday.¹

¹ [KI2.40](#)

148.82 In his oral evidence to this Inquiry, Martin Ingram initially said that he had seen this information in contact forms recording discussions between agents and handlers, and perhaps also in source reports supplied by the RUC (SB50s).¹ Later in his oral evidence he told us that the information in this MISR had come from Frank Hegarty, and that he had seen more than one Army contact form setting out the information provided by Frank Hegarty.²

¹ [Day 329/83](#)

² [Day 329/112](#)

148.83 It was not clear from Martin Ingram’s evidence whether he was intending to say that the documents based on Frank Hegarty’s reporting were the only documents he saw that dealt with IRA plans for the day or whether there was other material as well. He did say that there had been one other Provisional IRA agent at the time but did not say what, if any, information was provided by that agent.¹

¹ [Day 329/120](#)

148.84 We formed the view that Martin Ingram had, at best, an imperfect recollection of events and that it would be unwise to rely upon his evidence.

The Official IRA’s standing orders

148.85 Johnny White’s (OIRA 3’s) evidence was that the Official IRA’s general standing orders were well known to the volunteers. These orders applied to everyone in the Official IRA, not just those in Londonderry. The orders were that no action against the Army or the RUC was to be initiated but that defensive or retaliatory action was permitted if the Army or the RUC initiated action themselves. According to Johnny White, everyone who joined the Official IRA at that time was aware of this policy.¹

¹ [AOIRA3.18](#)

- 148.86** It is probable that there were standing orders relating to “defence and retaliation”, which seem to have been interpreted differently by various members of the Official IRA. The majority of the witnesses appear to have interpreted such orders as permitting the shooting of a soldier on the street in “retaliation” for his very presence as a member of the occupying forces.
- 148.87** OIRA 2 told us that the policy of acting only in “defence and retaliation” was one that had applied to all Official IRA members in Northern Ireland for some time. He stated that he thought that it had been the policy since the introduction of internment in August 1971. In his oral evidence to this Inquiry his initial interpretation of the policy was that it permitted Official IRA members to fire live rounds only if the British Army had first fired live rounds.¹ He then said that retaliation in the form of the use of live fire did not have to take place immediately or while the Army was still posing a threat.² If the Army came in to try to arrest someone and did not fire live rounds, then the Official IRA would use a form of resistance such as rioting that did not involve the use of live fire.³ However, later in his evidence OIRA 2 said that “*attacks on members of the British Armed Forces could be clearly seen as part of a defence and retaliation strategy just because of the very fact that they happened to be present*”.⁴ He sought then to draw a distinction between the general policy and the policy applicable to Bloody Sunday, which, he implied, required the Army to shoot first before shooting by the Official IRA became permissible.⁵

¹ Day 392/29-20

⁴ Day 393/11

² Day 392/33

⁵ Day 393/12

³ Day 392/32

- 148.88** OIRA 2 said that the Command Staff reinforced these standing orders to Official IRA members before the march so that everybody clearly understood that there was to be no engagement with the Army on the day.¹ He said that the Command Staff did not expect any situation to arise that would cause volunteers to wish to fire in defence or retaliation.² He agreed³ that the following account, given after the day by Reg Tester to Philip Jacobson of the *Sunday Times* Insight Team, accurately reflected the position:⁴

“... staff officers decided to re-emphasise the existing orders that officials should only open fire on the army if they were shot at first, if the army had shot at other civilians and in any case never to open fire in a crowd situation.”

¹ Day 392/38

³ Day 392/40-42

² Day 392/39

⁴ ED20.30

148.89 OIRA 5 agreed that the “defence and retaliation” policy would have permitted an Official IRA member to shoot dead a British soldier, simply because he was on the streets of Derry.¹ OIRA 1 agreed with this interpretation of the policy.²

¹ [Day 393/180](#)

² [Day 395/176](#)

148.90 OIRA 1 said that the standing orders of taking action only in defence or retaliation emanated from Dublin and that the Derry Command Staff had no discretion to override these orders. Action in defence was justified when there had been an “*onslaught of one form or another [by the security forces]*”.¹ However, the Official IRA would be entitled to shoot a soldier simply because he was a member of the occupying force. Retaliation for Army action days or weeks earlier was permissible under the standing orders. The Official IRA, he said, did not initiate action by going to areas where the Army was, by attempting to engage the Army or by attempting to encourage the Army to initiate shooting.²

¹ [Day 395/24](#)

² [Day 395/25](#)

148.91 OIRA 4’s evidence was that the standing orders were that the Official IRA was to maintain a defensive stance. OIRA 4 interpreted the standing orders to permit the shooting of soldiers who entered the no-go areas.¹

¹ [Day 394/9](#)

148.92 OIRA 7 said that the standing orders would have entitled the Official IRA to shoot at a member of the security forces who came into the Bogside or the Creggan.¹

¹ [Day 398/7](#)

148.93 Our assessment of the so-called “defence and retaliation” policy (or standing orders) is that in practical terms it was not understood as limiting the circumstances in which members of the Official IRA could use lethal force against soldiers in Londonderry, but in effect sanctioned the use of such force whenever circumstances permitted. We do not accept OIRA 1’s evidence that the Official IRA would not initiate action. Nor do we accept that the general policy was specially modified as suggested for 30th January 1972.

The suggested need for the Official IRA to show that it could take aggressive action

148.94 The representatives of the majority of represented soldiers submitted that the Official IRA was held in low regard within the city and that its members felt a need to restore their prestige following criticism of their decision to release, unharmed, Private INQ 2245, a soldier kidnapped by the Official IRA on 17th January 1972.¹

¹ [FS7.529](#)

148.95 In support of their submissions, these representatives relied on the evidence of Liam O Comain.¹ Liam O Comain gave the following account to Liam Clarke and Kathryn Johnston, the journalists and authors of *Martin McGuinness: From Guns to Government*:²

“There’s an interesting twist to Bloody Sunday. There was an element within the Officials that definitely made a decision to open up on Bloody Sunday, and they did. It was nothing to do with Bishop Daly’s gunman. I was on the fringes then, but I tell you this, there was an element there and the thought at the time was that if we can have some form of death on Bloody Sunday, it might pull the Officials back in line again. They might be forced into a situation to place a bit more hope in.”

¹ [FS7.538](#)

² [AO82.5](#)

148.96 In a written statement to this Inquiry, Liam O Comain asserted that this account was untrue and that he had deliberately told more lies than truth to the journalists.¹ In his oral evidence to this Inquiry he said that the information that he had given about Bloody Sunday was based on a rumour that had gone around some weeks after the day. He added that it was a lie but did not, when asked, concede that the rumour was a false one.² He agreed that the vast majority of the information recorded by the journalists, in a note seven pages long, was true. He suggested that he had told them lots of other lies but that they had failed to record them.³

¹ [AO82.8](#)

³ [Day 417/52](#)

² [Day 417/32](#); [Day 417/68](#)

- 148.97** The representatives of the majority of represented soldiers described Liam O Comain as a “*member of the Official IRA on Bloody Sunday*” and provided the transcript reference in which he admitted his membership. However, they do not quote the answers that Liam O Comain gave immediately after making that admission:¹

“Q. Were you a member of the Official IRA on Bloody Sunday?

A. I was a member of the Official IRA on Bloody Sunday. I took an oath, the Republic, in 1955. I have stood by that oath since and I consider myself a member of the Irish Republican Army at this present moment in time.

Q. If you were a member of the, as you say, the Official IRA on Bloody Sunday, did you receive any instructions or orders from them?

A. I have stated clearly in the first paragraph, sir, that I was on the fringes of the movement at that time, and I gave the reasons for being on the fringes of the movement. I was not actively involved.

Q. Is the answer to my question that, for that reason, you did not receive any orders?

A. I did not receive any orders.

Q. Were you told anything about the Officials’ plans?

A. No, I was not, as stated in that first paragraph. I was not privy to anything of the Officials; what was going on or anything prior to or the events of Bloody Sunday.”

¹ [Day 417/15](#)

- 148.98** When assessing the reliability of Liam O Comain’s evidence on this issue, we had in mind the evidence that he gave concerning his relationship with “Red” Mickey Doherty. Liam O Comain claimed to have known “Red” Mickey Doherty well.¹ However, on the website² on which he published a verse about “Red” Mickey Doherty, he placed above the verse a picture of an entirely different individual, the Irish National Liberation Army hunger striker Mickey Devine.³

¹ [Day 417/56](#)

² The web address was <http://irelandsown.net/redmickey1.html>. This site no longer appears to exist.

³ There is a reference to Mickey Devine in *Tírghrá* at page 244.

- 148.99** We are not persuaded that Liam O Comain had at the time of Bloody Sunday sufficiently close involvement with the Official IRA to have real knowledge of its plans or activities.

Orders given to Official IRA volunteers

148.100 Johnny White (OIRA 3), the OC, gave the following account in his first written statement to this Inquiry:¹

“I can confirm that the orders given on the days leading up to Bloody Sunday and confirmed on the morning of Bloody Sunday were that there should be a defensive mode only. No units or volunteers were to incite any confrontation with the British Forces, nor was anyone to commence any offensive action against the security forces. This was a march for a political purpose against the sectarian internment policy which was being imposed. This was a cause for which the movement had great support and we would do nothing to risk bad publicity for the march or its purpose. This was a matter which was of importance and meant a great deal to Nationalists in Northern Ireland. I personally had been interned and released and felt particularly strongly about the events.”

¹ [AOIRA3.2](#)

148.101 In the same statement he told us:¹

“I can confirm that there were no units on active duty during the day on Bloody Sunday. In particular there were no units or volunteers ordered to be in the Bogside for any operational reasons.

...

Some volunteers were based and ordered to remain in Creggan and the Brandywell areas to await any trouble which could occur. We did feel that there may be an attempt to get British Forces into the Creggan and Brandywell areas whilst many people were on the march.”

¹ [AOIRA3.2](#)

148.102 Johnny White also told us that on the morning of the march he met with some of the volunteer units to confirm their orders and to make sure that everything was in place.¹ Later in his first written statement he told us that the orders included an order that all weapons were to be removed from the Bogside to the Creggan and the Brandywell.²

¹ [AOIRA3.3](#)

² [AOIRA3.12](#)

148.103 In his second written statement to this Inquiry, Johnny White told us that there were three Official IRA units on active duty on 30th January: one unit in cars in each of the Creggan and the Brandywell and one single volunteer who was posted in the Barrack Street area with a rifle. He said that on the morning of the march he reminded the volunteers of his suspicions about a possible Army incursion, speaking to each unit in the Creggan and the Brandywell. The Creggan and the Brandywell patrols each consisted of a car containing weapons and 4–5 men as well as at least one other car containing 4–5 people who provided back-up services.¹ Johnny White stated that he was sure that his orders were communicated to everyone and that he had “*absolute confidence*” that everybody was reminded of the standing orders on the morning of the march.²

¹ AOIRA3.18

² AOIRA3.18

148.104 As we have noted above, Reg Tester, the Quartermaster of the Official IRA Command Staff, said that he was ordered to ensure that all weapons were removed from the Bogside and taken to the Creggan. However, some that were in safe dumps in the Creggan and the Bogside were left where they were. With the exception of the weapons in these dumps, the rifle in the possession of “Red” Mickey Doherty, the rifle fired by OIRA 1 and one pistol, the remainder of the Official IRA’s arms were, he said, placed in two cars which were then driven around the Creggan.¹ Reg Tester gave an essentially similar account to Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team in March 1972.²

¹ AT6.2; AT6.10; Day 414/30

² S34

148.105 OIRA 2 said that the Command Staff, led by Johnny White (OIRA 3), met on Saturday 29th January and on the morning of 30th January and decided that the Official IRA would not precipitate a situation that would cause the Army to react. Official IRA members, he said, were to be permitted only to act in “*defence and retaliation*”.¹ We have expressed above our view of what this phrase was understood to mean.

¹ Day 392/28-29; Day 392/43; AOIRA2.13

148.106 OIRA 5 said that the orders were that there were to be no weapons in the Bogside and that no volunteers were to carry weapons on the march. No-one was to initiate any action with the security forces, and the defensive standing orders were to be maintained. His recollection was that no specific instructions came to the Derry Brigade of the Official

IRA from the Dublin headquarters staff. Had such instructions been given, he would have known of them.¹ He said he understood that the weapons in the cars in the Creggan were to be used if an Army incursion into the Creggan took place.²

¹ AOIRA5.2; Day 393/147

² Day 393/203

148.107 OIRA 1 said that the small number of volunteers in the Creggan could not hope to repel a large-scale assault by the Army but might hope to delay an Army invasion and give people time to organise themselves and come out of their homes.¹ He said that the Official IRA's weapons were usually kept in two cars.² The OC ordered that the cars, one or both of which might otherwise have been in the Bogside, should be removed to the Creggan during the march;³ and that the weapons in the cars could then be used to try to prevent any Army incursion into the Creggan.⁴

¹ Day 395/180

³ Day 395/22; Day 395/29-30

² Day 395/20

⁴ Day 395/32

Other accounts of the orders

148.108 The *Observer* galley proofs contain an account which is attributed to the “acting” OC of the Official IRA in the city, who was Johnny White (OIRA 3):¹

“On Sunday, most of our members were taking part in the march and were unarmed. We had two marksmen on duty, but with strict instructions not to use their weapons until the area was clear of civilians. One was covering Rossville Street from the corner of William Street and Rossville Street. Another was in the Little Diamond covering William Street.

‘Apart from that, we had three sections on duty, marksmen stationed in the usual places well outside the area covering Bishops Street, Blighs Lane, and other volunteers on duty in cars. The marksmen were armed with rifles, and there were sub-machine-guns in the cars. These were the only weapons. There were no nail bombs, as the Army has claimed.’”

¹ ED24.9

148.109 In his second written statement to this Inquiry, Johnny White (OIRA 3) told us that he had no recollection of speaking to anyone from the *Observer* and added, “*I have already dealt with the volunteers and the weapons available*”.¹ We are sure that he did give the account found in the *Observer* galley proofs.

¹ AOIRA3.30

- 148.110** Apart from the reference to the marksman covering Bishop Street, who was clearly “Red” Mickey Doherty (whose shooting we consider in Chapter 151), the *Observer* account given is inconsistent with the evidence given by Johnny White and other members of the Official IRA Command Staff to this Inquiry, and casts doubt on the reliability of that evidence; as does the fact that there was an Official IRA car with weapons in Glenfada Park North; and the firing by OIRA 1 from Columbcille Court at soldiers next to the Presbyterian church.

Official IRA patrols on Bloody Sunday

- 148.111** Reg Tester said that on Bloody Sunday he placed the majority of the Official IRA’s weapons in the boots of two cars. He and five or six other volunteers spent the afternoon of the march driving around the Creggan in these cars. He said that there was no back-up car as described by Johnny White.¹

¹ [Day 414/47-49](#)

- 148.112** The representatives of the majority of represented soldiers referred to the 11 Official IRA witnesses who gave evidence to this Inquiry. They submitted that seven of these witnesses were members of the Creggan Unit but that only one of those seven, Reg Tester, admitted to having taken part in the Creggan patrol on Bloody Sunday. They asked us to consider whether the remaining six would, if there were truly a plan to defend the Creggan, have been left out of the operation.¹

¹ [FS7.564](#)

- 148.113** Of the Official IRA witnesses, only ten were members of the Official IRA in the city on the day. The eleventh, OIRA 9, had been detained. Of the seven witnesses identified by the representatives of the majority of represented soldiers, it seems to us that only five were admitted members of the Creggan Unit. Two of these (OIRA 7 and OIRA 8) said that they were on duty on the previous night and so were not on duty during the day. OIRA 6 said that he had been on duty the previous day but then agreed that he was in the same section as OIRA 8. Reg Tester, who admitted taking part in the Creggan patrol, did not say that he was a member of the Creggan Unit. We consider that the Official IRA assigned members to the Creggan or Brandywell patrols without regard to the unit to which the members belonged. If that is correct, then the absence from the patrols of a number of members of the Creggan Unit would not be surprising. The Creggan Unit appears to have had two sections, each with about eight members, one responsible for night patrols and one for days. If Johnny White (OIRA 3) is correct in his recollection that

there were 12–15 men in the patrols, then the Official IRA would either have had to call on Creggan men who had been up all night or would have had to use men from the Bogside Unit and Command Staff. It was not suggested to Reg Tester when he gave evidence that men had not in fact been deployed to defend the Creggan.

The purpose of the patrols

148.114 OIRA 6 was a member of the Official IRA's Creggan Unit. He gave the following account of the purpose of the patrols:¹

"We generally did patrol in cars in day shifts and in night shifts. We would have had our three working weapons to be shared by four of us in the car and we just used to drive around and protect the area against incursion by the British Army. It was nothing exciting. I am asked to deal with an issue raised from time to time by the barristers acting for the MOD [Ministry of Defence]. Did we think we could stop the army invading the area with a few men and fewer working weapons? The answer is that we did not really believe we could withstand an out and out assault. But I believed then and still believe that the picture we painted of an armed resistance gave a stronger view of our position and did for some time, until Motorman,² keep the Army out."

¹ AOIRA6.2

² Operation Motorman was an Army operation carried out in July 1972.

148.115 His evidence was that he was not on patrol during the day of Bloody Sunday but had expected that the routine patrols of the Creggan would continue as usual that day.¹

¹ AOIRA6.3

148.116 Reg Tester gave the following account, when speaking in general terms of the actions that the Official IRA might have taken in the event of an incursion by the Army:¹

"Q. 'If anyone had tried to come into the no-go area in a serious way, then we would have done our best.' What does that mean?

A. Precisely what it says. We would have done our best to put them [the Army] out.

Q. If they had invaded the Creggan?

A. Well, if they had invaded there would not have been much we could do, we did not have the manpower or the weapon-power to do anything about that. But a small incursion, if – let us put it this way, if they were threatening, if they came into the area,

they threatened people in the area, we would have opened up on them if it was practical to do so. It is, it is not an easy situation. You are surrounded by civilians in civilian homes, you do not want to provoke a lot of fire-power and possibly have civilians killed. Quite apart from the fact that it would be a terrible thing to happen, it would not do your reputation any good either, the population would soon say 'Hey, out, we do not want you'."

¹ [Day 414/132](#)

148.117 However, Reg Tester also said that he had a technical role within the Command Staff, did not attend all staff meetings at which policy was discussed and worked alone on his duties as Quartermaster.¹

¹ [Day 414/135](#)

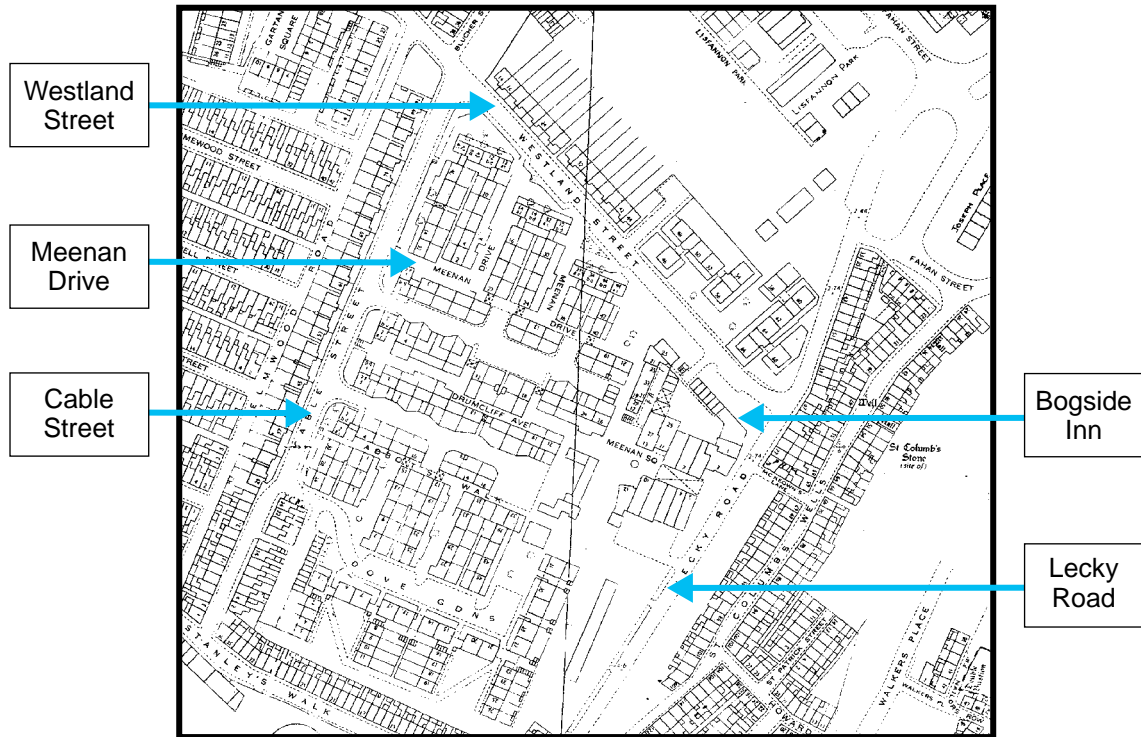
148.118 In our consideration of the events of the five sectors, we have discussed the evidence of paramilitary activity in those sectors. Here we turn to consider Official IRA activity outside those sectors.

The arrival of Official IRA cars in the Bogside and paramilitary activity in the area of the Bogside Inn

148.119 PIRA 24 told us that at about 4.00pm, while he was at home in Meenan Drive, he heard high velocity shooting. According to his account, he went out and met PIRA 17 in Cable Street. He said that together they walked northwards and, while they were in Westland Street near its corner with Cable Street, he noticed shots being fired from the City Walls. He also said that he saw two cars coming down Westland Street towards Lecky Road and recognised them as Stickie (Official IRA) cars, the second of which was a red Cortina. One car stopped about 15 yards from PIRA 24. People got out of the car and took rifles out of its boot. PIRA 24 told the Official IRA men that they should not stop there. They got back into the car and followed the other car, which had not stopped, down into the Bogside. PIRA 24 said he saw both cars stop in the area of the Bogside Inn, but did not see anyone get out of the cars, though he was not looking at them all the time. He told us that by this time the shooting was dying down; and that a few minutes after he had first seen them, the cars passed him again, heading up Westland Street (towards the Creggan).¹

¹ [APIRA24.14](#); [Day 426/109-111](#)

148.120 The map below shows Meenan Drive, Cable Street, Westland Street, Lecky Road and the Bogside Inn.



148.121 Johnny White (OIRA 3) gave the following account in his first written statement to this Inquiry:¹

“Later in the afternoon I know that a number of volunteers drove their cars into the Bogside and that at least one fired or attempted to fire a weapon which had been brought down from the Creggan. It is my belief that cars which arrived later in the afternoon, although not significantly later, have been mixed up with other vehicles which may have already been present.”

¹ AOIRA3.8

148.122 In his second written statement to this Inquiry, Johnny White (OIRA 3) told us that two cars containing weapons came down to the Bogside Inn and that other cars containing unarmed volunteers and supporters came into the area.¹

¹ AOIRA3.26

Leslie Bedell

148.123 Leslie Bedell, who was visiting from England, gave both a written statement for and oral evidence to the Widgery Inquiry. In his written statement¹ he described being near the lorry at Free Derry Corner when the speeches began, seeing an armoured vehicle coming along Rossville Street and hearing the firing start. Although he started to approach the armoured vehicle, he said that when he saw people apparently shot *“I turned and ran (or half ran, half crawled) until I got round Free Derry Corner and into the area of the low flats in the square on the map with the reference figure 167 above it. There were a few people milling round there. I asked one the time. It was just after 4 o’clock.”*

¹ [AB28](#)

148.124 The *“square on the map with the reference figure 167 above it”* was a reference to an Ordnance Survey map. The flats to which Leslie Bedell referred were, as he explained in his oral evidence to the Widgery Inquiry, a block of low flats opposite Westland Street.¹ The map above shows the relevant area.

¹ [AB28.11-12](#)

148.125 Leslie Bedell’s written statement continued:¹

“13. From the flats I went into Westland Street (I saw the street name up). I saw some old cars – saloons like beat up Ford Zephyrs, and an old Humber – coming down from the direction of the Creggan estate. About 2 dozen men piled out of the cars. These were the only civilian cars I had seen moving that afternoon. The men were wearing a sort of uniform like battledress, one or two had dark berets. They all had a weapon of some kind, rifles mostly. Some had automatic rifles with big magazines, but most had rifles with small magazines.

14. These men dispersed into the flats. I could see them take up positions and start firing at the troops. There were still a lot of people standing around. I just stood with them and watched. If there had been no one else there I would have taken cover. We were protected by the flats and anyway we were not in much danger. I could not hear bullets coming over. There was some firing a long way off, but apart from this the only firing was by the men dispersed in the flats.

15. After about 15 minutes I saw a big stocky looking chap who shouted at the firers to pull back. He was obviously in charge, and was wearing sort of battledress. They all came out in ones and twos and went into a hall on my side of Westland Street. They went upstairs outside the building to get into the hall. One young chap – only 15 or 16 – with a rifle got left near the flats, in the courtyard. A helicopter came up overhead and the troops in the Rossville area or in observation posts might have been able to pick him off crossing the road. Then about 50 or 60 people from the bystanders ran over the road, surrounded him and brought him over in their midst.

16. I saw somone come out of the hall. He was a tall thin chap and when he spoke he had an English North-country accent. He stood at the foot of the stairs as if on guard. Everyone began asking him questions and he said that reports were coming in that a lot of people had been shot. Then he said they had decided their actions had not much effect, and anyway they were being hampered by so many people in the area, so their intention was to pull out and come back that night when the area was clear. He said they had decided to shoot 2 soldiers for every civilian killed. I saw them come out then – about 5 o'clock – and drive off in their cars. There was no firing going on at this time."

¹ AB28.4-5

148.126 Leslie Bedell gave a similar account in his oral evidence to the Widgery Inquiry.¹ He told the Widgery Inquiry that it was at least 15 minutes between the Army starting to fire and the arrival of the cars from the direction of the Creggan.²

¹ AB28.7-22

² AB28.16-17

148.127 Philip Jacobson of the *Sunday Times* Insight Team interviewed Leslie Bedell. According to the notes of this interview, Leslie Bedell gave the following account of what he witnessed after observing the first Army shooting:¹

"When i saw the shootings i thought it was time to get away from the area and i turned and ran back in the direction that my two companions had taken (i.e. towards the small flats at the foot of westland st.) i went through a small passageway and found myself in westland street – i looked up and the name was high on the wall of the small flats (pj; it is). I asked somebody the time and it was just after 4.00. Coming out onto westland street, there were quite a few people milling around and asking eachother what had happened. i was a bit worried as the three blokes i came with had warned me not to speak if possible as my london accent might not go down toowell. Shortly after i got to

westland st., two cars came roaring down the hill from the direction of the creggan. they were noticeable as they were revving very hard and squealed to a stop as they turned at the bottom. One was a beat-up Ford Zephyr and the other was, I am pretty sure, an old Humber. i cant recall the colours (NB: the Officials used a blue Avenger, unlike either of these cars). They were the onl[y] cars moving about at that stage.

I would say that about ten to a dozen men jumped from the cars as they drew up. They were dressed in a sort of uniform, i mean that most of them had greenish combat jackets and jeans on and the majority were wearing black berets. Not all of them were carrying guns openly; those that were had rifles like the ones i used in cadet corps (pj: almost certainly .303s) and three or four others had some more modern kind with a long thin magazine underneath[h]. When the gunmen appeared, people in the crowd started saying 'the Provos are here' and 'Where have they been all this time' and so on. I have no doubt that they were Provisionals; people standing around knew some of them by name and I heard the word Provos several times. Ivan Cooper was standing there at this time and he must have seen them arrive.

NB; according to bedell's placing, the provos debussed in full view of the Walker gun post; a chopper was also circling the area, though fairly high. he remembers thinking they were sitting ducks for troops on the walls, having looked up and seen soldiers moving around in the post near the tall monument (Gov Walker)

'The gunmen, all but two or three, went over into the low flats, using both entrances and spread out going up different flights of stairs. i could see a young chap, estimated 16/17, with what looked like a .22 rifle, he was very close to where I had moved back towards the flats.

After they dispersed, the cars roared back up the hill. they came back at least once I am sure, and there were certainly more men who seemed to be Provos appearing after this. Only one had a rifle with him as far as I saw. (PJ: this explains bedells statement that perhaps two dozen IRA piled out of the cars; he didn't make it clear to the tribunal that the cars came back again.)

The men around the flats started firing as soon as they were in position; i reckon they fired about 50 shots at the most. Some sounded like automatic they were so closely grouped, three or four very close together (pj: could be semi-automatic). I would put the time they arrived at just after 4.00 and they stopped shooting about 15 minutes later, say 4.15 to 4.30.

Then one of the first carload, a big burly chap about mid-forties, balding a bit, came over from the other side of westland street where there is a sort of community hall. he must have told his men to withdraw becoz they started running back crouched over and went into the hall. they all got across except for the young lad i had seen with the .22. he got into a sweat becoz the helicopyer was quite low then. he started dodging and hesitating and the crowd was all shouting for him to make a dash for it. I saw a chap come to his front door on the first floor of the flats, he was in his carpet slippers, and he beckoned the lad to go into his house but then about 40 of the crowd ran over and gathered round the boy and sort of shielded him across the road into the hall.

when they went in, i started to wander around and i found myself in a little alley with a row of shops. there was one serving tea and several of the civil rights people i recognised by sight were in there. Cooper and Devlin were certainly there, i can swear to that. when i wandered out and back into westland street again, there was one of the chaps from the first IRA cars standing outside the hall, on guard i suppose and he was carrying a rifle. he was a tall, thin geezer and he was definitely english; i was close to him and heard him speak in what i think was a yorkshire accent, certainly North Country. he had a droopy moustache like yours (pj!). some lo[ca]ls were chatting to him; he said they werent sure what had happened but there had been a massacre and they had got their guns and come down in the hope of drawing army fire away from the civilians. he said they had been unable to draw any return fire and that it was suicide to go anywhere near the flats with a gun, so they were pulling out and would be back later in the evening when the area had been cleared of so many civilians. he said 'then we'll kill two fucking soldiers for every dead civilian.'

The rest of the IRA men came out of the hall and got into the same two cars and drove away up the hill. i asked the time again about then and it was just on 5.00. All shooting had stopped before they left.

after that i decided to get away as people were sort of asking me directions and things and i was very worried about my english accent. i met two of my friends at the top of westland street and after waiting until about 6.00 we made our way back to the car."

¹ [AB28.25-28](#)

148.128 At the end of these notes Philip Jacobson added the following comments:¹

"NB

1. Bedell could not be budged on claim that it was at least 15 minutes after hearing the first shots and seeing the barricade deaths that the IRA men arrived
2. he stuck to his story about hearing the IRA officer talk about trying without success to draw army fire.
3. he says the majority of the IRA men were late teens/early twenties. the stock[y], big chap he thought was in command was 40ish, maybe a bit older. there were half a dozen men of this age, including the Northern accent man he took to be second in command because he was giving orders but taking them from the stocky man.
4. he says the while the IRA men were firing, people were standing around in full, view of the walls and he noticed through one open door in the low flats that a group [were] placidly watching the Sunday afternoon film (what was it that day???)."

¹ AB28.28

148.129 Leslie Bedell was not called to give evidence to this Inquiry. His 1972 accounts of a substantial amount of firing by numbers of paramilitaries from near the Bogside Inn towards the soldiers who had come into the Bogside are unsupported by evidence from any other source, civilian or military; and in our view it would be unwise to rely on them though, as will be seen, there is other evidence that a few shots were fired from this area. However, as will also be seen, there is evidence that, to a degree at least, supports his account of seeing armed men arriving in cars some considerable time after soldiers had gone into the Bogside and opened fire. Although he told Philip Jacobson that he was sure that the armed men that he saw were members of the Provisional IRA, he also told Philip Jacobson that one of the men who had got out of the first of the cars to arrive was "*definitely English*" and spoke in what he thought was a northern accent. This is a description that could fit Reg Tester, the Quartermaster of the Official IRA in Londonderry, who came from Nottinghamshire.¹ Martin McGuinness told us that he was 100 per cent certain that members of the Provisional IRA had not been involved in any such incident as that described by Leslie Bedell.² However, as we have previously described, we are of the view that one of the Provisional IRA cars patrolling the Creggan did come down to the area of the Bogside Inn after the soldiers had come into the Bogside. It is possible, therefore, that Leslie Bedell saw both Official and Provisional IRA members arriving in this area.

¹ AT6.1

² Day 390/149-152

148.130 In his first written statement to this Inquiry¹ Reg Tester told us that at some time during the afternoon of Bloody Sunday he was with at least two others in one of two cars controlled by the Official IRA which had been driving around the centre of the Creggan and had stopped on New Road, when “*word reached us that something had happened in the Bogside*”.² He told us that he drove his car slowly down Westland Street. His account continued:

“I got out of the car and took up a position on the balcony of a flat at the junction of Westland Street and Lecky Road at the point marked A on the attached map (grid reference D24). I knew that there was a clear view of Rossville Street from that position.

I took a new M1 Carbine from the car and tried to fire it from the balcony. I had taken a new weapon that I was unfamiliar with rather than an old one because the M1 had a higher rate of fire. However, the gun jammed and because I was unfamiliar with such a new weapon, I was unable to unjam it so I returned to the car. I was also concerned because I could see civilians and I did not want to endanger them.

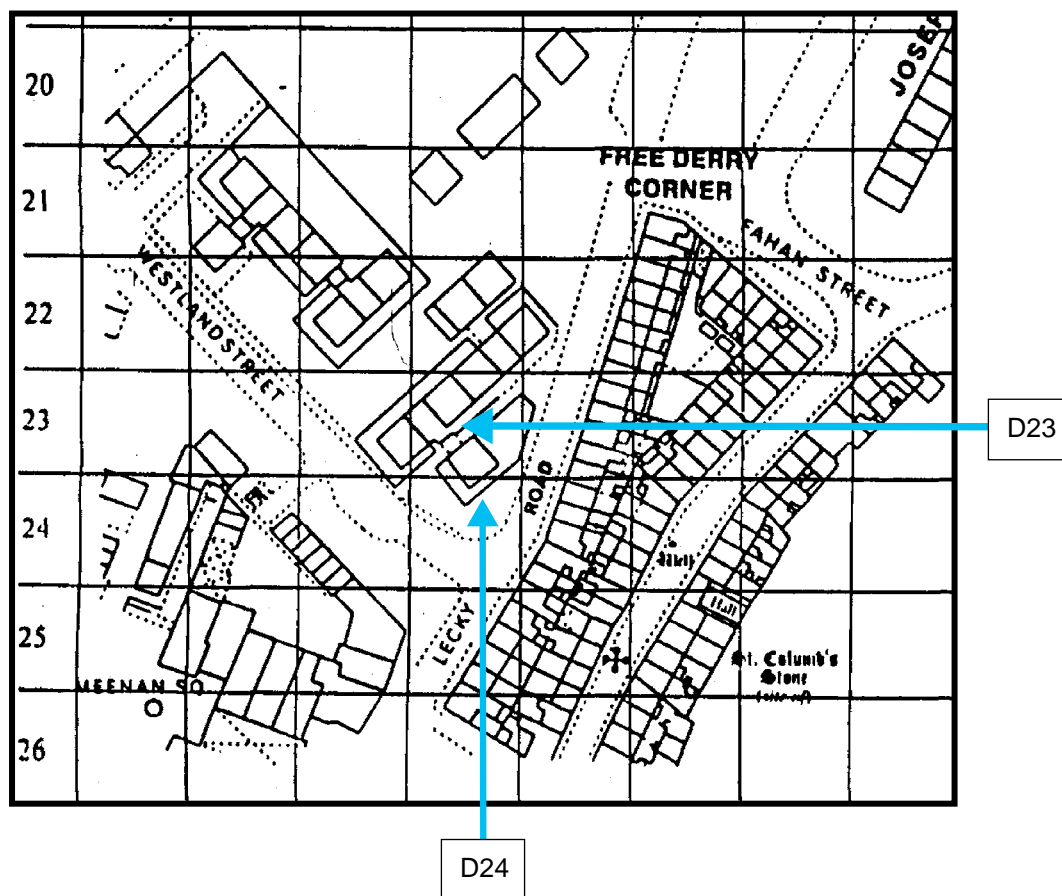
I cannot now recall what I did after firing from the balcony. I did not use any other guns because I did not want to hang around and for the army to get their hands on the weapons I had in the car; I knew that the paras weren’t the type to mess around.”

¹ AT6.1

² AT6.2

148.131 The point marked “A” to which Reg Tester referred was at the north-east corner of the junction of Westland Street and Lecky Road.¹ We also mark on this map square D23, to which Reg Tester referred in his supplementary statement to this Inquiry, to which we now turn.

¹ AT6.5



148.132 In his supplementary written statement to this Inquiry, Reg Tester gave another account of driving down to the Bogside:¹

"I can remember that when we were driving around, we did stop for a period at the top of the New Road with the engine off. Even there, we did not hear anything going on in the Bogside. It was when we were in this area that people who were coming up the New Road came and told us what was going on in the Bogside and that the soldiers were shooting innocent people dead.

I got very het up and I was not thinking clearly. I mention at paragraph 12 of my statement that I drove my car down Westland Street. The people who were approaching us in the car would have known our faces or would have recognised the car as an IRA car and would have come up to tell us that people were being killed in the Bogside. I certainly knew that there were people being shot dead – more than one or two. I cannot recall who actually approached the car or the exact words that were said. In driving down Westland Street, this was a main road. The army had access from Bligh's Lane and I was also aware that there was an army observation post on

the Walls that could see into Westland Street. If our two cars had got stopped, we could have got into terrible trouble with all our weaponry in the cars. However, the mood that I was in was that I wanted to hit back. It was the only time that I can remember that I had lost my cool. We drove down and pulled up at the bottom of Westland Street.

I took a gun out of the car and put it down my left side and walked over to the block of flats that was at the corner. I did not know what was happening down Rossville Street. I do remember that when I took the weapon out of the boot of the car (the boot was not facing up at the Walls), there were civilians around me. They did cheer – I think that this was the only time I ever got cheered. I remember it being an encouraging feeling and I clearly remember the thought that I must be doing something right.

I made my way up to the balcony of a flat at the junction of Westland Street and Lecky Road; I have marked this as point 'A' on the map attached to my first statement, though, on reflection, I am not sure that it is quite in the right location. I think it is more in square D23 at the other side of the building.

From the balcony, I looked down Rossville Street and I could see that there was a vehicle that had pulled up outside the Rossville Flats by the area with access to the lifts. Rossville Street was not as busy as I had expected, though I could see figures still moving around. People were still milling around but I could vaguely make out the soldiers around the vehicle. I cannot be sure of the actual time of day but it was getting towards dusk. We did not have any night sights at that time, nor indeed did we have telescopic sights.

I then aimed my M1 Carbine at a soldier and tried to fire it but the weapon jammed. I was glad that it had actually jammed because I then calmed down and I realised better what I was doing. I cooled down and started to think that what I was doing wasn't the best idea. I am asked whether I thought of the terms of our orders at this stage. The truth is that having heard what I had heard, that people were being shot by the army, my simple reaction was wanting to hit back. I didn't analyse what the orders were to see whether this would have been stretching them or breaching them, but having tried to fire the M1 Carbine and having failed, I calmed down and was thinking more rationally.

I think that my weapon had been on single shot; I do not think I would have put it on automatic or semi-automatic when I was up on the balcony. Even in my rage, I still had enough sense for that.

Nothing had therefore been expelled from the barrel of my weapon. I think I stayed up on the balcony for a few minutes to see what was going on, and tried unjamming the weapon. Whereas I could strip and reassemble all the weapons in our arsenal, I couldn't do so with this one, which was a new weapon that had been untried and untested.

There were still some civilians in Rossville Street but I do not know if any bodies of those who had been shot had been moved. I couldn't see any bodies with the naked eye. There were, however, lots of people still around the area of Westland Street and they were angry. When I arrived in the area of Westland Street, I am sure that there were a couple of hundred people already there. My memory of Westland Street at around the time of my arriving and leaving with my M1 Carbine is one of impression rather than clinical observation. I was not too conscious of what was going on around me in that area and I cannot remember who I might have seen. I cannot, for example, remember, in response to a question from Eversheds, whether I saw Eamon McCann in the area.

In the five or six minutes that I would have been up on the balcony all told, I could hear no shooting. I think that by the time I got down to the Westland Street area, all the shooting was over. It was only later on that I realised the extent of what had happened. It took some time to sink in. Irish people might have seen this sort of thing before, but I was English, and to me I could not believe what had happened. It was my fellow countrymen who had shot innocent people and I felt ashamed of my nationality, which is something that I don't think any person should ever feel. I still get emotional when I think about it, though I am not generally a violent person or an emotional person by nature.

No one saw me trying to fire my M1 Carbine from the balcony area as far as I am aware. The other two volunteers who had been in my car stayed with the car. After all, it had a boot load of weapons. There was no plan here, and we were simply reacting to a situation. I probably said to them – 'You stay here and I'll go and see what I can see.' I think that the other Official IRA car that was loaded with weapons had stayed up in the Creggan.

I am asked if I became aware of any other cars with weapons in the area. I am not aware of seeing any other such cars. I am asked whether I saw any Provisional IRA men in the area. I have a vague recollection that there were some Provos around but they didn't come near us. I couldn't identify any of t[h]em now even if i wanted to. I think that they were in the general area of the Bogside Inn. I had parked in the area

of a pedestrian crossing. I think that they were the other side of the road to us – nobody came to approach us.

Having returned from the balcony, I went back to the car. The people who had seen me arrive in this area had probably moved on. I have a vague recollection that there were less people around by the time I came back from the balcony. Those who were around probably did not know why I have been in the area of the balcony. The two lads who were in the car with me might have asked what had happened. I probably told them. I don't remember anyone giving me a hard time or booing me or the other volunteers because we had not fired back at the security forces.

My attempted shot at the army is the only shot that I knew of against the security forces at that stage. I am asked whether I became aware of any shooting from the area in which I found myself up at the City Walls, or at the army checkpoint. There was certainly lots of confusion in the area as to what was going on, but I know nothing of shooting to or from the Walls. During this time I was at the Bogside Inn area. It is hard to estimate how long I was there but it was probably 10 – 15 minutes after the attempted shot.”

¹ [AT6.10-12](#)

148.133 Square D23, indicated by Reg Tester in this statement, was a reference to the square shown on the map reproduced above, directly above the square he had previously marked with an “A”.

148.134 Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team interviewed Reg Tester, whom they did not name but whom they described in their notes as an Official IRA staff officer.¹

¹ [S34](#); [Day 190/17](#); [Day 190/93](#); [Day 191/81](#); [Day 191/111-112](#)

148.135 According to these notes, Reg Tester gave an account of the shot fired by OIRA 1 from Columbcille Court at a soldier on the Presbyterian church in William Street. We have considered this shot in detail earlier in this report.¹ The journalists’ notes continued:²

“Around that time, five Officials from the Creggan unit were sitting in a dark blue Avenger – one of their fleet of ‘liberated’ cars – at the roundabout outside the church at the top of the New Rd. Crowds returning from the march were spreading rumours of something very nasty down in the Bogside; the Officials discounted the wildest rumours but still felt it was necessary to go and investigate. They drove off smartly down New Rd and into Westland St. Towards the bottom of Westland St progress got

slower as heavy crowds were moving away from the main firing area. The car turned right at the bottom of Westland St into Lecky Rd., then turned right again immediately, into a small car park behind the block of shops.

Three of the men jumped from the car: one was carrying an M.1 carbine with two 'banana' clips with about 25 rounds in each and a box magazine with 10 rounds. All these mags were not fully loaded as the gun was new and the spring was so strong that it was jamming rounds into the breech too hard, risking malfunction. The mags were underloaded to reduce the pressure. The other two both carried .303 Lee Enfield Number 4 rifles. There may have been a Winchester rifle in the car as well, but it was certainly not taken out.

One of the three men went round the back of the Bogside Inn block – taking the chance of being spotted from the Walls, although the M1 carbine can be easily concealed beneath a coat – and crossed Westland Rd into block of modern maisonettes directly opposite. He went straight up to the first floor balcony that looked directly out towards the barricade and Rossville street with a clear field of fire.

When the men dismounted from their car, there were plenty of people around; most cheered or encouraged them, and the old ladies were shouting 'be careful' etc. When the M1 man arrived on the balcony, people were looking out of their front doors which are not in the line of return fire. The Official fired one shot at a para standing beside the lead pig that had drawn up a little way beyond the barricade outside the Rossville Flats entrance. He doesn't think he hit the man, who didn't react at all; the M1 then jammed. Later he realised it was probably because he had not let the bolt slam back strongly enough when cocking the gun as is necessary to get the first round into the breech. This meant that gas escaped after the first shot was fired, and the loss of some of the gas pressure meant that the bolt was not forced back far enough.

The Official wrestled with his gun for a few minutes then decided to retire. He moved back in the same direction as he had taken before and the crowd came forward to cover him in the open stretch of Westland Street. He moved behind the Bogside Inn, to the area of the shops, still carrying his weapon; he then discovered, to his anger, that the Avenger had driven off. He doesn't know if the other two Officials went with it, he thinks not.

Near the barbers shop, he saw three or four Provos he knew by sight. One, he thinks, was carrying a carbine. He then moved into the car park behind the bogside inn and met another Provo he knew. This man had a .303 and a minute or so later, he fired a single shot towards troops who could be seen moving on the Walls in the vicinity of Roaring Meg, a famous cannon mounted there. The fire was returned immediately, three or four rounds of SLR [self-loading rifle] on semi-automatic, but the bullets didnt come near the area of the incident. A different car then returned to collect this Official and drove him back to the Creggan.”

¹ Chapter 19

² S35-37

148.136 In his supplementary written statement to this Inquiry, Reg Tester made the following comments about these notes:¹

“Sunday Times Working Papers – S35 onwards

I note that Peter Pringle says that the Staff Officer he interviewed is me. I became friendly with Peter Pringle. He came to dinner with me quite recently when he was in Northern Ireland to give evidence to this Inquiry. When he came to my house he brought with him a bundle of notes of interviews he had with me although I do not remember any of these interviews.

The difficulty with the description given here is that part of it is right, and part of it is not. For example, the description of the route the car took, turning right immediately it got to Lecky Road, is wrong. As I have said previously, I parked at the foot of Westland Street and the car remained where it was until I came back from trying to fire the M1 Carbine. Also, where it says ‘three of the men jumped from the car’, this is incorrect. I was the only one who got out. I was carrying an M1 Carbine but I did not have two banana clips with the rounds specified, or a box magazine. I would not have been able to carry them. Comments about the magazines ‘not being fully loaded because the spring was so strong as it was new’ sounds right to me in general terms, but this cannot be a description of the ammunition which I carried. We did not have a Winchester rifle in the car. Further, where it says that the Official fired one shot at the Para standing beside the lead pig, this is incorrect. I aimed a shot but was unable to pull the trigger as previously indicated. Clearly I did not hit the man because I did not fire. A description of moving back in the same direction and moving behind the Bogside Inn into the area of the shops, carrying a weapon, is partly correct; I in fact

just got back into the car and we drove back up to the Creggan. The car was parked outside the flats in any event. There is no question that it had driven off as is suggested in this report. The report then says that ‘three or four Provos were sighted near the barber shop – one carrying a Carbine.’ I did not see that and I have no memory of it.”

¹ AT6.17

148.137 In his oral evidence to this Inquiry, Reg Tester accepted that it was not correct to say that all of the Official IRA's weapons, with two (his first statement) or three (his supplementary statement) exceptions, were in the two cars, since there were other weapons in a safe dump in the Bogside and perhaps one or two in a safe dump in the Creggan.¹ He also told us that, to the best of his recollection, when he had driven down from the Creggan, the other car had stayed there.²

¹ Day 414/30-32

² Day 414/51

148.138 Reg Tester marked on the following photograph the balcony to which he said he had gone with the M1 carbine.¹

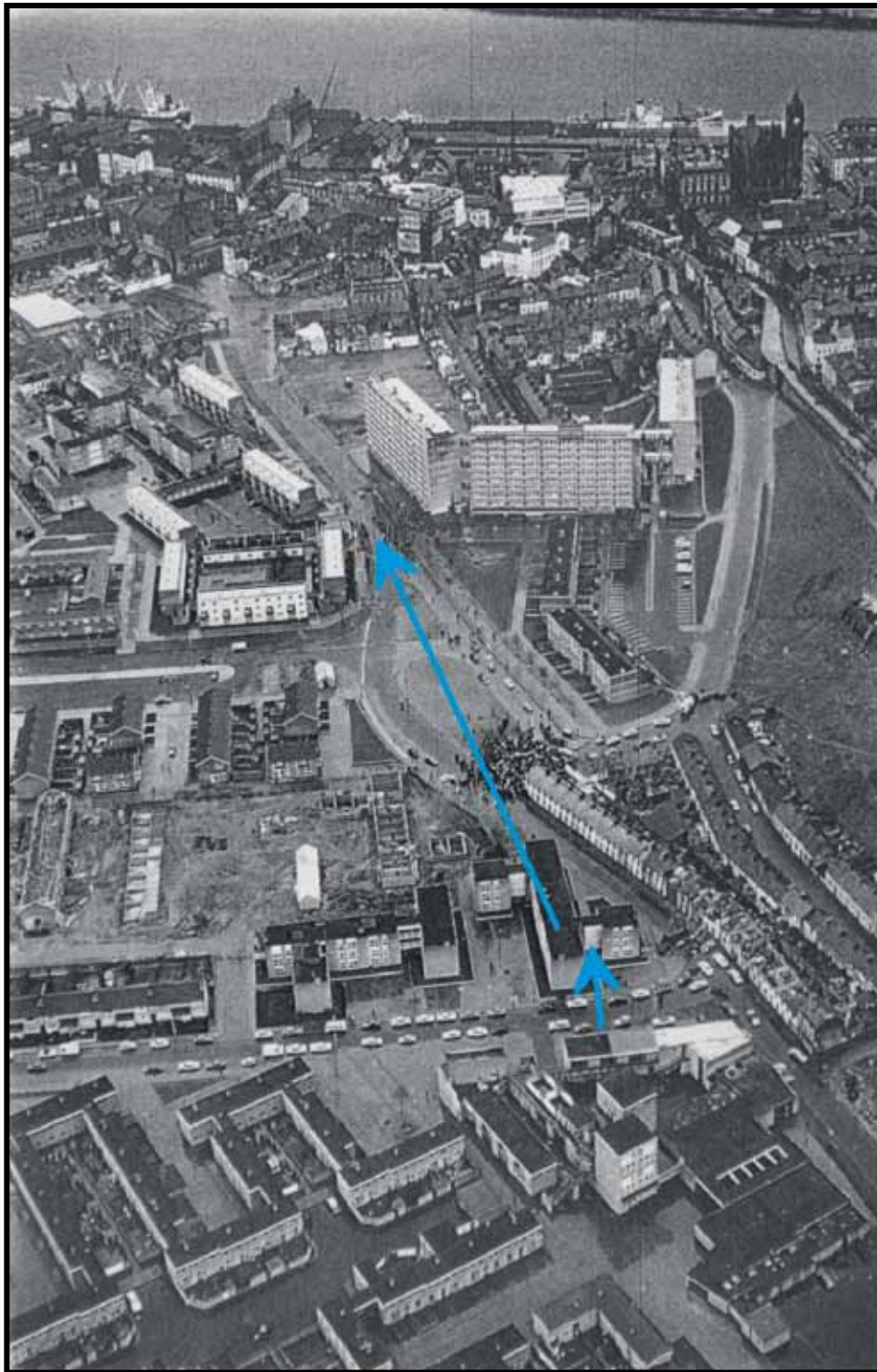
¹ AT6.19



148.139 Reg Tester initially told us that he had not fired his weapon and that the others with him had stayed with the car.¹ On a further photograph Reg Tester marked with a long blue arrow where he said he had aimed his weapon. The short blue arrow marked where he said he was.²

¹ Day 414/52

² AT6.20; Day 414/53



148.140 There was then this exchange:¹

“Q. Could we preserve that image as AT6.20. Were you aiming at an individual soldier?

A. Yes, only he moved, apart from anything else.

Q. Was there an Army vehicle nearby?

A. Yes, there was an Army Pig sitting just where the end of that arrow is.

Q. Could you see what the soldiers were doing?

A. No, I could not.

Q. Were there any ambulances around at that stage?

A. No.

Q. Or civilians?

A. Well, that is what I realised, after I had failed to get a shot off.

Q. Where did you realise there were civilians?

A. I could see them moving around and it suddenly dawned on me, bearing in mind that I was extremely angry and upset, like anybody else in my position, I wanted to strike back, but I realised after a minute that, thank God, that my rifle had jammed, because I could not see the soldier really clearly enough and there was still civilians wandering around.

Q. Whereabouts were the civilians wandering around?

A. Somewhere around the, where the end of the front block of flats is, there.

Q. Block 1, we call that Block 1.

A. Yes.

Q. You tell us that you were on this balcony for about five or six minutes; is that right?

A. Um, probably, yes.

Q. You say that you cannot really recall what you did after you had endeavoured to fire; is that right?

A. I can remember leaving the balcony.

Q. Yes?

A. I can remember returning the rifle to the car. What we did immediately after that, I cannot remember. I know that it would not have been very long. I would not have hung around there for very long, I would have gone back up to the Creggan.”

¹ Day 414/53-54

148.141 Reg Tester told us that he had no recollection of seeing cars (apart from his own) in or around Westland Street, the Bogside Inn or Meenan Square that had people with weapons in them, though he agreed that it was possible that he had seen people with weapons, including members of the Official IRA, but that this had faded from his memory.¹

¹ Day 414/56-57

148.142 A little later during the course of his oral evidence Reg Tester was shown the passage in Peter Pringle’s and Philip Jacobson’s notes where it described the Official IRA man firing one shot from the balcony.¹ He said that his recollection was that he had not fired, but at this stage agreed that it was possible that his recollection was faulty.² He was then asked:

“Q. Putting it broadly, is it possible that, understandably, your memory has played you false and that this account, which must have come from you, because you are the only man with an M1 carbine in this location at this stage, is it possible that this account, written down within about six weeks of the events, is accurate?”

¹ S36

² Day 414/61-62

148.143 His answer was “*It is possible. That is the best I can do.*”

148.144 In the following exchange, Reg Tester was asked about the policy adopted by the Official IRA regarding firing by its members on Bloody Sunday:¹

“MR CLARKE: Could we have on the screen, please, AT6.3, paragraph 16 on one side and could we have on the other side of the screen AT6.13, paragraph 45. In paragraph 45 you candidly admit in the second sentence that:

‘It is also the case that the Official IRA has been economical with the truth in relation to the firing of this shot.’

That is the shot across William Street. You say in the next sentence but one:

'The reason that we have been economical with the truth is that the Army Council decided at the time that there were to be no admissions that any shots had been fired. Indeed, that official line was never changed.'

Then you point out that the families have approached you and want you to come forward and tell the truth. Was the official line, in both senses, that is to say the line that was to be put forward by the Officials, that the Officials had never fired or that there were no volunteers who could have been carrying a weapon?

A. Um, I would say basically because, um, to have admitted any shots had been fired, um, would of course open the floodgates for the opposition to start handing out the accusations, trying to justify why they had massacred 13 people.

Q. I do not think I have made my question plain: what you say in paragraph 45 is that:

'The Army Council decided at the time that there were to be no admissions that any shots had been fired.'

If we could bring up on the right-hand side of the screen in place of paragraph 45, paragraph 56. At AT6.14 you use the expression there:

'I have stated above that the official line was that we had no volunteers who could have been carrying a weapon.'

Now, there is a difference between taking the line that nobody had fired and taking the line that no volunteers were carrying a weapon. Is it right that the official line was that no volunteers were even carrying a weapon?

A. I would imagine that would have been part of it.

Q. Could we come back, please, to paragraph 45 at AT6.13 on the right-hand side. You say that you had been economical with the truth. In paragraph 46, if we go down the page, you say:

'I do accept, however, that the wording of paragraph 16 of my first statement was deliberately vague because I did not want to openly concede something that went contrary to the Official IRA line.'

Could you identify for us what it was in paragraph 16 of your statement, which is on the left-hand side of the page, that was deliberately vague?

A. (Pause). To be quite honest, I am not too sure. There is nothing specifically vague about that paragraph.

Q. Were you thinking –

A. Not that I can see.

Q. Were you thinking of something else when you were saying that you had been deliberately vague in your second statement by reference to your first statement?

A. Quite possibly.

Q. One view that the Tribunal might be invited to take, which I would like to raise for your comment, is that the Official IRA could not realistically have maintained a fiction that no shots had been fired because the shot across William Street, the shot seen by Father Daly and Mickey Doherty's shot or shots at a soldier in Barrack Street were not realistically deniable and that it has therefore adopted plan B, which is to be economical with the truth about the circumstances in which the undeniable shots were fired and about other shooting which is deniable because it cannot be clearly laid at the door of the Official IRA; if that suggestion were to be made, is there any truth in it?

A. Um, for us to have, at those early stages, admitted quite openly that we had fired, whether it was one shot or two shots or three shots even, would have simply been to give the authorities all the scope they needed to excuse what they did.

Therefore, certainly for a long time, the fact that we had actually fired shots – and bear in mind that not everybody knew that those shots had been fired by any of their colleagues – um, it was simply played down, hushed up, if you like, but it does not really give any reason or excuse for what subsequently happened.

LORD SAVILLE: Mr Clarke, there are really two parts to your question, I think Mr Tester may have dealt with one, but it might be helpful to deal with the other.

MR CLARKE: Mr Tester, I quite follow what you say: that to accept in 1972 that the Official IRA had fired at all was thought to distract attention from what is said really to have happened, that the soldiers had killed and wounded a number of civilians without justification, but you would I am sure accept that in fact it is quite undeniable but that a number of shots were fired on the day by members of the IRA.

A. Well, you cannot deny it, no.

Q. Quite. There would, therefore, be no point in continuing to deny it in 2001, 2002 and 2003 because that would be ludicrous?

A. It would, which is why they have now been admitted.

Q. The suggestion that may, however, be made is that what has been admitted is that which cannot sensibly be denied but that there are other matters that have been denied or given a gloss because the evidence is not wholly plain as to what occurred; do you see what I am suggesting?

A. Yes.

Q. And amongst the members of the Official IRA has there been an attempt to play down, so far as possible, any evidence that might reflect badly on the Officials?

A. I do not think so.

Q. Do you know one way or the other?

A. No.”

¹ [Day 414/73-77](#)

148.145 In our view there is little doubt that, contrary to his stated recollection, Reg Tester did fire a shot from the balcony he described.

148.146 According to his supplementary written statement to this Inquiry, Reg Tester aimed but did not attempt to fire his rifle until after he had learned that people had been shot and he had seen an Army vehicle in the area of the entrance to the Rossville Flats, which must be a reference to the entrance to Block 1 of those flats. As we describe elsewhere in this report,¹ after the casualties had been sustained in the five sectors, but before some late shooting by soldiers directed at a flat in Block 1 of the Rossville Flats, an Armoured Personnel Carrier (APC) moved to the southern side of the rubble barricade to collect the three bodies lying at that barricade. In our view it was probably this APC that Reg Tester saw. In his oral evidence to this Inquiry he said that he had not seen any ambulances. Between about 4.30pm and 5.00pm there were, save for a short interval after about 4.45pm, one or more ambulances in Rossville Street.² The ambulances did not arrive until after the APC had gone forward to collect the bodies at the rubble barricade and had returned to the northern side of the rubble barricade.

¹ [Chapter 122](#)

² Elsewhere in this report ([Chapter 124](#)) we discuss in detail the arrival and departure times of these ambulances.

148.147 There is, however, evidence from soldiers, supported by radio logs, that at about 1610 hours a shot was fired over the Embassy Ballroom Observation Post (OP) from roughly this area; and that a few minutes later (about 1620 hours) a shot was fired from near the Bogside Inn at soldiers near Roaring Meg on the City Walls, in respect of which a soldier (Private AD) fired two shots in return. Later in this report¹ we examine the evidence relating to this firing, which we are sure took place.

¹ Paragraphs 151.32–47 and 151.57–79

148.148 According to the account he gave Peter Pringle and Philip Jacobson, soon after firing his shot Reg Tester went to the area of the Bogside Inn, where he saw three or four members of the Provisional IRA, one of whom he thought was carrying a carbine. He then moved into the car park behind the Bogside Inn and met another Provisional IRA man whom he knew. After a minute or so, this paramilitary fired a single shot towards troops who could be seen moving on the City Walls. The fire was returned immediately, three or four rounds of SLR on semi-automatic, but “*the bullets didn’t come near the area of the incident*”.¹

¹ S36

148.149 In our view this shot and the return fire was that which was recorded in Army radio logs as fired at about 1620 hours and which we discuss in detail later in this report.¹ It follows, on the basis of Reg Tester’s account to the *Sunday Times* Insight Team, that he fired his shot before this exchange of fire.

¹ Paragraphs 151.57–79

148.150 If this was the case, then Reg Tester must have fired at some stage before 4.20pm. It is not clear when the APC went forward to collect the bodies from the rubble barricade, though this was after all the casualties had been sustained and before the ambulances arrived. It is possible that Reg Tester might have muddled the order of events when giving his account to the *Sunday Times* Insight Team; and fired his shot after and not before he had witnessed the exchange of fire. In the end we have concluded that Reg Tester probably fired his shot at some stage between about 4.20pm and 4.30pm, namely after the APC had come forward to collect bodies from the rubble barricade and before the ambulances arrived in Rossville Street. This would fit with his description of what he saw when he went on the balcony. We should note at this point that in his evidence to us Reg Tester said that he did not see any members of the Provisional IRA or any

Provisional IRA activity when he arrived in the Bogside; but in our view this is another instance where his memory has proved fallible, in view of what he told the *Sunday Times* Insight Team about witnessing the exchange of fire.¹

¹ [AT6.12](#); [AT6.18](#)

148.151 The account of Reg Tester as recorded by the *Sunday Times* Insight Team is the only evidence we have that a member of the Provisional IRA fired a shot at soldiers near Roaring Meg on the City Walls. The evidence from the members of the Provisional IRA is to the effect that they fired neither this shot, nor any others, on Bloody Sunday, but only “symbolic” shots at a much later stage. In our view Reg Tester probably did witness a Provisional IRA member firing an earlier shot in the direction of the City Walls, though we cannot eliminate the possibility that this shot was fired by a member of the Official IRA.

148.152 On the basis of his evidence to us, Reg Tester could not have been responsible for the shot over the Embassy Ballroom OP, which we describe later in this part of the report,¹ and which occurred soon after soldiers had gone into the Bogside and before an APC had got to the position that he described. We have no evidence to indicate who fired this shot, since no-one has admitted to it and the paramilitary witnesses have, in effect, denied that there was any firing by them from this area at this early stage.

¹ [Paragraphs 151.32–47](#)

148.153 We now turn to consider other evidence that, in some respects, is inconsistent with some of the evidence given to us by Reg Tester.

Seamus Duffy

148.154 Seamus Duffy told us that in the courtyard near the Bogside Inn he saw Reg Tester and two other men, one of whom was armed, being told by someone to go away.¹ He marked the location with an arrow on the following photograph.²

¹ [AD190.3](#)

² [AD190.9](#)



148.155 Reg Tester disputed ever having been in that area,¹ but in view of Seamus Duffy's evidence, we consider that Reg Tester was probably wrong about this.

¹ [Day 414/163](#)

PIRA 14

148.156 PIRA 14's evidence was that he was among those confronting the troops at the rubble barricade, witnessed the shooting of Hugh Gilmour and, after the shooting, went to the Bogside Inn in the hope of meeting other members of the Provisional IRA. While there, he received an order that Provisional IRA members were to take no action. He saw five or six members of the Official IRA, each armed with a rifle, arrive and deploy in the Westland Street flats but said that he did not think that they fired.¹

¹ [APIRA14.3-5; Day 421/101-102](#)

Maureen Fitzgerald

148.157 Maureen Fitzgerald was a Belfast resident who attended the march. She spoke to the *Sunday Times* Insight Team, who assessed her as "*a good witness, honest where she cant remember things*". It was also noted that her brother was a member of the Provisional IRA.¹

She gave the following account in 1972 to the *Sunday Times* Insight Team of events after the Army had opened fire and after she had seen two men, whom someone else told her were dead, lying behind a barricade (the location of which is uncertain):²

“after that i went back along towards the bogside inn and found myself in a little cul-de-sac parking area behind the flats. two cars drove into this area and the people around seemed to get rather angry, i suppose because they thought here was somebody who had just been driving around while the march was on. but the first car, i think it was two-tone, grey top and darker body, not very modern, stopped and the driver threw the door open and held up his hand with a rifle in it. he was about 28 or 30, dressed in a jacket and trousers, not in the green combat jacket thing and i am quite positive that none of the other men from the two cars – there were 6 in all, four in the first car and two in the second – were wearing combat jackets or berets, they were just ordinarily dressed.

I should have mentioned that about 15 minutes earlier, while i was sitting on a wall near the flats having a smoke, there were a group of about eight young men, i would say between 17 and 20, and they were dressed in green combat jackets but not wearing black berets. they were talking among themselves but quite openly. one said ‘if the paras do come in this way, it will be a massacre, we haven’t got any gear with us, it was all withdrawn because they said it was too risk[y] with the big crowd.’ another one said ‘ok. but they never reckoned on the fucking paras coming in like this.’ other people, not IRA by the look of them, were saying ‘where are the guns, we need some guns to defend us.’

anyway, when the two cars arrived, there were the six men and eye think four had rifles, one of which looked like a sort of machine-gun (pj; probably a thompson, we think there was one around there). two men had pistols, i am quite sure about that. the boot of the second car was opened up and they handed out some more rifles to the young men whom i had previo[us]ly seen talking, the ones with combat jackets on. they all moved off together in the direction of free derry corner, i imagine to take up firing positions, but i didnt hear any immediate firing from our area.”

¹ AF20.4

² AF20.3

Johnny White (OIRA 3)

148.158 Johnny White (OIRA 3) told us that he attended the march, although he did not join at the beginning, and that he was initially in the company of two other volunteers, one of whom was OIRA 4.¹ According to his account, he was in Chamberlain Street or the area of the Rossville Flats when he heard high velocity fire; and at this point he lost contact with the other two volunteers.²

¹ [AOIRA3.4](#); [AOIRA3.7](#)

² [AOIRA3.5](#); [AOIRA3.7](#); [AOIRA3.19](#)

148.159 Johnny White also told us that on realising that the soldiers were shooting at unarmed civilians, he wanted the Official IRA to be able to retaliate, but they could not do so because there were no weapons in the Bogside. “*My best hope was that the boys on active duty in the Brandywell and Creggan would hear the shooting and come down with our weapons.*”¹ On his account, he said that he made his way to the area of Westland Street around the back of the Bogside Inn, which was the meeting place at which he knew volunteers would assemble, that he found angry but unarmed volunteers and civilians there, some wanting to take action and others saying that members of the Official IRA should not shoot because there were too many people in the area; and that the cars had not arrived and so no shooting was possible in any event.²

¹ [AOIRA3.21](#)

² [AOIRA3.21](#)

148.160 His evidence was that a handful of members of the Official IRA ended up around the Bogside Inn shortly afterwards when the two cars containing weapons arrived. It is unclear whether his reference to a “*handful*” included or excluded those who arrived by car.¹ He told us that there were still many civilians in the area so the members of the Official IRA decided to take no retaliatory action but to meet later that night to make a full report.

¹ [AOIRA3.22](#)

148.161 This evidence is consistent with John Barry’s note of his interview with OIRA 1:¹

“Went into Cable Street. Met [OIRA 3]. Who said ‘Where’s the weapons?’ [OIRA 1] said they were safe in the Bog. [OIRA 1] indicated that [OIRA 3] wanted to have a go, or at least was surrounded by people who wanted to have a go. But he was dissuaded.”

¹ [AOIRA1.2](#)

148.162 As we have observed elsewhere in this report,¹ there are doubts about many parts of the accounts given by OIRA 1.

¹ [Chapter 19](#)

148.163 The *Observer* galley proofs included the following account which is attributed to the “acting” OC of the Official IRA in Londonderry, Johnny White (OIRA 3):¹

“We fired only one shot in the area, and that was after the Army had finished shooting. A soldier went into the street by himself and our man covering Rossville Street thought he could get him.

‘He fired one shot and then realised it would be dangerous to go on because, although the immediate street was clear, people were huddled in doorways and running to safety whenever the firing stopped.

‘Two shots were fired by our volunteer covering Bishops Street. Those were the only shots we fired.’”

¹ [ED24.9](#)

148.164 It is possible that the reference to the shot fired by the man covering Rossville Street is a reference to the firing by Reg Tester. However, we are not sure about this, since according to the *Observer* galley proofs it would not fit with the account attributed to Johnny White (OIRA 3); the man covering Rossville Street was stated in the galley proofs to have been a marksman on duty covering Rossville Street from the corner of William Street and Rossville Street.

148.165 In his second written statement to this Inquiry, Johnny White dealt only very briefly with the *Observer* galley proofs, commenting that he had no recollection of meeting anyone from the *Observer* and denying that the Official IRA had posted a marksman (as the *Observer* report also recorded) in the Little Diamond.¹

¹ [AOIRA3.33](#)

148.166 We have noted earlier in this report that, in significant respects, the evidence given by Johnny White (OIRA 3) to this Inquiry is inconsistent with other evidence.

148.167 There is other evidence about the presence of paramilitaries with weapons in the area of the Bogside Inn.

Kevin Clifford

148.168 Kevin Clifford told us that he recalled seeing a man with a gun, he thought near the Bogside Inn, around the junction of Westland Street and Lecky Road, who was moving northwards from between Free Derry Corner and the Bogside Inn:¹

“The man was hiding the gun on his right hand side under his coat or jacket as if he was trying to disguise it. I don’t know what sort of gun it was, but it was not big enough to be a rifle. There were a lot of people about and someone said something like ‘It’s a stickie’.”

¹ [AC67.2](#)

Bernard Heaney

148.169 Bernard Heaney told us that after everything had gone quiet and he was walking up Westland Street, a couple of cars “*came flying down*” but stopped before they got to Lecky Road. He recalled seeing six or eight men getting out of the cars, some carrying weapons, and his impression was that there were two or three rifles. He told us he believed that the men ran in a north-easterly direction through the houses up towards Free Derry Corner, but he did not actually see where they went, as he decided to get away.¹

¹ [AH52.4; Day 107/193-196](#)

Donal Deeney

148.170 Donal Deeney gave us the following account of seeing members of the Official IRA in the area around Meenan Square about half an hour after the shooting had ended:¹

“Nearby I saw a few stickies (by which I mean members of the Official IRA). They were coming out of a house with a rifle but I cannot remember where the house was. One guy looked particularly tense and said that he was going to take up a position in the Bogside. I only recall seeing one rifle, which the man seemed to be hiding under his coat. All the Provos were guarding the Creggan.”

¹ [AD26.7](#)

- 148.171** In his oral evidence he said that there were two or three Stickies (members of the Official IRA).¹ He did not know them but, from their faces and the fact that they had only one gun among three men, he believed that they were Stickies.² He said that he knew through gossip that the Provisional IRA was guarding the Creggan.³

¹ [Day 86/65](#)

³ [Day 86/66](#)

² [Day 86/66](#)

Noriyuki Kunioka

- 148.172** Noriyuki Kunioka was a student and a freelance reporter for Japanese publications. He told the Widgery Inquiry that after he had seen a wounded person put into a car near St Columb's, he saw a man in Westland Street with a weapon that he thought was a rifle. The man was escorted by two other young people, and disappeared behind a building in the direction of Free Derry Corner.¹

¹ [M48.2](#); [M48.5](#)

Michael Harkin

- 148.173** Michael Harkin was a Private in the Irish Army. A senior officer made a record of what Michael Harkin had told him. Part of this record was in the following terms:¹

“1. A short time after the shooting had occurred a car containing 3 masked men arrived in the area & enquired what was going on as they had heard shooting. Some of the people said to them ‘Where were you fellows the British tps are shooting the people’. One of the men said ‘Is that right’ or words to that effect. He had a revolver. He got out of the car and the car then reversed and went away but the man with the revolver went in the direction of the British troops. Within a few minutes the car arrived back with another car. There were about 6 or 7 men in the cars & they were all armed – Thompsons – Revs. – and a Rifle. One of the men said ‘We will give covering fire to the people in order to let them get out’. They went off in the direction of the Brit tps. [Michael Harkin] heard more shooting after this but is NOT sure who fired them and at this stage people were dispersing & he went home. I questioned him as to why the armed men were NOT on the March and [Michael Harkin] thinks that they were left behind to protect the vacated houses in the Creggan and Brandywell and also to protect the marchers from the rear from British tps who might attack them from that direction.”

¹ [AH25.3](#)

Tony Quigley

148.174 Tony Quigley told us that after he had seen Bernard McGuigan shot, he crawled to the area of the Bogside Inn. His account continued:¹

“When I reached the Bogside Inn, I saw about three hundred people standing around. These people were talking about what had just happened and were fearful that the army were going to come further into the Bogside. I also remember seeing a man walking south down Westland Street towards the Bogside Inn. This man was carrying a rifle. I gained the impression that that man had just driven down Westland Street and parked his car a few yards to the north of the Bogside Inn although I don’t remember him getting out of the car. The man said that he was going to take on the British army. The man was tall, fairly muscular with fair hair. He was aged between 25 to 30 and dressed in ordinary clothes although I cannot remember any details about what he was wearing. The people standing near the Bogside Inn protested and told him to go. I remember them telling the man with the rifle that he would make matters worse if he fired at the army and that this was exactly what the army wanted him to do. Eventually the man melted away into the crowd and I didn’t see him again.”

¹ [AQ7.4](#)

Sunday Times

148.175 The draft report that Murray Sayle and Derek Humphry wrote for the *Sunday Times* a few days after Bloody Sunday contained the following passage:¹

“The IRA did, however enter the picture after the Army shooting ceased. IRA Men on the march included the head of the Bogside provisional organisation, name to come, who was seen by a number of witnesses early on the march. The IRA provisional group had a hasty conference when the shooting began and according to a young woman who was present decided to do nothing. The official group at the march however sent an urgent call for gunmen and one ‘active service unit’ arrived some minutes after the last army shots were fired. This consisted like all IRA active service units of four men armed with two .38 pistols, a .303 Army rifle and a .22 hunting rifle with a telescopic sight.

One of those men fired one pistol shot at long range towards the Army but does not claim he hit any soldier. This shot was the last one fired in the engagement and we believe the only one fired at the Army – we can find no witness among dozens who

heard or saw any other. Every Catholic present at the demonstration to whom we have talked, and they include priests and doctors, supporters of both wings of the IRA, and people opposed in varying degrees of vehemence to the IRA, are unanimous that the IRA played no part whatever in provoking the Army operation or fighting back, other than the shot mentioned above. In the atmosphere of shock grief and horror which has followed the shootings (see Sayle story) it is inconceivable that the tightly-knit Bogside community would not lay at least some part of the blame on the IRA if in this case they deserved any.”

¹ [M71.29](#)

- 148.176** This draft report made no mention of the firing by OIRA 1 from Columbcille Court or of the firing by OIRA 4 in the car park of the Rossville Flats, or of that witnessed by Fr Thomas O’Gara and others, or of other incidents of firing, all of which undoubtedly occurred during the shooting incidents in the five sectors and which we have discussed in the course of our consideration of the events of those sectors. It is possible that the reference to a man firing a long-distance shot with a pistol might have been a reference to Reg Tester, though his account is that he had a rifle. If it was not Reg Tester, we have no evidence to indicate who it might have been.
- 148.177** We now turn to consider the evidence of a meeting of the Command Staff of the Londonderry Official IRA on the evening of Bloody Sunday, before setting out our general conclusions on the activities of the Official IRA in Londonderry on that day.

The meeting of the Official IRA Command Staff

- 148.178** There was evidence that the Command Staff of the Londonderry Official IRA met on the evening of Bloody Sunday. Johnny White (OIRA 3) told us that he was informed at that meeting that two volunteers had fired a shot towards the GPO or the Presbyterian church, and that he took the view that this was a defensive shot and one permitted by the standing orders.¹ He also told us that he learned that another member of the Command Staff, who had been carrying a handgun for personal protection, had fired two shots at the Saracens (APCs) in the area of the Rossville Flats. According to Johnny White, he was aware that the shots were fired defensively; and that the man who had fired said that nobody appeared to have noticed his shots and that the Army did not return fire.² He stated that he learned at that meeting of the volunteer in Barrack Street having been shot.³

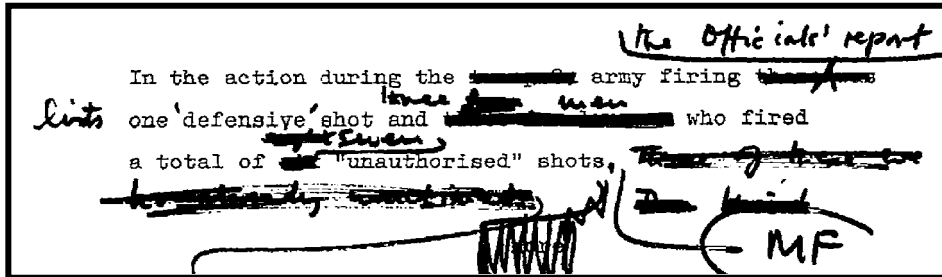
¹ [AOIRA3.5-6](#)

³ [AOIRA3.22](#)

² [AOIRA3.6](#)

148.179 The *Sunday Times* working papers contain the following note, which refers to a report compiled by the Official IRA.¹

¹ [S39](#)



148.180 No Official IRA witness has admitted to knowing anything of a report compiled by the Official IRA, although Johnny White (OIRA 3) told us that he made enquiries about the shots fired by Official IRA members and gave a formal decision that the shots had not been fired in breach of his orders.¹ However, this note, if it reflects accurately information given to the *Sunday Times*, suggests that three men fired among them a total of seven unauthorised shots.

¹ [AOIRA3.25](#)

148.181 It is possible that the total of eight shots referred to in the note is made up of one shot fired by OIRA 1, three shots by OIRA 4,¹ three by "Red" Mickey Doherty,² and one by Reg Tester. The total of eight shots is compatible with the evidence of admitted firing. It is inconsistent with the reference in the notes to the shots being the work of three men and to seven of those shots being "unauthorised". However, as we have already observed, the Official IRA's original stance was that its members had not fired at any material time on Bloody Sunday; and thus its mention to the *Sunday Times* of unauthorised shots may have been a relic of this.

¹ [AOIRA4.17](#)

² [B908.002](#)

148.182 The representatives of the majority of represented soldiers drew our attention to the reference made by Johnny White (OIRA 3) to "some incidents" having occurred after the end of the military shooting, in the course of one of which "Red" Mickey Doherty was injured. They posed the question, "What were the others?"¹

¹ [FS7.601](#)

148.183 It seems to us that the firing by Reg Tester (which we have discussed above) might well be one of these incidents. Others might include the firing reported by Private AC or that at the Mex Garage, which we consider below,¹ but there is nothing to suggest that Johnny White was referring to incidents occurring before or during the shooting of the casualties in the five sectors.

¹ [Chapter 151](#)

General conclusions on the activities of the Official IRA

148.184 We have no doubt that there was significant Official IRA activity in the five sectors during Bloody Sunday, though in our view this did not provide an explanation for why soldiers targeted and hit people who were not posing a threat of causing death or serious injury. We formed the impression that a number of former Official IRA members were at pains at this Inquiry to try to disown or distance themselves from this activity.

148.185 As with the Provisional IRA, we have concluded that, with the exception of the shot fired by OIRA 1 at a soldier near the Presbyterian church (which we have discussed in the context of our consideration of the events of Sector 1¹), there is no evidence that suggests to us that other members of the Official IRA used the march for the purpose of engaging the security forces with guns or bombs.

¹ [Chapter 19](#)

148.186 As we have already observed when considering the organisation and activities of the Provisional IRA, Fr Denis Bradley described the Official IRA as a “*different and disparate*” group compared with the Provisional IRA. “*It was an old Catholic thing. They were seen as Marxist left wing and were not particular about who joined them. They were inclined to be considered ‘gangsterish’. There were some very irresponsible people in their organisation.*”¹ We accept this view. Thus we regard with some scepticism the evidence of former members of the Official IRA that they were well organised and disciplined and kept tight control of their weapons. Although we cannot be certain, we are of the view that it is likely that much if not all of the paramilitary activity in the five sectors, to which we have referred in our consideration of the events of those sectors, was that of members of the Official IRA, though we cannot exclude the possibility that there was some Provisional IRA activity as well.

¹ [H1.7](#)

148.187 Our assessment of the evidence considered in this part of the report is that Official IRA members in vehicles, two of the vehicles carrying weapons, arrived in the area of the Bogside Inn after all the casualties had been sustained in the five sectors and all or virtually all the firing by soldiers who had gone into the Bogside had ended; and that Reg Tester then fired one shot towards the soldiers who had come into the Bogside. We are not persuaded that other shots were fired at this stage at those soldiers. We examine in more detail later in this report¹ the shot fired at the Embassy Ballroom OP and that (attributed by Reg Tester to the Provisional IRA) fired at soldiers near the antique cannon Roaring Meg.

¹ [Chapter 151](#)

148.188 Our examination of the evidence considered in this part of the report has revealed nothing that suggests to us that the activities of the Official IRA in the area of the Bogside Inn led to any of the shooting in the five sectors that resulted in the casualties in any of those sectors.

148.189 In the course of considering the events of Sectors 1 to 5, in which civilians were killed or wounded by Army gunfire, we drew attention to evidence of paramilitary firing in those sectors and expressed our conclusions on that firing. After discussing below the evidence relating to the Fianna, we turn to consider other incidents of paramilitary firing outside the five sectors (apart from that by Reg Tester) and there consider whether it is possible to identify whether the Official or the Provisional IRA was responsible for that firing.

Chapter 149: The Fianna

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- 149.5** The evidence of Patsy Moore was that he had had a scoutmaster role in the Fianna in Derry until the end of 1970.¹ He was shown Royal Ulster Constabulary (RUC) intelligence material that suggested that he was in charge of the Fianna in January 1972 but denied that this was accurate.² He accepted that the Fianna was a republican youth movement but denied that it was affiliated to any other republican group.³

¹ AM505.1-2; Day 403/5-7

³ Day 403/10-11

² Day 403/9-10

- 149.6** Patsy Moore said that he ceased to be involved following the split in the republican movement. He thought that some boys left the Fianna at that stage but did not know whether they went on to form another Fianna.¹

¹ Day 403/18-19

- 149.7** OIRA 9, OC of the Official IRA in Londonderry until interned in late January 1972, told us in his written statement to this Inquiry that an Official Fianna and a Provisional Fianna formed after the split in the republican movement.¹

¹ AOIRA9.5

- 149.8** Patrick Ward, whose evidence we consider below, said that there was a Fianna before the IRA split into the Official and Provisional IRA. After the split, there was no Official Fianna but only a Fianna attached to the Provisional IRA.¹

¹ Day 385/13

The existence of an Official and a Provisional Fianna in January 1972

- 149.9** In our view the Fianna probably did split into an Official and a Provisional Fianna. There is a conflict over whether this happened shortly after the split in the principal movement or whether, as Gearóid Ó hEára and PIRA 24 suggested, the Fianna allied itself with the Official IRA immediately after the split. According to these witnesses, members of the Official Fianna then broke away to form a Provisional Fianna in the weeks before Bloody Sunday.

- 149.10** PIRA 24, OC of the Provisional IRA Derry Brigade, told us that members of the Official Fianna joined the Provisional Fianna after the Official IRA had released a British soldier, Private INQ 2245, whom the Official IRA had kidnapped.¹ This kidnapping occurred on 17th–18th January 1972.²

¹ APIRA24.3

² C2245.4

149.11 The account given by Gearóid Ó hEára, to the effect that a split occurred in October or November 1971, is corroborated to an extent by information contained in the record of an RUC interview in the early 1970s with an individual whose name has been redacted but whose identity is known to us. The interviewee is recorded as saying that he had been urged to join the Official Fianna by Gerald Donaghey who had, at that time, returned from Limerick. As appears elsewhere in this report,¹ Gerald Donaghey was convicted of disorderly behaviour in May 1971 and sentenced to six months' imprisonment. The evidence is that he fled to the Republic of Ireland and was convicted in his absence, but gave himself up in August 1971. He was then imprisoned, and was released from prison on 31st December 1971. The interviewee would appear to have been in contact with Gerald Donaghey on the latter's return from the Republic. The interviewee went on to say that he became fed up with the Official Fianna's policy and was urged by Martin McGuinness to join the Provisional Fianna:

"I got fed up with the Officials' policy. When we were out at night Martin MCGUINNESS would come around in a car and talk to us. He asked us to join the Provo organisation. (Pudger) Paddy O'HAGAN was with the Officials at that time and he also left and many others also. Paddy O'HAGAN then started the Fianna Eireann [...]. [...] joined [...]. We met at an old shop in Meenans Pk. [...] was our training officer. We were trained in the use of Thompson SMG, M1 carbine, .303 rifle and Sterlings also shortarms. Mad Dog DOHERTY also gave us some instructions on arms. We were then told to do intelligence work and watch out for a build up of troops, etc, so as it would be known when a raid was to take place. Two places they formed up was on the quay or the back road into Creggan. All information at that time was left in [...] of Stanleys Walk. We were told that we were in the Fianna not in the 'Army'. We also had to watch the RUC station and take the number of private cars. We fired the .22 rifle [...]. Also the .45 automatic which [...] gave us."

¹ Paragraphs 126.3–6

149.12 As we have noted above, Gearóid Ó hEára's evidence was that he was in January 1972 the leader of the Provisional Fianna. For reasons given below, we are of the view that this was the case. Accordingly we consider that Gearóid Ó hEára was the witness best placed to provide an account of the existence and state of the Provisional Fianna at the time of Bloody Sunday.

- 149.13** The evidence of Martin McGuinness was that there were two Fianna groups at the time of Bloody Sunday, one supporting the Provisional IRA and the other the Official IRA. He denied having sought to persuade people to join the Provisional Fianna.¹ However, we consider that Martin McGuinness probably did make efforts to recruit people to the Provisional Fianna.

¹ [KM3.87](#); [Day 390/27](#)

The activities of the Official Fianna

- 149.14** On the basis of Gearóid Ó hEáira's evidence, the Official Fianna had very few members at the time of Bloody Sunday.¹ By that stage it may more or less have ceased to exist or to carry on any significant activities. The evidence suggests, and in our view it was probably the case, that the Provisional Fianna in January 1972 consisted largely of former members of the Official Fianna. Further, these members appear to have transferred allegiance because the Provisional IRA offered more exciting opportunities than those offered by the Official IRA.

¹ [Day 406/118](#)

- 149.15** Patsy Moore was adamant that the Fianna, when under his charge, had no involvement in arms training or in any military activities other than marching.¹ He said that while boys would pass the word around if they saw Army or police patrols, this was something that everyone did.²

¹ [Day 403/20-33](#); [AM505.1](#)

² [Day 403/37-39](#)

- 149.16** According to Dermot Liddy, Fianna members ranged in age from eight to 18. There were about 20 of them at any one time. His evidence was that although they learned to drill and took part in republican commemoration ceremonies, the Fianna did not have access to weapons or explosives. Dermot Liddy said that he would not have permitted the Provisional or Official IRA to involve his boys in paramilitary activity.¹

¹ [Day 408/65-66](#)

- 149.17** Dermot Liddy was shown RUC documents in which interviewees are recorded as having said that Fianna members underwent weapons training and undertook intelligence-gathering tasks. He said that he had no knowledge of Fianna members being involved in these activities.¹

¹ [Day 408/70-79](#)

149.18 Gearóid Ó hEára said that from August 1971 he was one of the leaders of the Official Fianna. He told us that ties with the Official IRA were loose; there was no Official IRA liaison officer with whom the Fianna dealt.¹ He said that Fianna members aspired to join the Official IRA and hung around the fringes of the Official IRA, undertaking low-level tasks such as selling papers or making door-to-door collections. They did some drilling but had no access to weapons or explosives, underwent no weapons training and did not assist in the transport of arms or explosives.²

¹ Day 406/90

² Day 406/91-92

149.19 OIRA 9's evidence was that the Fianna did not have access to weapons or explosives.¹

¹ AOIRA9.5

149.20 There is within the intelligence documents material that suggests that the Official Fianna was involved in paramilitary activity. The following text comes from the first page of an interview conducted by RUC officers in the early 1970s. We have seen the unredacted version, which provides the name of the interviewee and the date of the interview. The interviewee is reported to have given details of Fianna activities in which Gerald Donaghey was involved:

"This was how one could join the Fianna Scouts. (Official). I went and seen Patsy MOORE at his house. He said I could join. [...] I returned a second time to his house along with about 7 or 8 others, their names I don't remember. He started talking about politics, Wolf Tome and such things. I left when he started talking politics and a few months later I was told by Gerald Donaghey (shot on Bloody Sunday) that there was a camp coming up. [...] I lost contact with the scouts for a while then and [...]. I was contacted by Gerald Donaghey who asked me to go back again. DONAGHY told me that they had been trained in the use of arms when they were away at the camps which were in the Limerick area. [...] told me to come back. DONAGHY and I went up to an old house near Creggan shops. There was a big man there and he said he was a TO (was or is interned). There was about 5–6 others there. We were instructed on the use of a Thompson SMG and a Sterling SMG. We also done some drill. Another boy gave a talk on politics. We understood [redacted] was the OC. We were not allowed to have any arms and we were told do intelligence work. [...] stayed out most Saturday nights – lookout for army patrols."

- 149.21 Gearóid Ó hEára said he was in the Limerick area with Gerald Donaghey in 1971. He told us that he was certain that Gerald Donaghey had not undergone arms training while the two of them were in Limerick. They attended drill camps once or twice and undertook outdoor pursuits at these camps but did not receive weapons training.¹ Gearóid Ó hEára agreed that the Official Fianna undertook intelligence work.

¹ Day 406/94-95

- 149.22 Gearóid Ó hEára was also asked to comment on other intelligence documents that contained assertions about the activity of the Official Fianna. One was the following:

“About [...] 1971 I joined Fianna Na H'Eireann. [...] asked me to join. He was then Recruiting Officer. Dermot LIDDY... was OC/..O. Patsy MOORE... Adj, Denis McFEELY [Donncha MacFicheallaigh], [...] IO.

Members were: Subject, [...], SL [...]

I attended meetings at Dermot LIDDY'S house in We discussed Republicanism/ Revolution. We met every third Tuesday. Gerry O'HARA [Gearóid Ó hEára] used to find out information about the Army and Police and he would also give us lectures. He was trying to get information about Special Branch men and their cars. He had about 7 Special Branch mens cars numbers, they nearly all had 'COL' or 'ROI' in the registration. O'HARA [Ó hEára] used to get his information from his girl [...], who was also going with a soldier. They had information about George R...and LIDDY said he had seen higher authority about him and that something was going to be done. R... was supposed to be watching our movements from the banking at the Essex Factory. O'HARA [Ó hEára] also got information about how to make the brakes fail on Army lorries. McFEELY reported about watching a Police jeep from Fairview and he wanted Dermot LIDDY to get higher authority from the IRA to blow it up.

I attended two long weekend training sessions at Fahan, Co Donegal. We travelled down in a mini-bus, which was always driven by Patsy MOORE. All the boys I have mentioned attended. We trained in the use of M.1. Carbine, SLR [self-loading rifle], Garrand and 2 Winchester Sports .303 rifle, Thompson SMG [sub-machine gun] & .22 rifle. Patsy MOORE showed us how to strip and assemble the guns. We done marching and climbing the mountains with the guns. There was ammunition but we never got firing any. The guns were kept in the IRA house at Fahan. [...] also gave us training. This all took place in 1971. About six years after I joined Fianna I was asked to join the IRA by Patsy MOORE. I didn't join.”

149.23 Gearóid Ó hEára said that he did not recall Patsy Moore having the role of adjutant or the Fianna being sufficiently formal and organised to meet on a regular basis or to discuss political issues. However, he accepted that he used to try to find out information about the Army and police, including details of police cars, and would pass the information on to those who manned the barricades, who were sometimes members of the Official IRA. He would also give this sort of information to the Catholic Ex-Servicemen's Association.¹ He did not accept that all the information concerning his activities in the documents cited above was accurate and said that to the best of his knowledge there were never Fianna camps at which arms training was given.²

¹ Day 406/100-102

² Day 406/104

149.24 There is another note of an interview conducted by the RUC in the early 1970s. We have seen the unredacted version that provides the date of the interview and the name of the interviewee. In this document, the interviewee is recorded as having said that in about August 1971 "*Gerry O'Hara*" (Gearóid Ó hEára – the English spelling is used) took away from the scene of a shooting a .303 rifle that had been used by "*Denis McFeely*" (Donncha MacFicheallaigh) in an attempt to shoot a soldier. The same interviewee is also reported to have said that Gearóid Ó hEára took part in a burglary in Londonderry in mid-July 1971. Gearóid Ó hEára, in his oral evidence, denied any knowledge of the shooting incident and said that he was in the Republic of Ireland until about 20th August 1971. He suggested that the interviewee might have felt under pressure to name people involved in paramilitary activity and so had named someone whom he (the interviewee) knew to have been out of the country at the relevant time.¹

¹ Day 406/106

149.25 Donncha MacFicheallaigh's evidence to this Inquiry was also that he was not a member of any republican organisation in August 1971 and at that time had no access to weapons.¹ He told Peter Taylor that his recollection of the Fianna was that it was not a military organisation and although its members may have rioted they were not involved with bombs or guns.² He told Peter Taylor that he was not an IRA or Fianna member before Bloody Sunday and that the death of Gerald Donaghey was one factor that led him to join the Provisional IRA.³

¹ AM7.84

³ I109-116

² I109

149.26 The representatives of the majority of represented soldiers suggested that the intelligence material available to the Inquiry "*clearly suggests*" that the Official Fianna existed in January 1972.¹ These representatives further suggested that those Official IRA members

who did not recall the existence of an Official Fianna must have been lying.² As to these suggestions, we have already expressed the view that by the time of Bloody Sunday the Official Fianna was either non-existent or, because it had so few remaining members, more or less inactive. We can see no purpose that could have been served by witnesses falsely denying to this Inquiry the existence of the Official Fianna in the early part of 1972.

¹ FS7.514

² FS7.518

149.27 The representatives of the majority of represented soldiers refer to Gerald Donaghey and Donncha MacFicheallaigh as “*alleged*” members of the Official Fianna at the time of Bloody Sunday.¹ However, this seems to ignore the evidence of Gearóid Ó hEára to the effect that Gerald Donaghey was a member of the Provisional Fianna on 30th January 1972, which we discuss below; the record of the death of Gerald Donaghey in *Tírghrá*, which commemorates the lives of members of the Provisional Republican Movement; the denial of Donncha MacFicheallaigh that he was a member of the Fianna in January 1972; and the evidence of Gearóid Ó hEára that the interview note which named him and Donncha MacFicheallaigh as members of the Fianna contained factual inaccuracies and accused him of activities in Londonderry at a time at which he, Gearóid Ó hEára, was in Limerick.

¹ FS7.518

149.28 Our assessment of the evidence is that Gerald Donaghey is likely to have been a member of the Official Fianna before switching allegiance to the Provisional Fianna. We also consider it likely that Official Fianna members were given some arms training, but of a kind that probably did not involve the firing of weapons.

The activities of the Provisional Fianna

149.29 In his oral evidence to this Inquiry, Gearóid Ó hEára said that he and others switched allegiance to the Provisional Fianna because the Provisional Fianna seemed a more energetic, exciting and dynamic group than the Official Fianna. He denied that the attraction was that the Provisionals could provide weapons training. He agreed that the

Provisionals were attractive because they appeared to be doing more than the Officials to challenge British occupation, but maintained that the role of Provisional Fianna members in challenging that occupation was non-military:¹

“... the rules were quite clear – Fianna members were engaged in street activity, in rioting activity and the bulk of the resistance to the British incursions was in the form of mass riots where hundreds of people drove them out. So Fianna members were involved. If they wanted to become involved in military activity against the British, then they knew the route to go, which was to apply to join the Provisional IRA.”

¹ Day 406/107-108

149.30 In his second written statement to this Inquiry, Gearóid Ó hEára told us:¹

“The role [of the Fianna] was within the no go area with its barricades to provide a 24 hour surveillance and warning system. The role was to watch for strange cars and movements of the British army and to report on developments in riots. The Fianna acted as eyes and ears of the no go areas, but members were not involved in military activity. I know this from personal experience, because all activities were channelled back to me and I passed it on to the liaison officer. It is nonsense to suggest that the Fianna would have been told about any military operation planned by the Provisional IRA. We were literally a scout organisation which was linked to a military organisation. However people in the military side respected the integrity of the Fianna. There was a clear demarcation line and the Fianna did not even get involved in scouting for military operations. Young people were not put at risk in that way.”

¹ AO79.10

149.31 Gearóid Ó hEára said that Fianna members were not involved in the movement of explosives.¹ Individuals might have provided premises for use as dumps but would not have done so in their capacity as Fianna members.²

¹ Day 406/193

² Day 406/194

149.32 Gearóid Ó hEára's evidence was that the throwing of nail bombs was not part of the role of the Fianna. He said that he was not aware of any Fianna member between August 1971 and 30th January 1972 being in possession of a nail bomb.¹

¹ Day 406/130-133

149.33 PIRA 19 said that in 1972 he considered himself one of a group of youngsters on the fringes of the Provisional IRA but, with hindsight, thought that he would probably have been classed as a Fianna member. His evidence was that the youngsters were not involved in finding dumps for IRA weapons.¹ He said that he belonged to a group who met regularly in derelict shops on Lecky Road opposite the Bogside Inn, acted as lookouts for IRA robberies and kept an eye on troop movements. The leader of the group was Gerry O'Hara (Gearóid Ó hEára).² PIRA 19 said that he was sworn in shortly before Bloody Sunday and assigned to the Waterside "section".³ He told us that before Bloody Sunday he had no access to weapons or explosives;⁴ and that before Bloody Sunday field training in Donegal was not offered to the group of youngsters.⁵ It was not clear from PIRA 19's evidence whether he was sworn in shortly before Bloody Sunday to the Provisional IRA or to the Fianna. In our view it is more likely that it was to the Provisional IRA.

¹ [Day 416/151](#); [Day 416/159](#)

⁴ [Day 416/150](#)

² [APIRA19.1-2](#); [Day 416/144](#)

⁵ [Day 416/160](#)

³ [Day 416/149](#)

149.34 Gerard "Mad Dog" Doherty said that he had never been a member of the Fianna and could not comment on its activities. However, as a member of the Bogside section of the Provisional IRA at the time of Bloody Sunday, he told us he could say that Fianna members were never involved in IRA operations. Fianna members were not attached to his IRA section. He said that he knew Gerald Donaghey by sight but did not know him to be a member of the Fianna.¹

¹ [Day 400/28](#)

149.35 Gerard "Mad Dog" Doherty was shown an RUC document in which an interviewee is reported to have said that Gerard "Mad Dog" Doherty gave arms training to Fianna members. Gerard "Mad Dog" Doherty said that he did so, but only after Bloody Sunday.¹ The same interviewee is reported as having said that the Fianna was disbanded after Bloody Sunday. Gearóid Ó hEára said that it was his understanding that the Fianna had continued for many years after Bloody Sunday.² We do not know whether the Fianna was disbanded soon after Bloody Sunday or continued to exist.

¹ [Day 400/29](#)

² [Day 406/117](#)

149.36 PIRA 24, OC of the Provisional IRA in Londonderry in January 1972, also gave an account of the role of the Fianna. In the following passage he was referring to the situation in mid-January 1972:¹

“At that time, we had no Fianna because we didn’t want young lads of that sort of age around. However, a number of Fianna members came over to join us together with 6 or 8 senior members of the Official movement. The Fianna, at that stage, was affiliated to the Officials, not us. I gave orders that a proper eye should be kept on these young Fianna members. Someone from our headquarters was appointed to keep an eye on them and to act as a Liaison Officer. This was just a volunteer and not a Command Staff member, but he was to make sure that the youngsters stayed out of trouble and to stop them from rioting. Of course, they used to hang around on the fringes, but we never formalised this grouping into an established Fianna. We didn’t ignore them. The volunteers would know who the young lads were and would speak to them. Some of the lads had been schooled by the Officials in their Fianna before coming over, but I don’t think even the Officials gave them weapons or weapons training. We certainly didn’t after they had moved over to us. I knew Patsy Moore as someone who came out of the British Army and was in the Territorial Army. There is no way the young lads were used by the Provisionals for nail bombing or on operations. All we did with these keen lads who hung around was keep an eye on them to see that they were loyal and behaved themselves.

I felt a certain responsibility for wee’uns like that. They had no real role. Maybe they brought us information from time to time and we let them do that because it made them feel good. They would feel two feet taller if we spoke to them, and it helped them with the girls. They were proud to be able to say that they knew so and so in the Provisional movement. We did not use them to scout out military operations or to keep an eye on the movements of the security forces or the places like the police station or Army barracks. They enjoyed themselves and ran about in a few cars. They were not seen, at that stage, as a pool of recruits. A number of names of ex-Fianna people have been put to me, but I would not necessarily know who they all were and, for example, I did not know Gerry O’Heara [Gearóid Ó hEára], although I understand that he has said to the Inquiry that he was one of the leaders of these young fellows, and whose job it was to deal with our Liaison Officer. That may be so, but I do not remember it now.”

¹ [APIRA24.4](#)

149.37 He also told us:¹

“I have been asked about whether we used to use the Fianna or younger volunteers for operations. Frankly, we had volunteers enough that we didn’t need to use the young fellows. If I had used any of the younger fellows, I would have had a mutiny on my hands. If a young fellow had thrown a nail bomb, questions would have been asked about why the young fellow got the nail bomb and not one of the volunteers. The same goes for use of weapons. It simply didn’t happen.”

¹ [APIRA24.7](#)

149.38 Martin McGuinness’s evidence was that the Fianna was basically a scouting organisation. He said that he believed that the members had thought of the Fianna as providing a training ground for later membership of the Provisional IRA. He had no doubt that they had taken part in drilling and training but said that they had no access to explosives or weapons of any description.¹

¹ [Day 390/24](#)

149.39 Martin McGuinness said that no-one associated with the Provisional IRA was involved in training members of the Fianna, although a lot of members, on leaving the Fianna, went through the IRA’s recruitment procedure.¹ He said that he would not have regarded the Fianna associated with the Provisional IRA as a Catholic boy scouts’ organisation but neither would he have regarded it as an organisation involved in military preparations or military attacks on the British Army. He thought that the members had been engaged in drilling and non-military activities such as preparing for attack. He told us that he did not believe that they had been trained in the use of guns or explosives.² He also said that members of the Fianna would not have been allowed to have access to weapons and explosives. He regarded a person of 16 as a child and held the strong view that nobody of that age should be involved in any military activity. However, he said that it was possible that 16-year-olds, who had not told the truth about their ages, had been members of the Provisional IRA.³

¹ [Day 390/37](#)

³ [Day 391/43](#)

² [Day 391/38-41](#)

149.40 Martin McGuinness told us that he did not believe that members of the Fianna could have gained access to weapons or explosives without his knowledge.¹

¹ [Day 391/58-60](#)

149.41 PIRA 17, the Quartermaster of the Provisional IRA Derry Brigade, told us that at no time were arms or explosives available to the Fianna.¹ According to his evidence, the Fianna never moved or stored weapons and never trained with weapons.² He stated that he did not know the identity of the OC of the Fianna and had no dealings with the Fianna.³ He went on to give a more detailed explanation of the reasons for which Fianna members were not given weapons:⁴

“I have said that we needed to keep a very tight control on the weapons and explosives which we had. Possession of a weapon gave someone a power they would not otherwise have. It was therefore essential that they were tightly controlled. I was very conscious of that. I wanted to ensure that nothing untoward happened by way of a knee jerk reaction to anything that happened in Derry or Belfast or anywhere else. For that said reason, I needed control of the weapons in our possession. That was my job as Quartermaster and I did it to the best of my ability on 30th January 1972. We were very aware of the danger of having anything loose. Therefore, the idea of giving 15 and 16 year olds weapons with which to run around Derry and risk our support is ludicrous. If anything had gone wrong we would have borne some responsibility for this. There just was no room for mavericks and they were not tolerated.”

¹ [APIRA17.9](#)

³ [APIRA17.9](#)

² [APIRA17.9](#)

⁴ [APIRA17.10](#)

149.42 William Anderson, a member of the Creggan Company (who was suspended from the movement at the time of Bloody Sunday), told us in his written statement to this Inquiry:¹

“From my recollection, the Fianna would have been used as lookouts if at all on operations if anybody was having a crack at the army. They were only young boys of about 15. They did not have access to weapons or explosives. I would not think that they would have been trained in weapons as they were too young.”

¹ [APIRA18.8](#)

149.43 In his oral evidence to this Inquiry, William Anderson said that he had never had any contact with the Fianna.¹

¹ [Day 408/3](#)

149.44 Eddie Dobbins said that he was a member of the Creggan Battalion of the Provisional IRA in the city in January 1972. His recollection was that there was a Provisional Fianna and that members of it were linked to the Provisional IRA battalion in the area in which

they lived. He thought that at most six Fianna members had been associated with the Creggan Battalion. He recalled that they received lessons from Battalion members in Irish history and were inducted into the republican movement but were not, to his knowledge, given arms training.¹ He said that Fianna members would be used to scout an area before an operation and when explosives or weapons were being transported. They would not have handled weapons or explosives, including nail bombs.² A Fianna member who had obtained a dump for the IRA might, however, have taken explosives or arms out of that dump and handed them to members of the IRA who would then transport them.³ He said that he was not aware of any orders being given to the Fianna about their conduct on Bloody Sunday, but that the OC of the Creggan Battalion was responsible for the Fianna members and might have given any orders.⁴ The OC of the Creggan Battalion (Company) was PIRA 23.

¹ Day 399/86

³ Day 399/142

² Day 399/87-88

⁴ Day 399/90

149.45 PIRA 23's evidence was that "*I had very little to do with the Fianna. If I recall correctly, they were a group of boy scouts. They would not have had access to weapons.*"¹

¹ APIRA23.4

149.46 Gearóid Ó hEára said that Eddie Dobbins was mistaken in his belief that at the time of Bloody Sunday a Fianna section was attached to each battalion of the Provisional IRA. Gearóid Ó hEára said that this might have been the position at a later stage.¹

¹ Day 406/122

149.47 The representatives of the majority of represented soldiers relied on the evidence of Eddie Dobbins in submitting:¹

"It would seem, therefore, that the Fianna had a more involved role than some suggest. The very existence of the Fianna signified the involvement of a group of young people in the activities of the Provisional IRA in Derry."

¹ FS7.416

149.48 However, in the extracts from the oral evidence of Eddie Dobbins on which these representatives relied,¹ the following passage appears, after the answer "*Yes, they had took them from the house and given them to us, that was it*" is omitted (though replaced with dots to show the omission):²

“Q. They were involved –

A. You are trying to say that they [the Fianna] were using explosives and using weapons, they were not and they never did.

Q. They did not and never did, according to you, Mr Dobbins –

A. Yes.

Q. – because they had no access to them, they did not even know where the dumps were?

A. If a member of the Fianna got a dump he would [have] known where it was because he had got the dump.”

¹ FS7.415

² Day 399/143

149.49 In our view Eddie Dobbins’ evidence was that a Fianna member would only have had involvement in handling weapons or explosives if these were being taken from a dump that the Fianna member had himself provided. Eddie Dobbins was the only Provisional IRA member (other than Patrick Ward, whose evidence we consider below) to suggest that the Fianna had access of any sort to arms or explosives. The representatives of the majority of represented soldiers did not refer to Gearóid Ó hEára’s evidence: (a) that Eddie Dobbins may have been referring to the situation that existed during a period after Bloody Sunday; and (b) that individuals may have provided dumps but would not have done so in their capacity as Fianna members.

149.50 In our view, at the time of Bloody Sunday, there was in the city a Provisional Fianna, with something of the order of 15 to 20 members.¹

¹ Day 390/23; Day 406/165

149.51 We do not accept the submission of the representatives of the majority of represented soldiers that “*The very existence of the Fianna signified the involvement of a group of young people in the activities of the Provisional IRA in Derry*”,¹ if this submission is intended to suggest that members of the Fianna handled arms or explosives on a regular basis. We have concluded that in January 1972 the Provisional IRA did involve at least some Fianna members in its activities, using them as lookouts and the like, but before Bloody Sunday did not issue them with firearms or bombs for use by them against the security forces, though they may have received some arms training. Fianna members may also have handled weapons or explosives in the course of moving them from a dump

they had themselves provided. We return below to the question of whether on Bloody Sunday the Provisional IRA used members of the Provisional Fianna in a different capacity.

¹ [FS7.416](#)

149.52 Elsewhere in this report¹ we have expressed the view that by Bloody Sunday Gerald Donaghey's involvement with the Fianna was with or principally with the Provisional Fianna. We have concluded that it is probable that he was in possession of four nail bombs when he was shot in Abbey Park on Bloody Sunday. We return below to the question of how he came into possession of these nail bombs.

¹ [Chapters 125–145](#)

The identity of the leader of the Provisional Fianna

149.53 As noted above, Gearóid Ó hEára told us that he became leader of the Provisional Fianna in October or November 1971. His told us his role was a nominal one; he was the leader of a group of leaders and was recognised as such largely because it was he who dealt as Fianna representative with the Provisional IRA's Liaison Officer.¹

¹ [AO79.9](#)

149.54 Eddie Dobbins said that he knew the identity of the Fianna OC but was not prepared to name him. When it was put to him that Gearóid Ó hEára claimed to have been the OC at the time, he replied "*I have no reason to disbelieve him*".¹

¹ [Day 399/137](#)

149.55 PIRA 19 described himself as having been a member of the younger element on the fringes of the Provisional IRA. He told us that he did not regard himself at the time as being a member of the Fianna, but he did confirm that Gearóid Ó hEára was in charge of the group of youngsters to which he belonged.¹

¹ [APIRA19.1-2](#)

149.56 Patrick Ward also claimed to be the leader of the Provisional Fianna in 1972. His claim was not supported by the evidence of any other witness. Gearóid Ó hEára told us that he had a vague recollection of Patrick Ward being on the periphery of the Fianna but thought that this might have been at a time after Bloody Sunday.¹

¹ [AO79.10](#)

149.57 There are intelligence documents that identify Gearóid Ó hEára as a member of the Official and Provisional Fianna. Three documents contain unredacted references to Patrick Ward. The first two documents are notes of two interviews with him conducted by the RUC in January 1974. In these interviews Patrick Ward is recorded as having said that he classed himself as a member of the Provisional IRA. He did not refer to any Fianna activity. The third document, which is part of an interview of someone else, identifies Patrick Ward as a member of the Provisional IRA. The date of the document has been redacted but we are aware of it. In our view it is likely that Gearóid Ó hEára was the leader of the Provisional Fianna at the time of Bloody Sunday.

Instructions given to the Official Fianna

149.58 OIRA 2 told us that he recalled that there was a Fianna affiliated to the Official IRA.¹ He said that he had no involvement in the Fianna but thought that the Official IRA Command Staff would have given orders to the person in charge of the Fianna about the way in which the Fianna should behave on the day of the march.²

¹ [Day 392/17](#)

² [Day 392/19](#)

149.59 OIRA 1 thought that there was no Fianna with any direct link to the Official IRA in January 1972 and that the Official IRA would not have given any instructions as to the way in which Fianna members should behave on 30 January.¹

¹ [Day 395/16-17](#)

149.60 Dermot Liddy said that he had instructed the Fianna members not to get involved in any rioting on 30th January.¹ However, on his own account, he was not aware of any split within the Fianna. It may be that he was giving instructions to boys who in fact no longer recognised his authority. No member of the Official IRA Command Staff has admitted to having given or known about any instructions to members of the Official Fianna. As we have noted above, it seems to us that by the time of Bloody Sunday the Official Fianna was either non-existent or, because it had so few remaining members, inactive.

¹ [Day 408/89](#)

Instructions given to the Provisional Fianna

149.61 Gearóid Ó hEára told us that as OC of the Fianna he reported to a member of the Provisional IRA who had been appointed to act as Liaison Officer between the Provisional IRA and the Fianna. He was not prepared to name that officer and, although he confirmed that the officer was still alive and offered to ask that officer whether he would come forward to the Inquiry, the officer did not give a statement and was never traced.

149.62 According to Gearóid Ó hEára, on the Saturday before Bloody Sunday he was approached by the Liaison Officer and was told that there was to be no activity on the march on the following day; he was ordered to ensure that all Fianna members knew this. Gearóid Ó hEára's evidence was that in any event the Fianna never engaged in paramilitary activity. He took the instruction to mean that Fianna members were not to "push up front" or to engage in any disturbance.¹ He said in his oral evidence that all Fianna members obeyed the order, as far as he was aware. He did not know of any Fianna members having taken part in the rioting that day.² He denied that he had himself thrown stones on Bloody Sunday.³

¹ AO79.13

³ Day 406/139

² Day 406/192

149.63 PIRA 19, the witness who regarded himself in the days leading up to Bloody Sunday as a junior member of the Provisional IRA but agreed that he was then probably a member of the Fianna, told us in his written statement to this Inquiry that:¹

"The general talk was that nothing would happen [on Bloody Sunday]; there was no order as such. We were told that because nothing was going on, we could go on the march if we wanted to."

¹ APIRA19.4

149.64 In his oral evidence he said that he could not recall any order being given.¹ However, his evidence indicated that he was sworn into the Provisional IRA on the Thursday before Bloody Sunday and became a member of its Waterside section.² It is accordingly unclear whether he was referring to general talk among the youngsters or among Provisional IRA volunteers or both.

¹ Day 416/166

² Day 416/149

149.65 We now turn to the very different account that Patrick Ward gave us of the orders given to the Provisional Fianna.

Patrick Ward

149.66 Patrick Ward first came to the attention of the Inquiry on the publication in 2001 of *Martin McGuinness: From Guns to Government*, the unauthorised biography of Martin McGuinness written by Liam Clarke and Kathryn Johnston. In that book, the authors attributed to Patrick Ward an account of various paramilitary activities carried out on Bloody Sunday by members of the Provisional IRA and Provisional Fianna. Patrick Ward gave a written statement to this Inquiry and gave oral evidence.¹

¹ [Day 385/7-138](#); [Day 386/1-147](#)

149.67 The book contains the following passage:

“Paddy Ward, at 17, was in command of the Derry Fianna. He met McGuinness late the night before Bloody Sunday in one of the four or five lock-up garages at the back of the Bogside Inn that were surreptitiously used by the IRA. McGuinness told him to bring the Fianna to the garage the next day before the march and handed him a list of targets. The targets were all premises around the Guildhall and included the tax office; Liptons (the shop where McGuinness had once worked); a bank; a travel agency, which McGuinness said belonged to a Burntollet UDR [Ulster Defence Regiment] man who had attacked the People’s Democracy marchers in 1969; Chada’s shoe store and the Guildhall itself. That Sunday lunchtime, McGuinness and two IRA men handed Paddy Ward and the other seven Fianna members in the garage two nail-bombs each. ‘McGuinness told us to join the march when it moved off from the Bishop’s Field. When we got to the Guildhall, McGuinness told us to pick our target and throw the nail bombs at it. He told us that this was to cause havoc once we got into the city centre.’”

149.68 The authors then describe events later in the afternoon:

“Paddy Ward and the other seven Fianna members were at the head of the parade, as McGuinness had instructed them. But the army had erected a barricade blocking William Street, which led to the Guildhall. McGuinness sent another IRA man to call off the operation. Gerry ‘Mad Dog’ Doherty intercepted Ward just after he had dispatched his team so that they were ready to take action. ‘Mad Dog said it was too risky to go on. The army had put a spanner in the works because they erected a barricade and we were to bring the gear back. We rounded up everybody except for one, Gerry Donaghy. He was just out of jail after doing six months for rioting. We ran

back to behind the Bogside Inn and left the gear there where we got it. There was nobody there, we just ditched the gear in the lock-up. The crack then was that we went back and threw stones at the Brits at Sackville Street.' Years later Gerry Doherty did go on to bomb the Guildhall, reducing it to rubble."

149.69 The following quotation is attributed to Patrick Ward:

"The first one I saw firing a shot was the Major at the barricade in Sackville Street and he pulled out a short arm, which was on a rope or lanyard. His first shot got Damian Donaghy, Bubbles. Then he shot John Johnston at the corner of Colm Bradley's pub – nobody could believe their eyes. I remember myself and another man were sheltering behind this sheet of tin when the Brits were firing rubber bullets at us – we were coming out from behind it and throwing stones at them. Your man just came out and let go. Bang bang, two went up. After that, there was just a mad rush up Rossville Street in panic."

149.70 Patrick Ward is recorded as having seen an Official IRA man with a rifle towards the end of events. He is then quoted as telling the authors:

"We got a car, a mark 2 Cortina estate, and parked in St Columb's Wells with a load of gear in it, rifles. We made the mistake that if you go across St Columb's Wells, halfway across the houses are high and then they just stoop down to low houses. We had parked in front of the low houses and the soldiers on the walls could see it. We ran back to get the car, I got into the car and started it and they fired a shot at us through the roof. I can even tell you the registration of that car, it was RAT 141 G, I'll never forget it. We reversed up St Columb's Wells again and headed out to the Lecky Road checkpoint. At that point there were people going down everywhere. After that we heard more shooting and we headed towards Brandywell. One IRA man, Chick Donnelly, had got himself stuck in a doorway halfway down Hamilton Street. It was a gateway to the Brandywell showgrounds where they play football. We started shooting at the checkpoint so the Brits kept their heads down – they had a sandbag post on top of the old Foyle Road milk depot. As we were firing, the man got away. We reported that to McGuinness because Chick was one of his men."

149.71 "*Chick Donnelly*" was the pseudonym of Martin "Ducksie" Doherty, who was also given the cipher PIRA 9.

149.72 Liam Clarke interviewed Patrick Ward on 8th April 2001. The information provided during the interview formed the basis for the accounts concerning Patrick Ward that appeared in the book. There is a transcript of the interview.¹ The information provided by Patrick Ward during the interview is fairly accurately reflected in the book. However, the transcript records a slightly different account of the events of Saturday and the early part of Sunday from that given in the book. It also provides details of the means by which Patrick Ward claimed that he and other Fianna members obtained nail bombs for use on Bloody Sunday:²

“A. ... on the Saturday we were briefed on what to do, the Saturday before Bloody Sunday. We were all at a meeting at the back of Bogside, and in this was a lock-up garage that they had. And we were issued with stuff.

Q. Who was – who was the bloke at the meeting?

A. McGuinness.

Q. Martin McGuinness?

A. McGuinness and a guy by the name of [...] ... There was somebody else there too ... He was one of the [Keenans] as well. He was [Colm Keenan's] older brother. He might have been [Sean], he was named after the Dad, isn't he? He'd be still around, [Sean Keenan]? ... But we were briefed on what to do. When the march started, we were supposed to be at the beginning of the march. Well, we got into the Guildhall square, you picked, you were supposed to pick your target, whoever it was. The tax office was there at the time which taxed the cars. The Guildhall itself, the shops, all that sort of thing. One of them was a travel agent (inaudible) a UDR man from Bally Burndenet ... There was Chada's shoe store, that was supposed to go, the bank next to [Wellworths] ... Is [Wellworths] still there?

Q. I think it is, yes.

A. Liptons is across the street in the corner ... There was a good twelve of us that day with nail bombs.

Q. So you were told on the Saturday – this was a meeting for the Fianna?

A. Yes, yes...

Q. And were you given the nail bombs on the Saturday?

A. We picked them up on the Sunday about an hour before the march started.”

¹ X2.40.4-55

² X2.40.22-23

- 149.73** Later in the course of the interview Patrick Ward said that there were eight Fianna members armed with nail bombs. He said that Gerard “Mad Dog” Doherty had instructed them to abandon the plan to attack buildings but did not say that “Mad Dog” had done so on the instructions of Martin McGuinness.¹

¹ [X2.40.25](#)

Patrick Ward’s evidence to this Inquiry

- 149.74** The written statement of Patrick Ward to this Inquiry¹ was more detailed than and differed significantly from the account given to Liam Clarke. Patrick Ward’s oral evidence was largely consistent with his written statement.²

¹ [AW8.1-37](#)

² [Day 385/7-138](#); [Day 386/1-147](#)

- 149.75** In his written statement Patrick Ward told us¹ that Martin McGuinness and another man attended a Fianna meeting on the Thursday before Bloody Sunday and discussed with the six Fianna members present (who included Gerald Donaghey) the action that the Fianna should take on 30th January. It was agreed that Fianna members would be armed with nail bombs and would mingle with the crowd. Patrick Ward and another volunteer were ordered to go to the city centre in order to select suitable targets. Martin McGuinness made it clear that any attack was to take place after the marchers had dispersed. Martin McGuinness told Patrick Ward to meet him on Friday evening to discuss the plan. After the Thursday meeting, Patrick Ward and another went into the city centre “*to do a recce*”. Patrick Ward identified targets and also locations from which two Fianna members, one armed with nail bombs and one with nail bombs and a short arm, could cover the others.

¹ [AW8.8-10](#)

- 149.76** According to this account,¹ on Friday Patrick Ward met Martin McGuinness and told him of the targets selected. The Fianna already had explosives to make nail bombs and Martin McGuinness said that detonators would be supplied. It was agreed that on Saturday night the Fianna members would make up the nail bombs. The members made up 16 bombs, two for each member of the section, in a garage at the back of the shops in Beechwood Avenue. The bombs consisted of nails encased in gaffer tape, wrapped around gelignite and placed in a can. The bombs were placed in a stolen green Cortina, registration number RAT142G. Six Fianna members then went down to Guildhall Square

to choose targets for the following day. In his oral evidence to this Inquiry, Patrick Ward explained that the targets themselves were selected on Thursday and on Saturday the targets were allocated to individual members.²

¹ AW8.10-11

² Day 385/74

149.77 Patrick Ward told us that at about midday on Sunday, he and three other Fianna members drove the Cortina to the back of the Bogside Inn. Patrick Ward and one other met Martin McGuinness and Colm Keenan, who said he was the Provisional IRA Explosives Officer. Colm Keenan supplied detonators, which Patrick Ward then fitted to the nail bombs. Patrick Ward went to meet the remaining Fianna members at a bookmaker's shop on the corner of Westland Street and Ebrington Street and brought them back with him to the car, in which the nail bombs had been placed. At about 12.30pm the eight Fianna members, including Gerald Donaghey, were issued with two nail bombs each. One had a short arm. Each member was wearing a parka, the standard Fianna "*uniform*". The Fianna members did not intend to stay together and did not intend to march all the way from Bishop's Field.¹ Patrick Ward parked the Cortina in St Columb's Wells and walked back up towards the Bogside Inn. Later he headed towards William Street with the intention of meeting the march there and discovered that there was no prospect of the Fianna members being able to reach Guildhall Square. As Fianna OC, he decided to call off the operation. He and three other Fianna members who had joined him returned their bombs to the car. Two of them then went to find the other Fianna members. Patrick Ward joined the rioters in Little James Street.²

¹ AW8.11

² AW8.12

149.78 The written statement continues:¹

"It was about then that the first shots I heard that day were fired. I am certain I saw the first shot which was fired when I was standing with others behind a sheet of corrugated tin on the wasteground on the corner of Little James Street and William Street throwing stones at the Brits. There was me and three or four others there when I saw an 'army officer' walk out from between the shields of a row of soldiers who were being pelted with stones on the waste ground in approximately the position I have marked on the attached map at point C (grid reference O/09) [the waste ground northern side of Aggro Corner], pull out a short arm attached to a lanyard at his waist and fire two pistol shots. I assumed that he was an officer as only officers carried short arms. I recall that he wore some sort of peak cap. I thought to myself – 'Shit, those are live ones'. I also thought – 'why is he doing that? Is it a cue for the rest to

start?’ I did not see exactly where the shots were fired but they were roughly in a south westerly direction towards William Street and where I was standing. I did not see what he was shooting at. I subsequently heard that Bubbles [Damien] Donaghy and John Johnston had been hit in the area, and I thought later that they could have been hit by those shots.

The firing of these two pistol shots caused me, and others, to run away. I started to run quickly up Rossville Street in the direction of Free Derry Corner. There was then a stampede with soldiers charging in from everywhere and panic set in amongst the marchers. My mate and I ran up Rossville Street keeping towards the left hand side of the street (east) and ran along the west side of Block 1 of the flats with people falling or diving everywhere.”

¹ [AW8.13](#)

149.79 Patrick Ward went on to tell us that he heard self-loading rifle fire before he reached the Rossville Flats. He saw two people falling on the barricade as he ran past it. As he came around the corner he saw “*Barney McGuigan with a handkerchief in his hand and he got hit*”.¹

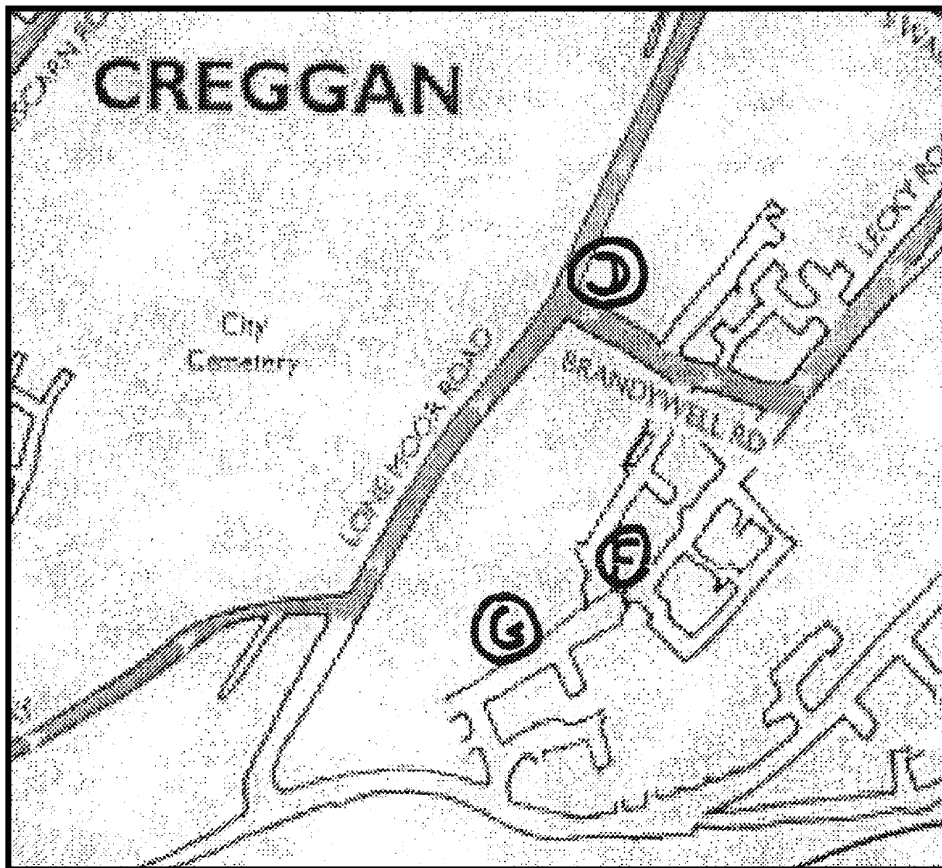
¹ [AW8.14](#)

149.80 Patrick Ward stated that he reached the Cortina and that he “*jumped into the car and the others piled in as well*”.¹ In his oral evidence to this Inquiry he said that he was with three other Fianna members but that only he and one other climbed into the car.² As he started the car a shot was fired through its roof.³ He drove the car to a Fianna arms dump, left the nail bombs there and removed from the dump a .303 and an M1 carbine. These weapons were put in the Cortina. Ward and his companion/s then drove towards Hamilton Street, seeking a target (ie a soldier). They saw a man, whose name has been redacted from the statement but who was Martin Doherty (PIRA 9), who was pinned down in a doorway, at the point that Patrick Ward marked “G” on the map below.

¹ [AW8.14](#)

³ [AW8.14-15](#); [Day 385/115](#)

² [Day 385/111](#); [Day 386/105](#)



149.81 According to Patrick Ward, Martin Doherty had obviously been shooting at the Army post on the roof of the old City Dairy next to the Mex Garage. It seemed that the soldiers had located and fired at him. Patrick Ward and one or more others fired at the Army post using the .303 and the M1 carbine. They fired about five shots with the .303 and 12–15 with the M1 carbine. Martin Doherty took the opportunity to get away.¹

¹ [AW8.15](#)

149.82 Patrick Ward told us that he then returned to the Fianna dump and left the M1 carbine and the short arm there.¹ There were 200–300 rounds of ammunition in the dump. He stated that he took some ammunition for the .303 and, alone, went to the home of his then girlfriend, Tina McGilloway. He ran into the garden of the house and fired at a helicopter circling overhead. He thought that he had clipped it. He then put the .303 in the car, left the car at Beechwood Avenue and walked down to the Bogside. He met three other members of the Fianna whom he had not seen since issuing them with nail bombs.

They were in possession of the nail bombs issued to them but did not have those issued to Gerald Donaghey. They told him that Gerald Donaghey had been shot. Of the 16 nail bombs, 14 were returned.

¹ [AW8.15-16](#)

- 149.83** Patrick Ward stated that while he and the others were in the area of Westland Street and the Bogside Inn, he saw Reg Tester carrying a .303. He did not see Reg Tester fire it but asked him whether he was going to fire.¹ In his oral evidence to this Inquiry he said that he thought that this incident occurred shortly before 6.00pm.²

¹ [AW8.16](#)

² [Day 385/129](#)

- 149.84** Patrick Ward told us that he was sure that Gerald Donaghey was wearing a parka.¹

¹ [AW8.18](#)

A comparison between Patrick Ward's account to the authors of *Martin McGuinness: From Guns to Government* and his account to this Inquiry

- 149.85** Liam Clarke and Kathryn Johnston initially provided to this Inquiry a summary of Patrick Ward's interview. When he made his written statement to this Inquiry, Patrick Ward dealt at length with the discrepancies between the account given in that summary and the account that he gave to this Inquiry.
- 149.86** Later, Liam Clarke and Kathryn Johnston provided a tape of part of Patrick Ward's interview (including the passages dealing with Bloody Sunday). That tape was transcribed for the Inquiry. In identifying discrepancies between the accounts given at various times by Patrick Ward, we have relied on the transcript as evidence of Patrick Ward's first account to Liam Clarke, not on the summary or on the account provided in *Martin McGuinness: From Guns to Government*.

Summary of the discrepancies in the accounts

- 149.87** Counsel to the Inquiry prepared a summary comparison of the accounts given by Patrick Ward to this Inquiry with the account that he gave to Liam Clarke in respect of eight issues. We set out below Counsel's summaries of these issues, which we have found to be accurate.

(i) The meetings before the march

Account to Liam Clarke

On the Saturday before Bloody Sunday the members of the Fianna were briefed by Martin McGuinness and Sean Keenan Junior. They were told to be at the front of the march and, on reaching Guildhall Square, to pick a building as a target.¹

Account to the Inquiry

On the Thursday before Bloody Sunday Martin McGuinness and another man attended a regular Fianna meeting. It was agreed that Fianna members would be armed with nail bombs on 30th January. After the meeting Patrick Ward and another volunteer went to the city centre to select suitable targets and on Friday Patrick Ward told Martin McGuinness of the targets selected. Martin McGuinness agreed to provide detonators.²

¹ X2.40.22

² AW8.9-11

(ii) The creation and distribution of the nail bombs

Account to Liam Clarke

Fianna members picked up the nail bombs from the lock-up garage behind the Bogside Inn about an hour before the march started. The bombs were issued by “Mr Keenan” (almost certainly a reference to Sean Keenan Junior)¹ and Martin McGuinness. Each Fianna member was given two bombs and was allocated a target. The Fianna members all went to the front of the march.²

Account to the Inquiry

On Saturday night the Fianna members made up 16 nail bombs in a garage at the back of the shops in Beechwood Avenue, placing them in the stolen Cortina, RAT142G. Six members of the Fianna then went down to the Guildhall to choose their targets. At about midday on Sunday Patrick Ward and three other Fianna members drove the car to the back of the Bogside Inn and met Martin McGuinness and Colm Keenan. Colm Keenan supplied the detonators which Ward then fitted to the nail bombs. At about 12.30pm the eight Fianna members were issued with two nail bombs each. One was holding a short arm. The Fianna members did not intend to stay together and did not intend to march all the way from Bishop’s Field.³

¹ Day 386/41-43; Day 386/78

³ AW8.10-12

² X2.40.23-24

(iii) The abandonment of the nail-bombing operation

Account to Liam Clarke

Gerard “Mad Dog” Doherty came to the Fianna members, told them that it was too risky and told them to bring their gear back. The Fianna members could not find Gerald Donaghey. All of them except Gerald Donaghey brought their nail bombs back to the Bogside Inn and disarmed them.¹

Written statement to the Inquiry

Patrick Ward headed towards William Street, discovered that the Fianna members would not be able to reach Guildhall Square and decided to call off the operation. He and three other Fianna members returned their bombs to the car. Two then went to find the other Fianna members.²

Oral evidence to the Inquiry

When he was asked about the allegation, reproduced in *Martin McGuinness: From Guns to Government*, that Gerard “Mad Dog” Doherty had come to the Fianna members and told them that it was too risky for them to continue with the nail-bombing operation, Patrick Ward replied “*That was something inserted by Liam Clarke, out of context*”.³ It was not.

¹ X2.40.25

³ Day 386/65

² AW8.12

(iv) The shooting of Damien Donaghey and John Johnston

Account to Liam Clarke

Patrick Ward saw a Major in Sackville Street pull out a short arm and fire the first shots fired on Bloody Sunday, shooting Damien Donaghey and then John Johnston.¹

Account to this Inquiry

Patrick Ward saw an officer, who was in the area between William Street and Prince Arthur Street, fire two shots from a pistol. He did not see the officer’s targets but learned later that Damien Donaghey and John Johnston had been shot in that area and thought that the officer might have shot them.²

¹ X2.40.25-26

² AW8.13

(v) Events after the shooting of Damien Donaghey and John Johnston*Account to Liam Clarke*

After the shooting of these two men, Patrick Ward returned to the Cortina, which was parked in St Columb's Wells. He did not refer to any incident that he witnessed on the way to the car.¹

Account to this Inquiry

As he headed towards the car, Patrick Ward saw two people fall on the rubble barricade. He then saw Bernard McGuigan being shot.²

¹ X2.40.26² AW8.13**(vi) The registration number of the Cortina***Account to Liam Clarke*

The registration number was one that Patrick Ward would never forget and was RAT141G.¹

Account to this Inquiry

The registration number was RAT142G.²

In fact, both of these numbers were registered to commercial vehicles. The numbers were issued in Hull in the late 1960s.³

¹ X2.40.25-26³ AW8.61-65² AW8.10**(vii) Events at the McGilloways' house***Account to Liam Clarke*

At the end of the day Patrick Ward went to the home of his then girlfriend, Tina McGilloway, and had a conversation with her mother. Patrick Ward said nothing at all to Liam Clarke about his having fired at a helicopter.¹

Account to this Inquiry

Patrick Ward ran past his girlfriend's parents, through the house and into the garden. He then fired two shots with a .303 at a helicopter that was circling overhead.²

¹ X2.40.27² AW8.15**(viii) Joining the IRA***Account to Liam Clarke*

On leaving the Fianna Patrick Ward was sworn into the IRA by a Provisional IRA Intelligence Officer.¹

Account to this Inquiry

A Fianna member could simply transfer to the Provisional IRA without formality. Patrick Ward did so.²

¹ X2.40.35² AW8.8; Day 385/56**Areas of dispute between Patrick Ward and other witnesses**

- 149.88** There are many aspects of the evidence of Patrick Ward that are inconsistent with the evidence given by others. Counsel to the Inquiry submitted, and we agree, that the issues having the greatest relevance to this Inquiry are as follows.

(i) Patrick Ward's status as OC of the Fianna

- 149.89** Patrick Ward claimed to be OC of the (Provisional) Fianna in January 1972. He said that Gearóid Ó hEára was merely a Fianna volunteer at the time.¹

¹ Day 385/17

- 149.90** Gearóid Ó hEára claimed to be the leader of the Provisional Fianna in January 1972. He said that at the time of Bloody Sunday Patrick Ward was not a member of the Fianna although he thought it possible that he was "*on the fringes*" of the group.¹ He could not recall Patrick Ward being involved in any incident concerning the Fianna.²

¹ Day 406/123² Day 406/181

149.91 Gearóid Ó hEára's account was supported by PIRA 19, Eddie Dobbins and, to a lesser extent, Dermot Liddy, as we have described earlier. Not one member of the Provisional IRA or Fianna identified Patrick Ward as having been OC of the Fianna or even as having had an active role within it at the time of Bloody Sunday.

(ii) The role and structure of the Fianna

149.92 Patrick Ward alleged that Fianna members had access to and received training in the use of firearms and nail bombs. He also said that the Fianna had its own arms dumps.¹

¹ [Day 385/28-29](#); [Day 358/41-42](#)

149.93 The evidence of all other Provisional IRA and Fianna witnesses was that the Fianna had a non-military role. There is some intelligence material which indicates that Fianna members underwent arms training at about the time of Bloody Sunday, something that the paramilitary and Fianna witnesses denied. However, there is no evidence from any source to suggest that Fianna members had the sort of access to arms and explosives described by Patrick Ward.

149.94 Patrick Ward's evidence was that there were about 40 members of the Fianna, which was divided into five sections. The evidence of all other Fianna and Provisional IRA witnesses (other than Eddie Dobbins) was that there was just one Fianna group.

149.95 Patrick Ward said that Fianna members were described as "*volunteers*" and said that he had never heard of the word "*Fians*".¹

¹ [Day 386/68](#)

149.96 "*Fian*" is the title given in *Tírghrá* to each member of the Fianna (including Gerald Donaghey) whose life is commemorated in that book.

(iii) The Explosives Officers of the Provisional IRA

149.97 Patrick Ward claimed that Colm Keenan was the Explosives Officer for the Provisional IRA in Londonderry at the time of Bloody Sunday. Colm Keenan was shot dead by the Army in March 1972. His brother, Sean Keenan Junior, made a written statement to this Inquiry in which he asserted that he, Sean Keenan, was the Provisional IRA Explosives Officer at the time, not his brother. Sean Keenan accepted that his brother assisted him with explosives work and had been trained to use explosives.¹

¹ [AK46.6](#); [AK46.10](#)

149.98 Martin McGuinness and PIRA 17, the Quartermaster of the Derry Brigade, said that Patrick Ward was wrong to claim that Colm Keenan was the Provisional IRA's Explosives Officer.¹ PIRA 26 said that he was in the same section as Colm Keenan on Bloody Sunday. He believed that Colm Keenan was just a volunteer and was not an Explosives Officer. He did not know whether Colm Keenan had received training in the use of explosives.²

¹ Day 390/19; APIRA17.9

² Day 427/47-48

149.99 In an RUC interview transcript, the interviewee (whose name has been redacted) is recorded as having stated that Colm Keenan was an engineer who had a "*great name*" for making bombs. This evidence is consistent with Colm Keenan holding the post of Explosives (Engineering) Officer. It is equally consistent with him assisting the Explosives Officer to make bombs.

149.100 Patrick Ward claimed to be not only OC of the Fianna but also the head of the Fianna's Creggan section.¹ Michael Clarke claimed to be the Provisional IRA Explosives Officer for the Creggan. His evidence was that he had no contact with, and knew nothing about, the Fianna. He said that he had never trained any Fianna member to make nail bombs.² He also said that he did not become aware of the existence of Patrick Ward until he heard of him in connection with this Inquiry.³ Patrick Ward's evidence was that he did not know of the existence of a Provisional IRA explosives officer called Clarke.⁴ We have no reason to doubt Michael Clarke's evidence that he was the Explosives Officer for the Creggan.

¹ Day 385/48

³ Day 402/30

² AC157.9; Day 402/30

⁴ Day 385/40

149.101 If Patrick Ward had been OC of the Fianna, including its Creggan section, and if he did have the contact with the Provisional IRA that he claimed to have had, then in our view Michael Clarke and Patrick Ward would have known each other.

149.102 The representatives of the majority of represented soldiers submitted that various witnesses, including Michael Clarke, orchestrated their evidence in order to discredit Patrick Ward. However, in 1977 Michael Clarke told the RUC that he held the unofficial position of Explosives Officer from October 1971 and was formally promoted to the post after Bloody Sunday. Although not entirely consistent with his evidence to this Inquiry that he was in fact the Creggan Explosives Officer in January 1972, the 1977 account

contains an admission that Michael Clarke acted as an Explosives Officer at the time of Bloody Sunday. This therefore would not appear to be something that Michael Clarke invented at the time of this Inquiry in order to cast doubt on Patrick Ward's evidence.

(iv) The manufacture of nail bombs by Fianna members

149.103 Patrick Ward's evidence to the Inquiry was that Fianna members made up nail bombs in a garage off Beechwood Avenue.¹

¹ [AW8.10](#)

149.104 PIRA 17, the Quartermaster of the Provisional IRA Derry Brigade, said that he discouraged the use of nail or blast bombs. However, if a unit saw fit to use such devices, the bombs would be made up by any of the three Explosives Officers. As Quartermaster, he was responsible for obtaining the raw materials. He and other members of the Command Staff were responsible for distributing the materials to the Explosives Officers.¹

¹ [Day 404/43-44](#)

149.105 Sean Keenan Junior, who claimed that he, and not his brother Colm, was the Provisional IRA Explosives Officer in Londonderry at the time of Bloody Sunday, commented in his written statement to this Inquiry on Patrick Ward's assertion that he (Patrick Ward) and other Fianna members took part in an abortive nail-bombing operation on Bloody Sunday. He dealt with the suggestion that nail bombs were made in the Bogside, whereas the evidence of Patrick Ward was that they were made in the Creggan. Sean Keenan was too unwell to give oral evidence but told us this in his written statement to this Inquiry:¹

"I understand that Paddy Ward says that he was engaged on a nail bomb operation on Bloody Sunday. I have never set eyes on Paddy Ward and would not know him if I saw him. If he had been dealing with explosives in the Bogside I would have been in contact with him. I have never met him. It is absolute nonsense to suggest that the Fianna had access to explosives. There was hardly enough to go round the IRA volunteers and all the sections. I think this is a complete figment of his imagination.

No one other than the explosives officer and one, possibly two, other people had access to explosives. It was our practice to treat explosives more carefully than weapons particularly in relation to dumps because there was a dangerous aspect to them. I can categorically state that no nail bombs were made prior to the march. They are not something you make up before hand and store in any event. Paddy Ward's description of an operation to bomb buildings in the Guildhall Square sounds

nonsense to me. Nail bombs are anti-personnel devices and are never used against property because they would be worthless. There is a very small amount of explosives surrounded by nails and it would be a waste of time to use them against buildings.

If any nail bombs had been made in the Bogside I would know about it. The whole operation was strictly controlled. I have been asked where nail bombs were stored. The explosives dump was no where near the Bogside. In fact it was 10 or 15 minutes away on foot. I am not prepared to say specifically where the dump was. I am asked whether the lock up garages behind the Bogside Inn were used as a dump or store, and can categorically say they were never used up to Bloody Sunday for the storage of explosives. Nor were explosives stored at the Beechwood Avenue shops as suggested by Paddy Ward nor in the yellow house at the junction of Lone Moor Road and Brandywell Avenue as he describes. I recall that building; it was derelict and was therefore wholly unsuitable as a dump. It was used for training purposes however.”

¹ [AK46.7](#)

149.106 Sean Keenan also told us that nail bombs were never issued to Fianna members.¹

¹ [AK46.8](#)

(v) The use of nail bombs to attack buildings

149.107 As can be seen from the passage of Sean Keenan’s written evidence quoted above, he told us that nail bombs were anti-personnel devices and would be worthless against buildings. PIRA 24 and Michael Clarke also said that nail bombs were anti-personnel devices and that they were not used against buildings.¹ PIRA 17 told us that a nail bomb was not designed to do structural damage and would have a minimal effect on a building.²

¹ [APIRA24.7](#); [Day 402/27](#)

² [APIRA17.10](#)

149.108 Peter Gurney, an expert on these weapons retained by the Inquiry, described them as improvised explosive devices, containing nails as shrapnel, designed to be thrown by hand as anti-personnel grenades for use against the security forces.¹

¹ [E18.8.2-7](#)

149.109 In our view it is highly unlikely that nail bombs would have been used for the purpose of damaging buildings.

(vi) The use of buildings at the back of the Bogside Inn

149.110 Martin McGuinness said that he was not aware of the Meenan Square shops, the back of the Bogside Inn or any lock-ups in that area being used by the IRA. They were in an exposed area and could be overlooked by the Army.¹

¹ Day 391/62

149.111 PIRA 17 gave similar evidence.¹

¹ Day 404/61

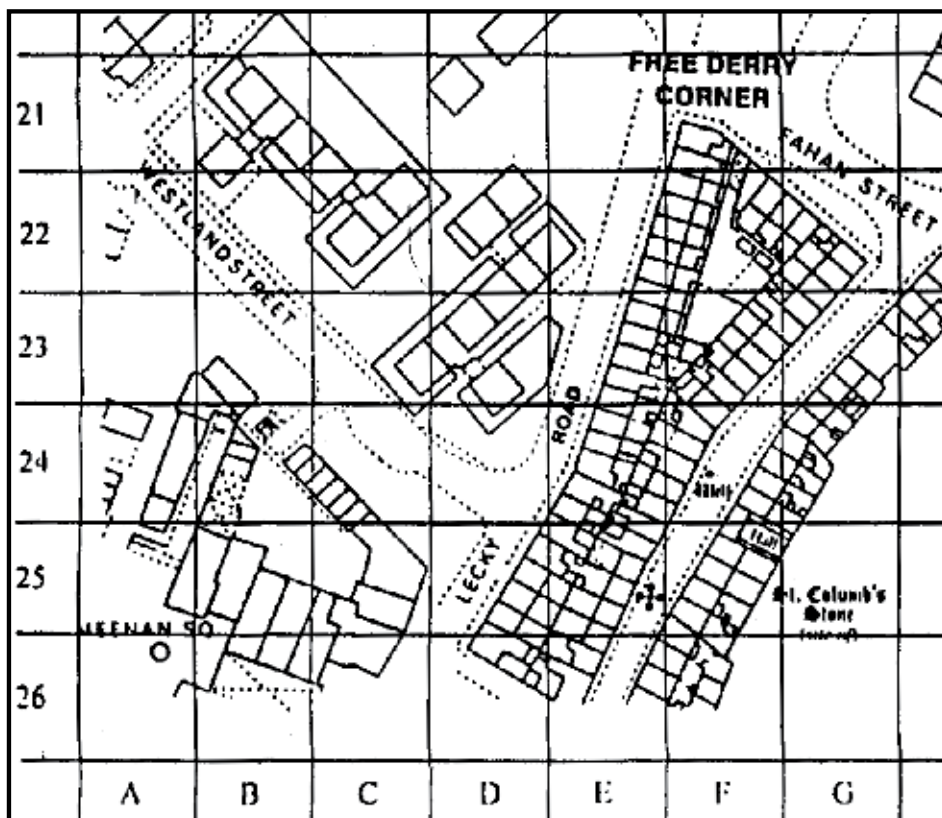
149.112 Gerard “Mad Dog” Doherty said in oral evidence to this Inquiry that he was not aware of premises at the back of the Bogside Inn being used by the IRA.¹

¹ Day 400/74

149.113 On the other hand, PIRA 19 told us that derelict shops on Lecky Road near the Bogside Inn were used for meetings by the Provisional IRA and by youngsters associated with the Provisional IRA.¹ In his written statement to this Inquiry he appeared to be describing premises to the west of the Bogside Inn, at grid reference B24 on the following map.²

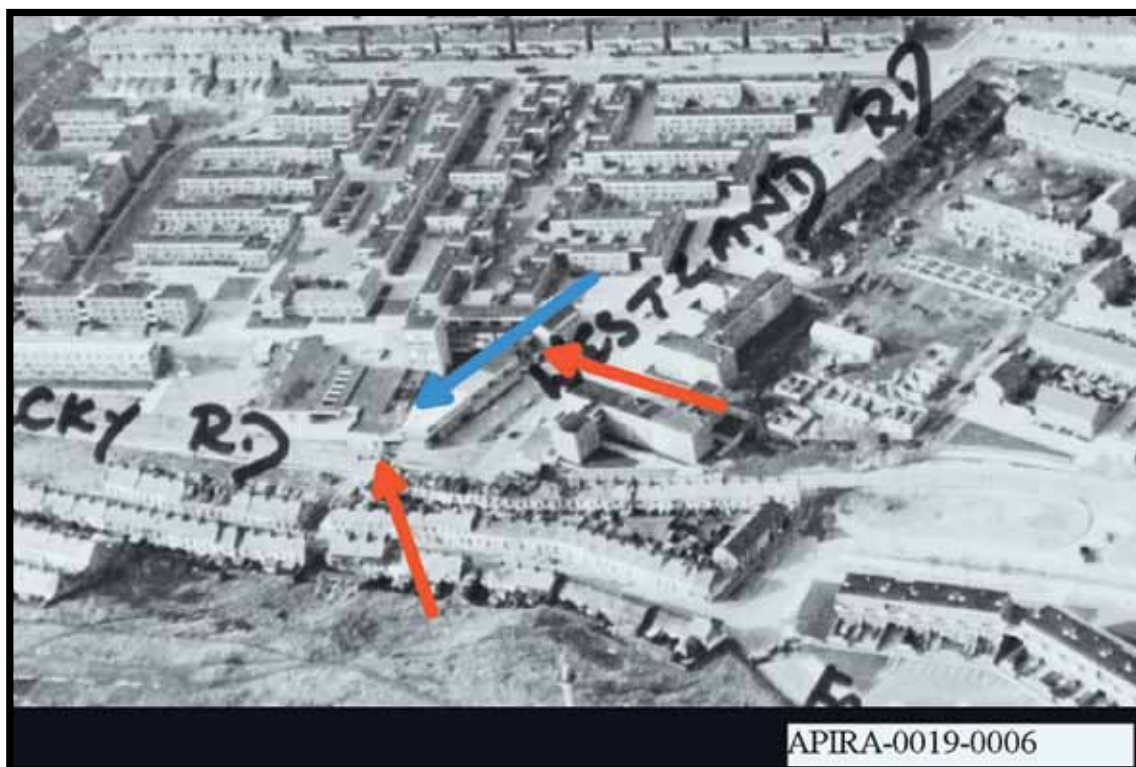
¹ APIRA19.1; Day 416/144

² APIRA19.1



149.114 However, in his oral evidence PIRA 19 marked buildings on the opposite side of the road from the Bogside Inn as the ones used (indicated by the lower arrow on the following photograph).¹

¹ [APIRA19.6](#)



149.115 Captain INQ 2225 told us that he knew that the garages behind the Bogside Inn had been used by terrorists for the storage of weapons and explosives and for other purposes, though there was no direct line of sight into the area.¹

¹ [C2225.5](#)

149.116 In this instance therefore it appears that Patrick Ward may have been correct in identifying buildings near the Bogside Inn as a place where weapons and explosives were kept.

(vii) Meetings with Martin McGuinness

149.117 As noted above, Patrick Ward told us that Martin McGuinness attended a meeting of the Fianna on the Thursday before Bloody Sunday. Martin McGuinness denied having had any contact at all with Patrick Ward and said that he did not even know him.¹

¹ [Day 390/10](#); [Day 390/27](#)

149.118 PIRA 19 said that he never saw Martin McGuinness at the meetings of the group, which took place on Tuesday and Thursday of each week.¹

¹ [Day 416/160](#)

(viii) The plan for Fianna members to throw nail bombs

149.119 Patrick Ward's account of a plan for eight Fianna members to throw nail bombs at buildings in the area of Guildhall Square was rejected by Martin McGuinness, whom Patrick Ward alleged to have been involved in hatching the plot, and by Gearóid Ó hEára, whose evidence was that he, not Patrick Ward, was OC of the Fianna.¹

¹ [Day 390/132; AO79.14](#)

149.120 PIRA 19 told us:¹

"I had been involved in a few riots where a guy would turn up with a nail bomb or a weapon, but I never recall this happening at a march. That sort of thing happened after a march was over and a riot had started."

¹ [APIRA 19.4](#)

149.121 In his oral evidence to this Inquiry, PIRA 19 said that it would not have been the youngsters, of whom he was one, who would have turned up with nail bombs. He also said that at the time of Bloody Sunday he did not know how to make a nail bomb.¹

¹ [Day 416/161](#)

149.122 Patrick Ward's evidence about Gerald Donaghey going to the Bogside Inn to collect two nail bombs and planning to go to the Guildhall area to throw them is inconsistent with the evidence of those who claim to have been with him on the day. We consider this evidence elsewhere in this report.¹

¹ [Chapter 127](#)

149.123 Patrick Ward's allegation about Gerald Donaghey having nail bombs is supported only by an unknown person who, according to Kathryn Johnston, gave information to the authors of *Martin McGuinness: From Guns to Government* after publication of the first edition, as shown below.¹

¹ [M112.50](#)

KATHRYN JOHNSTON TYPED UP NOTES FOR PREFACE (no date, but around 8 February 2002 - one page of notes on back of press release dated 8.2.2002)

High St full of people

Gerard Donaghy had several nail bombs, S McCallion wanted them.

Throw nail bombs over roof.

- 149.124** The identity of “S McCallion” is unknown. Although counsel for the majority of represented soldiers suggested to Kathryn Johnston that “S McCallion” was Sean McCallion, one of the Inquiry’s witnesses, we do not know the basis on which he did so. Kathryn Johnston said that she thought that the Christian name of the individual concerned was Sean.¹ However, the Inquiry had two witnesses called Sean McCallion. One denied having any knowledge of this incident² and the other died before he could be asked about Kathryn Johnston’s notes. There might well have been other Sean McCallions in the city area in January 1972.

¹ Day 387/84

² AM492.7

- 149.125** Kathryn Johnston’s understanding from her source was that there was a dispute as to whether nail bombs should be thrown over the roof.¹ Her note also records that “Eddie Daly” was present when an argument with McCallion was in progress.² Kathryn Johnston’s understanding was that the reference was to Fr Daly and that he was said to have been present during the dispute over the nail bombs.³ Fr Daly was not asked about this allegation when he gave oral evidence because the Inquiry had at that time no knowledge of it. However, he made no reference to such an incident in any of his accounts. We are sure that Fr Daly would have mentioned such an incident in one of his accounts had it occurred in his presence.

¹ Day 387/130-132

³ Day 387/86

² M112.51

- 149.126** Counsel on behalf of the majority of the families commented on the practical impossibility of anyone throwing a nail bomb over the roofs of High Street with the intention of hitting troops in William Street. We agree with this comment.¹

¹ Day 387/136

(ix) Chada's shoe shop

149.127 Patrick Ward alleged that Chada's shoe shop was one of the targets selected by Fianna members for attack with nail bombs. The owner of the shop, Manohar Chada, gave a written statement to this Inquiry in August 2002 in which he told us that his shop had been burned to the ground in December 1971, although he continued to trade from temporary buildings on the site:¹

¹ [AC54.2](#)

(x) Gerard "Mad Dog" Doherty

149.128 Patrick Ward told Liam Clarke (although not this Inquiry) that Gerard "Mad Dog" Doherty stopped Fianna members from carrying out their nail-bombing operation.

149.129 Gerard "Mad Dog" Doherty told us that he did not know Patrick Ward at the time of Bloody Sunday and first learned of his existence on the publication of *Martin McGuinness: From Guns to Government*. He said that he had nothing to do with any nail-bombing operation, did not believe that such an operation had been planned and had no contact with Patrick Ward on Bloody Sunday.¹

¹ [AD65.22](#); [Day 400/300](#)

(xi) The shooting of Damien Donaghey and John Johnston

149.130 Patrick Ward gave an account to Liam Clarke of seeing a Major firing a short arm from Sackville Street and hitting Damien Donaghey and John Johnston. He told this Inquiry that he saw an officer fire from waste ground north of William Street in a south-westerly direction, towards unknown targets who might have been Damien Donaghey and John Johnston.

149.131 Both of these accounts are inconsistent with all other evidence concerning the shooting of Damien Donaghey and John Johnston and with that concerning the conduct of soldiers in the William Street and Sackville Street areas. We have considered the shooting of these casualties when discussing the events of Sector 1.¹

¹ [Chapter 18](#)

- 149.132** We are sure that no Major or other soldier fired from the waste ground in question. We are equally sure that Damien Donaghey and John Johnston were shot on the waste ground further west along William Street by soldiers firing from a derelict house on the north side of William Street.

(xii) The timing of events

- 149.133** Patrick Ward claimed to have left the area of William Street after the alleged shooting by the Army officer (which on his account occurred before the soldiers went into the Bogside), to have run over the rubble barricade and seen two men fall there and then, immediately afterwards, to have seen Bernard McGuigan shot dead.
- 149.134** As will be seen from our detailed discussion of the events of the five sectors, we have no doubt that it was some 15 minutes after the shooting of Damien Donaghey and John Johnston before anyone was shot in the area of the rubble barricade; and that it was only after all six casualties had been shot in that area that Bernard McGuigan was shot near the south end of Block 1 of the Rossville Flats.

(xiii) The shot fired through Patrick Ward's car

- 149.135** Patrick Ward alleged that a shot was fired into his car at St Columb's Wells. According to the photograph that he marked with a blue arrow (reproduced below), the car was parked some considerable distance north of the Bogside Inn.¹

¹ [AW8.69](#)



149.136 No soldier has claimed either to have fired or to have known about that shot. The 1 R ANGLIAN log records that at 1617 hours shots were fired towards the Double Bastion from the direction of the Bogside Inn and that two shots were returned.¹ As we discuss elsewhere in this report,² Private AD was the soldier who returned fire. His evidence was that he fired two rounds at a gunman near the Bogside Inn, seeing no strike from the first round, which he thought went over the gunman's head, but hitting the man with the second.³ It is to our minds highly unlikely that one of Private AD's shots could have hit a car parked in the area suggested by Patrick Ward. There is no other evidence that suggests to us that a soldier fired into this area.

¹ W102; W106.6

³ B943.003

² Chapter 151

(xiv) The shots fired by Fianna members

149.137 Patrick Ward claimed that he fired five shots along Hamilton Street from a .303 and another Fianna member fired 12–15 shots from an M1 carbine. We have no other evidence from any source (military or civilian) to support this claim.

(xv) Firing at a helicopter

149.138 Patrick Ward claimed that he fired two shots at a helicopter from the garden of the home of his girlfriend's parents.

149.139 Daniel and Vera McGilloway, the occupants of the house, said that they were in the house all afternoon on 30th January 1972 and that Patrick Ward did not fire any shots or even come to the house that day.¹

¹ [AM506.1](#); [AM507.1](#)

149.140 Eddie Dobbins, a member of the Provisional IRA in January 1972, said that the back garden of his home at the time backed onto the back garden of the McGilloways' home. There was a chain-link fence between the two. Eddie Dobbins said that most of his family were at home on 30th January 1972 and that, if anybody had fired shots from the McGilloways' back yard that day, he would have heard about it.¹

¹ [Day 399/149](#)

The lists of names provided by Patrick Ward

149.141 Patrick Ward provided privately to this Inquiry a list of the names of individuals who, he claimed, were members of the Fianna at the time of Bloody Sunday.¹ He also provided a list of those who were at that time, to the best of his recollection, on the Command Staff of the Provisional IRA in Londonderry. His counsel asked the Inquiry to state the extent to which the intelligence material in the possession of the Inquiry corroborated the information provided by Patrick Ward.² In accordance with our duty under the Human Rights Act 1998 it is not possible to provide many details. However, we can record that Patrick Ward identified Gerald Donaghey as a member of the Fianna and Martin McGuinness as the Adjutant on the Command Staff. The remainder of the information that he provided was largely inconsistent both with the intelligence material and with the evidence given by paramilitary witnesses.

¹ [Day 386](#)

² [Day 386/12](#)

Patrick Ward's explanation for the discrepancies in his accounts

149.142 In his oral evidence to this Inquiry, Patrick Ward said that he had been speaking “*off the cuff*” to Liam Clarke and had not taken the care to be accurate that he had taken when considering his evidence to the Inquiry.¹

¹ Day 385/61-63

Patrick Ward's response to the evidence of the witnesses who contradicted him

149.143 Patrick Ward, commenting on the statements of those whose evidence contradicted his account, said:¹

“It seems to me it is a concerted effort to discredit my character basically, yes. I see the same pattern through all the witness statements that I have read so they have obviously been either coerced or coaxed or all pulled into line to make the same accusations to discredit my evidence to the Inquiry.”

¹ Day 385/17

The basis of Patrick Ward's knowledge

149.144 It became apparent during the course of Patrick Ward's oral evidence that certain assertions of fact made by him were based not on any direct knowledge but on assumptions or on general knowledge that he had acquired through living in the city. For example:¹

“MR CLARKE: ... Are you able to give an approximate figure for the number of members of the Provisionals at 30th January 1972, not the Fianna, the Provisionals?

A. Not off-hand, no.

Q. Can you give any idea of the sort of size we are talking about?

A. Sixty maybe.

Q. You have told us earlier that you think that it was in 1973 or 1974 that you became a member of an active service unit. Did you become aware then of how many other Provisionals there were in Derry?

A. No, because a lot of them were secretive.

Q. So the estimate that you have just given us is based on, what?

A. General all-round experience living there.”

¹ Day 385/66-67

149.145 Again, later:¹

“Are you sure that Martin McGuinness had regular contact with Frank Lagan at this time, that is to say in January 1972?

A. I knew he had regular – contact on a regular basis. Of that day, I cannot say.

Q. Was he in regular contact at this time, that is to say in January 1972?

A. I do not really know.”

¹ Day 385/80-81

149.146 When it was pointed out to him that RAT142G was the registration number of a lorry and that the number was issued in Hull, Patrick Ward said that he had simply taken it for granted that the registration number on the Cortina was a genuine one.¹

¹ Day 385/84

Inherent implausibility of some of the accounts given by Patrick Ward

149.147 The fact that Patrick Ward’s accounts have changed over time on its own leads us to treat them with caution. As we have already pointed out, some of his evidence cannot be right; and there is very little other evidence to support most of what he has said. Some aspects of his evidence seem to us to be inherently implausible.

149.148 For example, as we discuss in detail elsewhere in this report,¹ four nail bombs were found on Gerald Donaghey’s body after he arrived at the Regimental Aid Post next to Craigavon Bridge. Patrick Ward’s evidence was that these nail bombs did not include the two that Gerald Donaghey had been given; all four were of a different type from the ones used by the Fianna.² If this evidence was correct, then only three possibilities arise:

- a) Gerald Donaghey threw or otherwise disposed of the two nail bombs that he had been given and then obtained a further four from an unknown source.

- b) Gerald Donaghey had two nail bombs on him when he was shot. These were removed by civilians but members of the security forces then planted four nail bombs on him.
- c) Gerald Donaghey had two nail bombs on him when he was shot. These were not found by civilians. They were found by members of the security forces who removed them and planted four different ones.

¹ Chapters 125–145

² AW8.18

149.149 Apart from the fact that we have concluded that the security forces did not plant nail bombs on Gerald Donaghey, each of these possibilities appears to us to be self-evidently implausible.

149.150 Patrick Ward's accounts to the Inquiry involve him in being: (i) in charge of an attempt to nail-bomb buildings in Guildhall Square; (ii) involved in a narrow escape when a bullet was fired through the roof of his car; (iii) the saviour of Martin Doherty (PIRA 9), to whom he gave covering fire; and (iv) responsible for shooting at and probably hitting an Army helicopter. He was 16 at the time. To our minds such activity on the part of a young teenager is also inherently implausible.

The allegation of orchestration of evidence to discredit Patrick Ward

149.151 It has been suggested by the representatives of the majority of represented soldiers that those who gave evidence to discredit Patrick Ward so orchestrated matters that their evidence was provided to the Inquiry at a late stage and within days of Patrick Ward's statement being distributed to the interested parties.

149.152 The witnesses who gave evidence which directly contradicted that of Patrick Ward were Michael Clarke, Gearóid Ó hEára, Sean Keenan Junior, Gerard "Mad Dog" Doherty, Patsy Moore, Eddie Dobbins, Daniel McGilloway and Vera McGilloway.

149.153 The table below shows the dates of the first contact between the Inquiry and each witness which led to the making of a statement contradicting the evidence of Patrick Ward:

Name	Approached by Inquiry	Date of contact
Eddie Dobbins AD195	Yes	1999 and September 2003
Gerard “Mad Dog” Doherty AD65	No	December 2001
Michael Clarke AC157	No	August 2002
Sean Keenan AK46	No	September 2003
Gearóid Ó hEára AO79	No	September 2003
Patsy Moore AM505	Yes	September 2003
Daniel McGilloway AM507	No	October 2003
Vera McGilloway AM506	No	October 2003

149.154 When Gerard “Mad Dog” Doherty approached the Inquiry in December 2001, he did so because he wished to make a further statement dealing with the allegations relevant to him in the book *Martin McGuinness: From Guns to Government*. It will be seen from the table that Gerard “Mad Dog” Doherty, Michael Clarke and Eddie Dobbins came forward long before they knew that Patrick Ward was to make a statement. The Inquiry lost contact with Eddie Dobbins in 1999 and delayed taking statements from Michael Clarke and Gerard “Mad Dog” Doherty until completion of the antecedents exercise (our examination of the material held by the security services).

149.155 The antecedents exercise was completed in August 2003. In September 2003, having identified through that exercise a number of people from whom it wanted to obtain statements, the Inquiry sought to make contact with these individuals, including Eddie Dobbins, Patsy Moore, Gearóid Ó hEára and Sean Keenan. Eddie Dobbins and Patsy Moore agreed to make statements. Gearóid Ó hEára and Sean Keenan approached the Inquiry before the Inquiry had managed to contact them.

- 149.156** Gerard “Mad Dog” Doherty, Michael Clarke, Eddie Dobbins, Patsy Moore, Gearóid Ó hEára and Sean Keenan were all interviewed by Eversheds (the solicitors taking statements on behalf of the Inquiry) in September or October 2003. They were not approached or interviewed at an earlier stage because the Inquiry felt that it would be unjust to interview them before knowing whether the antecedents exercise would lead to the discovery of documents that should be put to them.
- 149.157** By the time of these interviews, Eversheds was aware of the allegations made by Patrick Ward and, of course, asked the witnesses to deal in their statements with these allegations.
- 149.158** Sean Keenan and Gearóid Ó hEára did come forward without being asked to do so by the Inquiry. The same is also true of Daniel and Vera McGilloway, who may be in a different category from the others since they are not alleged to have any paramilitary connections. If Patrick Ward’s evidence about the helicopter is untrue, then they could not have known that they had any relevant evidence to give until they learned of his statement. However, if his evidence is true, then it could be said that they had deliberately withheld information about this incident and had come forward only as part of a plot to discredit Patrick Ward. However, this was not suggested to Daniel McGilloway by anyone when he came to give oral evidence.¹
- ¹ [Day 431](#)
- 149.159** It is not clear whether the representatives of the majority of represented soldiers allege that these witnesses “*orchestrated*” their approach to the Inquiry with a view to giving dishonest evidence or with the intention of giving honest evidence at a time of their choosing. Gearóid Ó hEára and Sean Keenan undoubtedly approached the Inquiry without prompting. As between a conspiracy to discredit Patrick Ward by providing dishonest evidence and an intention to give truthful evidence in order to rebut what they believed to be false evidence given by Patrick Ward, we have, in the light of the evidence considered above, concluded that the latter is the more likely to be the case. It is noteworthy that the representatives of the majority of represented soldiers, while alleging that various witnesses orchestrated their evidence in order to discredit Patrick Ward, did not invite us to believe any part of his accounts.¹
- ¹ [FS7.406](#)
- 149.160** We do not believe what Patrick Ward told us of the paramilitary activities he ascribed to himself or others on Bloody Sunday. In our view he was not the Officer Commanding of the Fianna on Bloody Sunday; and we reject his evidence of the Fianna having access to

weapons as he described. His evidence is, in nearly all material respects, not only unsupported but also inconsistent with the accounts of many witnesses, paramilitary, civilian and military.

Conclusions on the Fianna

149.161 We have already expressed the view that members of the Provisional Fianna are unlikely to have had regular access to firearms or nail bombs, though it seems to us that they were drilled and were involved in intelligence gathering for the Provisional IRA. They may have attended training camps, or training meetings in the city, where they were shown how to use firearms, a strong attraction for many youths. We consider that the Provisional IRA did not before Bloody Sunday issue Fianna members with firearms or bombs for use by those members against the security forces, or use Fianna members to make up nail bombs.

149.162 The question arises as to whether on Bloody Sunday the situation was or became different, because, for the reasons we give elsewhere in this report,¹ we consider that Gerald Donaghey was probably in possession of nail bombs when he was shot in Abbey Park.

¹ [Chapters 125–145](#)

149.163 Having rejected Patrick Ward's accounts, we do not know when Gerald Donaghey acquired these bombs, or from whom, or for what purpose, though it is likely that he was trying to flee from the soldiers when he was shot. His association with the Provisional Fianna suggests that the bombs may have come from Provisional IRA sources, but we are far from certain about this. We have borne in mind that Gerald Donaghey was just short of his 18th birthday when he was shot, so is likely to have been one of the oldest members of the Fianna. It is possible that he was carrying the nail bombs to take to a dump or give to others to use. It is possible that he was told to remove the bombs from the area when the soldiers came into the Bogside, in order to prevent their capture, and was attempting to do so when he was shot. It is possible that the bombs came from Official IRA sources.

149.164 Gerald Donaghey's possession of nail bombs, and other evidence of nail bombs in Glenfada Park North which we have also considered elsewhere in this report,¹ is left unexplained by any evidence from former members of the Official or Provisional IRA. In these circumstances we have concluded that we cannot accept that on Bloody Sunday there were no nail bombs available to paramilitaries in the Bogside; and we are left in doubt as to whether there were any plans to use nail bombs during the riots which

paramilitaries must have known were likely to follow the civil rights march. However, we are sure that there were no plans to use the march as cover for throwing nail bombs; and equally sure that no-one threw or attempted to throw a nail bomb on Bloody Sunday.

¹ [Chapters 125–145](#)

Chapter 150: Paramilitary firing

- 150.1** In the course of examining in detail what happened in the five sectors where people were killed and wounded by gunfire, we considered the evidence of paramilitary activity in the areas where those casualties occurred and expressed our views on the nature and degree of that activity, in particular whether soldiers (or civilians) saw people with firearms or bombs and whether firearms or bombs were used against the soldiers.
- 150.2** We now turn to examine the evidence of other paramilitary firing that took place outside those areas; and the response of soldiers other than those of 1 PARA to that firing.

Chapter 151: Other incidents of paramilitary firing and the response of soldiers

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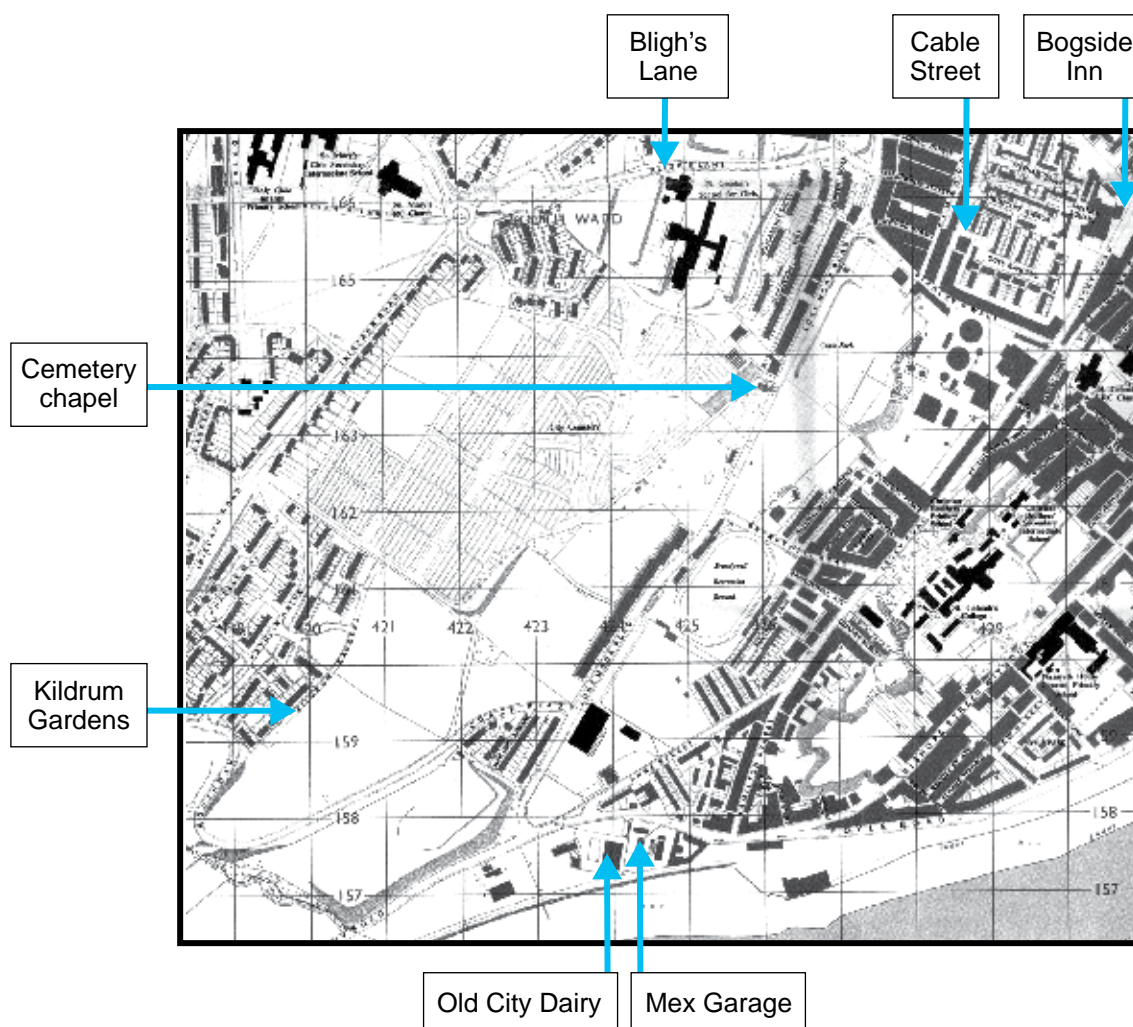
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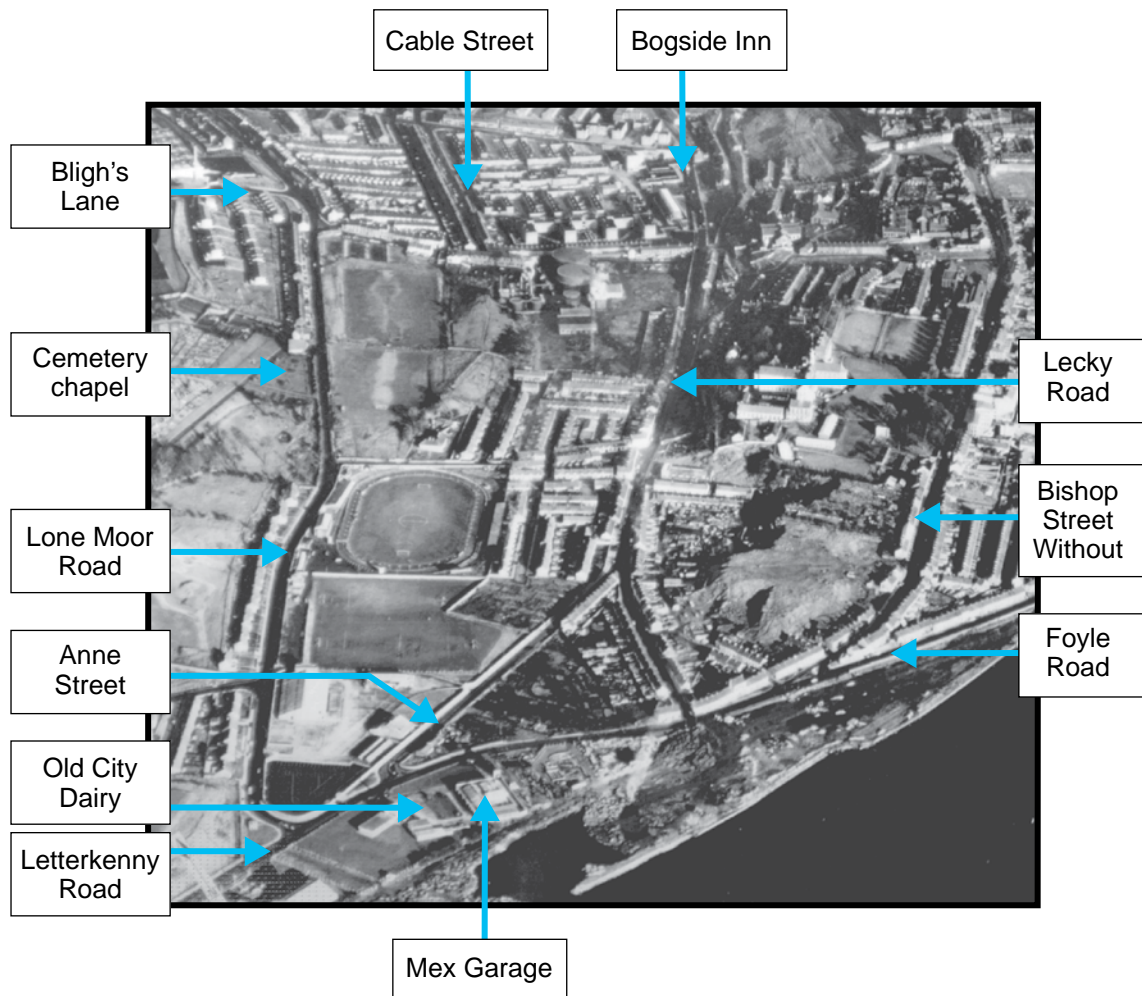
Paramilitary firing at the Mex Garage Army post

151.1 There was an Army post near an intersection at the southern end of the Brandywell, where Lone Moor Road met Letterkenny Road and Anne Street.¹ This was the Brandywell location or position, “*colloquially often called*” the Mex Garage.² It was located in the derelict buildings of the Mex Garage and the Old City Dairy, approximately one mile south of the Rossville Flats. Kildrum Gardens, which ran along the eastern edge of the Creggan houses to the south of the City Cemetery, faced towards the Mex Garage. The location of the post is shown on the map and two photographs below, the second being a close-up view.

¹ [C1325.1-2](#)

² [Day 371/88/2-4](#)





151.2 On the day, the Army post was manned by soldiers of 15 Battery, 22 Lt AD Regt, who were under the command of 1 R ANGLIAN. Major INQ 1320, the Commander of 15 Battery, described the Army post as “*an old Shell petrol station with a dairy adjacent to it*”.¹ The derelict dairy and adjacent buildings were converted to a fortified stronghold, which included Observation Posts (OPs), an Operations Room in the building marked “Coy HQ” in the photograph shown above and accommodation for the soldiers. There were sandbagged lookouts in and around the forecourt of the garage and on the dairy buildings.

¹ [C1320.2](#)

151.3 During the afternoon, there was some stone-throwing at the Army post. In addition, the 1 R ANGLIAN radio log (H3 being the call sign of 15 Battery of 22 Lt AD Regt) and the transcript of the Porter tape of 1 R ANGLIAN (call sign 54A) transmissions to Brigade HQ (call sign 0) recorded four separate shooting incidents involving six shots and a burst of machine gun fire directed at the Army position between 1539 hours and 1649 hours that afternoon together with two return shots by soldiers. We set out below in tabular form details of the incidents as recorded, the first entry of each incident being the 22 Lt AD Regt transmission and the second entry being the transcript of the Porter tape recording the messages from 1 R ANGLIAN to Headquarters, 8th Infantry Brigade.

Incident No.	Serial	Time	To	From	Event	Page Ref.
1	65	1550	+	H3	2 shots fired at this loc from Kildrum Gds. No cas strike seen off grd no fire returned	W102
	324	1549	0	54A	Hello, Zero, this is 54 Alpha. We've just had two shots fired at call sign Hotel 3 from the area of Kildrum Gardens. Strikes seen on the ground in front of their location. No casualties and no fire returned. Over.	W125

Incident No.	Serial	Time	To	From	Event	Page Ref.
2	78	1626	+	H3	At 1623 1 shot this loc no strike no cas from prefabs no fire returned. No cas seen.	W102
	447	1627	0	54A	... re one shot fired from the pre-fabs, right in front of their location. No casualties. The gunman not seen. Over.	W133
3	80	1630	+	H3	3 more shots at 12 loc 1 rd returned no hit claimed	W103
	462	1630	0	54A	Hello, Zero, this is 54 Alpha. A further 3 shots at 16:29 again at Hotel 3's location have come from somewhere half way up the hill to their front, i.e. towards Kildrum Gardens. One round was returned. We'll give you further details but no ca ... no hits claimed. Over.	W134
4	90	1649	+	H3	At 1645 short burst from prefabs one rd returned no hit claimed. 42531589 Gunman	W103
	525	1647	0	54A	Hello, Zero, this is 54 Alpha. A burst of fire from a machine gun located at grid 42531589 at 16:45 hours ... wait ... one round returned at the gunman spotted there but no hit claimed. Over.	W138

151.4

While, as will be seen, the recorded shots do not tally in all respects with the evidence of soldiers who were present or that of some civilians, we accept this contemporary record as far as it goes. It was made before the full implications of the afternoon were known.

151.5 In his written statement to this Inquiry,¹ Major INQ 1320 told us he recalled hearing shooting “*from afar*” that day but did not recall hearing any transmissions about shooting.² Similarly, Bombardier INQ 177 told us he recalled no gunfire or explosions, “*or at least nothing that sticks in my mind*”.³

¹ C1320.3

³ C177.1-2

² C1320.4

151.6 Sergeant 020, who commanded a section of eight soldiers, including himself, described only the fourth incident in his first Royal Military Police (RMP) statement¹ dated 2nd February 1972, where he recorded that at about 1645 hours while he and Bombardier X were in a toilet “*at the front right hand side of the GARAGE ... a burst of automatic fire ... hit the roof of the garage above our heads*”. In a second RMP statement made the following day, he recorded that the toilet was sandbagged.² He stated that he saw the gunman in an old building between Foyle Road and Anne Street and ordered Bombardier X to fire at the gunman. Bombardier X fired one aimed shot and the gunman disappeared.

¹ B1495

² B1498

151.7 In his written statement to this Inquiry,¹ Sergeant 020 told us that he was in charge of nine men and described earlier incoming shots at another section of his Battery, a single shot, then “*one or two more shots and then, I think four or five minutes later, there was a third or fourth shot ... the gunman was spotted again in the cemetery and Soldier Y shot him*”.² About 45 minutes to an hour later, the fourth incident, which Sergeant 020 had described in his RMP statements, occurred. He told us that the gunman was hit by Bombardier X’s shot and tumbled out of the building to the ground, where he lay wounded for “*a couple of hours*” before being taken by ambulance to Altnagelvin Hospital where he “*was dead on arrival*”.³

¹ B1500.001

³ B1500.003-004

² B1500.002-003

151.8 All of the gunshot-wound casualties shown in the hospital registers are persons known to have been shot in the Bogside and there is no record of any additional casualty being received who could have been this gunman. Also, the 22 Lt AD Regt contemporary radio message specifically noted that no hit was claimed. Sergeant 020 told us that he had suffered an illness that affected his memory. In our view, his recollection of seeing a gunman being hit is erroneous.¹

¹ B1500.006; Day 380/95

151.9 In Bombardier X's first RMP statement,¹ made on the evening of Bloody Sunday, he recorded that from about 1400 hours there were "*between 10 and 12 single high velocity shots fired into the forecourt of the garage, all from the area of the Creggan Estate*" and that at about 1645 hours a burst of six or seven shots of automatic fire passed overhead. He saw and fired one shot at a man 80m from him on the roof of a derelict building directly opposite the Mex Garage. The man fell and Bombardier X saw no further movement on the roof of the building.

¹ [B822](#)

151.10 In his second RMP statement, made on 12th February 1972, Bombardier X recorded that the target was "*some 80 to 100 metres*" away.¹ In his written statement for the Widgery Inquiry, Bombardier X recorded that "*about 60 or 70 high velocity shots were fired in our direction from the Creggan Heights and cementary*" and that the automatic fire from the derelict building occurred at "*About half past three*".² In his written statement to this Inquiry, Bombardier X was less certain of the earlier shots, telling us that they were "*some distance away*"³ and he was "*now fairly sure*" that he did not hit anyone with his shot.⁴

¹ [B838](#)

³ [B843.002](#)

² [B841](#)

⁴ [B843.003](#)

151.11 We are not persuaded that Bombardier X did hit anyone with his shot.

151.12 In his RMP statement,¹ Sergeant 038, another Section Commander in 15 Battery, recorded that at 1500 hours two shots were fired at other members of his section from an unknown position. At about 1520 hours a single shot hit an outbuilding about 6ft from Gunner Y. Sergeant 038 saw a movement in a hedgerow over the Foyle Road, but as he was not sure "*that this was the gunman ... no rounds were returned*". At about 1545 hours a man crouching behind a hedge fired a single shot. On the order of Sergeant 038, Gunner Y fired one shot at the gunman, but "*we could not say*" whether the gunman was hit.

¹ [B1637-1638](#)

151.13 Gunner Y made two RMP statements,¹ a written statement for the Widgery Inquiry² and a written statement to this Inquiry,³ as well as giving oral evidence to the Widgery Inquiry⁴ and to this Inquiry. In his oral evidence to us, he said that he saw a gunman in bushes near the cemetery fire two rifle shots and that these shots had been preceded by two or three shots.⁵ On the order of Sergeant 038, Gunner Y returned one shot at the gunman, which Gunner Y thought hit him; but he was not certain, as the gunman could have fallen backwards and escaped. At the time the shooting took place, Gunner Y thought his shot

hit the target, but now he thinks it “*very possible*” that he had missed.⁶ In his RMP statement made on the evening of Bloody Sunday, he described the gunman as young with long, dark hair, clean-shaven and wearing a blue jumper and dark jacket. In his written statement for the Widgery Inquiry,⁷ he described the gunman’s hair as being shoulder length and the jumper as being light blue; and in his oral evidence to the Widgery Inquiry,⁸ he said the gunman fired four shots. He put the time at 1640 hours in his first RMP statement but agreed it could have been 1630 hours as described in the radio messages relating to the third incident.⁹ In his written statement to this Inquiry,¹⁰ he told us that before this incident he heard two or three shots and about 20 minutes after this incident he heard automatic fire. Throughout, Gunner Y has been consistent in saying that he heard either two or three incoming shots before seeing the gunman fire two shots and returning one shot himself.

¹ B844-5; B853

² B859

³ B864.1-7

⁴ B861-4

⁵ Day 382

⁶ Day 382/9

⁷ B859

⁸ B853

⁹ Day 382/18

¹⁰ B864.4

151.14 Captain INQ 1325, the second in command of 15 Battery, told this Inquiry that he ran the Battery Operations Room that day from a location in the building marked “Coy HQ” on the close-up photograph shown above.¹ He said that the Officer Commanding 15 Battery, Major INQ 1370, spent the afternoon with him in the Operations Room.² About 15 minutes after the march had passed, Captain INQ 1325 heard two incoming rifle shots and one or two shots being returned.³ Either Bombardier X or Lieutenant INQ 971 reported the incident to him and he relayed it to Brigade HQ⁴ within five or six minutes of hearing the shots.⁵ At the time, Captain INQ 1325 believed that Bombardier X and Lieutenant INQ 971 thought the gunman had been struck by gunfire, and his body removed by either a taxi or a van,⁶ although Bombardier X has never said whether or how any body may have been moved. Captain INQ 1325 was “*clear*” that this incident occurred before he heard radio reports of 1 PARA entering the Bogside.⁷

¹ Day 371/66

² C1325.3

³ C1325.3

⁴ C1325.3

⁵ Day 371/73

⁶ Day 371/73

⁷ Day 371/70

151.15 Lieutenant INQ 971 commanded 7 Platoon of 15 Battery. He told us that after the main body of the march had passed by, he observed two incoming high velocity shots from the general area of the cemetery strike the concrete floor of the dairy.¹ Bombardier X then reported to Lieutenant INQ 971 that he returned two shots, but Lieutenant INQ 971 told us that he did not recall having heard these.²

¹ C971.2

² C971.3

151.16 Hugh Kelly, then the Headmaster of St John's Primary School, Creggan, told us that he returned to his home in Lone Moor Road following the march. Immediately upon his return home,¹ *"gunfire broke out close by our house"*, which he put at 4.45pm,² *"a rough estimate"*. He believed that *"the fire was directed at ... an army post on top of the Mex filling station"*. He continued:

"I did not see the gunman or gunmen in question as the hedge was about 2 feet thick. I do not think that there were many shots fired, or that the army retaliated or returned fire ... It also occurred to me that this firing had broken out quite soon after the shooting by the army in the Bogside – about 25 or 30 minutes later."

¹ AK10.3-4

² Day 174/141

151.17 In his oral evidence to this Inquiry, Hugh Kelly marked a photograph¹ showing the Mex Garage, his home and the hedge from which the shots were fired.

¹ AK10.14

151.18 Hugh Kelly's account, apart possibly from a slight time discrepancy, seems to us to be similar to the incident described by Gunner Y.

151.19 There are various possible explanations for the shots that were fired at the Brandywell Army post that afternoon. There was an armed active service Provisional IRA unit in a car patrolling in the Brandywell that afternoon. There was also an armed Official IRA unit in the area. Further, as we have noted earlier in this report,¹ Patrick Ward claimed to have fired about five single .303in rifle shots and that one of his companions fired 12 to 15 rounds with an M1 carbine at the Army post at the Mex Garage.

¹ Chapter 149

151.20 PIRA 8 was an acting Section Leader in the Bogside Company of the Provisional IRA that day. He told us that he, along with three other volunteers, whom he declined to identify, were in a car patrolling the Brandywell area in order to detect and prevent any attempted Army incursion into the Brandywell when many of its residents were taking part in

the march. According to his account, the four Provisional IRA members were armed with four rifles, which were in the boot of their car. In addition, PIRA 8 carried a pistol. As the march passed by the Bogside Inn on its way towards William Street, they drove to and parked on Lecky Road. They remained in that area for 30 to 45 minutes, before driving to Southway, where they remained for another 30 to 45 minutes. He told us, however, that he could not be sure of his timings.¹ From both locations, they could keep the Brandywell Army post under surveillance, at one time being within 25m of the dairy.² They arrived at Southway between 3.00pm and 4.00pm³ and remained there until civilians arrived by car and on foot, telling them that civilians had been shot in the Bogside.⁴

¹ APIRA 8.4

³ Day 418/25

² Day 418/25

⁴ APIRA 8.4

151.21 Some of the logs discussed above were put to PIRA 8, but he maintained that he had heard nothing; although he agreed that he and his three companions were within a few hundred yards of the Brandywell Army post.¹ He said *“that there were no shots fired in that area on that day at all”*.²

¹ Day 418/75

² Day 418/74

151.22 As we have observed above, we are satisfied that the Army logs correctly noted gunfire at the approximate times recorded. If PIRA 8 and his companions remained in those two locations as they claimed, it is difficult to understand how they did not hear at least some of the gunfire recorded in the first three incidents noted in the Army logs. If, as PIRA 8 claimed, they were at Southway when returning civilian residents reported shooting in the Bogside, that means he and his companions were still there at, or very close to, 4.30pm, as it would be unlikely that news of the shootings could have arrived sooner. This would place their arrival in the area, as he claimed, between 3.00pm and 4.00pm. The second and third incidents occurred when the shooting in the Bogside was going on, which PIRA 8 said that he had heard. He described hearing *“bangs in the Bogside”* while parked at Southway, but took them to be sounds of CS gas or rubber bullets being fired. He said the sounds would *“travel up the valley”* towards them and did not *“recall distinguishing the sounds of live gunfire”*.¹

¹ APIRA 8.4

151.23 While it is impossible to use approximate times to calculate exact times, we are sure that the group was somewhere in the area when the first two incidents occurred. Yet PIRA 8 claimed not to have heard any shots. The representatives of the majority of represented soldiers submitted that either PIRA 8 was unwilling to admit that he had heard the shooting or was absent when the firing occurred.

151.24 It is our view that PIRA 8 was in the area of the Brandywell Army post when at least some of the shooting occurred. He might have forgotten about the firing, but in our view it is equally likely that he chose not to tell us what he had heard, perhaps since he was loath to admit that there had been any firing by paramilitaries at soldiers on Bloody Sunday.

151.25 In addition to claiming that he had heard no firing in that area, PIRA 8 said “*at no stage did we fire shots*”.¹ On his own evidence, we can only be certain that PIRA 8 was in the area during the first two incidents and possibly the third. Apart from presence and opportunity, we have found nothing else to connect him or his companions with any of the inward shots at the Brandywell Army post, though we were left with the impression that PIRA 8 had not told us everything he recalled about the incidents under discussion. We should note that Johnny White (initially given the cipher OIRA 3) told us that there was an armed Official IRA active service unit on patrol on Lone Moor Road that afternoon.² In our view it is possible that the Official IRA was responsible for at least some of the shots.

¹ Day 418/68

² AOIRA3.17-18

151.26 There is evidence of firing at the Mex Garage from Patrick Ward, who claimed to be the officer commanding the Fianna at the time. He told us that just after he saw Bernard McGuigan being shot, he and other Fianna members immediately made for a Fianna arms dump at the corner of Lone Moor Road and Brandywell Road,¹ where he and one member obtained two rifles. The two of them then drove in a Cortina towards Hamilton Street, near where he saw a man, later given the cipher PIRA 9, who “*had obviously been shooting*” a machine gun² at the Brandywell post. PIRA 9³ was “*pinned down in a doorway*” by return Army fire. To “*divert the soldiers’ attention and give PIRA 9 the chance to get out of there*”, Patrick Ward said he and his companion then fired about 17 to 20 rounds at the Army post.

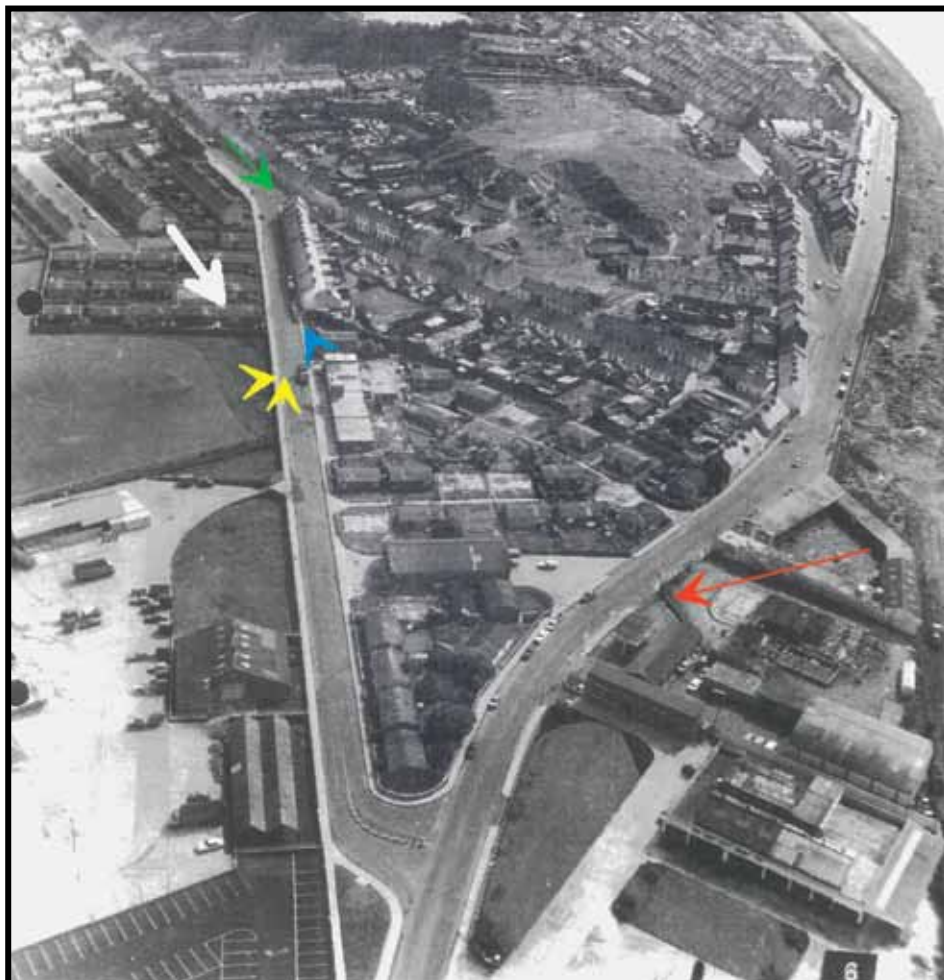
¹ AW8.15

² Day 385/116; AW8.15

³ PIRA 9 was the cipher originally given to Martin Doherty (also known as “Ducksie” Doherty), but his anonymity was subsequently removed.

151.27 Patrick Ward identified and marked various locations on the following photograph.¹

¹ AW8.72; Day 385/118-121



151.28 The green arrow marks the position where Patrick Ward said he parked the Cortina, while the blue arrow represents the position from which he said that he and his companion fired. He told us that PIRA 9¹ was firing from a position shown by the yellow arrows towards the Army post identified by the red arrow.²

¹ Martin Doherty: see [paragraph 151.26](#) above.

² The white arrow is not relevant to the matter under discussion.

151.29 Bernard McGuigan was killed at approximately 4.20pm. Although it is difficult to determine exact times from the route and activities described by Patrick Ward, it is unlikely that he and his companion would have arrived in the Hamilton Street area much before 4.45pm, which is near the time the Army logs reported a machine gun burst, ie the fourth incident of shooting at the Brandywell Army post. However, while the shots recorded in the logs and Patrick Ward's account coincide somewhat in time, the number of shots and the location do not tally. Patrick Ward said that he and his companion fired 17 to 20 rifle shots at the Army post, none of which is recorded. Also, Sergeant 020

and Bombardier X positioned the gunman in a derelict building and not, as Patrick Ward said, on the ground. In these circumstances, we are of the view that it would be unwise to rely on Patrick Ward's account. We have expressed similar views of other parts of his evidence earlier in this report.¹

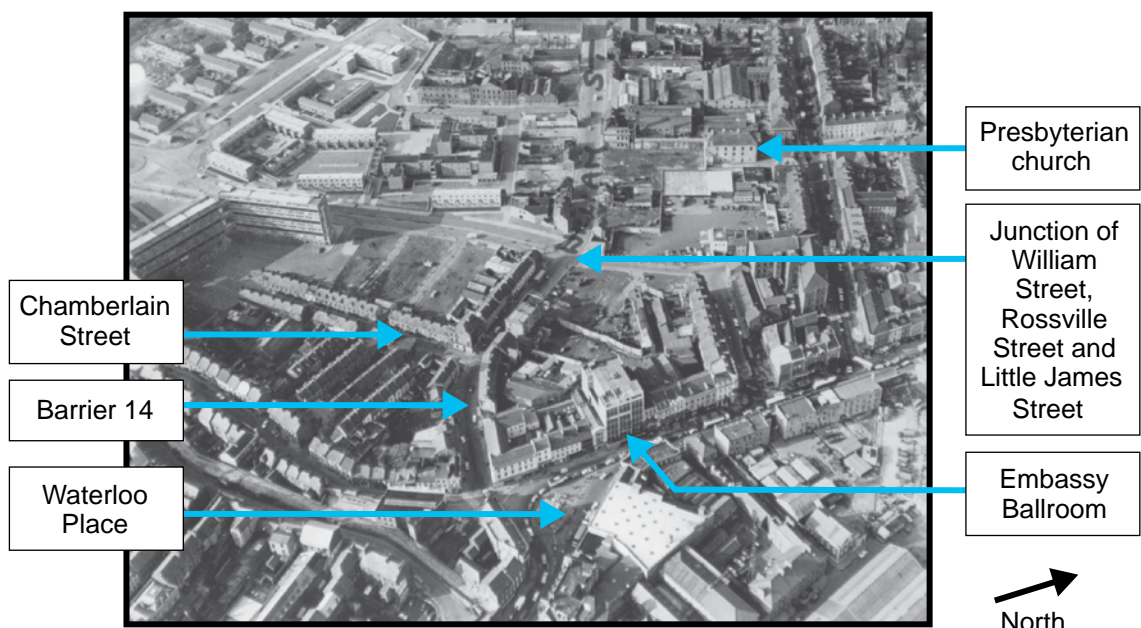
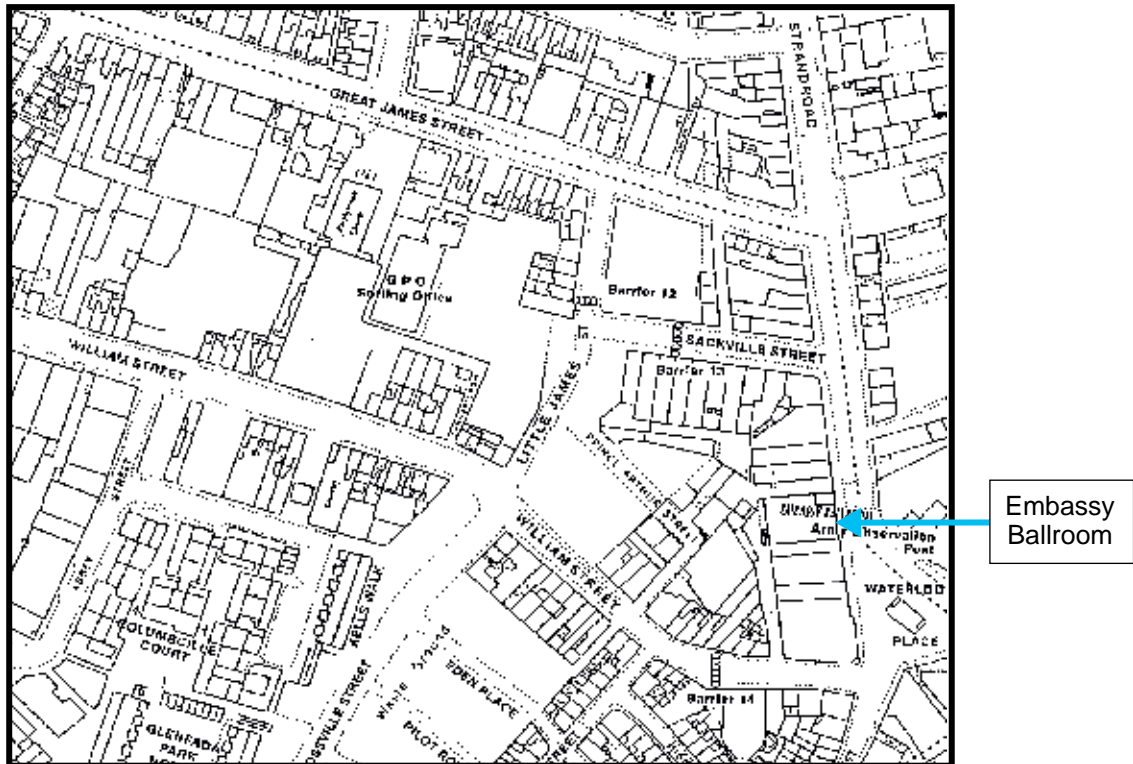
¹ [Chapter 149](#)

151.30 Unfortunately, we do not have the benefit of PIRA 9's evidence. He would not co-operate with the Inquiry and the Tribunal eventually certified him to the High Court of Northern Ireland for contempt of the Tribunal.

151.31 We cannot identify those responsible for the shots at the Brandywell Army post, although, as noted earlier, we are satisfied that the post was under fire that afternoon, the first two shots occurring before Support Company entered the Bogside. The random nature of the shots, both in time and location, does not suggest a co-ordinated attack, but rather four isolated attacks on a known Army post. Nor can we say whether the gunmen were members of the Official or Provisional IRA. Both had armed active service units in the area that afternoon, but neither has come forward with an explanation for the shots; nor indeed has any member of either organisation acknowledged even hearing any of the shots directed at this Army post.

Paramilitary firing at the Embassy Ballroom Observation Post

151.32 The roof of the Embassy Ballroom in Strand Road was used for observation by the Army. Its location is shown on the following map and photograph.



- 151.33** Its roof afforded excellent views to the west up William Street and southwards into the Bogside, as shown below in a panoramic view taken at a later date from the roof.



- 151.34** At the rear of the roof of the Embassy Ballroom there was a permanent Army Observation Post known as “OP Echo”.¹ Lance Bombardier 118, who was posted there that afternoon, recalls “*Nearly two dozen*”² Army personnel present at the post that afternoon. Some, like Colonel Maurice Tugwell and General Robert Ford and his entourage, were there for short periods and at different times.

¹ There was another OP on the roof, called OP Foxtrot, with a view over Strand Road and Waterloo Place.

² [Day 359/206](#)

- 151.35** The radio log of 22 Lt AD Regt recorded at 1612 hours a single shot at OP Echo with no strike observed.¹ This information was transmitted to Brigade HQ² and is also found on the Porter tapes.³ Although there is no reference in the message to a returned shot or shots, the Headquarters Northern Ireland (HQNI) log does record returned shots: “*At 1611. 1 x HV at OP Echo. 2 x 7.62 returned.*”⁴ There is otherwise no Army record of returned shots from OP Echo. We consider below some civilian evidence that, it was suggested, indicated the firing of shots from the Embassy Ballroom OP.

¹ [W97](#)

³ [W130](#) serial 399

² [W75](#)

⁴ [W28](#) serial 58

- 151.36** Lieutenant 009, Captain 021 and Sergeant 108, who were at OP Echo, gave evidence of an incoming shot.

- 151.37** In his RMP statement,¹ Lieutenant 009 described a high velocity shot being fired over the post after Support Company had entered the Bogside, but in his oral evidence to this Inquiry he was not certain whether it was before or after they entered.² He reported the shot but was uncertain about its origin, except that it was from a lower level and from the Bogside.
- ¹ B1390 ² Day 316/91
- 151.38** Captain 021, in his RMP statement dated 3rd February 1972,¹ recorded that the first shot to be fired that day “*passed over our position*”, followed by others “*from the area of Meehan Square*”, after which the paratroopers, who had already gone into the Bogside in vehicles and disembarked in Rossville Street, took cover. In his written statement to this Inquiry, Captain 021 told us that the shot came from the Rossville Flats or “*Meehan*” Square, meaning Meenan Square. He said that although he initially thought that the shot “*was aimed at me*”, he realised it was aimed “*at troops on the ground, in Little James Street*”.²
- ¹ B1503 ² B1509.4
- 151.39** Meenan Square lies to the south of Free Derry Corner, over 600 yards from OP Echo and about 250 yards from the Rossville Flats.
- 151.40** In his RMP statement,¹ Sergeant 108 recorded that “*definitely*” the first shot of the day was fired in the general direction of OP Echo shortly before Support Company “*arrived on the scene*”.
- ¹ B1717
- 151.41** Not all soldiers stationed at OP Echo recall the shot just described. Lance Bombardier 118, who was with Captain 021 that afternoon, said that firing started “*about 2 or 3 minutes after the paratroopers had jumped out of the vehicles*”.¹ He did not recall shooting being directed towards the OP.²
- ¹ B1752.3 ² Day 359/167
- 151.42** Rifleman 154 was the bodyguard for Major INQ 2079, the Officer Commanding A Company of 2 RGJ.¹ According to him, they were at Barrier 14 when, after the water cannon had been used but before the paratroopers went through Barrier 14, he heard either one or two shots that he thought came from the Rossville Flats and surmised that “*someone was having a pop*” at OP Echo.² In his RMP statement,³ he described only one shot “*from a high velocity weapon probably an SLR or a 303*” and added that “*I did not*

know the origin of the shots". In view of his description of the shot, the word "*shots*" would appear to be a typographical error. In his oral evidence to this Inquiry, he said that he supposed that this 1972 account was the more accurate.⁴

¹ Day 300

³ B1930

² B1932.4

⁴ Day 300/6

151.43 We are not satisfied that Rifleman 154 heard the reported shot. His account is of firing before the soldiers went through Barrier 14, while the radio log and Lieutenant 009, Captain 021 and Sergeant 108 all put the shot in the direction of, if not at, the OP after Support Company had entered Rossville Street. It is noteworthy that Major INQ 2079 did not recall hearing any shots before the soldiers went through Barrier 14.¹ It is possible that Rifleman 154 heard some of the shooting further west, from soldiers in the derelict building on William Street or from OIRA 1 in Columbcille Court, as we have described when considering the events of Sector 1.

¹ C2079.4

151.44 Captain 128 was on anti-sniper duties that day in a building on William Street. He told us he left his position as C Company went through Barrier 14 and that he went along William Street, where he saw a paratrooper point his rifle towards the Embassy Ballroom. Captain 128 said he was under the impression that the soldier had mistakenly confused the Army post for a civilian post.¹ He told us he shouted, "*No*," as he ran towards the soldier. Captain 128 told us, and we accept, that the soldier did not fire "*at that particular time*".²

¹ Day 303/30

² B1802.4

151.45 We are sure that the radio log correctly recorded a shot over OP Echo that was heard by Lieutenant 009, Sergeant 108 and Captain 021. The radio messages must obviously have been transmitted after the shot was fired, so this firing must have taken place before or at 1611 or 1612 hours. The previous message recorded in the 22 Lt AD Regt radio log was "*PARA's going through barrier to yobbos in CHAMBERLAIN St.*" and was timed at 1610 hours.¹ This entry and the evidence as a whole persuade us that this shot was fired after 1 PARA had gone into the Bogside.

¹ W97 serial 58

151.46 In our view this shot must have been fired by a paramilitary. It might, as Captain 021 originally recorded in his RMP statement, have been fired from Meenan Square, but we are doubtful about the reliability of his evidence to us that the firer could have been in the Rossville Flats, since this suggestion did not appear in his 1972 account. Furthermore,

at the time in question it seems to us that Army firing had probably already broken out in Sector 2, so that Captain 021's 1972 account of further firing from the area of Meenan Square, unsupported by evidence from others at OP Echo, might well in our view have arisen from misattributing this Army fire to fire from further south. His evidence to us that he later realised that the shot was not aimed at him, but at troops on the ground in Little James Street, is in our view an afterthought based on hindsight and inconsistent with the radio messages or the accounts of others at OP Echo.

151.47 Neither the Provisional IRA nor the Official IRA, nor any member of either organisation who gave evidence to us, admitted knowledge of, or responsibility for, the firing of this shot. We have considered the possibility that this was the shot fired by Reg Tester, which we have considered earlier in this report,¹ but in our view this was unlikely to be the case, as the evidence indicates that it was fired later. We have also considered whether Corporal P heard this shot, but he stated he had heard two shots, which for the reasons we have given when considering his evidence, appear to us to be two of those fired by Lieutenant N in Sector 2.

¹ [Chapter 148](#)

The question of firing from the Embassy Ballroom

151.48 It is convenient at this point to consider whether there was firing from the Embassy Ballroom on Bloody Sunday. Leonard Green, a telephone engineer, told us that on 31st January 1972 he saw what he called "*fresh bullet holes, in and around the area of the Rossville Flats*", which he suggested had been made by shots fired from the OP at the rear of the Embassy Ballroom roof.¹ He first described two holes at eye level, about 5ft from the ground, in a galvanised steel casing enclosing telephone cable on the gable end wall of Block 2 of the Rossville Flats that faced Block 1. The hole on the north-facing side of the casing was dented inwards, while the hole on the southern side of the casing was slightly raised, from which he concluded that the holes were made from a projectile coming from north to south. The hole on the northern side of the casing was slightly higher than the hole on the southern side. He told us that he inserted a biro into the two holes and determined a line of about two to three degrees from the horizontal. He then looked through the holes and his line of sight led directly to the OP. His opinion was that the holes were very recently made. He also saw "*fresh gouges*" on the same gable wall. They had the same downward inclination and were roughly in line with the holes in the casing. Leonard Green also told us he observed what he described as "*three bullet holes*"

in the Threepenny Bits, which are just south of the gap between Blocks 1 and 2 of the Rossville Flats. According to him, the holes were about 18–24in from the ground and “*roughly*” in direct line with the gap and the Embassy Ballroom OP.²

¹ AG51.3-4

² Day 52/9-93

151.49 Some support for these observations is found in the evidence of Martin Melaugh and John Duffy, both of whom were in the area on the same day as Leonard Green, and Eamon Melaugh.

151.50 Martin Melaugh, then 14 years old, said he saw what he initially described as two bullet holes in a rainwater downpipe on the west gable wall of Block 2. Subsequently he was told it was the cover of a lightning conductor.¹ In either event, it was rectangular and 20in wide and 6in deep. The holes were about 6ft above ground level. The “*two holes exactly lined up*” with the Army OP on the rear of the Embassy Ballroom roof.² Leonard Green’s evidence was put to Martin Melaugh and he agreed it was likely they were describing the same thing,³ saying that he would consider Leonard Green’s evidence “*to be the better evidence*”⁴ and “*probably the more accurate*”.⁵

¹ Day 119/98

⁴ Day 119/106

² AM461.1

⁵ Day 119/106-107

³ Day 119/99

151.51 John Duffy, who was 13 years old at the time, saw what he called three “*new bullet holes*” in the Threepenny Bits. The holes were angled downwards and he “*thought that the bullets had been fired from the Embassy Ballroom*”.¹

¹ AD160.13; Day 80/145; Day 80/172

151.52 In his written statement to this Inquiry, Eamon Melaugh told us that bullets struck the west gable wall of Block 2 of the Rossville Flats on the day.¹ He stated that he took many photographs on the day. In his oral evidence to this Inquiry, he said that while photographing the dying Hugh Gilmour at the end of Block 1, he heard gunfire “*actually come through the gap*”,² including a shot that struck a vertical galvanised guard measuring “*about two inches by half an inch*”³ on the west gable end of Block 2 that covered a copper earthing strip.⁴ About 7ft from the ground, “*a bullet hole appeared on the sheath and it exited slightly lower down*”, entering “*from the north*” and exiting “*from the south*”.⁵

¹ AM397.5

⁴ AM397.5-6

² Day 143/48

⁵ Day 143/47

³ Day 143/107

151.53 Lance Bombardier 118 said that he did not recall any firing from OP Echo,¹ although he acknowledged that, because of the noise, a shot from the other side of the OP could have happened without him noticing.² Private 123 was also at OP Echo that afternoon. He did not see, nor did he subsequently learn of, any shots having been fired from there.³ When Leonard Green's evidence about bullet holes in the metal casing was put to Private 123, he responded, as noted above, that he did not see any soldier fire from the roof nor subsequently learn of any soldier firing from there.⁴

¹ [Day 359/168](#)

³ [Day 301/99](#)

² [Day 359/169](#)

⁴ [Day 301/99](#)

151.54 Despite the differing descriptions of the dimensions of the metal in which the holes were found, it seems to us that it is likely that the holes were present on 30th January 1972. Had there been firing from OP Echo that afternoon, it seems to us that there would probably have been a report of this shooting and that the firing soldier or soldiers would have made a statement to the RMP. As to the entry in the HQNI log¹ to which we have referred above,² we take the view that this entry resulted from another message on the Brigade net that was either misheard or inaccurately relayed and which related to an exchange of fire with soldiers on the City Walls during which two shots were returned by a soldier, Private AD, in circumstances that we describe below.³ The entry in the HQNI log is unsupported in any recorded messages reported to or by 8th Infantry Brigade.

¹ [W28](#) serial 58

³ [W130](#) serial 396

² [Paragraph 151.35](#)

151.55 For reasons given in the course of considering the events of Sector 5, we are sure that none of the casualties near the area of the gap between Blocks 1 and 2 of the Rossville Flats was struck by fire from the direction of OP Echo. The only possible casualties were Bernard McGuigan and Patrick Campbell, neither of whom was in a position to be shot through the gap. Both Private R and Private S probably fired towards or into that gap, as we described when dealing with the events of Sector 2. This, to our minds, is likely to explain the civilian evidence suggesting that there were shots from the Embassy Ballroom.

151.56 In our view there was no firing from OP Echo on the afternoon of Bloody Sunday.

Private AD and paramilitary firing from the area of the Bogside Inn

151.57 Private AD was a member of 1 R ANGLIAN. On Bloody Sunday he was stationed at the rear of a derelict house on the northern side of Long Tower Street just below the south-western corner of the City Walls.

151.58 In his RMP statement dated 30th January 1972,¹ Private AD gave the following account:

“About 1645 hrs on 30 Jan 72 I was observing to my front towards the area of the Bogside Inn. Troops had deployed on the walls behind me and around the Army OP at ‘Roaring Meg’. I saw a man run out of the archway to the left of the Bogside Inn. This was about 175 to 200 metres from my position. The man was about 5'10" tall, of medium build and in his early twenties. He was wearing some sort of windcheater or anorak of a dark colour. He jumped some 2 or 3 feet from his previous position.

As the man jumped forward he raised an object that he was holding with both hands. This object was long and straight and appeared identical with a .303 rifle. He took up a position approximating the standing aim position. I saw a puff of smoke and a flash from the end of the rifle he was pointing in my direction. I heard the round fired by the man as it passed over our heads. I then fired a total of 2 rounds at the man. I did not see any strike of my first round but the second round hit the man and knocked him off his feet.

There was a crowd of about 40 in the area and elements of this crowd dragged the body behind the buildings into Meenan Square. I did not see what happened to the man's rifle. As I continued to observe the area I saw a grey Ford Escort back into Meenan Square and, a short while later, the crowd around Meehan [sic] Square grew in size.”

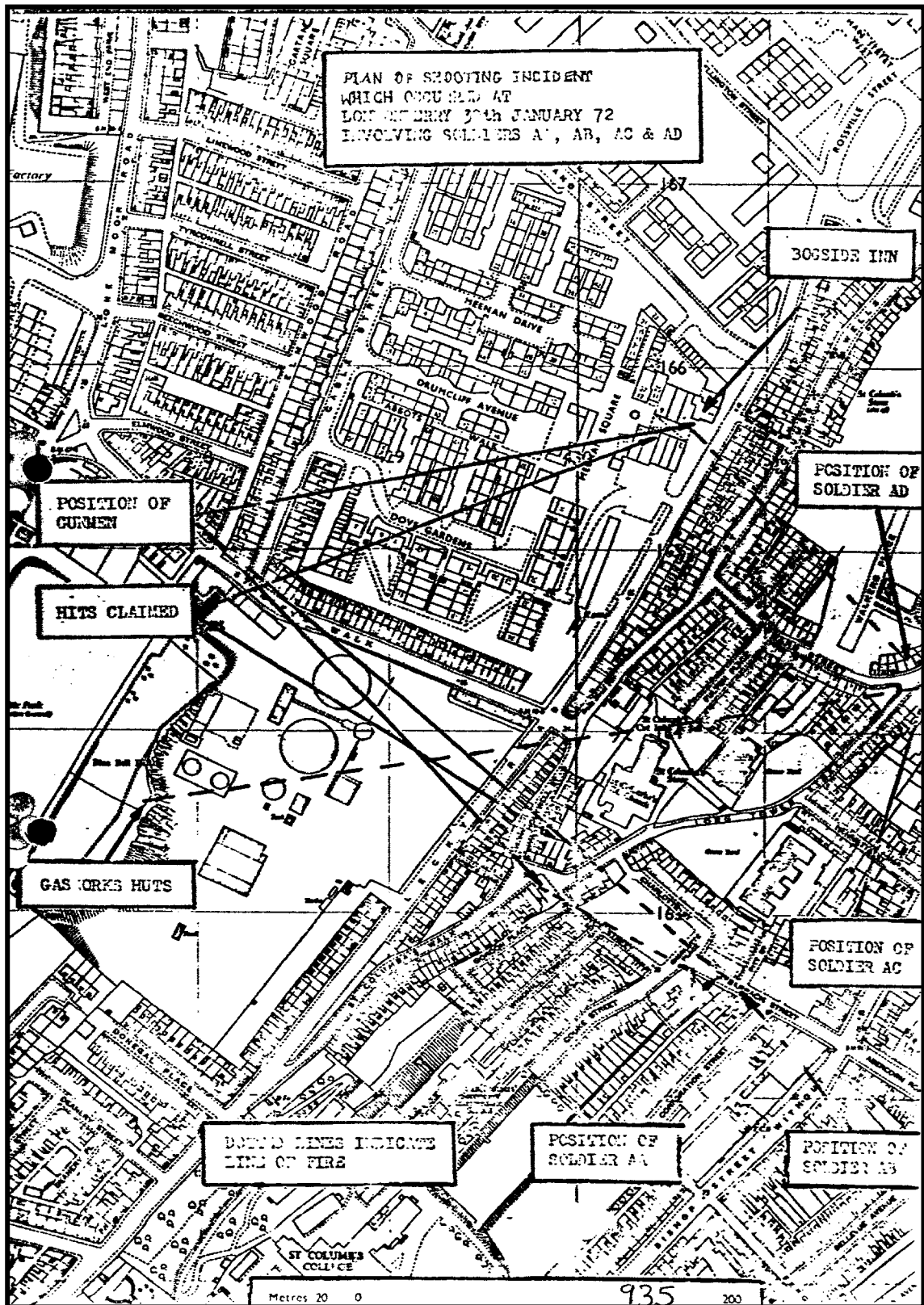
¹ [B933-334](#)

151.59 “*Roaring Meg*” was an antique cannon mounted at the south-western corner of the City Walls.

151.60 There is a composite RMP map designed to show the position of soldiers (including Private AD) and the targets they described.^{1,2} The Rossville Flats were just off the top right-hand corner of this map.

¹ [B936](#)

² The same map is shown when considering the incidents described by Private AA, Private AB and Private AC.



151.61 Private AD gave a similar account in his written statement for the Widgery Inquiry.¹ He did not give oral evidence to that Inquiry.

¹ B942

151.62 Corporal 022 and Private 004 also gave RMP statements in which they described being in the derelict building where Private AD said he was stationed. Corporal 022 gave a similar account to that of Private AD. He described the incident as taking place at “*About 1645 hours...*”.¹ His RMP statement was dated 2nd February 1972. Private 004, in his RMP statement dated 3rd February 1972,² described being in the attic above Corporal 022 and Private AD, hearing a shot and then two shots fired from the room below him. He also timed the incident at “*About 1645 hours*”.

¹ B1510

² B1369.4

The timing of the incident

151.63 The R ANGLIAN incident report dated 4th February 1972¹ contained the following items.

¹ C1347.21

2	1617hrs	Gunman at Grid 43061657 fired 4 rds at CP on Double Bastion (Grid 43181648). 2 shots fired at same gunman by sniper loc in rear of derelict house 21 Long Tower St (Grid 43181645).	One hit claimed. Gunman seen to fall and dragged away under arch way into Keenan Sq.
3	1620	One shot at CP on Double Bastion from area Bogside Inn.	No fire returned

151.64 We do not know who put the arrow on this report, but it may have been intended to connect the two incidents.

151.65 It will have been noted that these entries refer to four rounds of incoming fire at 1617 hours and a further incoming shot at 1620 hours. According to Private AD’s RMP statement, the incident he described involved only one incoming round at about 1645 hours.

151.66 There are, however, entries in the Army logs that refer to four incoming rounds followed by another round at this stage of the afternoon.

151.67 The Porter tapes recorded a message¹ from 54 Alpha (1 R ANGLIAN) to Brigade, which corresponds with an entry in the Brigade log timed at 1617 hours;² and also corresponds with an entry in the R ANGLIAN log at the same time.³ The Porter tapes message was

that “*We have just had four shots fired at our call sign Quebec 21 on the Walls. Ah, two high velocity rounds were returned.*” 8th Infantry Brigade passed on this message to HQNI at 1621 hours, timing the incident at 1614 hours.⁴

¹ W130 serial 168

³ W106.6 serial 74

² W47 serial 168

⁴ W28 serial 60

151.68 The Porter tapes also recorded 1 R ANGLIAN later reporting to Brigade that with regard to the two shots returned at a gunman near the Bogside Inn, a man was seen to fall; and that “*At 16:20 hours one further shot was fired from the area of the Bogside Inn towards our Oscar patrol on the Wall*”.¹ This corresponds with an entry in the Brigade log timed at 1621 hours.²

¹ W131 serial 173

² W48 serial 173

151.69 These radio messages seem likely to have been the source of the entries in the 1 R ANGLIAN incident report.

151.70 There is an entry in the Brigade log timed at 1820 hours and described as a “*Shotreps*” from 1 R ANGLIAN.¹ This gave a list of incidents under the heading “*Timings between 1615 and 1640*”. The first of this list was “*Gunman GR 43061657 fired two r[oun]ds at Roaring Meg. C/S 21 in Long Tower St fired 2 x 7.62 back. Gunman fell and was dragged back into Meenan Sq.*” There was no reference to the four shots earlier reported as fired at the City Walls, and this entry referred to two incoming shots, whereas the accounts of Private AD and the soldiers with him refer to only one.

¹ W53 serial 241

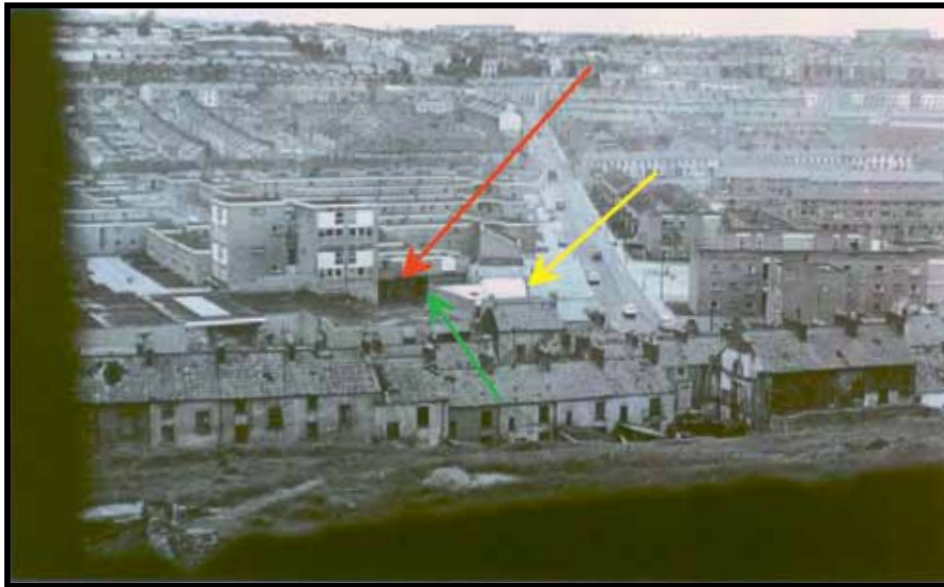
151.71 Private AD gave written and oral evidence to this Inquiry. In his first written statement, he gave a similar account to that contained in his 1972 statements.¹ In a supplemental written statement, after being shown some of the radio messages described above, Private AD told us that he was not wearing a watch on Bloody Sunday; did not know where the timing “*about 1645 hours*” in his RMP statement had come from; thought that this timing was nothing more than a very general approximation; and considered that he could have fired his shots 30 minutes before that.²

¹ B943.001

² B943.11-12

151.72 In the course of his oral evidence, Private AD was shown photographs on which he marked with a yellow arrow the position of the Bogside Inn; with a red arrow the archway from which he said he saw the gunman emerge; and with a green arrow the wall to which he said he saw the gunman move.¹

¹ [Day 382/84-85; B0934.0014](#)



151.73 However, later in his oral evidence, Private AD corrected this description and agreed that on the following photograph a blue arrow indicated the covered walkway and a red arrow where he said he shot the gunman.¹

¹ [Day 382/122-124; B943.0015](#)



151.74 Private AD told us that the gunman fired one shot and that he was certain that he had hit the gunman with his second shot.¹ He told us that he had heard only one shot fired in his direction.²

¹ [Day 382/87-88](#)

² [Day 382/112-113](#)

151.75 It is difficult to make sense of the log entries. We have found no evidence from any soldier of four incoming shots. However, it does seem to us that the incoming shot described by Private AD and the two soldiers in the same derelict house was the shot that 1 R ANGLIAN reported to Brigade as fired at 1620 hours. Corporal 022 and Private 004 gave their RMP statements after Private AD had given his; and it seems to us that the statements were probably taken by way of following up Private AD's account. As noted, these statements give exactly the same timing of "*about 1645 hours*" as Private AD's account; and to our minds are thus likely to have been based on what Private AD had recorded.

151.76 The Shotreps recorded in the Brigade log refer, as we have noted, to two incoming shots; but make no reference to four incoming shots. Although we cannot be sure, these Shotreps may have been an attempt by 1 R ANGLIAN to draw together information provided by soldiers, on the basis of which it was concluded that there was only one incident, rather than the two previously reported. It must be borne in mind that at the time in question, the firing in the sectors (including in particular the firing in Sector 5, which was at ground level but in the direction of the City Walls) was going on only a short distance to the north, so it is perhaps understandable that soldiers might have attributed some of this to incoming fire.

151.77 In these circumstances it seems to us that at about 1620 hours there was one shot fired from the area of the Bogside Inn as Private AD described; and that he fired two shots in return. We are doubtful whether there were more incoming shots at about this time.

151.78 Private AD was sure (as was Corporal 022) that he had hit his target. We have, however, been unable to find any other evidence that this was the case. As we have observed more than once, Major INQ 2225, who was a military intelligence officer working in the city at the time, told us that soldiers tended to assume, if their targets moved, that they had hit them.¹ We have found nothing in our examination of the material held by the security agencies that suggests that anyone in the vicinity of the Bogside Inn was killed or seriously injured by Army gunfire on Bloody Sunday. We have found no evidence to suggest that anyone was injured at all. We consider that Private AD was unlikely to have hit his target.

¹ [C2225.7](#)

151.79 In our view, which we have expressed earlier in this part of the report, Reg Tester witnessed this exchange of fire. He attributed the shot fired from the area of the Bogside Inn to a member of the Provisional IRA. He was the only person to do so. Apart from him, neither the Provisional IRA nor the Official IRA, nor any member of either organisation who gave evidence to us, admitted knowledge of, or responsibility for, the firing of this shot. We are of the view that it is probable that this shot was fired by a member of the Provisional IRA, though we cannot eliminate the possibility that it was fired by a member of the Official IRA. If the former is the case, it follows that we have not been told the whole truth by members of the Provisional IRA, perhaps unwilling even at the stage of this Inquiry to admit that there had been any firing by members of the Provisional IRA as early as about 1620 hours on 30th January 1972, albeit outside the five sectors.

Private AC and paramilitary firing from the ridge above the gasworks

151.80 Private AC was a member of 1 R ANGLIAN. On Bloody Sunday he was stationed in a derelict house at the junction of Long Tower Street and Howard Street.

151.81 In his first RMP statement, dated 30th January 1972,^{1,2} Private AC gave the following account:

“Sometime about 1645 hrs I was observing the area of Celtic Park to the rear of the Gasworks. The ground of the playing field is about level with the top of the gasometers. As I looked towards the gasometers I could see the edge of a hut or shed to the left of the southern west³ gasometer. I had noticed people moving into the area and had been paying attention to these people as there had been firing from somewhere to my front earlier in the afternoon.

At that time I had not located any gunman’s position. As I watched I saw a man in an open space between two of the huts. The distance between my position and this man was about 450 to 500 metres. I was using the normal iron sight on my rifle. It was a very clear sunny day and the light was good. There was no wind.

I saw the man advance to the edge of a hut nearest to my position. I could not describe this man fully as I could not see his face clearly at that range. He appeared to be of average size. He was wearing dark clothing but I could not describe this, again because of the range.

As I watched the man I saw he was holding a long straight object in both hands. He had hold of this object as if it were a rifle. He raised his arms and took up a position corresponding to a kneeling aim position. At the time he did then [sic] the man was kneeling with one knee on the ground. As I watched I saw a puff of smoke from the long straight object and heard a sound as of a shot fired. I heard the noise of a round passing overhead, above my position.

I then fired two rounds at the man. My first round was almost instantly after I saw the puff of smoke from the end of the object the man was holding. I did not see any result of my first shot and then fired the second shot. The man had remained in a kneeling position but after the second shot I saw the man thrown backwards a short distance. The man lay on the ground without moving. People came around the corner of the hut to where the man lay and dragged him away. I did not see what happened to the object he aimed at me. The man was taken away towards the Lone Moor Road.

Some 15 minutes later another man went to the same place where I had shot the first man. This man crawled and moved at a crouch. I kept him under observation. He went to exactly the same position as the first man. This second man appeared to be a young man to judge by the way he moved. As he was crawling and crouched over I would not be able to describe him at all. I could see that he had a jacket on which, by the bulk and general shapelessness, looked like one of the old pattern combat jackets. The man was carrying a long straight object identical to the object the first man had had.

I watched the man point the object towards my position. As I watched I saw a puff of smoke from the object the man was holding. I heard a report and then I fired a total of three rounds. The first two had no effect but the third shot knocked the man to one side. The man was standing upright at the time he fired. I knocked him to his right with my shot.

One man came around the corner of the hut and recovered the body. I did not see what happened to the weapon. The second man was taken away in the same direction as the first.

There was no more fire from the area of the gasometers side of Celtic Park.”

¹ B919-921

² In this statement Private AC was given the cipher “AA”.

³ Although the typed version of the statement says “southern west” the original, manuscript version appears to read “southernmost”.

151.82 In his second RMP statement,¹ Private AC gave a similar account, adding a grid reference for the position of the gunmen that he recorded that he had seen. The grid reference was to a position at the western end of Donegal Place, a considerable distance to the south-west of the gasworks.

¹ [B926](#)

151.83 In his written statement for the Widgery Inquiry (Private AC did not give oral evidence to that Inquiry), Private AC again gave a similar account. He told the Widgery Inquiry that:¹

“At about 4.45 I heard the sound of a single high velocity shot which I knew had come from a gap between two huts on a ridge just in front of Celtic Park ... I had seen earlier three men arrive in a car by what I think is a chapel on the right hand edge of the cemetery next to Celtic Park. I observed these men go up on to the ridge in Celtic Park and they were behind the huts. Then one of the men came crawling from between the huts and took up a kneeling position with a rifle. He fired one shot...”

¹ [B930](#)

151.84 The R ANGLIAN incident report dated 4th February 1972¹ gave a grid reference for the location of the gunmen described by Private AC. This grid reference was to a position on the Lone Moor Road, just north of the Brandywell Recreation Ground and near the cemetery. The R ANGLIAN map² on which R ANGLIAN engagements were plotted again shows the gunmen on the Lone Moor Road north of the Brandywell Recreation Ground.

¹ [C1347.21](#)

² [Q16](#)

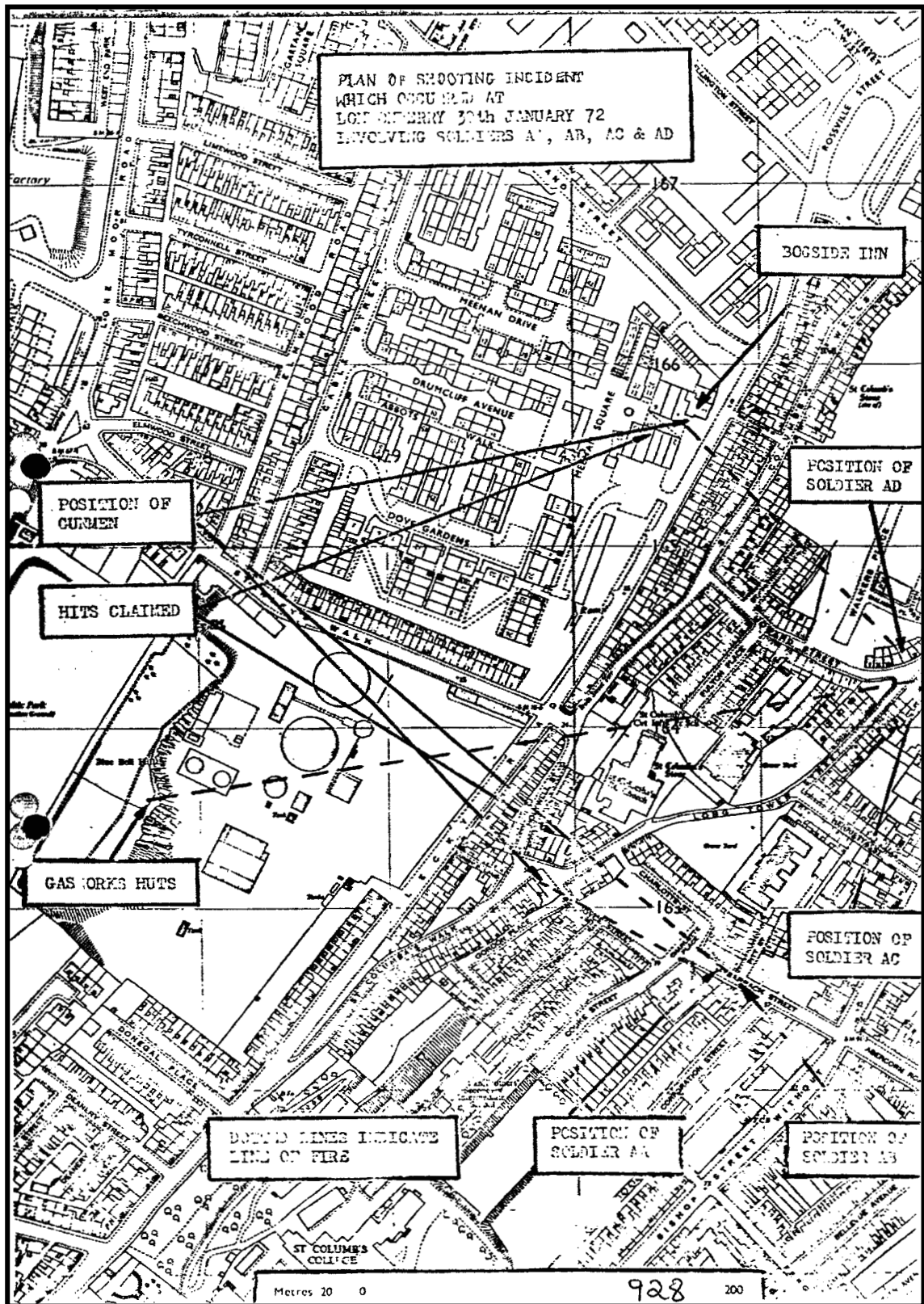
151.85 Private AC gave a written statement to this Inquiry¹ but was too unwell to give oral evidence. He told us that his memory of this incident was unclear, though he recalled there being three men and a couple of huts near the churchyard.

¹ [B932.003](#)

The location of the gunmen

151.86 There is a composite RMP map designed to show the position of soldiers (including Private AC) and the targets they described, and to which we have already referred.¹ The Rossville Flats were just off the top right-hand corner of this map.

¹ [B928](#)



- 151.87** In our view the description Private AC gave of the position of his target, which remained consistent throughout his accounts, is to be preferred to those derived from grid references and recorded in the other maps and documents to which we have referred. The ridge that he described is well above the gasworks and at about the same height as the top of the gasworks.

The timing of the incidents

- 151.88** According to the R ANGLIAN log¹ there was a report to HQ 1 R ANGLIAN at 1641 hours that “*One rd fired at C/21. 2 rds returned.*” Call sign 21 was the call sign for B Company, which was located in Long Tower Street. This corresponds with Private AC’s description of the first of the incidents in which he fired. The R ANGLIAN log contains no further entries that appear to refer to the second incident recorded by Private AC.

¹ W103 serial 88

- 151.89** The Porter tapes recorded a message¹ from 54 Alpha (1 R ANGLIAN) to Brigade (which corresponds with an entry in the Brigade log timed at 1635 hours²), reporting that “*We have just heard further shots fired at our call sign Quebec 21 at junction Bishop Street/ Long Tower. Ah, two shots returned, Details later.*” Quebec 21 was the call sign for B Company in Long Tower Street.

¹ W135 serial 187

² W49 serial 167

- 151.90** In the 22 Lt AD Regt log there is an entry¹ timed at 1638 hours: “*Three shots fired at sniper by 1 RA C/S.*” This would seem to refer to the second incident, as Private AC had recorded firing three shots, though on his account this incident took place about 15 minutes after the first incident.

¹ W97 serial 68

- 151.91** The Porter tapes recorded a message¹ from 22 Lt AD Regt to Brigade (which corresponds with an entry in the Brigade log timed at 1639 hours²) that “*We just heard 3 shots fired at OP Kilo on the City Walls – wrong. 2 shots fired. Three shots have been returned by Quebec call signs.*” This would appear to be 22 Lt AD Regt forwarding the information recorded in the 22 Lt AD Regt log.

¹ W136

² W49 serial 192

151.92 There was a further message in the 1 R ANGLIAN log¹ timed at 1641 hours, reporting “*One rd fired at C/S 21. 2 rds returned.*” This again would seem to refer to the first incident recorded by Private AC.

¹ [W103](#) serial 88

151.93 The Porter tapes recorded a message¹ from 1 R ANGLIAN to Brigade (which corresponds with an entry in the Brigade log timed at 1641 hours²) that call sign Quebec 21 had one round fired at it, that two shots had been returned and that there were no casualties on either side.

¹ [W137](#) serial 196

² [W49](#) serial 196

151.94 It is difficult to reconcile these messages and the timings recorded with the accounts given by Private AC. There is an entry in the 1 R ANGLIAN incident report¹ that recorded: “*1630–1645 5 shots fired over period of 5 mins (2 shots then 3 shots) by sniper loc in 20 Long Tower St (Grid 43191644) at first one gunman and then at a second gunman at Grid 42561625. These gunmen had previously fired two shots (exact direction not known).*” In the “Remarks” column in this report it was noted that two hits were claimed and that gunmen’s shots could have been at 15 Battery.

¹ [C1347.21](#)

151.95 15 Battery was at the Mex Garage.

151.96 The entry in the incident report does seem to reflect the accounts given by Private AC, save that both incidents were put in the period 1630–1645 hours and took place within five minutes of each other.

151.97 In our view, given the log entries and the entry in the incident report, the two incidents were only some five minutes apart and both took place before 1645 hours.

Conclusions

151.98 We accept Private AC’s account of engaging gunmen who fired on two occasions from the ridge above the gasworks; and that he returned five shots in all.

151.99 The representatives of the majority of represented soldiers submitted that it was possible to demonstrate that members of the Provisional IRA fired the shots which Private AC returned. They appeared to rest this submission on the evidence that Provisional IRA members were in the Stanley’s Walk and gasworks area. However, we have no reason to doubt Private AC’s account that the gunmen reached the ridge above the gasworks from

the south-west, having arrived by car at the cemetery chapel – in other words, not from the direction of Stanley's Walk or the gasworks area. In our view, therefore, the basis for the submission is invalid.

151.100 Neither the Provisional IRA nor the Official IRA, nor any member of either organisation who gave evidence to us, admitted knowledge of, or responsibility for, firing either of the shots recorded by Private AC. In our view, however, a member or members of one or other of these organisations must have been responsible, and others in that organisation must have known of the shots.

151.101 Although Private AC claimed that he hit both gunmen, we have no other evidence to confirm this claim. We have earlier drawn attention to Major INQ 2225, who was a military intelligence officer working in Londonderry at the time, and who told us in his written statement to this Inquiry¹ that *“Troops tended to assume that when they fired their weapons, and saw targets move that they had hit them. When no evidence emerged of a body, they assume that they had hit the person and that the body had been spirited across the border.”* Our examination of the material held by the security services (which we cannot reveal in full for reasons given elsewhere in this report) discloses nothing to suggest that Private AC killed or seriously injured either of his targets. In our view he is unlikely to have done so. We have found no evidence to suggest that either target was injured at all.

¹ C2225.7

Sergeant AA, Private AB and paramilitary firing in the area of Barrack Street

Sergeant AA

151.102 Sergeant AA was a member of 7 Platoon, B Company, 1 R ANGLIAN.¹ On 30th January 1972 he was stationed with other soldiers in Barrack Street. In his first RMP statement,² he recorded that at about 1615 hours on 30th January an inaccurate shot was fired towards the soldiers' position. The shot appeared to come from somewhere among the gasworks but the gunman was not located. He continued:³

"After this incident I moved forward along Barrack St towards Charlotte Place. I was on the north side of the road. The area from Charlotte Place towards St Columba's Walk is a clear space. The houses there have all been demolished and cleared. There are houses at the junction of St Columba's Walk and Joyce St. There are abandoned single storey buildings on Long Tower St just to the right of the junction with Joyce St. The windows and doors of these buildings had been bricked up but gun ports have been knocked in them by civilians.

As I was advancing towards Charlotte Place I saw a man step around the corner of St Columba's Walk and Joyce St. He had a rifle at his shoulder aimed in my general direction. The man was about 5'8" tall and had very dark hair of medium length. He was wearing a quilted anorak and had a white scarf or handkerchief around his neck.

I was carrying my 7.62 SLR rifle across my body. As soon as I saw the man I cocked the weapon and aimed it at the man. I fired one round from my rifle as I was still raising it from the hip. The man facing me fired at the same time as I did. I do not think I hit the man. I re-cocked my weapon but the man did not reappear. I heard the man's shot hit a wall somewhere above my head.

I continued to advance to see if I could relocate the rifleman. As I came forward I came under fire from a gun port at the bottom of a bricked up doorway of the derelict houses in Long Tower St. In all, 3 shots were fired at me in quick succession as if a semi-automatic weapon were being used. I located the gunman's position by the muzzle flashes of this weapon. I could see the outline of a man behind the muzzle flashes.

My weapon was fitted with a special sight. I returned the fire at the gun port in the bottom of the doorway. I fired 3 shots, operating the bolt mechanism each time, and saw the body slump over the weapon that had been fired at me. I fired two more deliberate rounds at two other gun ports in the immediate vicinity of the one the gunman had been using.

I was then redeployed. I did not see what happened to the man I had shot. I did not fire again. I discovered that 1 of the rounds fired at me had hit another soldier of my unit. A round had gone through his flak jacket from side to side without injuring him. He had been some 10 feet away from me at the time he was shot."

¹ B908.004

³ B880-881

² The statement is dated 31st January 1972. However, Warrant Officer Class I Wood, who witnessed Sergeant AA's signature, recorded that he did so at 2210 hours on 30th January 1972 (B881).

151.103 Sergeant AA made a second statement to the RMP in which he recorded that, having fired at the second gunman, he then fired two deliberate shots at a gun port that had been knocked into the side of a wall in Long Tower Street, about 60m from him. He then fired a further two shots at a doorway of the derelict house into which gun ports had been knocked.¹

¹ B892; this statement is noted to have been witnessed at 1800 hours on 1st February 1972.

151.104 Sergeant AA made a written statement for the Widgery Inquiry. In that statement he recorded that on 30th January 1972 he had been on duty with his platoon and that their task had been to man the barrier (Barrier 20) on the corner of Barrack Street and Pitt Street. He referred again to the shot fired at about 1615 hours and stated that no fire was returned. He said that civilians had warned the soldiers that there were three gunmen in the area and that this single shot had alerted him. He then gave an account that was largely similar to that which he had given in his statements to the RMP. However, there were the following differences, in that in his account to the Widgery Inquiry he stated that:

- (i) he, Sergeant AA, was carrying a 7.62 bolt action sniper rifle with telescopic sight. He had cocked the weapon on hearing the single shot;
- (ii) the man with a rifle who was standing at the corner of St Columba's Walk (Wells) and Joyce Street was about 5'8" to 5'10", had long, dark black hair and was wearing a lightish brown quilted anorak with a white handkerchief around his neck;
- (iii) he, Sergeant AA, advanced about 2m to see whether he could locate the gunman again and that, as he did so, three shots were fired from a gun port at the bottom of a bricked-up doorway of a derelict house in Long Tower Street; he was sure that the shots were fired from a carbine;
- (iv) he could see a man lying at the bottom of the doorway but could give no description of the man. The man was about 65m away from him;
- (v) after firing at this man, he heard the sound of a Thompson sub-machine gun being fired from just behind the house where the gunman was. As he knew that there were supposed to be three gunmen in the vicinity, he fired two more rounds at each of the two gun ports nearest to the location of the gunman;
- (vi) the soldier whom Sergeant AA then discovered to have been hit had been, from the direction of the gunman, almost directly behind Sergeant AA's position; and

- (vii) about 35 minutes after the incident, Sergeant AA could still see that the gunman was in the same position but he was told to take no further action.¹

¹ B900-901

151.105 Sergeant AA gave oral evidence to the Widgery Inquiry. In his evidence he again gave an account similar to the written accounts that he had given. There were some minor differences. He said that:

- (i) he heard a single shot from the Lecky Road gasworks at 1600–1605 hours. He thought that the shot came from about 350m away;¹
- (ii) several civilians coming through from the chapel had informed the soldiers, very quietly and discreetly, that there were three gunmen (this was the account of one person) behind the Charlotte Place walls “*and down the side of the road*”. However, he had not seen the gunmen at that stage;²
- (iii) at about 1615 hours, as he moved forward down the northern side of Barrack Street, a gunman came around the corner of St Columba’s Walk over a small barricade and fired at him. The gunman’s shot struck the side of the wall, ricocheted past Sergeant AA’s right ear and went down the road towards the rest of the platoon;³
- (iv) Sergeant AA fired at the gunman at the same time. The shot was fired from the hip because this was an emergency and Sergeant AA had no time to raise his rifle. He did not observe the strike of his round but thought that he had missed the gunman altogether. The gunman threw himself behind a wall which ran behind St Columba’s Walk;⁴
- (v) he, Sergeant AA, then came under fire from a gun port in a doorway. The gun port was the width of the doorway and about 3ft up from the ground. The first thing that Sergeant AA saw was the muzzle flash from a carbine;⁵
- (vi) one of the gunman’s shots hit the road in front of Sergeant AA, one hit the wall, and Sergeant AA later discovered that the third shot had hit the flak jacket of a member of his platoon. That soldier was about 10 yards behind Sergeant AA;⁶
- (vii) he fired three shots at the gunman. On the third shot the gunman was seen to slump. Sergeant AA was certain that he had hit the gunman but did not know whether he had killed him; and

(viii) he then switched his fire to a further gun port, “*where I heard a Tommy gun being fired up Long Tower Street*”. He thought that the gunman was behind one of two gun ports knocked into the wall of the same building as the one with the gun port in the door; he fired two shots into both of these gun ports and the Tommy gun was not fired again.⁷

¹ B903

² B903

³ B904

⁴ B904

⁵ B905

⁶ B905

⁷ B905-6

151.106 Sergeant AA gave written and oral evidence to this Inquiry. In his written statement to this Inquiry,¹ he told us that he and a section of his platoon were deployed around the barrier at Barrack Street. The soldiers did not stand out in the open but deployed covering themselves. He stated that he recalled a single high velocity shot being fired over their heads at 1600–1605 hours. He thought that the shot came from a high-powered sniper rifle. The shot might have been fired from the Creggan or from the direction of the Lecky Road gasworks. The bullet, Sergeant AA thought, travelled about 4–5ft above the height of the terraced houses in Barrack Street. He heard the crack of the shot, which came from about 400m away.

¹ B908.005

151.107 Sergeant AA described two cars coming to the barrier. We deal elsewhere in the report¹ with the evidence relating to these two cars, one of which was carrying Gerald Donaghey, who had been mortally wounded in Abbey Park. Sergeant AA told us that, about 30 minutes after the incident involving the cars, a civilian man aged about 50 warned him to be careful because there were some “*bad buggers*”² around the corner. Sergeant AA also told us that he cocked his rifle in readiness. He then walked north-west to the junction of Barrack Street and Charlotte Place. He looked to his left and saw a gunman, aged 24–25, about 5'8" to 5'10" in height and with long hair. The man was carrying an M1 carbine. The gunman was at the point marked “D” on the map reproduced below.³ (Point B marks Barrier 20 and Point A marks Sergeant AA’s initial location behind the barrier.)

¹ Chapter 130

² B908.008

³ B908.011



151.108 According to Sergeant AA, he and the gunman fired at each other at about the same time. Sergeant AA told us he thought that the gunman was a left-handed shot, as he was himself. The gunman's shot flew past Sergeant AA's ear and hit a wall. Private 042, another member of 1 R ANGLIAN, was on the southern side of Barrack Street, about 65–70m away. The gunman's bullet hit Private 042's flak jacket. The gunman ducked back behind the wall; Sergeant AA knew that he had not hit the gunman because he saw the gunman retire.¹

¹ [B908.008](#)

151.109 Sergeant AA told us that he moved forward to see whether he could get another shot at the gunman, who was by then out of sight. Suddenly he was engaged by a second gunman (who was standing at the point marked E above), who fired an M1 carbine through a gun port. Sergeant AA stated that he could see the gunman's silhouette; he, Sergeant AA, fired three to four shots and saw the gunman go down onto the floor, in a prone position against the wall; he knew that he had hit the gunman. He asked his Platoon Commander, Lieutenant 145, "*Should I get him?*" but was told, "*No*" and was pulled back.¹

¹ [B908.008](#)

151.110 Sergeant AA stated that suddenly there was a burst of fire to his right. This was fire from a Thompson sub-machine gun; it came from two other gun ports in Long Tower Street (at the position marked as F on the map above). *“The burst of fire was perhaps five or six each round.”* Sergeant AA said that he fired two or three shots into each gun port and that the firing then stopped. He then heard Lieutenant 145 shouting at him to pull back. By this time it was getting dark and must have been about 1700 hours.¹

¹ [B908.008](#)

151.111 Sergeant AA acknowledged that he had not referred in his evidence to the Widgery Inquiry to the incident involving the Cortina at Barrier 20. (He had made a statement to the RMP dealing with the incident.) He said that he did not at the time regard the incident as relevant and had had no intention of misleading the Widgery Inquiry. We have considered this matter elsewhere in this report.¹ He told us that the contents of his oral evidence to the Widgery Inquiry were otherwise true and that, where he had given that Inquiry evidence about times of day, he would stick with that evidence as being accurate, since he had given the evidence when his memory was fresh.²

¹ [Chapter 130](#)

² [B908.009](#)

151.112 In his oral evidence to this Inquiry,¹ Sergeant AA said that his written statement to this Inquiry was *“a statement based on 33 years ago with a lot of hindsight, a lot of bloody information picked up over 33 years, which has been infected by all kinds of information that has come through the press.”*

¹ [Day 378/141](#)

151.113 In the course of his oral evidence, Sergeant AA said that on 30th January 1972 he had been carrying a 7.62 sniper rifle with a *“plus three”* sight on it: a sight that magnified images by three.¹

¹ [Day 378/145](#)

151.114 When asked whether he had reported to anyone the first shot that he had heard, Sergeant AA replied that he had had no access to a radio; the Platoon Commander would have had the radio operator with him. However, Sergeant AA said that he thought that all members of the platoon would have heard the shot, which definitely came from the direction of the Lecky Road gasworks, *“over the top of it, which I think is the direction of Celtic Park, that sort of way”*.¹

¹ [Day 378/151](#)

- 151.115** Sergeant AA accepted that the time of 1600–1605 hours, which he had given for the first shot, was not a precise timing and that the time of 1615 hours, which he had given in his first RMP statement, was more likely to be accurate.¹
- ¹ [Day 378/156](#)
- 151.116** Sergeant AA said that the civilian who warned him of the “*bad buggers*” did so well after the incident involving the Cortina.¹
- ¹ [Day 378/166](#)
- 151.117** Asked about the first gunman whom he saw, he could not recall whether the gunman was at the corner of Joyce Street and Windmill Terrace (which he had suggested in his written statement to this Inquiry) or Joyce Street and St Columba’s Walk (which he had suggested in 1972).¹ He could not be sure whether the gunman had a rifle or an M1 carbine but thought it was probably a rifle, and lighter than a .300.²
- ¹ [Day 378/172-173](#) ² [Day 378/174](#)
- 151.118** Sergeant AA said that the incident in which he and the man with the M1 carbine at the corner of Joyce Street exchanged shots was not the incident in which Private 042 came to be hit (which he had suggested to be the case in his written statement to this Inquiry). He said that Private 042 was hit by a bullet fired from another building.¹
- ¹ [Day 378/169](#)
- 151.119** Sergeant AA said that the second incident occurred less than 30 seconds after he had engaged the first gunman. He thought it possible that the same gunman was involved in both incidents; the gunman whom he had initially engaged could have run around the buildings and engaged him again.¹
- ¹ [Day 378/183](#)
- 151.120** He said that the second gunman was lying down throughout the engagement (not standing, as suggested in his statement to this Inquiry).¹
- ¹ [Day 378/184](#)
- 151.121** Sergeant AA said that there were several bursts of machine gun fire coming from the area of the gun ports. The shots were not being fired at him but at another platoon in a different location. He could not tell whether the shots were being fired from more than one weapon.¹
- ¹ [Day 378/187](#)

151.122 Sergeant AA could not explain why in his RMP statements he had said that he fired at a gun port and a doorway, nor why he had not referred in his RMP statements to any fire coming from the area of the gun port and doorway.¹

¹ [Day 378/188-189](#)

151.123 Sergeant AA said that the civilians who had mentioned the gunmen had referred to them in the plural and, in any event, he was aware that the Provisional IRA worked in groups of two to four people, not alone.¹ He accepted that he had not seen any gunmen behind the latter two gun ports but said that he could hear them; he was certain in his own mind that the man with the Thompson sub-machine gun was behind one or other of them.²

¹ [Day 378/190](#)

² [Day 378/191](#)

151.124 Sergeant AA said that he saw no-one come to the assistance of the gunman whom he thought he had hit.¹

¹ [Day 378/192](#)

151.125 Sergeant AA denied firing at any target in an empty house on the corner of Cooke Street and Joyce Street. This was the location of the Official IRA man Mickey Doherty given by Mary Holland in her article for the *Observer* on 6th February 1972 and to which we refer further below.¹

¹ [M42.2; Day 378/198](#)

151.126 Asked whether he recalled Private AB firing a shot on the day, Sergeant AA said that he did not recall Private AB being in the platoon at all.¹

¹ [Day 378/193](#)

Private AB

151.127 Private AB was a member of 7 Platoon, B Company, 1 R ANGLIAN.¹

¹ [B918.001](#)

151.128 In his statement to the RMP, dated 1st February 1972, he recorded that on 30th January 1972 he had been posted as a sentry in a doorway on the northern side of Barrack Street and was observing the waste ground between Charlotte Street and St Columba's Walk. He said that at about 1615 hours he saw a male person step around the corner of the junction of Joyce Street and St Columba's Walk and fire a shot at Sergeant AA.

151.129 Private AB went on to state that he and Sergeant AA each fired one 7.62mm round at the gunman. Private AB further stated that he did not see his round strike and did not know whether he had hit the gunman, who was about 70m away from him. He described the gunman as being about 5'6" tall, with long, black hair and wearing a light brown anorak with a white handkerchief around his neck.¹

¹ [B909](#)

151.130 In his statement for the Widgery Inquiry, Private AB gave an essentially similar account but added:¹

"The round fired by the gunman bounced off a wall and hit one of our men, passing from side to side through his flak jacket and grazing his chest. He collapsed and I saw him fall. The approximate distance of this gunman was about one hundred metres. I think the estimate of seventy metres given in my statement of 1 February is a little short."

¹ [B916](#)

151.131 It seems likely that these additional details were provided on or about 8th March 1972.¹

¹ [B918](#)

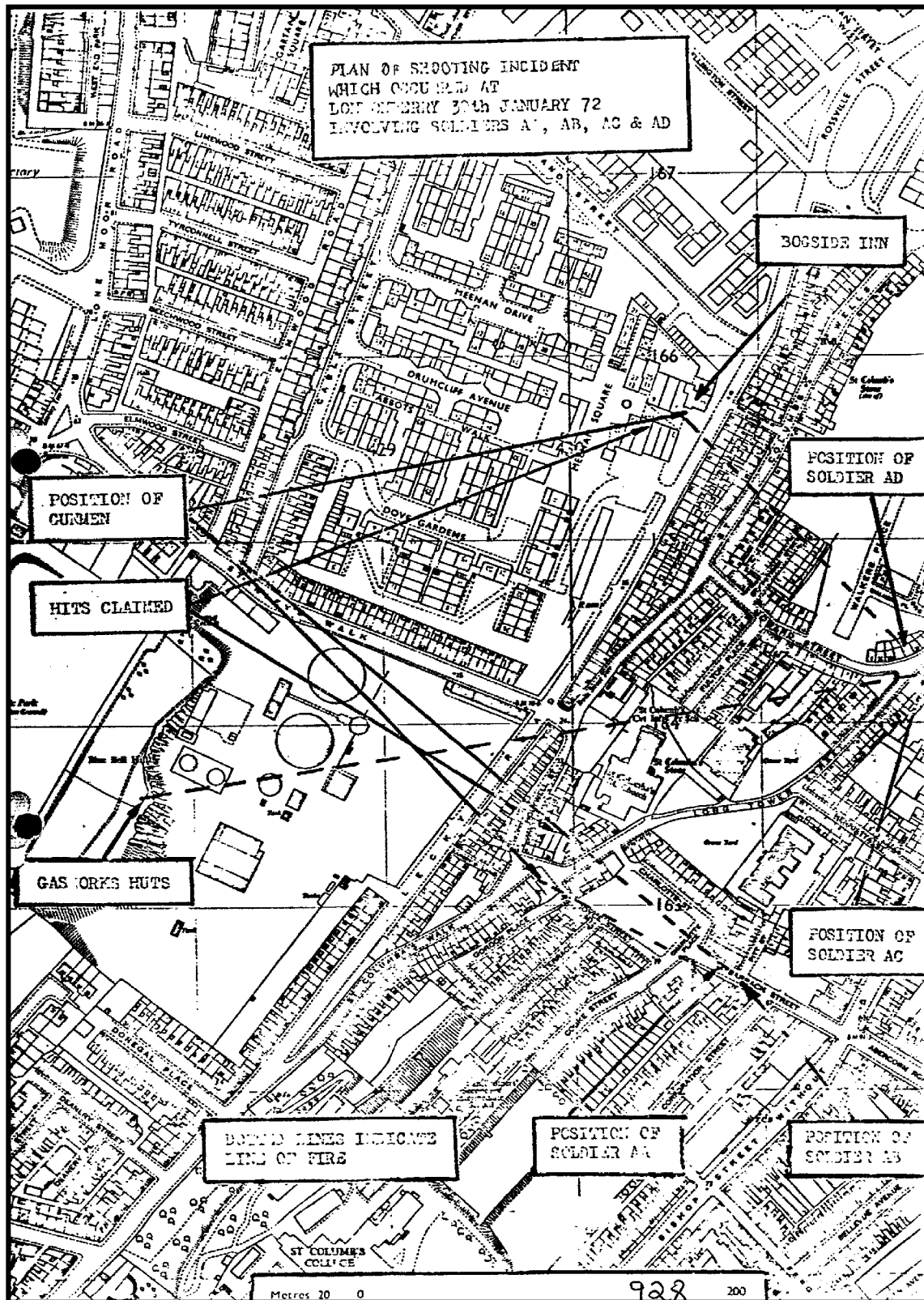
151.132 In his written statement to this Inquiry, Private AB told us that he could recall little of the day, other than hearing some gunfire and seeing one of his fellow soldiers fall to the ground. He could not recall the area of the city in which he was deployed that day.

151.133 His recollection was of hearing the distinctive rapid fire of a Sterling sub-machine gun. He thought that up to ten rounds had been fired at "us". He did not know the direction from which the rounds had been fired, or the distance. However, he recalled hearing rapid fire and then seeing his colleague, Private 042, fall to the ground. He could not recall firing any shots back at the gunman.¹

¹ [B918.002](#)

151.134 Private AB did not give oral evidence to this Inquiry.

151.135 There is a composite RMP map, prepared in 1972, which shows the location of soldiers AA, AB, AC and AD and their targets, and to which we have already referred in this chapter. We reproduce the map elsewhere in this report where we describe other incidents. For convenience, we have also reproduced it here.



The evidence of Private 042

151.136 Private 042 was a member of 7 Platoon, B Company, 1 R ANGLIAN.¹ In his RMP statement dated 2nd February 1972, he recorded that on 30th January 1972 he was on duty at the junction of Pitt Street and Barrack Street and that the task of his section was to prevent marchers from going up Barrack Street. He was deployed in a doorway in Barrack Street, opposite the platoon's Armoured Personnel Carrier (APC) in Pitt Street.

¹ [B1669.001](#)

151.137 Private 042 described the incident in which two Cortinas came to the Barrack Street barrier. We deal elsewhere in this report¹ with that incident. He described the cars being driven away from the barrier by soldiers and said that Sergeant AA then moved to a position about 6ft in front of the barrier, on the opposite side of the road from Private 042.

¹ [Chapter 130](#)

151.138 Private 042 stated that, about five minutes later, he heard two high velocity shots coming up Barrack Street; and that he looked at Sergeant AA, who had been joined by Private AB, but neither of them had taken cover. Private 042 recorded that he did not know where the shots had come from but brought his rifle butt to his shoulder and watched some derelict houses in Long Tower Street, which seemed to offer a likely sniper position. According to this account, about one minute after the first shots, Private 042 heard a third shot. He heard Sergeant AA shout, "*There he is*" and saw Sergeant AA fire one 7.62mm round. Private 042 was unable to see a gunman. About 30 seconds after the third shot, a fourth shot struck the wall of the house about 6in in front of Private 042. The bullet ricocheted off, hitting Private 042's flak jacket on the left side, just above the pocket. The bullet travelled along the front of the flak jacket, exiting above the right pocket. The force of the bullet caused Private 042 to spin around, but he was not injured.¹

¹ [B1667-1668](#)

151.139 Private 042 gave no evidence to the Widgery Inquiry.

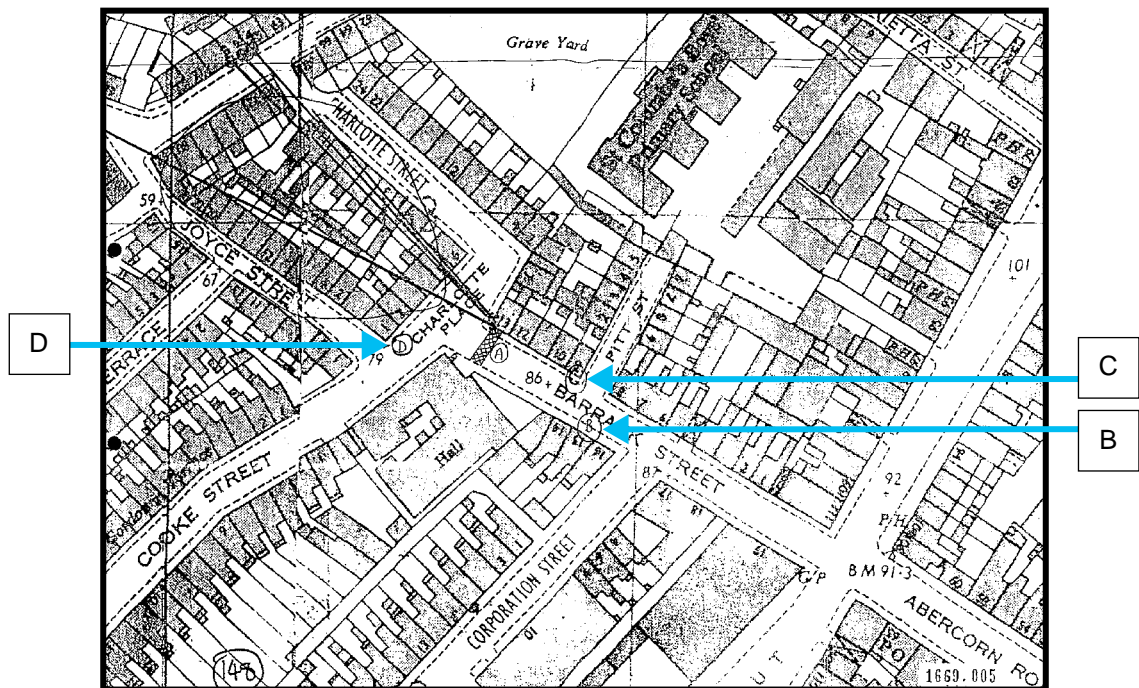
151.140 In his written statement to this Inquiry, Private 042 told us that the task of his platoon was to man the barrier. His own task was to protect those men who were on the barrier and, in particular, his Platoon Sergeant, Sergeant AA.¹

¹ [B1669.001](#)

151.141 Private 042 again described the incident involving the Cortinas. He said that, about 10–15 minutes after the cars had left, he heard three shots being fired at the soldiers from over the waste ground. He attached a map to his statement in which he identified his own approximate location as Point B, Sergeant AA's location as Point C, and the waste ground as the area circled, with a Point D below the circle. The map is reproduced below.¹ Private 042 explained that the map is somewhat misleading, as it depicts houses in areas that were, in January 1972, waste land.²

¹ B1669.005

² B1669.001-2



151.142 Private 042 said that he could not recall whether the shots were high or low velocity. The shots were fired in fairly quick succession. He remembered shouting to Sergeant AA, “*We’re under fire!*” after the first shot. He concentrated on the waste ground area in an effort to locate the gunman. He said that he was standing side-on in the doorway with his left shoulder forward; the last of the three shots hit the doorway next to his left shoulder, ricocheted, went through the left side of his flak jacket, across his chest and out through the right side of the flak jacket. He did not recall the sound of the bullet hitting the doorway. The shots came so quickly that he was still thinking about the direction from which the first shot had come when the third hit the doorway.¹

¹ B1669.002

151.143 Private 042 said that he could not recall a shot being fired by Sergeant AA.¹

¹ B1669.004

151.144 Private 042 gave oral evidence to this Inquiry. He said that he did not see a gunman.¹ He acknowledged that his account in 1972 was likely to be more accurate than his current recollections.²

¹ [Day 379/98](#)

² [Day 379/99](#)

The radio logs

151.145 The Porter tapes contain the following entry, timed at 1640 hours:¹

“Hello, Zero, this is 90 Alpha ... We just heard 3 shots fired at OP Kilo on the City Walls – wrong, 2 shots fired. Three shots have been returned by Quebec call signs.”

¹ [W136](#)

151.146 A minute later, 54 Alpha (1 R ANGLIAN) made the following report:¹

“Hello, Zero, this is 54 Alpha. Reference report from call sign 90 Alpha on shooting. Our call sign Quebec 23 has had one low velocity shot fired at them from Charlotte Street. Hit one of our solders in flak jacket. Ah, we don’t believe he is a casualty. One round was returned. No hit. Subsequent to that call sign Quebec 21 had one round fired at it and two shots were returned. No casualties on either side.”

¹ [W137](#)

151.147 A summary of these two messages was recorded (not entirely accurately) in the following way in the Brigade log:¹

“Serial	DTG	To	From	Event
...				
192	1639		22Lt	... 2 shots at wall – Q21 returned three shots.
...				
196	1641		1RANG	1 LV shot at sldr of Q23 from Charlotte St. Hit flak jacket. No cas. 1 shot returned, no hit claimed, later 2 shots fired at gunman, no hits recorded.”

¹ [W49](#)

151.148 The log of 1 R ANGLIAN contains the following entry:¹

“Serial	DTG	To	From	Event
...				
88	1641	...	2	One man hit in chest no injury one rd returned. Man wearing flak jacket LV man from C/S 23. One rd fired at C/S 21. 2 rds returned.”

¹ W106.7

151.149 There is no immediately contemporaneous record in the logs of all of the shots that Sergeant AA and Private AB subsequently stated that they had fired.

151.150 In the log of 8th Infantry Brigade, the shooting in the area of Barrack Street was summarised in the following way as part of a larger report, recorded at 1820 hours:¹

“3. 1 x 7.62 at gunman GR 48011629 by C/S 23 (Barrack Street) – stepped into alleyway.

4. 3 LV fired at C/S 23 (Barrack St). 1 shot his [sic] soldiers flak jacket – no cas.
8 x 7.62 returned at gunman GR 43021632. Not known if hit.”

¹ W53

151.151 The following entries were made in the 1 R ANGLIAN incident report,¹ drawn up after the event. In view of Sergeant AA’s evidence, the timing of the second entry is in doubt.

¹ C1347.21

7	1641	Two soldiers at Grid 43081626 each fired one shot at gunman seen at Grid 43001630.	One hit claimed
8 P 2824. (5)	1641	Gunmen fired 3 rds, one of which had hit a soldier in the flak jacket, from houses at Grid 43011633, 7 shots fired by a soldier from Grid 43081626 at gunmen.	No definite hit seen. Soldier hit in flak jacket standing in doorway of 14 Barrack St (Grid 43071626)

The Official IRA press conference

151.152 At a press conference on the evening of 30th January 1972, the Official IRA confirmed that, in an area outside the immediate district of the march, one of its volunteers had received neck and leg injuries in an exchange of fire with soldiers.¹

¹ [ED12.5](#)

The *Observer* newspaper galley proofs

151.153 The *Observer* galley proofs for a proposed article to be published in February 1972 contained lengthy quotations from someone described as the “*acting commanding officer of the Official wing of the IRA in Derry*”. He was quoted as saying, “*Two shots were fired by our volunteer covering Bishops [sic] Street. Those were the only shots we fired.*”¹

¹ [ED24.3](#)

151.154 Johnny White (known during the course of the Inquiry as OIRA 3 but from whom anonymity was subsequently removed) was the Commanding Officer of the Official IRA in Londonderry on 30th January 1972.¹ He had taken command following the arrest two days earlier of the then Commanding Officer.²

¹ [AOIRA3.16](#)

² [AOIRA9.1](#)

151.155 In his second written statement to this Inquiry, Johnny White told us that he did not recall talking to anyone from the *Observer*. However, he confirmed that an Official IRA volunteer was present in the Barrack Street area and said that the man was placed there for defensive reasons, in case there was an Army incursion into the Brandywell and Creggan areas. The volunteer was armed with a rifle. He said that the volunteer had fired one shot, not two, and had done so only well after “*the whole murdering campaign in Rossville Street had taken place*”.¹

¹ [AOIRA3.18](#); [AOIRA3.22](#); [AOIRA3.29-30](#)

151.156 We have no doubt that Johnny White was the source quoted in the galley proofs.

Mary Holland's article

- 151.157** On 6th February 1972 the *Observer* published an article headed, "*How the IRA gained a sniper*". The article was written by Mary Holland and began with the following paragraphs:¹

"Londonderry, 5 February

There was one IRA sniper wounded here last Sunday. He was a member of the 'official' IRA, and he was posted in an empty house on the corner of Cooke Street and Joyce Street, with orders to cover Bishop Street.

He was wounded by a soldier returning fire from a house opposite after he himself had fired at a soldier in the street beneath. He thinks his bullet grazed the soldier's flak jacket, but did not injure him.

The Army may well think that they killed him. He was hit in the thigh by one bullet and another ricocheted off a wall to graze the flesh of his eye. By the kind of coincidence common here, the soldier who fired on him was posted on the roof of the sniper's sister-in-law's house, and she heard him reporting back to his commanding officer, 'I think we got him, sir, we saw him fall.'

I talked to the sniper several times this week, while he nursed his gunshot wounds in the bedroom of the new Northern Ireland Housing Trust house into which his family recently moved.

I've known this man since 1968."

¹ [M42.2](#)

- 151.158** In her written statement to this Inquiry, Mary Holland told us that she could no longer recall with certainty the name of this Official IRA sniper and that in any event she felt that she would be betraying his confidence were she to name him.¹ She continued:

"I do remember that I had the impression that the shots he fired were fired well away from the marchers and that it was an opportunist shooting and not part of any planned attack on the Army."

¹ [M42.1](#)

- 151.159** Mary Holland did not give oral evidence to this Inquiry.

The Sunday Times working papers

151.160 The Sunday Times working papers (which contain drafts for the *Insight* article that was to be published on 23rd April 1972) contain the following page.¹

¹ S42

official ira - 4

as this incident,

At ~~about~~ the same time/one of the Officials from the Bogside ~~unit~~, a tall ~~man~~ blond- haired ~~man~~ in his twenties, fired ~~two~~ shots from a derelict ~~house~~ near St. Columba's Church, (a couple of hundred yards south of ~~the~~ Free ~~Public House~~ Derry Corner) at soldiers on barricade 20 ~~at Barrack St.~~ at Barrack St. The barricade was manned by the Royal Anglians, who, he says, returned about six shots in his direction. ~~He says he appeared to~~ *4 A* ~~hit the soldier in his flak~~ *hit the soldier in his flak*

The man ~~was~~ stayed ~~in~~ in the house for a few minutes taking cover from the army helicopter which was circling overhead. Suddenly, ~~another~~ *thirteen* dozen shots were fired at the house and he was hit in the right ~~thigh~~ thigh and the right side of his back. Both hits were only flesh wounds and he thinks they were either from ricochets or ~~frag~~ fragmented ~~bullets~~ bullets. *It was the only known IRA casualty of the day.*

and

The identity of the sniper

- 151.161** The identity of the sniper was known to the Royal Ulster Constabulary from an early stage. A Special Branch report dated 18th February 1972 contained the following information:

“Local enquiries have revealed that the person mentioned in [Mary Holland’s] newspaper article is in fact:

MICHAEL DOHERTY

DOHERTY has been a Volunteer in the Bogside Unit of the Official IRA from September 1971 after having returned from Dublin, immediately after Internment was introduced...

Apparently when DOHERTY was shot in the thigh he was dragged away by his comrades to St. Columb’s Walk where he received First Aid treatment before being taken to his own home at Lisfannon Park.”

- 151.162** Michael Doherty was known as “Red” Mickey Doherty. He died in May 2003 following a long illness. As we have noted earlier in this report,¹ the Inquiry was unable to obtain evidence from him before his death.

¹ [Chapter 148](#)

- 151.163** The representatives of the Command Staff of the Official IRA submitted that “Red” Mickey Doherty’s shot clearly followed the paratroopers’ actions in the Bogside and had no causative impact on the paratroopers’ conduct. In support of that proposition, they rely on the timing of 1641 hours given in the R ANGLIAN radio log for the relevant shots and on the evidence of Sergeant AA to the effect that the exchange of fire took place after the incident involving the Cortinas at the barrier.¹

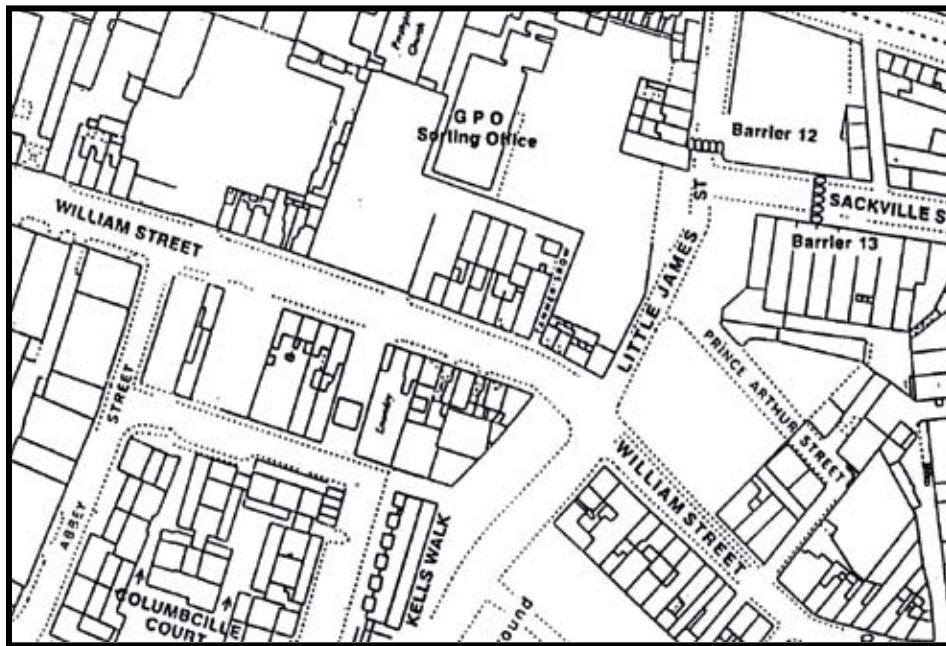
¹ [FS13.155-156](#)

- 151.164** We accept that submission. As we describe in detail elsewhere in this report,¹ the Cortinas contained casualties of the paratroopers’ firing. By the time of “Red” Mickey Doherty’s shot, all the casualties in the five sectors had been sustained. What the evidence does disclose is that if any assurances had been given by the Official IRA to the effect that they would not engage in armed activity in the city on 30th January 1972, his firing is an example of failure to abide by such assurances.

¹ [Chapter 130](#)

Lance Bombardier Z and paramilitary firing from the area of Abbey Street

151.165 As we have described earlier in this report, Barrier 13 was located in Sackville Street and manned by soldiers of A Troop, 11 Battery, 22 Lt AD Regt on the day. Sackville Street runs in a west–east direction from Little James Street to Strand Road, as shown on the following map.



Evidence from soldiers

151.166 Warrant Officer Class I 041 was the acting Platoon Commander of A Troop on 30th January 1972, with 28 men under his command. He described to us seeing rioting in front of Barrier 13, which died down with the rioters dispersing. According to his written evidence he recalled seeing paratroopers running “*past the west end of Sackville Street*”, but did not “*see any vehicles travelling south down Little James Street*”. After seeing the paratroopers run past, he ordered his men partially to dismantle the barrier and, out of “*curiosity*”, moved “*forward to see what was happening*”.¹ As he did so, he said that paratroopers, whom he had not seen previously, ran past him from behind Barrier 13 and followed the other paratroopers towards William Street. Warrant Officer Class I 041

moved forward with Lance Bombardier Z and Gunner 034 on his left and two other soldiers on his right. After they had moved forward, an incoming shot ricocheted off a wall on the northern side of Sackville Street.

¹ [B1664.002](#)

- 151.167** Warrant Officer Class I 041 recorded in his written statement to this Inquiry that Lance Bombardier Z returned an aimed shot at a window of a burned-out factory building on the south-western corner of the intersection of Abbey Street and William Street; in his oral evidence he placed the target further to the south on Abbey Street. After Lance Bombardier Z told him he thought he had hit the gunman, Warrant Officer Class I 041 looked through his binoculars and saw a man's arm hanging out of a window, which then "*slumped back from the window and disappeared*". He assumed that either the gunman had been hit or he was being pulled from the window. Warrant Officer Class I 041 then reported the incident to his control room at about 1640 hours on his radiophone.^{1,2}

¹ [B1664.003-10](#); [Day 375/10](#)

² It seems to us that Warrant Officer Class I 041's recollection of paratroopers running past the western end of Sackville Street was either a false memory, or referred to a much later stage after Support Company vehicles had gone into the Bogside. We have found no evidence to suggest that at any stage soldiers of 1 PARA went through Barrier 13.

- 151.168** Lance Bombardier Z told us that while he was still behind Barrier 13, before the paratroopers went south on Little James Street and while there was still rioting in front of the barrier, an incoming bullet "*cracked on the building above our heads*".¹ According to Lance Bombardier Z, Warrant Officer Class I 041 then ordered him and other soldiers to return to their Waterloo Place base to collect their rifles, after which they returned to Barrier 13. Lance Bombardier Z told us that he remembered paratroopers being behind Barrier 13 before coming through the barrier in their vehicles. After the paratroopers had gone south on Little James Street, he and other soldiers went as far as that street "*to see what was happening*". Sometime later in the afternoon, once the noise had died down, an incoming shot struck masonry on the southern side of Sackville Street approximately 12ft over his head. He told us he saw a gunman in a window of a derelict tyre factory on Abbey Street at whom he fired a tracer bullet. Lance Bombardier Z "*thought [he] had taken him out*". He assumed Warrant Officer Class I 041 reported his shot. He placed his target as being in one of four windows of the building shown in the following photograph.^{2,3,4}

¹ [B879.004](#). It seems to us that this might have been the shot fired at the Embassy Ballroom Army OP, discussed earlier in this chapter, though this was reported after Support Company had entered the Bogside.

² [B879.004-007](#); [Day 372/91](#); [Day 372/103](#); [B879.010](#)

³ As with Warrant Officer Class I 041, Lance Bombardier Z's recollection of paratroopers being behind Barrier 13 is in our view a false memory. As we have described in the course of considering the events of Sectors 1, 2 and 3, Support Company were in vehicles behind Barrier 12.

⁴ [B879.010](#)



151.169 In his RMP statement,¹ Lance Bombardier Z, like Warrant Officer Class I 041,² had placed the target at the south-western corner of the intersection of Abbey Street and William Street. However, in his oral evidence to this Inquiry, Lance Bombardier Z said that the building ran along Abbey Street from the intersection and that the RMP map was marked with “*the wrong building*”.³ Unlike Warrant Officer Class I 041, Lance Bombardier Z referred to an earlier incoming shot and, again unlike Warrant Officer Class I 041, he placed the second of the two incoming shots that he described on the southern side of Sackville Street.

¹ B865

³ B879.016; Day 372/115-118

² B872

151.170 Gunner 034, who was with Lance Bombardier Z at Barrier 13, gave the following description in his RMP statement dated 3rd February 1972:¹

“At 1650 hours I heard (1) one single high velocity shot fired at our location, the round hit the corner just above our heads, causing chippings of stone to fall on us. Myself and ‘Z’ saw the gunman positioned in a burnt out building on ABBEY STREET he was at the top floor of the building firing from the window. ‘Z’ who was in a kneeling position on the corner took up the firing position and fired one aimed round at the gunman. The round fired was a 7.62 tracer. We saw the gunman was outlined within the window frame. We saw him slump forward onto the window sill his right arm hanging over the window sill. The arm then went slowly back into the room as if someone were pulling him back into the room. No more shots were fired at our location. At the time fire was returned the weather condition were very fine with very good visibility and there were no obstructions between our position and that of the gunman.”

¹ B1624.005

151.171 Gunner 034, in his written evidence to this Inquiry, told us that he now recalled only that, after Army vehicles went south from behind Barrier 12, he moved from behind Barrier 13 towards the west, after which a shot hit a wall “*above our heads*” on the southern side of Sackville Street. That was the only shot that he “*can remember hearing all day*”.¹

¹ B1624.002-003

151.172 Gunner INQ 1997 told us that he recalled being at Barrier 13 with other soldiers including Lance Bombardier Z and that the barrier was opened to permit APCs to pass through. He described an incoming shot that struck a wall on the southern side of Sackville Street. He said that Lance Bombardier Z then fired a return shot at a target in a factory window,

a target that Gunner INQ 1997 did not see. He said he believed that this exchange occurred while there was a crowd of civilians in front of the barrier and before the APCs went towards Rossville Street, but he accepted that more than 30 years had passed, which could have affected his memory.¹

¹ C1997.2; Day 295/92; Day 295/100-104

151.173 Gunner INQ 631 told us he also recalled having moved forward of Barrier 13 when Lance Bombardier Z fired in the direction of William Street. As Gunner INQ 631 did not hear an incoming shot, he asked Lance Bombardier Z why he had fired. Lance Bombardier Z replied that he had identified a gunman in a window of a building at the intersection of Abbey Street and William Street.¹

¹ C631.2; Day 371/10

151.174 Lieutenant 009, of 11 Battery, 22 Lt AD Regt, was in command of Echo OP on the roof of the Embassy Ballroom. His job was to report what he saw to the Operations Officer at Battery Headquarters. In an RMP statement dated 3rd February 1972, Lieutenant 009 described an incoming shot from the direction of Abbey Street towards “*the road block in Little James Street*” that “*was immediately followed by a return shot which I now know was fired from Sackville St by Z*”. Sometime before “[a]bout 1659 hrs”, he saw a movement at a window of a derelict building in Abbey Street when an arm appeared over the sill of an upstairs window. Afterwards, he noticed that the arm had disappeared. Although he said he remembered much of the day, he told us he recalled nothing of this incident.¹

¹ B1392.6-10; Day 316/96

151.175 Lieutenant 109, of 11 Battery, 22 Lt AD Regt, was responsible for manning Barrier 12 in Little James Street. In an RMP statement dated 5th February 1972, Lieutenant 109 recorded that at 1656 hours he heard a high velocity round strike “*the wall in SACKVILLE ST*” and that a return round was fired from that street. In his written statement to this Inquiry, he told us that he believed that the incoming shot was fired from the western end of William Street and hit a wall on the northern side of Sackville Street. A high velocity shot was then fired from Sackville Street that he assumed was in response to the incoming shot.¹

¹ B1722.1-5

151.176 Two soldiers, Gunner 023, a sniper, and Bombardier 015, were positioned very close to and above Barrier 13 in the Peter England Shirt factory at the north-eastern corner of the intersection of Sackville Street and Little James Street.

151.177 In an RMP statement dated 3rd February 1972, Gunner 023 recorded that during or just after “*general firing in the area of ROSSVILLE FLATS/COLUMBCILE COURT/ GLENFADA PK*”, he saw a gunman with a rifle in the window of a derelict house at 57 William Street. The gunman’s location was shown on an attached plan as a building on the northern side of William Street, a short distance west of the electricity sub-station at the north-western corner of the intersection of William Street and Little James Street. Gunner 023 recorded that he then heard a high velocity shot that hit a wall below his position. When the man reappeared in a different window in the same building, Gunner 023 heard a high velocity shot being fired from the road below his position and saw the man fall backwards. In his written statement to this Inquiry,¹ he told us that he did not recall “*a man in the window of 57 William Street, wherever this may be*” or of him falling backwards. In his oral evidence to this Inquiry, he initially said that he recalled seeing a man with a rifle, but did not remember being fired upon. When questioned further, he said that he “*vaguely*” recalled the incident and but then seemed to become certain.²

¹ B1525.1

² Day 360/26; Day 360/42; Day 360/47

151.178 Despite the differences between Gunner 023 and Lance Bombardier Z as to the location of the gunman, it seems to us that they were probably describing the same incident.

151.179 In his RMP statement dated 3rd February 1972,¹ Bombardier 015 described an incident similar to that described by Gunner 023 in his RMP statement. Bombardier 015 recorded that he heard a bullet hit the building below his position and immediately thereafter “*a high velocity round being fired from below me*”. In his written statement for the Widgery Inquiry,² Bombardier 015 described hearing “*the crack and thump of a bullet hitting the building somewhere below me, and the sound of a high velocity shot fired in reply*”. In his oral evidence to the Widgery Inquiry, he repeated his description, elaborating that the return fire was “*a 7.62 by the sound of it*”.³ In his written statement to this Inquiry,⁴ he added that after he heard the “*crack and thump*” of a bullet being fired in his direction and the bullet hitting the building in which he was positioned, he received “*a message from below to look west up William Street for a sniper*” as an “*arm had been seen in the upper window of a derelict building*”. He told us that he “*could not see enough of a target to do anything about it*”. It seems to us that this evidence also refers to the incident involving Lance Bombardier Z.

¹ B1415

³ WT16/37

² B1425

⁴ B1434.005

Log entries and the Porter tape

151.180 References in various logs relate to this incident.

151.181 Warrant Officer Class I 041¹ told us that he would have reported to his battery radio controller that there was an incoming shot by a gunman located at the corner of William Street and Abbey Street. Warrant Officer Class I 041 explained that this message would go through three stages: to his battery radio controller (11 Battery), who would report to the regimental operations room (22 Lt AD Regt), who would pass the information on to Brigade (8th Infantry Brigade).

¹ [Day 375/18-21](#); [Day 375/42](#)

151.182 Serials 71 and 74 of the 22 Lt AD Regt Operations Room log¹ recorded reports from 11 Battery:

“[71] 1 x shot around SACKVILLE St NO STRIKE observed.

...

[74] 1 Rd fired at G/man in factory ABBEY ST/WILLIAM St claimed hit. Seen to fall.”

¹ [W98](#)

151.183 Although serial 71 is recorded as being sent at 1635 hours, it is out of sequence with the remaining entries in the 22 Lt AD Regt log and is also at odds with the timing of serial 204 of the 8th Infantry Brigade log, to which we refer below.¹ We are satisfied that the last two digits were transposed in error and that the message was received at 1653 hours. Serial 74 is recorded as being received at 1656 hours.

¹ [W50](#)

151.184 The 8th Infantry Brigade log¹ contains two entries that seem to relate to those in the 22 Lt AD Regt log. Serial 204 of the Brigade log records the following message from 22 Lt AD Regt at 1653 hours:

“1 shot from area of Rossville Flats into Sackville St. NTR [nothing to report].”

¹ [W50](#)

151.185 Serial 210 of the Brigade log¹ at 1704 hours contains the following unattributed message:

“At 1656 1 x 7.62 fired at gunman at Factory Abbey ST/William St. Hit claimed.”

¹ [W50](#)

- 151.186** The Porter tape of 8th Infantry Brigade messages provides us with a transcript of those two messages. Serial 204 of the Brigade log is reflected at serial 538 of the Porter tape.¹

“Hello, Zero [8th Infantry Brigade], this is 90 Alpha [22 Lt AD Regt]. One shot from the area of the Rossville Flats at our call sign junction Sackville Street/Little James Street. No strikes or casualties. Over.”

¹ [W138](#)

- 151.187** Serial 210 of the Brigade log is reflected at serial 552 of the Porter tape:¹

“Hello, Zero, this is 90 Alpha. At 16:40 hours one 762 round fired at a gunman in the factory, junction of Abbey Street/William Street. Hit claimed. Over.”

¹ [W139](#)

- 151.188** The Porter tape contains another message from 22 Lt AD Regt to Brigade at some stage between about 1706 and 1711 hours, at serial 571:¹

“Hello, Zero, this is 90 Alpha. We reported shooting at a gunman in a factory junction Abbey Street/William Street at 16:40 hours. This was wrong. He was shot at 16:56 and a man was seen to fall. Over.”

¹ [W140](#)

- 151.189** As this message is not found in the Brigade log, it is likely that the Brigade serial 210 is an amalgam of the Porter tape serials 552 and 571. The obvious discrepancy between the messages is that the incoming shot was reported in the Brigade log as coming from the Rossville Flats, while the 22 Lt AD Regt log contains no such reference.

- 151.190** However the discrepancy crept into the report of the incoming shot, it seems to us that the portions of the logs quoted above record the incident under discussion. We are sure that the incoming shot was fired from the derelict factory on Abbey Street, that it struck a wall at the western end of Sackville Street and that within three minutes Lance Bombardier Z returned one shot.

- 151.191** The various descriptions of the movements of the gunman afterwards are not conclusive evidence that he was hit. He might have withdrawn or been pulled back from the window. We have found no other evidence that suggests to us that there was a casualty in that area. As we have already mentioned, Major INQ 2225 told us that soldiers tended to assume that when they fired and saw their targets move, they had hit their target.¹

Our examination of the material held by the security services discloses nothing to suggest that Lance Bombardier Z killed or seriously injured his target. In our view he is unlikely to have done so. We have found no evidence to suggest that anyone was injured at all.

¹ [C2225.7](#)

151.192 However, the incident is another illustration of the fact that civilian gunmen were active during the events of Bloody Sunday. Neither the Provisional IRA nor the Official IRA, nor any member of either organisation who gave evidence to us, admitted either knowledge of or responsibility for firing the shot to which Lance Bombardier Z responded.

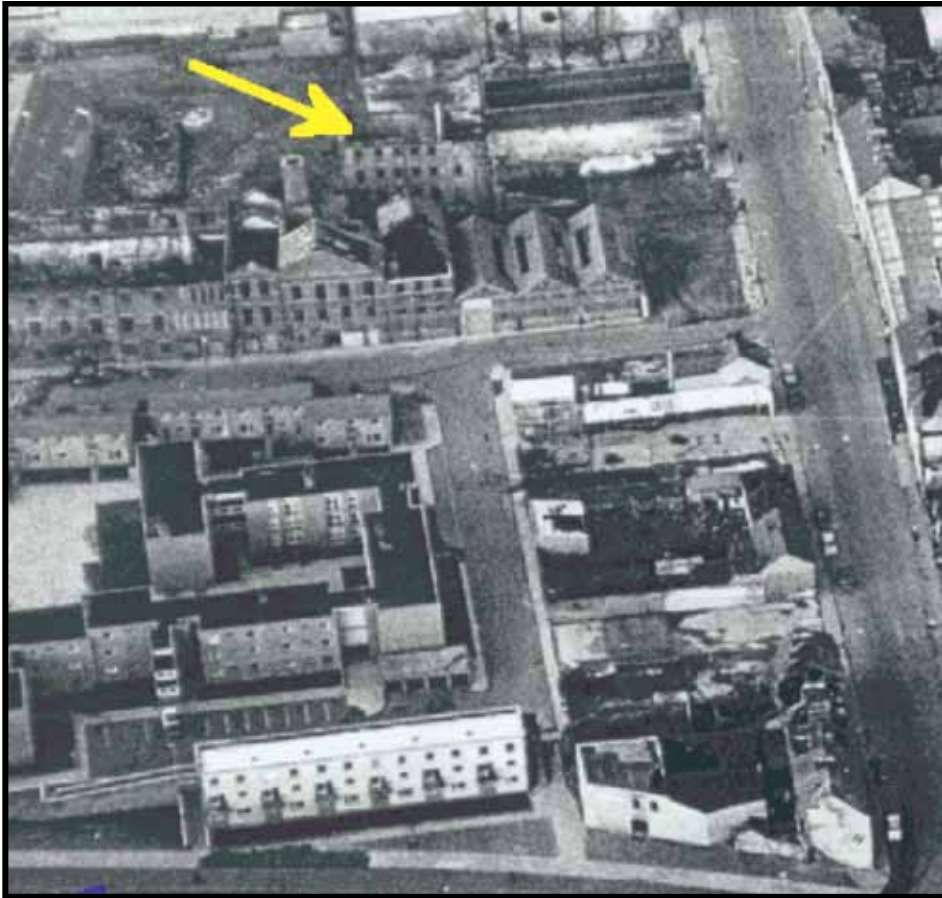
Stephen Peak's evidence of firing in the area of Abbey Street

151.193 Stephen Peak, then a student at the London School of Economics (LSE), took part in the march along with two other LSE students. According to his account, he and a friend, Sarah Harrison, one of the two students, were at Free Derry Corner when shooting broke out. They remained there for what he described as the shooting at Lecky Road and Westland Street to stop. They then went towards William Street via the rear of the buildings on the west side of Abbey Street, where he saw a figure he took to be a soldier holding a rifle with a telescopic sight on the first floor of a semi-derelict building to the west of his position.¹ He indicated the building on a photograph attached to his written statement to this Inquiry, and in his oral evidence to this Inquiry he marked the building with a yellow arrow.² He also marked the building and his position behind the Abbey Street buildings on a plan attached to his second written statement to this Inquiry.³

¹ [AP16.1-43](#)

³ [AP16.42](#)

² [AP16.45](#); [Day 182/15-19](#)



151.194 In both the photograph and the plan, Stephen Peak placed the building behind the derelict factory at which, as we describe above, Lance Bombardier Z fired a shot. Stephen Peak said the figure he took to be a soldier fired one shot between him and Sarah Harrison. He told us that the man purposely missed as he “*could have shot us if he had wanted to*” and that he did not think Sarah Harrison saw the man.¹

¹ AP16.33-34

151.195 Some time the following week, Stephen Peak, with the help of Sarah Harrison and the other LSE student who was with them in the city that day, wrote an account of their experiences that did not mention this incident.

151.196 There is evidence of firing in the area of Abbey Street, namely the incident concerning Lance Bombardier Z, as well as evidence from a report by 1 CG of shots in the Little Diamond area. These events took place at a late stage, as we describe when considering the later events of Sector 3.¹ This might well have been the time when Stephen Peak and his companions had reached the area of Abbey Street. However, we have found nothing to suggest that an Army sniper was in the building described by Stephen Peak, and in our

view it is highly unlikely that one was there, as he would have been in the Bogside and isolated from other soldiers. Warrant Officer Class I 041 told us that he did not believe that Lance Bombardier Z's shot could have gone towards the building identified by Stephen Peak.²

¹ [Chapters 121–124](#)

² [Day 375/13](#)

- 151.197** In our view, while Stephen Peak may have heard the exchange of fire described by soldiers, we are not persuaded that anyone fired between him and Sarah Harrison. Had such an alarming incident occurred, we believe that this would have been mentioned in the account of their experiences that they compiled a few days after Bloody Sunday.

Paramilitary firing in the area of Long Tower church

- 151.198** At approximately 5.15pm, there was an incident involving a gunman near St Columba's church.
- 151.199** St Columba's Roman Catholic church is located on the western side of Long Tower Street and is more frequently referred to as the "Long Tower church". Long Tower Street ran roughly westwards and parallel to the City Walls from Bishop's Gate until it met Nailor's Row when it continued in a south-westerly direction to its junction with Joyce Street and St Columba's Walk.
- 151.200** We have evidence about this incident from three journalists, Simon Winchester, Nigel Wade and Anthony (Tony) Fry. Simon Winchester and Nigel Wade gave evidence to this Inquiry and we have Tony Fry's written statement for the Widgery Inquiry.
- 151.201** Simon Winchester, then a *Guardian* newspaper correspondent, wrote about the incident in a *Guardian* article that appeared the following day:¹

"During one stage I was sheltering in a Roman Catholic church and as, with two other reporters, I went around a corner, a civilian, armed with a .22 rifle, opened up at us. He may have been a short-sighted IRA man, but whoever he was he was firing from a Protestant part of the city."

¹ [L45; M83.45](#)

- 151.202** In his written statement for the Widgery Inquiry,¹ Simon Winchester recorded that he was walking down Lecky Road with *Daily Telegraph* correspondent Nigel Wade and BBC reporter Tony Fry. They were attempting to make their way to the city centre from the Bogside, when they met a group of people who advised them to go to the Long Tower church and then make their way through a series of alleys to the city centre:

“We went up to the church and as we rounded a corner a man with a rifle – who I did not see – fired about five shots at us. We fell to the ground and crawled back into the church. Wade saw the gunman and said that he was a civilian. After sheltering for ten minutes we went back down the steps into Lecky Road and as it was by now totally quiet made our way down to Foyle Road and thus back to the city centre where we arrived at about 5.30 pm.”

¹ [M83.20](#)

- 151.203** In his oral evidence to the Widgery Inquiry,¹ Simon Winchester said that the three of them went into the church, where they found people sheltering. When they thought it was safe, they left the church:

“... I did not see him [the gunman], but I certainly heard him, a sniper open up at very close range and fire about five shots. I would say again a .22 rifle, it was that sort of crack.”

¹ [M83.30](#)

- 151.204** According to Simon Winchester, they dropped to the ground and then crawled back into the church, where they sheltered along with about 20 others. After five to ten minutes the three journalists left the church and made their way “*back eventually into the city*”.¹

¹ [M83.30](#)

- 151.205** In his book *In Holy Terror*, written by Simon Winchester in 1974 from notes he had made in 1972, he again described the incident:

“On the way out of the area – we had to go the long way around, down Lecky Road and to the river and back to the hotel through the town – one curious incident occurred. Firing was still going on in sporadic bursts, and at one point we decided to try to climb up a flight of steps that breached the Walls, and leave the dangers through a churchyard. Since it was a Protestant area that we would pass through this way, there would, we thought, be few attendant dangers.

But in the churchyard we were suddenly and startlingly confronted by an armed man: he fired two shots at us, from the hip. He seemed to be carrying a .22 rifle, and his shots, which missed us by a massive margin, sounded like those from a small sporting rifle. We hurtled into the quiet of the church, where perhaps a dozen weeping men and women were sitting out the dangers, and waited until we felt certain he had gone. Then we dashed out and down the steps into the Bogside again, which to us now seemed rather safer, by contrast. The important thing that struck us both was that the gunman who confronted us at 5.15 that night at the Long Tower church was, in all probability, a Protestant. Ian Paisley had warned of possible use of force by his cohorts: and it seemed more than possible that some small loyalist force might become involved in the shooting match. That loyalist gunmen might have been in action that dreadful day – in my account I wrote ‘He may have been a short-sighted IRA man, but whoever he was he was firing from a Protestant part of the city’ – was never to be considered seriously by those who would later write about that Sunday.”

- 151.206 Simon Winchester’s remark about Dr Ian Paisley’s warning was referred to during the latter’s oral evidence to this Inquiry; Dr Ian Paisley said that he “*warned that people would be forced to take the law into their own hands if the powers that be did not carry out their duties as the law keepers and I made that clear*”.¹

¹ [Day 205/20-21](#)

- 151.207 In his written statement to this Inquiry,¹ Simon Winchester told us that the three of them went into a church, where they found people sheltering. After three or four minutes, he said the three left the church and “*headed up towards the city*”, when they came under fire. They returned to the church for cover. He did not think the shots were coming in his direction or were aimed at them, because the gunman “*was at very close range and could not have missed had he been aiming at us*”. Simon Winchester stated that he did not see the sniper, who fired five shots from what he said was a .22 rifle. They returned to the church, where they remained for about five or ten minutes. He repeated his belief that the gunman was, “*in all probability*”, a Protestant, again citing Dr Ian Paisley’s remarks and the area from where the shots came.

¹ [M83.6-M83.7](#)

151.208 In his oral evidence to this Inquiry,¹ Simon Winchester said that he did not know whether he actually saw the gunman. He told us he was certain that none of the civilians in the church was armed and described them as “*cowering, afraid, worried about when it would be safe to go out...*”²

¹ Day 116/69

² Day 116/107

151.209 In a written statement for the Widgery Inquiry, Nigel Wade recorded that a single shot was fired as they were climbing the stone steps leading to the Long Tower church. The statement continued:¹

“Then we made a dash up the stairs, and going around the corner of the church wall 3 shots were fired at us in quick succession and as I spun round to take cover again I glimpsed a short man in a brown top coat taking aim at us with a rifle from about 10 yards. We went into the church and found about two dozen men and women there. They said someone had been shooting at people going in and out of the church. I said the man I had seen was not a soldier, and their opinion was the gunman was a Protestant from the Loyalist area around Fountain Street, nearby.”

¹ M79.5

151.210 Nigel Wade gave a similar account of the incident in his oral evidence to the Widgery Inquiry¹ and in his written statement to the present Inquiry.² He also related much the same account in his oral evidence to this Inquiry, adding that the gunman was middle-aged.³

¹ WT7/48

³ Day 109/143-148; Day 109/216-218

² M79.22-23

151.211 Tony Fry described the incident in his written statement for the Widgery Inquiry, in the following terms:¹

“I met Simon Winchester and Nigel Wade in St Columb’s Wells ... and in an attempt to return to the City Hotel by a short route proceeded up the St Columb’s church steps. As we passed the main entrance to the church and into an open space I caught a very brief glimpse of a man with a rifle and some shots were fired. We ducked into the main entrance of the church. Where some other people were also taking shelter. They informed us that they had also come under fire from that gunman. After what appeared to be about 20 minutes we decided to run back down the church steps and return to the City Hotel.”

¹ M27.3

151.212 In their statements for the Widgery Inquiry, Nigel Wade¹ and Tony Fry² recorded that they were fired on before they entered the church for the first time, a position Nigel Wade maintained throughout. This account differs from that given by Simon Winchester. In his written statement for the Widgery Inquiry, he recorded that they were fired upon as they “rounded the corner” and then they “crawled back into the church”, which suggests that they had been in the church before being fired upon. In his oral evidence to the Widgery Inquiry and in written his statement to this Inquiry, he said that they had been in the church beforehand. In his book *In Holy Terror*, however, he said they had been fired on as they entered the churchyard from a flight of steps.

¹ M79.1-5

² M27.1-3

151.213 Nigel Wade said that three shots were fired, while Tony Fry said that “some” shots were fired. In his Widgery Inquiry accounts and in his written statement to this Inquiry, Simon Winchester said that five .22 calibre shots were fired, while in his book *In Holy Terror* he said that two shots were fired. Nigel Wade described the gunman as a civilian, as did Simon Winchester in his account in the *Guardian* on the following day and in his book *In Holy Terror*. In his written statement for the Widgery Inquiry, in his written statement to this Inquiry and in his oral evidence to us, Simon Winchester said either that he had not seen the gunman or was not sure whether he had done so.

151.214 All three journalists described civilians sheltering in the church. Both Nigel Wade and Tony Fry said that some of those sheltering had told them that civilians had been shot at while entering or leaving the church.

151.215 Thomas Cassidy, who is now dead but who was then the editor of the *Derry Journal* newspaper, gave a written statement for the Widgery Inquiry. He was not called to give oral evidence to that Inquiry. He described making his way up St Columb’s Wells, with others, towards the Long Tower church. As the group were passing the steps “leading up to the church from Wells Street Terrace”, he stated that he heard a shot, which “passed close to us”. The immediate reaction of the group was to go to ground. Thomas Cassidy identified those with him as Kieran Gill of the *Irish Press* “and two other people”.¹ He made no mention of other journalists being present, nor did he name Simon Winchester, Nigel Wade or Tony Fry.

¹ M12.2

151.216 Kieran Gill made a written statement to this Inquiry in which he described making his way to St Columb’s Wells, where he met Thomas Cassidy. Kieran Gill’s recollection was of walking with Thomas Cassidy and others, “who may have included Simon Winchester”.

They decided to cut through the grounds of the Long Tower church towards Bishop Street. Kieran Gill said that a man appeared at the top of steps that led from St Columb's Wells to the church. The man was about 30 yards above him and his group. This man was *"in his late twenties or early thirties, black hair, slim and wore a brown sports jacket, dark pants and had an automatic or semi-automatic rifle from which he fired several shots, perhaps four or five, from mid-chest level over our heads"*. According to Kieran Gill, this gunman could have hit the group had he wanted to. He and his companions dived for cover. He noticed that a middle-aged woman a few yards ahead of the group had also fallen on the steps. When Kieran Gill looked up, the man had gone – in the direction of the church. Kieran Gill said that the *"meaning of the shots seemed clear: we were not to proceed in that direction"*. His *"subjective"* view of the gunman was that he was an Army officer in civilian clothing and that he *"did not look in any way 'local' – judging by his features"*. Earlier, he had recorded that there was *"sporadic fire still coming from the general direction of Rossville Street"*.¹

¹ [M105.11-M105.12](#)

- 151.217** In his oral evidence to this Inquiry, Kieran Gill was questioned on the basis of whether he was describing the same incident as Nigel Wade, Simon Winchester and Tony Fry. He confirmed that the gunman fired while he was *"at the very bottom of the steps"* and that he *"aimed above our heads"*, but could not *"recall specifically"* if there was still shooting to his north, although he assumed that there was.¹

¹ [Day 206/101-102](#)

- 151.218** Although there are more discrepancies than similarities in the evidence of the five journalists, there are sufficient similarities to satisfy us that only one shooting incident occurred at the Long Tower church. Nigel Wade, like Thomas Cassidy, described only one shot while he was at the foot of the steps. The *"four or five shots"* described by Kieran Gill may have been the shots described by Simon Winchester, Nigel Wade and Tony Fry. Nigel Wade and Kieran Gill both described the gunman as wearing a brown outer jacket. Both Kieran Gill and Simon Winchester were of the opinion that the range was so short that the gunman could not have been targeting them.

- 151.219** In his written statement to this Inquiry,¹ William O'Connell told us that his two sisters-in-law and their friend had told him about encountering Simon Winchester at the Long Tower church:

“Either later that day or afterwards I spoke to my two sisters-in-law and their friend who I had helped get to St Columb’s Wells. They said they had sheltered in the Long Tower church, and then in the churchyard. They said that with them was Simon Winchester (the journalist) along with Matt Morrison. I got the impression from the girls that Simon Winchester had introduced himself to them. At some stage, as they tried to leave the churchyard, shots were fired at them all from a raised position, to the north east of them. They said that bullets were bouncing off the churchyard as they tried to leave, and that Simon Winchester was lying on his stomach in the yard trying to shelter. The girls didn’t know whether the shots had been aimed at them, at Simon Winchester or at someone else. However, their clear impression was that the shots had been fired at them from the City Walls.”

¹ [AO7.6](#)

151.220 In his oral evidence to this Inquiry, William O’Connell identified his two sisters-in-law as Myra McGinley and Bernadette McAnee. He also identified “*their friend*” privately to the Inquiry. None of the three has given a statement about the events of Bloody Sunday; nor has Matt Morrison, whom William O’Connell described as “*A local person*”.¹

¹ [Day 181/12-13](#)

151.221 In his Northern Ireland Civil Rights Association statement, Paul Gill described moving up “*the Long Tower steps (from the Wells) when four high velocity shots were fired and two people (a man and woman) who were at the top of the steps almost, dropped down to take cover*”. He was with his brother, Kieran Gill, and two others, Martin Harrigan and Monica O’Donnell.¹ Kieran Gill did not name his brother in either his written statement or his oral evidence to this Inquiry. Martin Harrigan and Monica O’Donnell have not made statements, nor did Paul Gill make a statement to this Inquiry.

¹ [AG29.2](#)

151.222 George Moore told us that he was among the civilians running south on Rossville Street towards Free Derry Corner when shooting on Rossville Street began. He continued running towards the Long Tower church, which he described as a safe haven that day. He entered the church and found “*about a dozen people inside*”. He went twice to a door with a view to leaving, but heard rifle fire both times. He said that after about 30 minutes the firing died down and he left the church to make his way home. George Moore said that all the shots he heard that day were high velocity shots.¹ From his account, it seems

to us that he had left the church before the incident described by the three journalists. It is possible, however, that some of the civilians that he saw sheltering were still there when the journalists arrived.

¹ [AM406.2-AM406.3](#)

151.223 In her written statement to this Inquiry, Ann McFaul, who was not called to give oral evidence, recalled that she and her mother had been outside the Rossville Flats when shooting started. They moved to Free Derry Corner and then made their way to the Long Tower church. According to Ann McFaul, they were in Long Tower chapel for about 15 minutes. She did not say anything about hearing gunfire nearby or seeing a gunman.¹

¹ [AM215.2](#)

151.224 In his written statement to this Inquiry, Finbar O’Kane, who did not give oral evidence, described meeting Nigel Wade on Bloody Sunday. Finbar O’Kane told us that, as he was running along St Columb’s Wells towards Long Tower, he saw a large number of people tumble out of the church. Nigel Wade was one of them and he warned Finbar O’Kane “*there is a man with a gun in there*”. Finbar O’Kane was not aware whether Nigel Wade meant the grounds of Long Tower or inside the church itself.¹

¹ [AO47.14](#)

151.225 Despite the discrepancies in the accounts given by the journalists, we are satisfied that they did hear fire from a civilian gunman in the vicinity of the Long Tower church at approximately 5.15pm on Bloody Sunday. We have insufficient evidence to determine whether the gunman was firing at a target or firing warning shots not intended to hit anyone. We have no evidence that enables us to identify the gunman or to determine whether, as Simon Winchester first reported, the gunman was a member of the IRA or, as he later thought, a Protestant, though since it was a Protestant area, the latter would perhaps seem somewhat more likely.

Chapter 152: Other evidence said to show paramilitary firing within the five sectors

Contents

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152.1 In the course of dealing with the events of Sectors 1 to 5 we have considered the question of paramilitary firing within those sectors. At this point we draw attention to other evidence that was said to indicate that such firing took place, but which we consider does not in fact do so.

Gunner INQ 1997

152.2 Gunner INQ 1997 of 22 Lt AD Regt told us in his written statement to this Inquiry¹ that while he was positioned at a barricade on Sackville Street (Barrier 13), and while a crowd was at the barricade, a pistol shot from a low velocity weapon was fired from the back of the crowd followed by a high velocity shot. In his oral evidence to this Inquiry,² he admitted that it was difficult to assess the distance from which the latter shot had been fired, and he did not hold to the 800–1,000 yards that he had stated in his written evidence to this Inquiry.

¹ [C1997.2](#)

² [Day 295/93-94](#); [Day 295/100](#)

152.3 Gunner INQ 1997 did not give any account of this incident in 1972 and we have found no other evidence to support it.

Corporal 131

152.4 Corporal 131 of A Company, 2 RGJ, was positioned at Barrier 15. He told us that he believed that he had heard between three and four gunshots from somewhere on the north side of William Street, and had thought that they were fired from pistols.¹

¹ B1814

152.5 Corporal 131 accepted in his oral evidence to this Inquiry that locating the source of this gunfire would have been difficult, although he was certain it was not self-loading rifle (SLR) fire:¹

“Q. Is it possible that the fire that you heard was SLR fire?

A. No.

Q. Was it definitely low velocity fire?

A. It was low velocity fire, three to four rounds in rapid succession.

Q. What is it now that makes you so sure that it was low velocity fire you were hearing?

A. Well, I worked with weapons the best part of me young life, and into – when I got a little bit older. I had been around weapons basically since I was 17-years old, and on the day in question, I mean, we were not expecting nothing and then, bup bup bup, they went off. I thought, ‘Oh, well’, just to myself, ‘Here it goes’.

Q. At about the time you heard those shots, do you remember hearing any high velocity shots as well?

A. At that time, no. There was just the three or four that carried off, where I was standing, up towards that end. They definitely came from round about where the old Stevenson’s bakery used to be and up towards Eugene’s Cathedral.”

¹ Day 296/69-70

152.6 Corporal 131 did make a Royal Military Police (RMP) statement,¹ although in it he made no mention of hearing paramilitary firing.

¹ B1809

152.7 As we have observed on a number of occasions, we take the view that in a built-up area it is difficult, if not impossible, to distinguish between different types of gunfire. Furthermore, had Corporal 131 heard what he could clearly tell was paramilitary gunfire, we are sure

that he would have recorded it in his RMP statement. In our view, if Corporal 131 did hear gunfire, it was probably that of soldiers in the Abbey Taxis derelict building, which we have discussed in the context of Sector 1.

Rifleman 154

152.8 Rifleman 154 of A Company, 2 RGJ, was positioned at Barrier 14, and referred in his RMP statement to hearing a loud crack from a high velocity weapon prior to the barricade being opened to let the paratroopers through.¹

¹ B1930

152.9 His written statement to this Inquiry¹ was consistent with his RMP statement. He told us that he heard the crack of a round (or possibly two, although the second crack may have been an echo) from a high velocity weapon. This occurred while people were still throwing stones at the barrier, and before the movement of paratroopers through the barricade. He confirmed this account in his oral evidence.² While he thought that the shot might have originated from the Rossville Flats, he admitted that he did not know its origin.

¹ B1932.004

² Day 300/4-7

152.10 In our view, what Rifleman 154 probably heard was the shot by OIRA 1 or one or possibly two from soldiers in the derelict building of Abbey Taxis, which we have described when considering the events of Sector 1.

Lieutenant INQ 22

152.11 Lieutenant INQ 22, the Platoon Commander of Mortar Platoon, Support Company, 1 CG, gave oral evidence to this Inquiry. It was clear that as a result of a serious accident in the intervening period his memories of the events of Bloody Sunday had been affected.

152.12 However, Lieutenant INQ 22 wrote a letter to his parents dated 31st January 1972 (before his accident) in which he stated that the first volley of shots that he heard was not from any Army weapon.¹ His written statement to this Inquiry² indicated that he heard one high velocity shot from a non-Army weapon, followed by shots from a Thompson sub-machine gun; that these shots came from the Rossville Flats area; and that it was then that he heard 7.62mm Army fire.

¹ C22.10

² C22.4

- 152.13** In his oral evidence to this Inquiry, Lieutenant INQ 22 provided a detailed explanation as to how he knew the difference between Army and non-Army fire:¹

“A. ... I was the officer in charge of the Bisley shooting team for the battalion, and was very used to hearing different weapons being fired on the Bisley ranges, and so I believe that that gave me some credibility when I make a statement like that.

Q. Could you at the time identify the weapon that you thought had fired that shot?

A. I cannot be specific about what weapon fired that shot. It was certainly not a British Army standard weapon 7.62. I know that for a certainty.”

¹ [Day 289/75-76](#)

- 152.14** It is not entirely clear where Lieutenant INQ 22 was stationed on Bloody Sunday. His 1972 letter indicates that he was guarding the Army post at Bligh’s Lane, some 760 yards from the junction of William Street and Rossville Street. We have referred earlier in this report to the difficulty, if not impossibility, of distinguishing between the sounds of different firearms, and identifying from where the weapon was fired.¹ Though Lieutenant INQ 22 may well have heard gunfire, we are not persuaded that he was able to identify either the weapon being fired or the area from which it was fired.

¹ [Paragraphs 65.182–202](#)

Lieutenant Colonel Wilford and Private INQ 1152

- 152.15** In his 1972 written statement Colonel Derek Wilford gave this account of incoming fire:¹

“I then moved round the corner hugging close to the wall and ran forward towards the end of Rossville Flats – the northern end. About half way across the ground two or three shots cracked uncomfortably close so I changed direction and ran to the right where I took cover behind a low wall and just to the rear of some of my paratroopers.”

¹ [B950](#)

- 152.16** He gave a similar account in his supplemental written statement for the Widgery Inquiry:¹

“I saw some Support Company vehicles at the northern end of the Rossville Flats. I assumed that was where the Company Commander was and ran across to join him. However halfway across, when I was probably between Eden Place and Pilot Row I realised that shots were coming in my direction. I changed direction and went across to the edge of the long building on the other side of Rossville Street where there were some men of Support Company.”

¹ B973

- 152.17** In his oral evidence to the Widgery Inquiry,¹ Colonel Wilford said that the two or three shots he heard were fired from an M1 carbine.

¹ WT11/43

- 152.18** On the question of timing, it would seem that Colonel Wilford witnessed what he said was incoming fire minutes after soldiers had gone into the Bogside, at a time after members of Composite Platoon (Guinness Force) had reached the low walls of the Kells Walk ramp.

- 152.19** Private INQ 1152 was a radio operator with Colonel Wilford. He told us that he had an impression of being shot at while running south, ie in the direction of the Rossville Flats, with Colonel Wilford:¹

“Q. May we look at C1152.6, please, paragraph 26. You said:

‘As I have said, I could hear gunfire. I cannot differentiate between firing. The shots sounded to me like single high velocity shots. The shooting was close because it was echoing. I remember hearing shots as I was running. I am not sure of the direction. I do not remember seeing any incoming fire, by which I mean fire directed at the soldiers by civilians ... Nevertheless, I had the feeling we were being shot at. I cannot recall seeing any soldiers firing. I could have been in cover. I had the sensation that the shooting was fairly close.’

What was it that gave you the feeling that you were being at shot [sic]?

A. The feeling I was being shot at – I was being shot at, that is it, it is the feeling that something was very close and it was a gut, actual gut feeling, sir, that I was being shot at.”

¹ Day 334/109-110

- 152.20** Once again, we emphasise that in a built-up area it is difficult, if not impossible, to know the type of weapon being fired or the direction in which the fire is aimed. It may be that Colonel Wilford and his radio operator believed that they were under fire, but we are not

persuaded from their evidence that this was in fact the case. At the time in question there was, as we have described when considering the events of the five sectors, a very substantial amount of firing by soldiers, only a matter of yards from Colonel Wilford and Private INQ 1152.

Major INQ 10

152.21 Major INQ 10 was the Company Commander of A Company, 1 PARA. He wrote up a diary of operations¹ on 31st January 1972 in which he recorded the following, timed between 1612 and 1715 hours:

“Have gone firm in the posn William St/Creggan St junction and 100 m East I cleared my area to ensure that there were no enemy sniper posns. During this time I heard frequent individual shots and the occasional burst of fire which appeared to come from the area of Rossville Flats. This fire appeared to consist of both low and high velocity wpns, one of the latter definately being an M1 carbine. I was able to differentiate S Coys return of fire once [since] they used only 7.62mm SLR ammo.”

¹ [B1341](#)

152.22 We are not persuaded that Major INQ 10 could distinguish between SLR and M1 carbine fire, for reasons we have discussed elsewhere in this report.¹ As we have described when dealing with the events of Sectors 2 and 3, there was both high and low velocity fire in those sectors; but this account does not add materially to our information on that fire.

¹ [Paragraphs 65.182–202](#)

Chapter 153: The question of automatic gunfire

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- 153.1** A large number of witnesses gave accounts of hearing automatic gunfire during Bloody Sunday. We have already considered some of this evidence when examining in detail the events of the five sectors. At this point we draw attention to other evidence said to indicate that such firing took place.

Shaun Austin

- 153.2** In his written statement to this Inquiry,¹ Shaun Austin told us that Army vehicles came down Rossville Street and pulled up to the north of the Rossville Flats. He heard the doors of the vehicles being opened:

“Immediately I heard an SLR [self-loading rifle] and a machine gun open fire simultaneously. I could distinguish between the single shots of the SLRs and the ‘rat tat tat’ of the machine gun. Both seemed to be coming from Rossville Street area. The sound of gunfire intensified and seemed to be coming from above us as well. I thought that there were shots being fired from the City Walls.”

¹ [AA5.7](#)

153.3 In his supplementary written statement to this Inquiry,¹ he told us that he heard the automatic fire almost immediately after he heard the doors of the vehicles being opened. He described hearing four or five shots fired in very rapid succession, ie at a rate of some 600 rounds per minute.

¹ [AA5.10](#)

153.4 In our view Shaun Austin's account of hearing a machine gun open up is a false memory. We have found no other evidence that suggests to us that there was machine gun fire and self-loading rifle (SLR) fire as the doors of the Army vehicles opened. At that stage there were many civilians in the Eden Place waste ground, as we have described earlier in this report.¹

¹ [Chapters 24–45](#)

Michael Brown

153.5 In his written statement to this Inquiry,¹ Michael Brown told us that he heard automatic fire while at the junction of William Street and Rossville Street, at a time when stones were being thrown towards the lower end of William Street nearer Waterloo Place. In our view this too was a false memory, as we have no other evidence of such fire at this time.

¹ [AB97.1](#)

Dermot Carlin

153.6 In his written statement to this Inquiry,¹ Dermot Carlin told us that he heard automatic fire when he was in the area of Lisfannon Park. He had been on his way to Free Derry Corner to hear the speeches. In lulls in the shooting, he ran towards Little Diamond. By the time he arrived there, the shooting had finished. He was not sure how long he took to reach Little Diamond.

¹ [AC32.3-4](#)

153.7 In his oral evidence to this Inquiry,¹ Dermot Carlin confirmed this account. He said that just before the automatic fire started he had heard people saying that the soldiers were coming.² He had also heard the engines of Army vehicles, which were still running when the automatic fire began.

¹ [Day 60/56-59](#)

² [Day 60/78-80](#)

153.8 In our view what Dermot Carlin heard was soldiers firing their SLRs.

Donal Deeney

153.9 In his second written statement to this Inquiry,¹ Donal Deeney told us that he heard what might have been machine gun fire from the direction of the Long Tower at a stage when *“it was pretty much all over”*.

¹ [AD26.14](#)

153.10 In his third written statement to this Inquiry,¹ Donal Deeney told us that he heard a sustained burst of heavy machine gun fire when he was near Free Derry Corner at a late stage of the afternoon, immediately after which he decided to leave the area and go home.

¹ [AD26.18](#)

153.11 His oral evidence to this Inquiry¹ was to the same effect.

¹ [Day 86/60-63](#); [Day 86/152-153](#)

153.12 In our view what Donal Deeney may have heard was some of the “symbolic” firing by the Provisional IRA, to which we have referred earlier in this report.¹

¹ [Chapter 147](#)

Hugh Foy

153.13 In his written statement to this Inquiry,¹ Hugh Foy said that he heard a burst of machine gun fire shortly after soldiers had disembarked from their vehicles and started to run towards the car park of the Rossville Flats.

¹ [AF29.4](#)

153.14 In his oral evidence to this Inquiry,¹ Hugh Foy initially confirmed this account. His attention was then drawn to the evidence of his friend Michael Brown, who had been on the march with him, and who said that he heard automatic fire while at the junction of William Street and Rossville Street, at a time when stones were being thrown towards the lower end of William Street. Hugh Foy was asked whether it was possible that he too had been at the junction of William Street and Rossville Street when he heard the machine gun fire that he had described, and he said that he could not now be certain.

¹ [Day 146/103-106](#)

- 153.15 In our view what Hugh Foy probably heard was the soldiers firing from the derelict building in William Street, which we considered in the course of examining the events of Sector 1.

RM 2

- 153.16 In his first written statement to this Inquiry,¹ RM 2 told us that he heard automatic fire some time after he had seen Hugh Gilmour dying, and after he had seen a man aged about 20 with a bloodstained white shirt lying face down on the rubble barricade and an “oldish” man lying behind the barricade pointing with one of his arms towards the barricade. He said that this was before he saw a soldier fire two shots from the hip from a position in Rossville Street near the south-east entrance to Glenfada Park North.

¹ [AK42.5-6](#)

- 153.17 In his oral evidence to this Inquiry,¹ RM 2 said that he heard the automatic fire after Hugh Gilmour had been shot, and after he had seen the young man with the bloodstained shirt and the older man behind the barricade. He now believed that the older man had been Alexander Nash. RM 2 thought that he had been standing at the corner of Block 1 of the Rossville Flats near the body of Hugh Gilmour for between five and ten minutes when he heard the automatic fire.

¹ [Day 424/31-33](#); [Day 424/37-44](#)

- 153.18 We are of the view that there was no automatic fire at the stage recalled by RM 2. What he may have heard was the late firing by soldiers in Sector 3, which we describe elsewhere in this report.¹

¹ [Chapter 123](#)

Thomas Mullarkey

- 153.19 In his statement taken by a *Sunday Times* journalist,¹ Thomas Mullarkey recorded that when the soldiers entered the Bogside and began firing he ran from Rossville Street into Glenfada Park and “*through the first courtyard, into the second*”. Heavy firing continued for some time and then died away. When “*things appeared to quieten down*” he returned to a position in Rossville Street “*between the two blocks of Glenfadda Park*”. After a few

quiet minutes he heard another shot and then what sounded like a burst from a machine gun. He moved towards Fahan Street West and, when he turned into that street, shooting broke out again and bullets “*came raking up along the street*”.

¹ [AM452.16-17](#)

153.20 In his written statement to this Inquiry,¹ Thomas Mullarkey told us that he no longer remembered hearing the automatic fire. In general he confirmed the accuracy of his earlier statement, but said that he now believed that he had run from Rossville Street into Columbcille Court and then into Glenfada Park North, that he had then returned to Rossville Street through the north-east corner of Glenfada Park North, and that all this happened before the soldiers entered the Bogside and started firing.

¹ [AM452.1](#); [AM452.7](#)

153.21 In his oral evidence to this Inquiry,¹ he said that he had no present recollection of hearing the automatic fire, but that he must have done so in view of what he had said in his earlier statement.

¹ [Day 69/37-38](#); [Day 69/58-59](#)

153.22 We are not persuaded that Thomas Mullarkey heard automatic gunfire. In our view what he heard was much more likely to have been the firing of SLRs by soldiers.

Sergeant 014

153.23 In his Royal Military Police (RMP) statement,¹ Sergeant 014 of Composite Platoon, 1 PARA recorded that after Private L had fired two shots from behind a wall “*about six metres North West of Number two Columbcille Court*” at two men who were crawling away from the rubble barricade, Colonel Wilford arrived and ordered Private L to cease firing, and ordered Sergeant 014 and others to move to a different position. Sergeant 014 described the position to which he moved as “*the South West wall of Number 2 Columbcille Court*”. He said that from there he saw an old man wearing a black coat, cap and spectacles kneeling behind the barricade, waving and trying to attract the attention of the soldiers. He stated that he heard automatic fire coming from the area of Glenfada Park about a hundred metres south-west of his position; and that the bullets from this fire struck the west wall of Block 1 of the Rossville Flats near the northern end. He did not say expressly when he heard automatic fire, but the order in which events are described in the statement suggests that it was after he had seen the old man, who we have little doubt was Alexander Nash, who was injured at the rubble barricade.

¹ [B1409-B1410](#)

153.24 In his written statement to this Inquiry,¹ Sergeant 014 told us that he heard automatic fire “*at one stage*” but did not specify when this was. However, he said that he did not understand why Colonel Wilford had given an order to cease firing at a time when the soldiers were not firing, unless Colonel Wilford had mistaken the automatic fire for firing by the soldiers. This suggests that Sergeant 014 thought it at least possible that the automatic fire had occurred at or about the time at which Colonel Wilford arrived at the position from which Private L fired at the crawling men. Sergeant 014 told us that he did not know where Columbcille Court was when he made his RMP statement. The place names in the statement would have been taken from maps. He now thought that the wall from which he had observed the crawling men was either at the point marked C on the plan attached to his statement² (the south end of Kells Walk) or at the point marked D (the east end of the alley between Columbcille Court and Glenfada Park North). He did not describe moving south of that position at any stage.

¹ [B1412.004-B1412.007](#)

² [B1412.013](#)

153.25 In his oral evidence to this Inquiry,¹ Sergeant 014 accepted that the wall from which he had seen the crawling men was at the south end of Kells Walk. He said that he did not recall moving forward from that position.² He agreed that in his RMP statement he had described hearing automatic fire after seeing the old man, but said that he could not now really remember the order of these events, nor could he remember whether or not when he had heard the automatic fire he had been in the position from which he saw the old man.³

¹ [Day 372/26-32](#)

³ [Day 372/55-58](#)

² [Day 372/51-53](#)

153.26 We are not persuaded that Sergeant 014 heard automatic fire. His evidence indicates that what he did hear was at a relatively late stage, and in our view what he probably heard was the repeated shots fired by Private H, which we have considered earlier in this report.¹ There is no other evidence to suggest that automatic fire hit Block 1 of the Rossville Flats.

¹ [Chapter 119](#)

Gunner 023

153.27 In his RMP statement,¹ Gunner 023 of 22 Lt AD Regt did not refer to hearing automatic fire.

¹ [B1517](#)

153.28 In his written statement for the Widgery Inquiry,¹ Gunner 023 said that after the soldiers had disembarked from their vehicles in Rossville Street, and after baton rounds and some low velocity shots had been fired, at the sound of which the crowd had begun to disperse, a man appeared from the south end of Block 1 of the Rossville Flats and fired a rifle towards soldiers in Rossville Street. The man went back behind the wall, reappeared a couple of minutes later and fired again. Gunner 023 heard a high velocity shot and the man fell. A crowd gathered around the man and carried him away. Gunner 023 heard automatic fire at or about this time, a few minutes before he saw a man aiming a rifle at soldiers from a window of a derelict house in William Street.

¹ [B1522](#)

153.29 In his written statement to this Inquiry,¹ Gunner 023 told us that he did not now recall hearing automatic fire.

¹ [B1525.2](#)

153.30 In his oral evidence to this Inquiry,¹ Gunner 023 said that he was sure that he had heard automatic fire, but added nothing about its timing.

¹ [Day 360/17-19](#); [Day 360/46-47](#)

153.31 We are not persuaded that Gunner 023 heard automatic fire. Had he done so it seems to us that he would have been likely to have recorded this in his RMP statement.

Sergeant 025

153.32 In his RMP statement,¹ Sergeant 025 of 22 Lt AD Regt recorded that at about 1615 hours he was in a sangar on the City Walls (Charlie OP) and saw a man standing by "*the barrier*" in Rossville Street hand what appeared to be a bomb to another man. The recipient of the object did something to it with his hands. Sergeant 025 reached for his sniper rifle but it was missing. He went outside the sangar and found that his troop commander was using the sniper rifle. He went back into the sangar and picked up and cocked his SLR. It was at this stage that he heard a burst of automatic fire from the Rossville Flats and some shots fired with an SLR. He then looked towards "*the barrier*" and saw two male civilians slumped over it with their backs to him.

¹ [B1535-B1536](#)

153.33 In his written statement to this Inquiry,¹ Sergeant 025 told us that he heard what sounded like a burst of Thompson sub-machine gun fire, but could not now remember whether he had heard it before or after the incident in which two men appeared to handle a bomb.

Those men had been near a pile of rubble at the north-east corner of Glenfada Park South. It was on this pile of rubble that he saw the bodies of two male civilians lying prone.

¹ [B1540-B1540.001](#)

- 153.34** In his oral evidence to this Inquiry,¹ Sergeant 025 said that he could not say whether he had heard the firing that he thought was Thompson sub-machine gun fire before or after he saw a group of people at Free Derry Corner. He said that he could not remember whether when he had made his RMP statement he had been trying to describe events in the correct sequence.² He said that he should have said in his RMP statement that the automatic fire had come from the vicinity of the Rossville Flats, rather than from the Rossville Flats.³ The automatic fire and the SLR fire that he heard occurred close to each other in time.

¹ [Day 361/19](#)

³ [Day 361/44-47](#)

² [Day 361/24-25](#)

- 153.35** We should note at this point that Sergeant 025 accepted in the course of his oral evidence to this Inquiry that he did not see a bomb, but concluded from the actions of the people he saw that what he saw them with could possibly be a bomb.¹ He was also adamant that he saw these people not at the rubble barricade, but near two piles of rubble somewhere near the north end of Glenfada Park South.²

¹ [Day 361/26-27; Day 361/40](#)

² [Day 361/35-36; Day 361/43](#)

- 153.36** We are not persuaded that Sergeant 025 saw men handling a bomb, though we accept that he may have believed that he had done so. Lieutenant 227, who was observing from the same area, neither saw this incident nor recalled Sergeant 025 making any report to him about it.¹ In his RMP statement Staff Sergeant 139 (Sergeant 025's Platoon Sergeant) recorded that Sergeant 025 had shouted that he had spotted a nail bomber, but that he (Staff Sergeant 139) had not seen this nail bomber himself.² There is no record of the sighting of a nail bomber in the 22 Lt AD Regt radio log.

¹ [Day 371/129](#)

² [B1860](#)

- 153.37** On his account Sergeant 025 does not seem to have heard what was undoubtedly a very considerable amount of continuous and simultaneous firing by soldiers; and in our view what he heard was probably the noise of this, most likely being muffled by coming from

the other side of the Rossville Flats. Staff Sergeant 139 (who was close to Sergeant 025) told us, when shown Sergeant 025's RMP statement, that he did not recall hearing anything that appeared to him to be a burst of automatic fire.¹

¹ [Day 350/13-14](#)

Sergeant 040

153.38 In his first RMP statement,¹ Sergeant 040 of 22 Lt AD Regt said that he heard what he thought was automatic fire, "*some time later*" than about 1600 hours. "*About ten minutes later*" he saw a crowd of people in Rossville Street suddenly scatter. Around 20 members of this crowd stood near "*the end wall of Columcille Court*" and were marched away by soldiers.

¹ [B1652](#)

153.39 In his second RMP statement,¹ Sergeant 040 said that the group of 20 people had in fact been standing "*at the southern end of Glenfada Park flats by Rossville St*" and that he had heard the sound that he thought was automatic fire just after they had been taken away.

¹ [B1656](#)

153.40 In his written statement for the Widgery Inquiry,¹ Sergeant 040 gave a similar account.

¹ [B1659](#)

153.41 In his written statement to this Inquiry,¹ Sergeant 040 told us that he could no longer recall hearing automatic fire and thought that in his earlier statements he had probably intended to describe single shots fired from an automatic weapon.

¹ [B1661.005-B1661.006](#)

153.42 Sergeant 040 did not give oral evidence to this Inquiry. His evidence does not persuade us that there was automatic fire. In our view he probably heard the repeated firing by Private H, which we have considered earlier in this report.¹

¹ [Chapter 119](#)

Lieutenant 227

153.43 In his RMP statements,¹ Lieutenant 227 (of 22 Lt AD Regt, who was at Charlie OP on the City Walls) recorded that at about 1610 hours he saw two Armoured Personnel Carriers (APCs) travelling down Rossville Street. They stopped behind the Rossville Flats.

The crowd around the Rossville Flats began to disperse. Soldiers fired baton rounds and began to make arrests. Lieutenant 227 stated that shortly afterwards he heard two bursts of automatic fire, which he thought had come from a Thompson sub-machine gun in the Glenfada Park area. These bursts were followed immediately by the sound of a nail bomb exploding, and then by three shots that sounded as though they had been fired from an SLR. As the shooting was taking place, a large crowd around the rubble barricade split up, leaving two bodies on the barricade.

¹ [B2186.1-2; B2184](#)

153.44 In his written statement for the Widgery Inquiry¹ and in his oral evidence to the Widgery Inquiry,² Lieutenant 227 gave a similar account.

¹ [B2188](#)

² [WT16.41-42; WT16.45-48](#)

153.45 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Lieutenant 227 told us that while he remembered hearing a Thompson sub-machine gun his memory of the order of events was no longer clear. He told us that he was uncertain of what was happening in Rossville Street when he heard the automatic fire, although he had seen people standing on the back of a lorry at Free Derry Corner and believed that they might have started to make speeches.

¹ [B2204.003-004; B2204.007-011](#)

² [Day 371/131-144; Day 371/179-183](#)

153.46 We are not persuaded that Lieutenant 227 heard Thompson sub-machine gun fire from the Glenfada Park area. At the time he put this firing, there was a substantial amount of firing by soldiers in Sectors 2 and 3 and in our view it is more likely that he mistook this for Thompson sub-machine gun fire. It is noteworthy that he recorded hearing a nail bomb explode (which we are sure did not happen) and only three SLR shots – not the many dozens that were fired.

Lance Corporal 121

153.47 In his RMP statement,¹ Lance Corporal 121 of 176 Provost Company, Royal Military Police recorded that he moved to a position near the Rossville Flats at about 1545 hours after being called forward by 1 PARA. He had been in that position for about 15 minutes when he came under automatic fire from the flats at grid reference 43321676 (Block 3 of

the Rossville Flats). He stated that he saw two men on top of the flats holding what he believed to be weapons. “A Col from the 1 PARA Regt” asked whether anyone had been hit, before moving off over the waste ground, where he came under fire from the rooftop.

¹ [B1758](#)

153.48 In his written statement for the Widgery Inquiry,¹ Lance Corporal 121 recorded that he moved into his position a few minutes after 1 PARA had entered the area, and heard the automatic fire about 15 minutes later. He thought that one of the men on the roof had been holding a Thompson sub-machine gun and the other a rifle. He confirmed that he thought that these men had fired at the Colonel from 1 PARA.

¹ [B1761](#)

153.49 In his written statement to this Inquiry,¹ Lance Corporal 121 told us that although he recalled hearing gunfire, he could not remember whether it had been automatic fire, nor could he remember how long after moving into his position by the Rossville Flats he had heard it. He did not remember seeing gunmen.

¹ [B1764-B1765](#)

153.50 Lance Corporal 121 did not give oral evidence to this Inquiry. In our view it is highly unlikely that anyone was firing from the roof of the Rossville Flats, in full view of soldiers on the City Walls, in Rossville Street and at the Observation Post on the Embassy Ballroom.

Corporal 126

153.51 In his RMP statement,¹ Corporal 126 of 176 Provost Company, Royal Military Police recorded that he moved to a position near the Rossville Flats at about 1545 hours after being called forward by 1 PARA. He had been in that position for about 15 minutes when he came under automatic fire from “*the centre block of Rossville Flats*”. He saw two men “*on the roof of the flats, central*” holding what he believed to be weapons. “A Col from 1 PARA Regt” asked whether anyone had been hit, before running across the waste ground where he came under fire from the two gunmen.

¹ [B1778](#)

153.52 In his written statement for the Widgery Inquiry,¹ Corporal 126 recorded that he moved into his position shortly after the paratroopers had moved down Rossville Street, and that he heard the automatic fire about 15 minutes later. The automatic fire came from the roof of what he thought was Block 3 of the Rossville Flats.

¹ [B1781](#)

153.53 In his written statement to this Inquiry,¹ Corporal 126 told us that although he recalled hearing shots, he could not remember whether they had been automatic, and that he had no concept of time.

¹ [B1782.002-003](#); [B1782.005](#)

153.54 In his oral evidence to this Inquiry,¹ Corporal 126 said that he could not say whether the shots that he had heard were automatic, but thought that at least two of them had hit his Land Rover before he had disembarked and while the vehicle was still moving. If at the time he assumed that they were automatic, this was because they were fired in quick succession. His description of the position of the gunmen in his RMP statement had meant that they were on the roof of Block 2, and his current recollection was that the fire had come from Block 2, not from Block 3 as he had suggested in his written statement for the Widgery Inquiry. Corporal 126 said that he heard further low velocity fire as Colonel Wilford ran across the waste ground, but accepted that it was possible that these shots had not come from the gunmen on the roof.

¹ [Day 359/93-119](#); [Day 359/133-136](#); [Day 359/144-146](#)

153.55 We are not persuaded by this account. It is similar to that of Lance Corporal 121 and open to the same objections.

Staff Sergeant 129

153.56 In his RMP statement,¹ Staff Sergeant 129 of 1 CG said that at about 1600 hours he heard baton rounds being fired in the direction of the Rossville Flats, followed after two or three minutes by a burst of automatic fire, and then by more baton rounds, after which there was general shooting.

¹ [B1803](#)

153.57 In his written statement to this Inquiry,¹ Staff Sergeant 129 did not refer to hearing automatic fire.

¹ [B1805.001](#)

153.58 In his oral evidence to this Inquiry,¹ Staff Sergeant 129 said that he heard shots fired in rapid succession but was not sure whether the fire had been automatic. He told us that since he was generally occupied with administrative duties he was “*Not very familiar at all*” with the sound of automatic fire. We are not persuaded that his evidence indicates that there was automatic fire. It seems to us that he is more likely to have heard some of the many shots fired by the soldiers.

¹ [Day 349/64-66](#)

Gunner 134

153.59 In his first RMP statement¹ Gunner 134 (of 22 Lt AD Regt, who was positioned in a building in Magazine Street Upper, behind the City Walls, and observing the Rossville Flats and Free Derry Corner) recorded that he heard, when the main body of marchers disappeared from his view as they turned into Creggan Street:

“a burst of automatic fire, about eight shots, to my knowledge from a Thompson SMG situated near STEVENSONS BAKERY or the SWIMMING POOL in WILLIAM STREET ... About fifteen minutes later I saw about two thousand of the Marchers come running back up ROSSVILLE STREET ... and onto FOXES CORNER [Free Derry Corner]...”

¹ [B1822-B1823](#)

153.60 In his written statement for the Widgery Inquiry,¹ Gunner 134 recorded that he heard a Thompson sub-machine gun but did not indicate when he had heard this.

¹ [B1829](#)

153.61 In his written statement to this Inquiry,¹ Gunner 134 told us that he heard the Thompson sub-machine gun fire at a time when the crowd had gathered at Free Derry Corner and when he could hear rioting that he thought was taking place in the area of William Street.

¹ [B1831.002](#)

153.62 In his oral evidence to this Inquiry,¹ Gunner 134 said that he had no idea why what he had said in his first RMP statement about the stage at which he heard automatic fire was different from his current recollection.

¹ [Day 363/25-31](#); [Day 363/66-68](#); [Day 363/71-77](#)

- 153.63** In our view what Gunner 134 heard were the shots fired by soldiers from the derelict building on William Street, which we have considered in detail in the context of Sector 1. Had there been machine gun fire in that area we are sure that soldiers in that area would have heard and reported it.

Corporal 142

- 153.64** In his RMP statement,¹ Corporal 142 of 2 RGJ recorded that he heard automatic fire as paratroopers advanced from Barrier 14 along William Street and down Chamberlain Street.
- ¹ [B1870](#)
- 153.65** In his written statement to this Inquiry,¹ Corporal 142 told us that after the paratroopers had passed through Barrier 14 he heard various kinds of firing, including machine gun fire. He could not recall the sequence of the firing, nor could he say whether the paratroopers had disappeared from his view when he heard it.
- ¹ [B1872.002-003](#)
- 153.66** In his oral evidence to this Inquiry,¹ Corporal 142 said that he first heard gunfire after the paratroopers had disappeared from his view.
- ¹ [Day 302/4-5](#)
- 153.67** We have discussed the evidence of the paratroopers who moved through Barrier 14 earlier in this report, when considering the events of Sectors 2 and 3. For the reasons given there, we were not persuaded by the evidence of some of them that there was automatic fire as they did so, and in our view it is more likely that what Corporal 142 heard was some of the substantial amount of firing by soldiers of Support Company.

Warrant Officer Class I 164

- 153.68** In his RMP statement dated 4th February 1972,¹ Warrant Officer Class I 164 of 1 CG recorded that he heard baton rounds being fired, and that approximately three minutes later, at about 1600 hours, he heard a burst of six to eight rounds of automatic fire. This was followed by more baton rounds and, within a minute or two, by general shooting from the direction of the Rossville Flats lasting for 30 minutes. He was at an Observation Post on the Grand Parade (ie on the City Walls) and could see only the top floors of the Rossville Flats.
- ¹ [B1968](#)

153.69 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Warrant Officer Class I 164 said that he could no longer recall hearing automatic fire.

¹ B1970.002

² Day 349/32-35; Day 349/42-43; Day 349/48-53

153.70 If Warrant Officer Class I 164 did hear automatic fire, on the timing in his account this must have occurred before paratroopers went into the Bogside. He could have been wrong in timing the firing at about 1600 hours, though his timing of other shots later appears reasonably accurate. He made his RMP statement on 4th February 1972 and appears to have made no report of hearing automatic fire at the time. It seems to us more likely that what he heard were the shots fired by soldiers from the derelict building on William Street and that he mistakenly took this for automatic fire.

Captain Michael Rose

153.71 In his written statement to this Inquiry,¹ Captain Rose² of 1 CG told us that he heard a burst of Thompson sub-machine gun fire as he walked downhill from St Eugene's Cathedral, probably along Great James Street, following the progress of the tail end of the civil rights march as it moved down William Street. He continued to Barrier 12, where he saw a number of paratroopers moving through the barrier.

¹ C21.3

² Now General Sir Michael Rose.

153.72 In his oral evidence to this Inquiry,¹ Captain Rose said that he heard the automatic fire while he was still standing in front of St Eugene's Cathedral, waiting for "*the last tail end people to leave and disappear down the hill*". Asked whether the tail end of the march had just passed him when he heard the fire, he replied: "*I would say it was well past by then and I was really with the sort of tail end Charlies.*" Captain Rose also said that he reached Barrier 12 within three minutes of hearing the automatic fire and that he thought that by this time the main deployment through the barrier had already occurred.

¹ Day 284/3-7; Day 284/11-16; Day 284/24-25; Day 284/51-53

153.73 In our view what Captain Rose heard were the shots fired by soldiers from the derelict building in William Street. Had there been Thompson sub-machine gun fire at the time, we are sure that many other soldiers in the area would also have heard and reported it.

Lieutenant INQ 22

153.74 In a letter to his parents dated 31st January 1972,¹ Lieutenant INQ 22 of 1 CG did not say that he heard automatic fire, although he referred to a “*first volley of shots*” that did not come from Army weapons. He said that, following these shots, a gun battle took place during which he understood that paratroopers had fired 106 rounds. The shooting began when Bernadette Devlin and Lord Brockway were about to address the meeting at Free Derry Corner.

¹ [C22.10](#)

153.75 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Lieutenant INQ 22 said that the first shooting that he heard consisted of a single high velocity rifle shot that did not come from an Army weapon, followed by several rounds of Thompson sub-machine gun fire.

¹ [C22.4](#)

² [Day 289/75-80](#)

153.76 For the reasons given above, we are not persuaded by Lieutenant INQ 22’s evidence of hearing automatic gunfire.¹

¹ [Paragraph 152.14](#)

Warrant Officer Class II INQ 176

153.77 In his written statement to this Inquiry,¹ Warrant Officer Class II INQ 176 of 2 RGJ told us that he heard the sound of a Thompson sub-machine gun when he was near Barrier 14. Although he was not absolutely certain of the time, he thought that this had been at about 2.50pm. He thought that there had been two short bursts. Some time after this, but probably not as much as half an hour later, a snatch squad of paratroopers ran through the Barrier. Warrant Officer Class II INQ 176 then heard more gunfire, not immediately but probably within ten minutes. This further gunfire consisted of SLR and Thompson sub-machine gun fire, as well as “*some smaller fire*”, but he told us that he could not remember the order in which he had heard the different weapons. He thought that the further gunfire had occurred a good 15 minutes after the earlier bursts of Thompson sub-machine gun fire.

¹ [C176.2-3](#)

153.78 In his oral evidence to this Inquiry,¹ on being told that the paratroopers passed through Barrier 14 at about 4.09pm, Warrant Officer Class II INQ 176 said that he must have been wrong to say in his written statement that he heard Thompson sub-machine gun fire at about 2.50pm. He now thought that he must have heard that fire at about 3.50pm. Warrant Officer Class II INQ 176 said that the further gunfire that he heard after the paratroopers had passed through the barrier included firing from weapons other than SLRs.² However, he could not remember whether this had been automatic fire and was not now sure that he had heard a Thompson sub-machine gun at that stage. Warrant Officer Class II INQ 176 said that he saw no rioting at the barrier near which he was standing, and did not see a whole company of paratroopers pass through the barrier.³ He agreed that it was possible that he had been at another barrier. He said that he now thought that he had heard the Thompson sub-machine gun fire about six or seven minutes before the paratroopers passed through the barrier, but he accepted that it could have been an even shorter time, and that the interval between this firing and the later firing could have been less than five minutes. However, he subsequently reverted to saying that the Thompson sub-machine gun fire must have occurred ten or 15 minutes before the paratroopers passed through the barrier.⁴

¹ Day 305/36-38

³ Day 305/42-50

² Day 305/41-42

⁴ Day 305/55-57

153.79 Warrant Officer Class II INQ 176 acknowledged that it was possible that he had mistaken the sound of SLR fire from the derelict building on William Street for the sound of a Thompson sub-machine gun. In our view this is what he did.

Sergeant INQ 622

153.80 In his written statement to this Inquiry,¹ Sergeant INQ 622 of 1 CG told us that he saw the paratroopers pass through Barrier 12 in their vehicles. One of the vehicles pulled into the waste ground and some of the others appeared to pull into an area of paved ground near the north end of Block 1 of the Rossville Flats. He told us that he heard two or possibly three single low velocity shots either as the paratroopers disembarked from their vehicles or shortly afterwards. These sounded very much like shots from a pistol or sub-machine gun. Within a matter of seconds, he saw the paratroopers advancing towards the Rossville Flats and taking up firing positions. He heard sporadic high velocity shots. Within seconds of the beginning of the high velocity firing, there appeared to be a short burst of perhaps two to four rounds of automatic fire. This sounded more like

sub-machine gun than machine gun fire. Sergeant INQ 622 acknowledged that it was possible that it had been a few single semi-automatic shots fired together but said that at the time he had thought that it was automatic fire.

¹ [C622.3-4](#)

153.81 In his oral evidence to this Inquiry,¹ Sergeant INQ 622 said that the initial single low velocity shots that he heard were definitely not baton gunfire. His memory led him to be about 70 per cent confident that the later short burst of fire had been low velocity automatic fire from a sub-machine gun. He said that he did not believe that the initial single shots could have been the SLR shots fired by Lieutenant N at Eden Place, although he accepted that he could be wrong about this.² He also accepted that the shots that had sounded to him like a short burst of fire could well have been shots fired from a number of SLRs in quick succession. However, at the end of his evidence he said that while he could not remember, “*on balance*” he would say that it had “*definitely*” been low velocity sub-machine gun fire and not SLR fire.³

¹ [Day 310/92-96](#)

³ [Day 310/133-138](#)

² [Day 310/122-128](#)

153.82 We are unpersuaded that Sergeant INQ 622 heard low velocity automatic gunfire. It seems to us that it is more likely that he misattributed some of the shots fired by soldiers.

Private INQ 1282

153.83 In his written statement to this Inquiry,¹ Private INQ 1282 of 2 RGJ told us that a section of paratroopers came running through the barrier where he was positioned and around a corner about 25 yards away. Approximately five or six minutes later after the paratroopers had passed through the barrier, he heard high velocity shots, which were followed by Thompson sub-machine gun and Armalite fire. He thought that the high velocity shots had been fired by the paratroopers and that the Thompson sub-machine gun fire had been a response to the high velocity shots. He told us that he then heard all three types of fire together.

¹ [C1282.2](#)

153.84 In his oral evidence to this Inquiry,¹ Private INQ 1282 said that he thought that the interval between the paratroopers coming through the barrier and the beginning of the firing had been at least five or six minutes, and could have been longer. He was not certain of the order in which he had heard the different types of fire, nor could he remember whether he

had heard more than one burst of Thompson sub-machine gun fire or whether there had been a gap between that fire and the Armalite fire. He could not say for how long the simultaneous firing of different weapons had continued.

¹ [Day 305/3-7](#)

153.85 We concluded that Private INQ 1282 had an insufficiently clear recollection of events to be of any real assistance. Furthermore, for reasons given earlier in this report,¹ we are not persuaded that he was able to distinguish between the sounds of different types of firearms.

¹ [Paragraphs 65.182–202](#)

Lieutenant INQ 1324

153.86 In his written statement to this Inquiry,¹ Lieutenant INQ 1324 of 30 Field Squadron, Royal Engineers said that he heard two bursts of Thompson sub-machine gun fire in quick succession no more than a few minutes after the paratroopers had passed through Barrier 14 and after he had moved back from that barrier. Very shortly after hearing the automatic fire he heard what he told us he thought had been “*just a few*” high velocity shots.

¹ [C1324.3](#)

153.87 In his oral evidence to this Inquiry,¹ Lieutenant INQ 1324 said that he thought that he had heard both bursts of Thompson sub-machine gun fire before he heard any SLR fire and when he had moved back to the east end of Sackville Street.

¹ [Day 301/140-147](#); [Day 301/150-155](#)

153.88 Lieutenant INQ 1324 told us that he assumed that the SLR fire he heard was return fire: “*The return fire did not surprise me. It may have alarmed me in some way, but it was not unexpected following the sound of the Thompson.*”¹ This assumption was understandable, but mistaken. No soldier claimed to have returned fire at a Thompson sub-machine gunner.

¹ [C1324.3](#)

153.89 Lieutenant INQ 1324 told us that he did not remember hearing any further high velocity fire, despite the amount of shooting by soldiers in the Bogside soon after they went in.¹ The soldiers who went into the Bogside fired over a hundred rounds within the space of a few minutes. On no view could this firing be described as “*just a few*” high velocity shots. To our minds this casts doubt on the reliability of Lieutenant INQ 1324’s recollection.

Added to this is, as we have noted earlier in this report,² the difficulty or impossibility of identifying from the sound of firing the type of weapon being fired. In these circumstances we are not persuaded that Lieutenant INQ 1324 heard Thompson sub-machine gun fire.

¹ Day 301/154-155

² Paragraphs 65.182–202

Lieutenant Colonel INQ 1383

153.90 In an entry in his personal diary for 31st January 1972,¹ Colonel INQ 1873 (Assistant Provost Marshal, Northern Ireland) wrote that Colonel INQ 1383 had heard Thompson sub-machine gun fire as 1 PARA was deploying. In his oral evidence to this Inquiry,² Colonel INQ 1873 said that so far as he could recall this entry recorded something that Colonel INQ 1383 had told him on the day it was made.

¹ C1873.16.1

² Day 242/44-45

153.91 In his written statement to this Inquiry,¹ Colonel INQ 1383 told us that he went through Barrier 12 on foot following the APCs. He heard a rifle shot. He thought that this was an incoming shot and took cover, probably somewhere in Little James Street. Shortly after he had taken cover he heard what sounded like the firing of Army rifles. He also heard a different kind of firing. At the time he thought that this might have been pistol fire. He now thought that it might have been baton gunfire.

¹ C1383.4-5

153.92 In his oral evidence to this Inquiry,¹ Colonel INQ 1383 said that he thought that the APCs had still been moving when he heard the shot that caused him to take cover. He said that he had no recollection of telling Colonel INQ 1873 about Thompson sub-machine gun fire but he did not doubt that he had done so as recorded by Colonel INQ 1873 in his diary.² His current recollection was of hearing low velocity shots. He had probably described this as Thompson sub-machine gun fire to Colonel INQ 1873 although he now accepted that it could have been baton gun or pistol fire. In our view this is more likely to have been the case.

¹ Day 304/84-85

² Day 304/133-137; Day 304/161-162

Lieutenant INQ 2238

153.93 In his written statement to this Inquiry,¹ Lieutenant INQ 2238 of 1 R ANGLIAN told us that he could not recall what time it had been when he heard a sustained burst of low velocity firing that he took to be Thompson sub-machine gun fire, but that it had occurred moments before he heard what sounded like an exchange of high velocity fire that lasted for several minutes.

¹ [C2238.2-3](#)

153.94 In his oral evidence to this Inquiry,¹ Lieutenant INQ 2238 said that the burst of low velocity fire occurred some time in the middle of the afternoon and was the first firing that he heard on that day. He was certain that it had been automatic fire.

¹ [Day 351/182-189](#); [Day 351/196-197](#)

153.95 Despite this, we concluded that Lieutenant INQ 2238 now had no clear recollection of events.

Rifleman 160

153.96 Rifleman 160 was a member of A Company of 2 RGJ. He made an RMP statement dated 4th February 1972¹ in which he described being at Barrier 14 and said that at about 1600 hours, just before the rioters moved back, he heard a burst of six or seven rounds of Thompson sub-machine gun fire; and that about ten minutes later he heard another burst, also of six or seven rounds.

¹ [B1955](#)

153.97 In his written and oral evidence to this Inquiry,¹ Rifleman 160 told us that he was at Barrier 14, but that he did not hear any machine gun fire; and that he had lied to the RMP when he told them this. In these circumstances we place no reliance on his 1972 account.

¹ [B1956.004-005](#); [Day 350/113-145](#)

Assistant Chief Constable Robert Campbell

153.98 In his written statement for the Widgery Inquiry,¹ Assistant Chief Constable Campbell recorded that he heard two long bursts of automatic fire after a crowd of about 500 people had gathered at Free Derry Corner, after he had heard three explosions that he was told were those of nail bombs, and while demonstrators were throwing missiles from the

rubble barricade. He then heard a single high velocity shot and saw the demonstrators at the barricade take cover, while those at Free Derry Corner were obviously alarmed but did not at that stage break ranks.

¹ [JC4.6-7](#)

153.99 In his oral evidence to the Widgery Inquiry,¹ Assistant Chief Constable Campbell gave a similar account. He said that the single high velocity shot that followed the two bursts of automatic fire was the first shot that he identified as a rifle shot.

¹ [WT3.36-38](#); [WT3.46-47](#)

153.100 We are not persuaded by these accounts that there was automatic gunfire. Assistant Chief Constable Campbell gave no evidence of hearing what was a substantial amount of gunfire when the soldiers came into the Bogside. In our view he misattributed some of this gunfire as automatic fire.

Superintendent Samuel McGonigle

153.101 In his written statement for the Widgery Inquiry,¹ Superintendent McGonigle recorded that he heard two long bursts of automatic fire after a crowd of about 500 people had gathered at Free Derry Corner, after he had heard three explosions that he was told were those of nail bombs, and while demonstrators were in Rossville Street, where they had been throwing missiles. He then heard a single high velocity shot and these demonstrators scattered, but within a short time regrouped.

¹ [JM19.5-6](#)

153.102 In his oral evidence to the Widgery Inquiry,¹ Superintendent McGonigle was not asked about hearing automatic fire.

¹ [WT3.51-53](#)

153.103 In his written statement to this Inquiry,¹ Superintendent McGonigle gave an account similar to that which he had given in his written statement for the Widgery Inquiry.

¹ [JM19.15-17](#)

153.104 In his oral evidence to this Inquiry,¹ Superintendent McGonigle said that he thought that each burst of automatic fire had lasted a minute or a couple of minutes, although he accepted that this would have been a very long time, and that the two bursts had been separated by an interval of perhaps a minute or so. He estimated that two or three minutes had passed between the automatic fire and the single high velocity shot.

¹ [Day 109/20-23](#); [Day 109/44-47](#)

153.105 In our view Superintendent McGonigle made the same mistake as Assistant Chief Constable Campbell in believing that some of the substantial firing by soldiers was automatic fire.

Ciaran Donnelly

153.106 In his written statement for the Widgery Inquiry,¹ Ciaran Donnelly of the *Irish Times* newspaper recorded that he heard a burst of automatic fire, followed by SLR shots, after he had taken a photograph of a body being carried “*down a courtyard opposite the Rossville flats*”, and after a crowd had run “*round the back of the Glenfada flats*” saying that the Army was coming and shooting everyone in sight.

¹ [M22.2](#)

153.107 In his oral evidence to the Widgery Inquiry,¹ Ciaran Donnelly said that he heard the automatic fire at or about the time when he was taking the photograph of the body being carried across the courtyard. It was quite a long burst, perhaps of about ten rounds, and sounded as though it was automatic fire of a fairly heavy calibre.

¹ [WT2.82](#); [WT3.9](#)

153.108 In his written statement to this Inquiry,¹ Ciaran Donnelly told us that he saw a body being carried into Glenfada Park North. As this was happening, he heard voices saying that the soldiers were coming and that someone else had been hit. He then heard the burst of automatic fire.

¹ [M22.21](#)

153.109 In his oral evidence to this Inquiry,¹ Ciaran Donnelly said that he had probably been in the process of taking his photographs of the body being carried through Glenfada Park North when he heard the automatic fire.

¹ [Day 71/41-44](#); [Day 71/51-53](#); [Day 71/80](#); [Day 71/91-92](#)

- 153.110 The body Ciaran Donnelly saw was that of Michael Kelly, as we have described in the course of considering the events of Sectors 3 and 4. In our view what he heard was the sound of soldiers firing. There is no evidence from those soldiers that at this time there was automatic firing.

Robert Hammond

- 153.111 In his written statement for the Widgery Inquiry,¹ Robert Hammond of Independent Television News (ITN) recorded that he saw paratroopers pass through Barrier 14 on foot and turn into Rossville Street. He then heard a large number of single shots, the sound of which was a deeper thud than was made by an SLR. These shots sounded as though they were coming from 150 to 200 yards away or maybe more. Shortly after this he heard several bursts of machine gun fire. He then became aware of SLRs being fired in Rossville Street. He looked round the corner of Rossville Street and saw two or three soldiers firing from “*the garden of Kell’s Walk flats*”. The firing died down and he and his colleague Peter Wilkinson crossed Rossville Street to what appeared to be a burned-out garage on its west side, where they met the other Independent Television News crew. They then continued to a passage just north of Kells Walk, from where Robert Hammond saw a casualty being carried into a private vehicle in the area north of Columbcille Court. After meeting the American Broadcasting Company camera crew, Robert Hammond and Peter Wilkinson ran across Rossville Street to the north end of Block 1 of the Rossville Flats, where they spent five to ten minutes. Robert Hammond recorded that during this time he saw several single shots being fired from a machine gun mounted on an Army vehicle, apparently in the direction of the area of Glenfada Park and Columbcille Court. He stated that he also saw the legs of a dead man sticking out of the rear of an APC. An ambulance pulled up to the south of the rubble barricade. He thought that two male casualties had been loaded into the ambulance. A priest approached the APC from the barricade, waving a handkerchief, and was filmed speaking to the soldiers. The priest was then interviewed by Gerald Seymour.

¹ M37.1-3

- 153.112 In his oral evidence to the Widgery Inquiry,¹ Robert Hammond gave a similar account of hearing bursts of machine gun fire before he entered Rossville Street. He said that the later firing of single shots from a mounted machine gun occurred while Gerald Seymour was giving a report to camera.² Robert Hammond thought that he had seen shots fired towards Glenfada Park from a Browning machine gun on an Army vehicle. He believed that he had seen puffs of smoke in front of the gun. At first he said that he thought that

two or three shots had been fired. In later answers he referred to “*one or two single shots*”, “*several shots*” and “*A couple of shots*”. He could not say whether he had seen the machine gun recoiling. During the firing, an officer nearby said “*Cease fire*”. Robert Hammond said that before the machine gun appeared to be fired he thought that he had heard some shots, but did not know from where they had come. The soldiers were all looking in the direction of Glenfada Park. The fact that the machine gun was pointing in the same direction was one of the reasons why he thought that it had been fired.

¹ WT2.34

² WT2.36-44

153.113 In his written statement to this Inquiry,¹ Robert Hammond told us that he heard a lot of firing before he entered Rossville Street, but no longer recalled hearing the bursts of machine gun fire. While he was at the north end of Block 1 of the Rossville Flats he occasionally heard noises, which he thought had been the sounds of baton rounds being fired. He thought that his evidence to the Widgery Inquiry about the firing of a Browning machine gun might have been based on a mistaken interpretation of these sounds.

¹ M37.16-18

153.114 In his oral evidence to this Inquiry,¹ Robert Hammond said that although he could no longer remember hearing machine gun fire before he turned into Rossville Street, he was sure that he had heard it; but he later accepted that what he heard might have been the rapid firing of single shots.² Robert Hammond again said that he thought it possible that he had mistaken the sound of baton rounds being fired for the sound of the firing of the machine gun mounted on an Army vehicle,³ but he also said that he could not be sure about this.⁴

¹ Day 154/11-12

³ Day 154/17-19; Day 154/41-42

² Day 154/45-48

⁴ Day 154/37-38

153.115 We are sure that there was no machine gun fire by soldiers on Bloody Sunday. In our view Robert Hammond did mistake what he heard.

David Phillips

153.116 In his written statement for the Widgery Inquiry,¹ David Phillips (a BBC reporter) recorded that he had made notes of the times of events and believed that the margin of error in his timings was no more than two minutes. He stated that Barrier 14 was opened at 4.12pm and that he saw the paratroopers go through. At this time he was standing at the corner of Waterloo Street and William Street and heard a long deep burst of

Thompson sub-machine gun fire, followed immediately by a volley of single rifle shots. He heard General Robert Ford say “*That is awful heavy firing*” and “*We know that they have seventy gunmen in there*”.

¹ [M66.1-3](#)

153.117 In his oral evidence to the Widgery Inquiry,¹ David Phillips gave a similar account. He said that he logged the burst of automatic fire at 4.15pm. He thought that it had consisted of at least 12 to 15 rounds. This was the first firing that he heard, but he accepted that it could have been preceded by other firing that he did not hear.

¹ [WT2.13-15](#); [WT2.18-20](#)

153.118 In his notes,¹ as he confirmed in his oral evidence to this Inquiry,² David Phillips wrote:

“4.12 Paras in Captured flag

Real firing

4.15 About 70 gunmen”

¹ [M66.4.3-4.4](#)

² [Day 139/27](#); [Day 139/88-89](#)

153.119 In his written statement to this Inquiry,¹ David Phillips told us that he heard Thompson sub-machine gun fire, but he added nothing to what he had said in his 1972 evidence about its timing.

¹ [M66.19](#)

153.120 In his oral evidence to this Inquiry,¹ David Phillips said that he heard the automatic fire at a time when the tail end of the company of paratroopers that came down William Street was still passing through Barrier 14. He said that after the first paratroopers had gone through the barrier he heard neither baton gunfire nor rifle fire before he heard the automatic fire.² David Phillips said³ that General Ford was standing next to him when the automatic fire occurred.

¹ [Day 139/14](#); [Day 139/57-61](#); [Day 139/144-148](#)

³ [Day 139/163-165](#)

² [Day 139/157-158](#)

153.121 David Phillips’s account has remained consistent throughout. In his evidence to this Inquiry he insisted that he heard Thompson sub-machine gun fire and that he knew what it was because he had heard similar firing the previous Friday that a soldier had identified to him as being from that weapon.¹ Nevertheless, for the following reasons we are not persuaded that he heard Thompson sub-machine gun fire.

¹ [Day 139/36-150](#)

- 153.122** Firstly, his account was of a long deep burst of Thompson sub-machine gun fire followed immediately by a volley of single rifle shots. This is difficult to reconcile with the evidence of the soldiers and others who were on the Eden Place waste ground and on Rossville Street. Although some soldiers gave accounts of hearing Thompson sub-machine gun fire or low velocity automatic gunfire, none of those actually in the area suggested that what they heard was immediately followed by high velocity fire; and of course a number did not suggest that they heard low velocity gunfire at all.
- 153.123** Secondly, according to his account, David Phillips was close to General Ford, as he recalled the latter commenting on the firing. General Ford himself told the Widgery Inquiry that he recalled saying to his aide-de-camp “*That was awfully heavy firing*” or words to that effect and that his remark was apparently overheard by a BBC reporter. He also told the Widgery Inquiry that the firing that he heard seemed to be rapid single high velocity firing rather than automatic firing:¹

“Q. What sort of firing was it you were referring to – single or other firing?

A. It was single rounds, about 15 to 20, I thought – single rounds fired in fairly rapid succession, but I must stress that there appeared to me to be an echo down that road. I was running round the corner and therefore it was very difficult for me to speak authoritatively of exactly what type of firing it was.

Q. It seemed to be rapid single firing rather than automatic?

A. Yes.”

¹ [WT10.14](#)

- 153.124** General Ford’s evidence was that he heard rapid single high velocity firing rather than automatic firing. In our view he was correct in this. We therefore consider that what David Phillips heard is unlikely to have been automatic firing, either from a Thompson sub-machine gun or from another weapon firing on automatic.

Gerald Seymour

- 153.125** In his written statement for the Widgery Inquiry,¹ Gerald Seymour of ITN recorded that a snatch squad of some 30 to 40 paratroopers passed through Barrier 14, followed by some Army vehicles. Gerald Seymour, Peter Wilkinson and Robert Hammond went through after the vehicles and paused at the corner of William Street and Rossville Street some 30 seconds after the soldiers had moved down Rossville Street. At that moment,

Gerald Seymour realised that live rounds were being fired. He saw a paratrooper “*aiming and firing his SLR*” from the junction of Rossville Street and Eden Place towards Chamberlain Street. There was a period of very intense shooting, during which Gerald Seymour and his colleagues heard automatic fire from a Thompson sub-machine gun. After a few minutes there was a lull in the firing.

¹ [M72.2](#)

153.126 In his oral evidence to the Widgery Inquiry,¹ Gerald Seymour said that the first firing that he heard consisted mostly of single shots, but that he then heard among the single shots what he took to be one burst of automatic fire. His immediate impression was that this had come from a Thompson sub-machine gun. The paratrooper who appeared to fire his rifle was behind the last of a line of Army vehicles in Rossville Street. Gerald Seymour thought that the firing that he heard had lasted for about two or three, or perhaps four, minutes.

¹ [WT2.24-25](#)

153.127 In his written statement to this Inquiry,¹ Gerald Seymour told us that his recollection of events was now very hazy indeed and that he could not assist on any specific matters. He was not called to give oral evidence to this Inquiry.

¹ [M72.11](#)

153.128 We are not persuaded that Gerald Seymour correctly identified some of the firing that he heard as Thompson sub-machine gun firing. In our view it is more likely that he misattributed some of the substantial Army fire that took place.

Peter Wilkinson

153.129 In his written statement for the Widgery Inquiry,¹ Peter Wilkinson of ITN recorded that he and his colleagues Robert Hammond and Gerald Seymour followed the first snatch squad of paratroopers to pass through Barrier 14 at a distance of “*several yards*”. They continued to the corner of William Street and Little James Street, where Peter Wilkinson filmed the paratroopers. Peter Wilkinson stated that at about this time he heard Thompson sub-machine gun fire. From that moment on, there was intense live firing for three to four minutes coming from the direction of the waste ground. He and his colleagues were told by the soldiers to take cover. Then they moved up Rossville Street. Peter Wilkinson filmed a paratrooper “*firing an SLR from the hip*” but he could not see the soldier’s target.

¹ [M82.2](#)

153.130 In his oral evidence to the Widgery Inquiry,¹ Peter Wilkinson said that he heard a machine gun that sounded like a Thompson, but that he was not really able to tell whether the first firing that he heard was automatic fire or single shots. The paratrooper whom he filmed in Rossville Street had been “*firing into the waste ground*” from behind an Army vehicle near the junction with Eden Place, with the butt of his rifle not quite in his shoulder.

¹ [WT2.29-33](#)

153.131 In his written statement to this Inquiry,¹ Peter Wilkinson told us that his current recollection of events was very hazy and that he could not add to the evidence that he had given to the Widgery Inquiry. He was not called to give oral evidence to this Inquiry.

¹ [M82.9-M82.10](#)

153.132 We take the same view of Peter Wilkinson’s evidence as we do of that of Gerald Seymour, and for the same reasons.

Other witnesses

153.133 A number of other witnesses, including for example police officers stationed inside the City Walls, gave statements to the effect that they heard automatic fire. We have considered that evidence, but nothing in it causes us to alter our view on the question of whether there was paramilitary Thompson sub-machine gun or other low velocity automatic fire.

General considerations

153.134 Taking the above accounts at face value, there would have been a great amount of automatic gunfire, starting before soldiers of 1 PARA went into the Bogside and continuing intermittently until after all the events of Sectors 1 to 5. Yet no-one was injured by automatic gunfire,¹ which in our view on its own casts some doubt on the reliability of at least some of the evidence.

¹ Or indeed by paramilitary gunfire of any kind.

153.135 We have no evidence that suggests to us that there was any automatic firing by soldiers on Bloody Sunday. Indeed we are sure that there was not. Witnesses such as Shaun Austin¹ and Hugh Foy,² whose accounts we discuss above, appeared to describe automatic firing by soldiers, but were in our view simply mistaken.

¹ [AA5.1](#)

² [AF29.1](#)

- 153.136** It was suggested to us that some of those who said that they heard automatic gunfire might have mistaken the “slap” of helicopter blades overhead for this.
- 153.137** The Institute of Sound and Vibration Research summary report to the Inquiry specifically addressed the question of whether the sound of a helicopter could be confused with that of a machine gun:¹

“Under conditions where a helicopter or submachine gun is clearly audible above any background noise, their sounds would be sufficiently distinctive that the likelihood of confusion would be small. However, taking into account that the repetition rate of blade slap is similar to the rate of firing of some submachine guns, in our opinion it might be possible under some conditions for an observer on the ground to mistake a brief ‘burst’ of helicopter blade slap for the firing of a submachine gun at a moderate distance.”

¹ [E9.0164](#)

- 153.138** There was helicopter activity over the city on Bloody Sunday. It is possible that some witnesses did mistake helicopter blade “slap” for automatic fire. There was undoubtedly a lot of noise at ground level.
- 153.139** As we have described when considering in detail the events of the sectors, there were many occasions when there was sustained firing from soldiers. As we have already noted, it seems to us that many witnesses were likely to have mistaken the sound of some of this firing for automatic firing. Furthermore, in the case of the soldiers hearing gunfire it must be borne in mind that they would not have expected individual soldiers to fire repeatedly, as for example we are sure Private H did, probably on two separate occasions. As we have observed in the course of considering the events of Sector 5, his repeated firing from the south-east corner of Glenfada Park North led in our view to soldiers on the City Walls mistakenly believing that there was automatic gunfire in Glenfada Park North.
- 153.140** There is another consideration. On any view, soldiers of Support Company, 1 PARA fired over 100 rounds after they had gone into the Bogside, all within a matter of a few minutes. Other soldiers, hearing this amount of gunfire, could understandably and indeed reasonably have thought that there was in progress a large-scale gun battle between soldiers and paramilitaries, in which shots were being fired by both sides; and in this belief have mistakenly attributed at least some of what they heard to paramilitary firing.

- 153.141** Apart from the difficulty of distinguishing between various types of gunfire in a built-up area (to which we refer elsewhere in this report¹), it should also be borne in mind, as Major 159 (the Battery Commander of 53 Battery 22, Lt AD Regt) told us:²

“The position and shape of the Rossville Flats made it very difficult to see exactly where shots were being fired from. Some people say that you can tell the direction of a bullet from the ‘crack’ and ‘thud’ sound, however, I do not agree with this, particularly in the area of the Rossville Flats. The flats were so high that the sound of any gunfire reverberated around the buildings and it would be extremely difficult to say where the shots were coming from.”

¹ [Paragraphs 65.182–202](#)

² [B1953.1](#)

- 153.142** In these circumstances we are not persuaded by the evidence of automatic gunfire to which we have referred above. In our view it is unlikely that there was any such gunfire. In this connection we should record that the Regimental Sergeant Major of 1 PARA, Warrant Officer Class I INQ 2037 (the senior non-commissioned officer of the battalion), who was at an Army barrier when the soldiers went in, and who moved up to the vehicles in the area of the junction between Rossville Street and William Street,¹ told us that he was sure that he had not heard any automatic fire.²

¹ [C2037.2-3; C2037.10](#)

² [Day 321/154-155](#)

Chapter 154: Conclusions on paramilitary activities on Bloody Sunday

154.1 As will have been seen from our detailed examination of the events of the five sectors, there was some paramilitary activity in those sectors. There was other paramilitary activity elsewhere in the city on Bloody Sunday. However, none of those who were killed or injured by Army gunfire in the five sectors was posing a threat of causing death or serious injury;¹ and in our view none of them was shot in error by a soldier who was aiming at anyone posing such a threat. So far as automatic gunfire is concerned, not one of the soldiers whose firing on Bloody Sunday in our view resulted in the deaths and woundings of that day at any stage claimed that he had fired at a target in response to automatic gunfire directed at him or his colleagues. Nor did the representatives of the soldiers suggest that this was the case.

¹ Gerald Donaghey probably had nail bombs in his pocket, but he was not preparing to throw them when he was shot.

154.2 Finally, for the reasons given in the course of considering the events of the five sectors, we have concluded that no-one on Bloody Sunday threw or attempted to throw any nail or petrol bomb or similar device at the soldiers.

Fort George

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Chapter 155: Introduction

155.1 The arrest operation conducted by 1st Battalion, The Parachute Regiment (1 PARA) on Bloody Sunday resulted in 55 arrests. As we have already explained, we use the words “arrest”, “arrested”, “arrestees” and “prisoners” in a non-technical sense, namely that, although some of the formalities of a lawful arrest might not have occurred, the person was detained. Those arrested by soldiers from 1 PARA were taken to Fort George, one of two locations designated for use as “*Prisoner Collecting Points*” (PCPs), the other being at Craigavon Bridge.¹

¹ G95.571

155.2 Some of those arrested alleged that during their transportation to Fort George, on arrival, and while confined there, they were badly treated by soldiers of 1 PARA without any justification. In brief, it is said that some arrestees were beaten while getting into the lorries used to take them to Fort George and abused during the journey there; and that upon arrival, they were struck while being made to run a gauntlet of soldiers and dogs. It is alleged that while they were detained at Fort George, they were obliged to stand for long periods in uncomfortable circumstances, hit, kicked, spat upon and otherwise humiliated.

155.3 In the course of dealing with these allegations, we also consider the allegation that the arresting soldiers from 1 PARA made a charade of identifying the arrestees.

155.4 The planning of the arrest operation and the decision to launch it are issues which are considered in detail elsewhere in this report.¹ In their submissions on the arrests, the representatives of the majority of the families argued that the absence of a “*genuine intention to carry out a major arrest operation in which 300–400 rioters would be detained*” was demonstrated by the Army having given no consideration to “*the logistics of arresting even 50*”.² They went on to say that “*the general conduct of the Paratroopers ... at Fort George is an indication that they had in effect a licence to use gross and excessive force against civilians...*”.³ They relied on the evidence of two arrestees, Fr Terence O’Keeffe and Joseph Lynn, as specific examples of ill-treatment. They further relied on the evidence of Fr O’Keeffe to support both general and specific allegations of abuse directed at other arrestees.⁴

¹ Chapters 9 and 20

² FS1.2701

³ FS1.2702

⁴ FS1.2714-2717

155.5 In reply, the representatives of the majority of the represented soldiers submitted that evidence relating to the aftermath of the arrest operation was “*peripheral to the real issues under investigation*”. They stressed that the arrestees’ evidence ranged from those who saw no abuse to those who gave exaggerated descriptions; and the difficulty of identifying a particular soldier with a specific allegation of mistreatment.¹ While saying that they did not “*seek to deal in detail with each of our clients who had or allegedly had some involvement in the arrest operation and/or its aftermath*”, these representatives acknowledged that:²

“Generally, it may be concluded, if it is of relevance, that some soldiers, most of whom are impossible to identify, acted inappropriately in relation to aspects of the arrest operation and detention, whether in respect of verbal or physical abuse. We do not, and did not, seek to excuse or condone such abuse as may be found to have occurred but do invite consideration to be given to the context in which it occurred.”

¹ FR7.78-79

² FR7.81

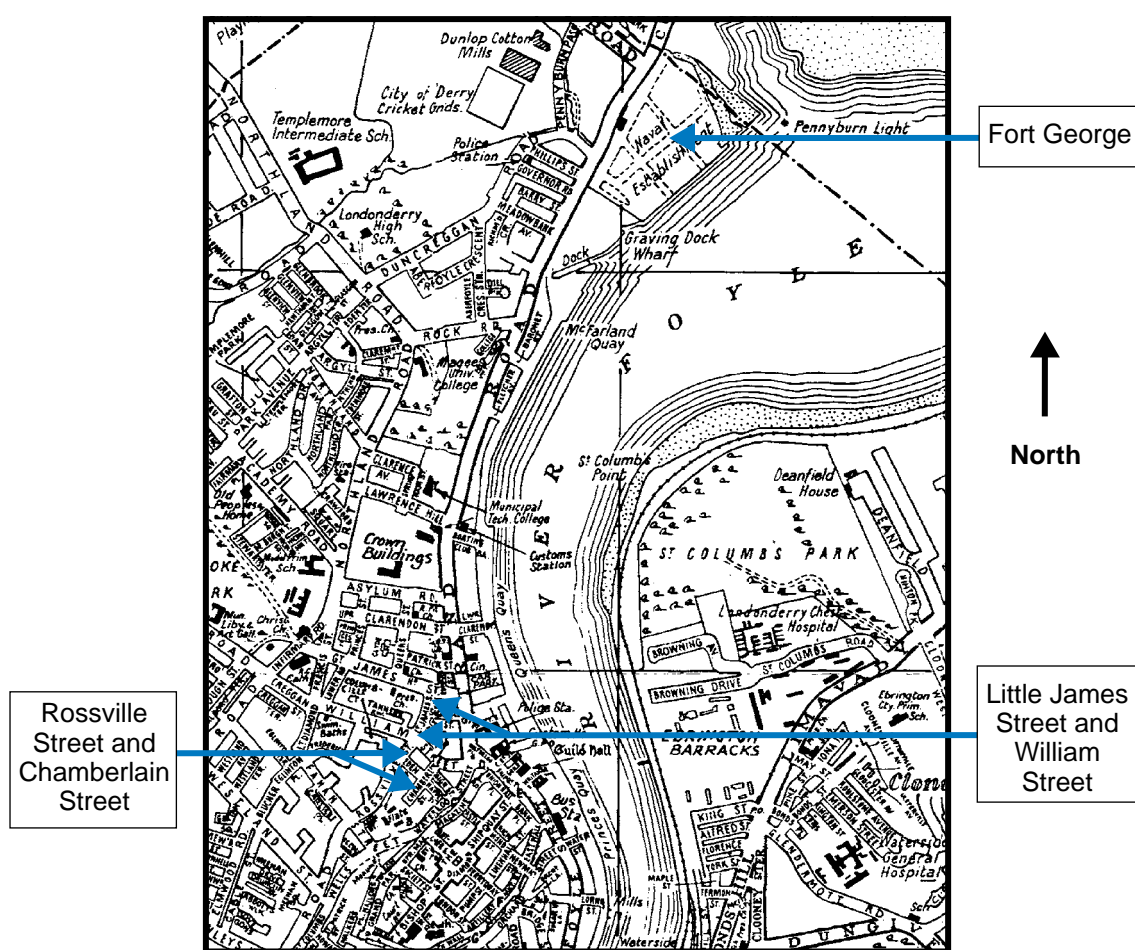
155.6 We do consider the issue of the detention of those arrestees who were taken to Fort George to be relevant to our investigation into the events of Bloody Sunday. We make plain that our primary purpose in considering this matter is to see if what happened en route to and at Fort George can shed any light on the activities of those members of Support Company and C Company of 1 PARA who deployed into the Bogside on that day.

155.7 In assessing the allegations made and the question of whether it is possible to identify the soldiers responsible we have borne in mind a number of factors. These include the circumstances in which arrestees were taken to Fort George and held there; the large number of arrestees taken to that location, which may have caused confusion over how they were to be processed; the arrestees’ natural fear over what was happening; and the fact that many of the soldiers concerned would have been wearing camouflage cream.

Chapter 156: The detention centre at Fort George

156.1 Located to the north of the Bogside on the west bank of the River Foyle, Fort George had formerly been the maintenance area for the Royal Navy dockyard at Pennyburn.¹ We have identified it below on an extract from a street plan of the city where it is described as a “*Naval Establishment*”. As the plan shows, street access to Fort George was from Strand Road.

¹ C1779.4; C18.2; C639.1; C837.1; C951.1; AH91.4; AL7.2; AL13.9; JS9.2; Q6



156.2 The history of Fort George explains why some civilians, and members of the military and Royal Ulster Constabulary (RUC) referred to the “*Strand Road Naval Yard*”,¹ “*the Naval Yard at Strand Road*”,² the “*Naval Dockyard*”,³ “*the dockyard*”,⁴ “*the Naval Barracks*”,⁵ “*the R.N. barracks*”⁶ or the “*Maintenance Base*”⁷ in statements and documents prepared in 1972. It was first used as a base by the Army shortly before Bloody Sunday when it was taken over by 1st Battalion, The Coldstream Guards (1 CG) early into a four-month

tour of duty in Northern Ireland. Fort George became their battalion headquarters.⁸ Headquarters Company of 1 CG, together with a rifle company and Reconnaissance Platoon, were based at Fort George while the remaining three companies of 1 CG were based at other locations.⁹ The 1 CG battalion log shows that 2 Company was the rifle company based at Fort George on 30th January 1972.¹⁰

¹ AM42.2

² JM18.5

³ AB72.1; AL7.2; AM326.22; AN9.9

⁴ AC61.1; AG46.15; AM393.2; AO77.1

⁵ AO1.16

⁶ AM71.1

⁷ C13.8; C13.11; C13.14; AG43.11; JS9.1; JE1.1; W245

⁸ C598.1; C179.1; C454.1

⁹ C167.1; C179.1-2

¹⁰ C598.1; C598.9

156.3

We received written statements from a number of former members of 1 CG serving at Fort George in January 1972. Understandably, they differed in their recollection of its layout. In summary the complex was a collection of Nissen huts, sheds and hangars. Fort George was bounded by a perimeter fence and the only entrance to it was from Strand Road. There was a guardroom to the left of the entrance. The building where the arrestees were taken on Bloody Sunday was to the right of the entrance to Fort George and was variously described as a brick-built shed, warehouse or hangar.¹ That the arrestees were held in a pre-constructed building rather than, as one former member of 1 CG told us, outside in a “*temporary, wire-meshed constructed pen*”² is supported by statements made in 1972 by RUC officers who were on duty at Fort George on Bloody Sunday. They reported that they dealt with arrestees in “*an enclosed building*”.³ Significantly, the use of barbed wire to cordon off other areas around the building where the arrestees were held created a wire corridor or tunnel leading up to the doorway of the building.⁴ Other witnesses including arrestees,⁵ police officers⁶ and members of the Parachute Regiment⁷ had a similar recollection of such a corridor.

¹ C167.3; C214.1; C229.1; C454.1; C522.1; C951.1; C995.2; ⁴ C214.1-2; C1541.3-4
C1003.1; C1147.2

² C491.1

⁵ AO1.25; AO43.4

³ JB7.3; JB10.5; JG7.1; JG8.4

⁶ JB7.2

⁷ C2037.4

156.4

The 8th Infantry Brigade order for 30th January 1972¹ gave responsibility for establishing a PCP at Fort George to 176 Provost Company, the uniformed company of 1st Regiment, The Royal Military Police (RMP) attached to 8th Infantry Brigade and based at Ebrington Barracks. From statements made in May 1972² it is clear that at least eight members of the RMP were on duty at Fort George during the course of Bloody Sunday. These

statements referred to the building in Fort George used to house arrestees on Bloody Sunday as either the “*arrest centre*” or the “*PHC*” (Prisoner Holding Centre). We have described it here as the “detention centre”.

¹ G95.571

² B2172; C13.4; C14.5; C16.5; C17.9; C18.10; C19.4; C20.5

156.5

The RMP arrived at Fort George on Bloody Sunday between 1200 and 1300 hours and organised the detention centre. A “*holding area*” for arrestees was constructed, two sides of which were formed by the walls of the building, the other two being constructed with barbed wire. It appears that there were either two such compounds or, more probably, a large area divided into two sections. In any event it was possible to keep groups of arrestees apart. Metal lockers were used as walls to create a separate area where the RMP could photograph and document arrestees. There were two desks within that area. There was a similar area for the RUC on the other side of the metal lockers from the RMP area. The RMP officers were occupied in documenting or photographing arrestees, though at any one time one or two of them manned a radio vehicle parked outside. Corporal INQ 15, then serving with the Royal Army Veterinary Corps but attached to 2nd Battalion, The Royal Green Jackets, was in charge of a detachment of three dog handlers. According to his 1972 account, two dog handlers were on duty inside the detention centre at any one time. One dog handler was near its main entrance and the other “*in the corner furthest from the prisoners compounds*”. While in the holding area the arrestees were guarded by two or three soldiers from 1 CG under the command of a Company Sergeant Major. One soldier was positioned on top of a “*rostrum*” in the detention centre. Another was positioned at the entrance to the holding area.¹

¹ B2172-2174; C13.4-5; C14.5; C15.5; C16.5; C17.10; C18.10; C19.4; C20.5

156.6

The 1972 evidence of the RMP officers on duty at Fort George is supported by that given to this Inquiry by some of them, and also by other witnesses. For example, Corporal INQ 17, a member of the RMP arrest team, told us that he and his colleagues were in an office created by partitioning a larger room into two using “*big lockers with blankets over them*”. He explained that the blankets were used to provide both privacy and as a backdrop when photographing arrestees.¹ Guardsman INQ 1224, then serving in 1 CG, told us that on Bloody Sunday he guarded the arrestees at Fort George and recalled being ordered to climb “*up onto a concrete slab which stuck out over the top*” of the entrance into the building where the arrestees were being held.² This must be the structure identified as a “*rostrum*” by one member of the RMP, Sergeant INQ 13, in the account he gave in 1972³ and as a “*small roof*” or “*veranda*” by two arrestees.⁴ Captain INQ 454, the 1 CG Quartermaster, recalled that the “*large shed*” where the arrestees were held was “*divided*

up by steel lockers or some other structures”.⁵ RUC Sergeant Alexander Gray recalled being in a “hangar-type building” and seeing a large enclosure divided into two and constructed with barbed wire.⁶ In a 1972 account the same officer referred to the “*R.U.C. Temporary Office*” at the detention centre.⁷

¹ C17.2

⁵ C454.1-2

² C1224.2

⁶ Day 211/8-14

³ C13.4

⁷ JG8.11

⁴ AD58.13; AG46.5

156.7 The 1972 evidence of the RMP officers also provides an explanation of how arrestees were processed once at Fort George. In brief, the arrestees were placed in the holding area guarded by sentries and dog handlers. When the arresting soldiers arrived at Fort George they took it in turns to go to the holding area and to identify and collect the person they had arrested. They then brought that person to the RMP area where they were photographed together. Each soldier then made a “*Statement of arrest*”.¹

¹ B2173; C13.4; C16.5

156.8 The arrest statement was made on a pro forma headed “ROYAL MILITARY POLICE STATEMENT FORM (MILITARY)”. It recorded the particulars of the arresting soldier and arrestee, the soldier’s location when the arrest was made, the time of the arrest and the reason for it.¹ Similar details were recorded on an “ARREST REPORT FORM”, which included a box for the RUC to record details relating to the charging of a prisoner.²

¹ C13.8

² C13.7

156.9 The arrestee was then escorted by the arresting soldier to the RUC area. On occasion, RUC personnel would collect the arrestee from the RMP area. Once the arrestee had been processed by the RUC, he was returned to the holding area.¹ A party of 12 male RUC officers, commanded by Inspector Richard Gardner, was on duty at Fort George.² In addition one, or perhaps two, female RUC officers were also present.³ In the RUC area, the particulars of the arrestee and soldier were recorded in an “*Arrests Book*”.⁴ Statements were taken from some arrestees,⁵ though others refused to provide a statement to the RUC.⁶

¹ B2173-2174; C13.5; C14.5; C20.6-7

⁴ JG8.11; JG1.10; Day 211/35-36

² JG1.11

⁵ JH14.7; AD58.1; AD 41.6; AD69.16; AO1.25

³ B2173; AO4.1; JG7.4; JG8.11; JL2AA.1

⁶ AC61.1; AD152.3

156.10 While initially there was some confusion between the RMP and the RUC as to where each arrestee would be taken first,¹ we are satisfied that the process at Fort George was that the arrestee would first be documented by the RMP. That conclusion is supported by accounts given by arrestees in 1972.²

¹ C14.5

² H21.25-26; AC61.1; AG43.5

Chapter 157: The arrestees taken to Fort George

157.1 When examining the events of Sector 2,¹ we considered the circumstances in which members of C Company, 1 PARA arrested 19 men sheltering in a house and backyard at 33 Chamberlain Street. These men (“the Chamberlain Street arrestees”) were marched north along Chamberlain Street and then, still guarded by members of C Company, were made to sit facing a wall on its north-east corner to await transportation to Fort George.²

¹ [Chapter 66](#)

² [AN9.21](#); [AH91.7](#); [AC40.3](#); [AC40.8](#); [M15.2](#); [M18.2](#); [Day 351/30-31](#)

157.2 We have also already considered¹ the circumstances in which a majority of those arrested by soldiers from Support Company, 1 PARA came to be detained. Twenty-three people were arrested in or around the area of the southern end of the eastern block of Glenfada Park North by members of Anti-Tank Platoon. In addition, George McDermott and John Gormley were arrested in the area of Columbcille Court. We refer here to these 25 arrestees as “the Glenfada Park arrestees”. They were collected together in Columbcille Court and then escorted north to the perimeter fence on the eastern side of the GPO site near Little James Street (“the GPO perimeter fence”). There they were made to line up facing, and holding on to, the wire of the GPO perimeter fence. They were kept there until they were transferred to Fort George.²

¹ [Chapter 113](#)

² [AD69.16](#); [AD58.1](#); [AO43.4](#); [AL13.9](#); [AM41.33](#); [AM42.2](#)

157.3 Six men were arrested in the Rossville Street area. Three of these, William John Dillon, Charles Canning and James Charles Doherty, were briefly held in or near the Support Company Armoured Personnel Carriers (APCs) parked in Rossville Street and then moved northwards, where they were first made to stand spreadeagled against a wall in the south-west corner of the junction of William Street and Rossville Street. Joseph Lynn was arrested in a derelict building and made to stand against the same wall with the other three men. They were all then moved to the GPO perimeter fence to join the Glenfada Park arrestees.¹ Duncan Clark and William John Doherty were arrested by members of Mortar Platoon and held in an APC parked on the Eden Place waste ground. Both were subsequently transferred to an RMP Land Rover and then to an Army lorry parked in the area of William Street.²

¹ [B1375](#); [AC25.5](#); [B767](#); [AD69.4](#); [AD69.16](#); [Day 300/79-86](#); [AL39.2-4](#); [C25.3](#); [C25.6-8](#); [B1295.023](#); [AD69.12](#)

² [AC61.1](#); [AD113.1](#)

157.4 Where relevant we have already discussed in our treatment of Sector 2 and Sector 4¹ the allegations that these arrestees were subjected to physical and verbal abuse during the course of these arrests and while awaiting transfer to Fort George.

¹ [Paragraphs 66.28–41](#) and [113.66–101](#)

157.5 In addition to the arrests made by Support Company mentioned above, there were a further five arrests in the area of William Street, purportedly made by members of the same unit. Those arrested were Charles Glenn, Joseph McColgan, Michael McCallion, Patrick Martin Norris and John Rodgers. We discuss the circumstances of their arrests below,¹ including our finding that these men were, in fact, detained by members of A Company, 1 PARA.

¹ [Chapter 158](#)

157.6 Taking the arrests made in William Street into account, it follows that soldiers from 1 PARA were responsible for 55 arrests on Bloody Sunday. Fr Denis Bradley and Patrick O'Donnell, who were among those arrested in the area of Glenfada Park, were both released in William Street.¹ Save for these two persons, we are sure that the remaining 53 people detained by 1 PARA were all taken to Fort George.

¹ [H1.43](#); [AO35.7](#); [AC25.3](#)

157.7 We have an annex to an Army sitrep covering the period from 0700 hours on 30th January to 0700 hours on 31st January 1972 (“the Army List”). It lists 55 of those arrested by the security forces on that day and recorded as being “*handed over to RUC*”. The Army List includes the names of seven men who were arrested by two members of 1st Battalion, The Royal Anglian Regiment. As they were not taken to Fort George they play no role in this portion of our report. The remaining 46 names on the Army List are those of civilians arrested by members of 1 PARA.

157.8 The six men arrested in the area of Rossville Street and the five men arrested in the area of William Street appear on the Army List. Of the 19 Chamberlain Street arrestees only 13 were recorded on the Army List. They were Robert Brady, Noel Breslin, William Duddy, James Ferguson, Joseph Hutchman, Charles McCarron, William McCloskey, Maurice McColgan, James McDermott, Henry McGurk, George Nelis, Otto Schlindwein and OIRA 8. The six men whose names do not appear were Matthew Campbell, William Leo Carlin, Kevin Leonard, Thomas Meehan, John Morrison and George O'Neill.

- 157.9** Of the 23 Glenfada Park arrestees who were taken to Fort George, 22 appear on the Army List. They were Eugene Bradley (also known as Thomas Lawrence Bradley), Anthony Coll, John Devine, Christopher James Doherty, John Gormley, George Irwin, James Kelly, Seamus (James) Liddy, Barry Liddy, Eamon McAteer, Fergus McAteer, George McDermott, Patrick McGinley, Denis Patrick McLaughlin, James McNulty, Patrick Joseph Norris, Hugh O'Boyle, Myles O'Hagan, Fr Terence O'Keeffe, George Roberts, Robert Wallace and PIRA 1. Winifred O'Brien, the only female arrestee, is the person who does not appear in the list.
- 157.10** Staff Sergeant 222 was in charge of the RMP arrest team at Fort George. According to his RMP statement dated 2nd May 1972, Winifred O'Brien was handed over to a female RUC officer on arrival at Fort George.¹ That officer was Woman Constable Patricia Lamont.² In accounts she gave in 1972, Winifred O'Brien explained that at Fort George a policewoman was found to search her. The policewoman then took her to a separate area where she was allowed to sit down. She was not charged and was released later than evening.³ Kevin Leonard told the Northern Ireland Civil Rights Association (NICRA) that he was one of seven men taken to Fort George but not charged.⁴ His evidence explains why six of the Chamberlain Street arrestees are not recorded on the Army List.
- ¹ B2172-2173 ³ AO4.1; AO4.4; AO4.7
² JL2AA.1 ⁴ AL7.2
- 157.11** We are satisfied, on the evidence set out below, that the seventh male arrestee referred to by Kevin Leonard was Barry Liddy, a Glenfada Park arrestee.
- 157.12** The concluding paragraph of the RMP statement of Staff Sergeant 222¹ is as follows:
- "When my task was finished about 2330 hrs I left the centre. When we had finished there still remained a small boy who was taken away and a man named 'Liddy'. He apparently worked with the NAAFI in Fort George. He was handed over to the RUC. No arresting soldiers accompanied these persons."
- ¹ B2174
- 157.13** Barry Liddy was employed as a barman in the NAAFI at Fort George.¹ While we have arrest documents relating to his time at the Fort George detention centre, they do not include a statement from an arresting soldier. Barry Liddy was photographed alone and no arresting soldier is identified on the available Arrest Report Form.
- ¹ AL13.9; M89.18

157.14 The “*small boy who was taken away*” referred to by Staff Sergeant 222 must be Myles O’Hagan. Staff Sergeant INQ 14 was one of the RMP personnel at Fort George. In an RMP statement dated 2nd May 1972 he said that some time after 2300 hours, when the arrest procedure had been concluded, he noticed a “*young boy*” who had been arrested but not subsequently identified by a soldier. Staff Sergeant INQ 14 arranged for the boy to be photographed and gave him the photograph. He then drove the young boy to Craigavon Bridge.¹ His colleague Sergeant INQ 13 told the RMP in 1972 that he had been in the car with Staff Sergeant INQ 14 when they gave a lift to a “*very young boy*” who had not been identified by any soldier.² The youngest of the arrestees taken to Fort George, Myles O’Hagan was 13 years old in 1972.³ His evidence to this Inquiry was that he was not charged at Fort George.⁴ The only document obtained by this Inquiry and relating to the processing of Myles O’Hagan at Fort George is the photograph taken of him there. It shows him standing alone. There are no other documents which identify an arresting soldier.

¹ C14.6-7

³ AO43.1

² C13.5

⁴ AO43.6

157.15 The names of Barry Liddy and Myles O’Hagan are the only two recorded on the Army List in manuscript and for whom no arresting soldier is identified. The arrest photographs of these two arrestees (like all the photographs taken at Fort George of an arresting soldier with a particular arrestee), show that the names of the soldier and the arrestee were chalked on boards on a backdrop before a photograph was taken. In the cases of Barry Liddy and Myles O’Hagan the arresting soldiers are identified as Corporal E and Sergeant INQ 1694 respectively. Both soldiers were members of Anti-Tank Platoon. On the evidence considered above, we are satisfied that neither soldier identified these two arrestees as rioters. Their identification as such in the arrest photograph is likely to be a coincidence, the result of them being the arresting soldier for whichever civilian had been photographed before Barry Liddy and Myles O’Hagan.

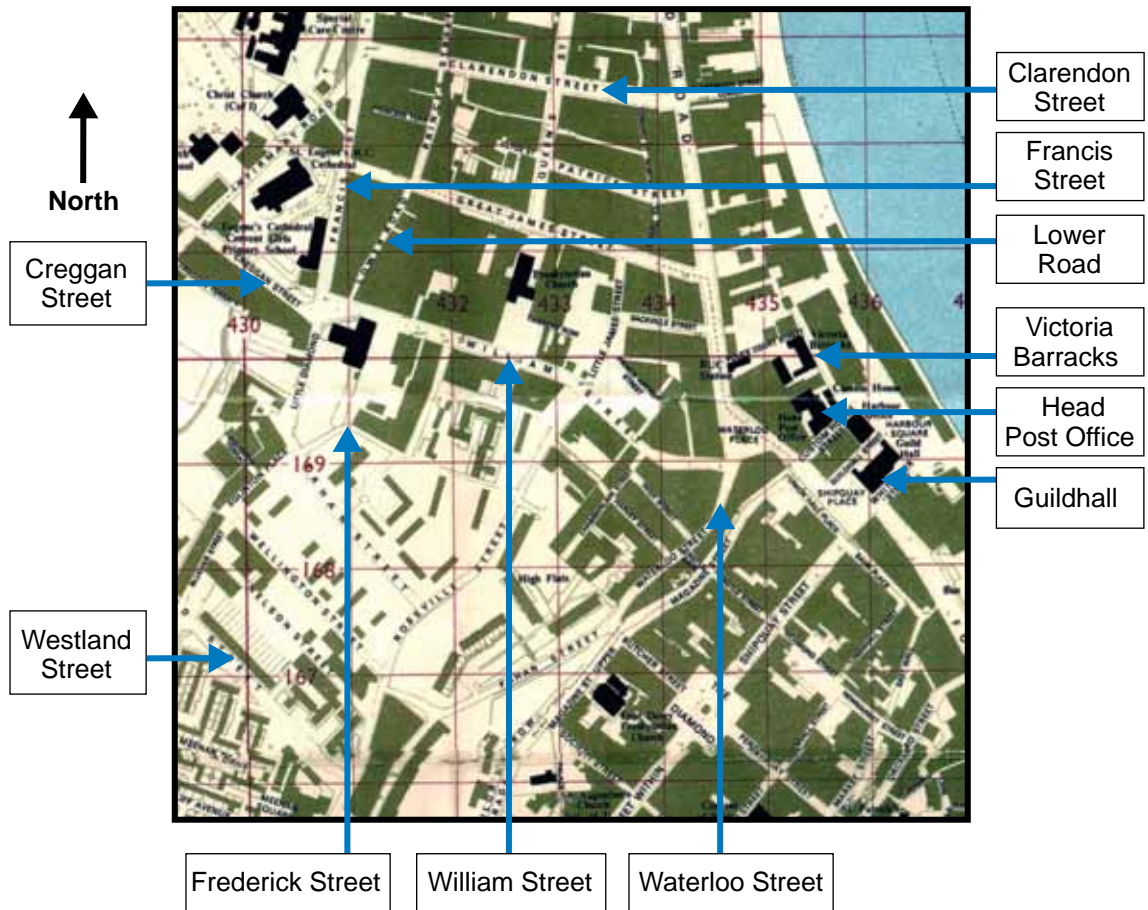
157.16 It follows from the preceding paragraphs that nine of the arrestees taken to Fort George were not charged – the simple reason being that no arresting soldier came forward to identify them as a rioter. As a consequence these civilians were not processed by the RMP and RUC. Of the remaining 44 arrestees, 20 were released pending further inquiries and 24 released on police recognisance to appear at Londonderry Magistrates’ Court on 3rd February 1972, having been charged with riotous behaviour. Following several adjournments, the charges were dropped in August 1972.¹

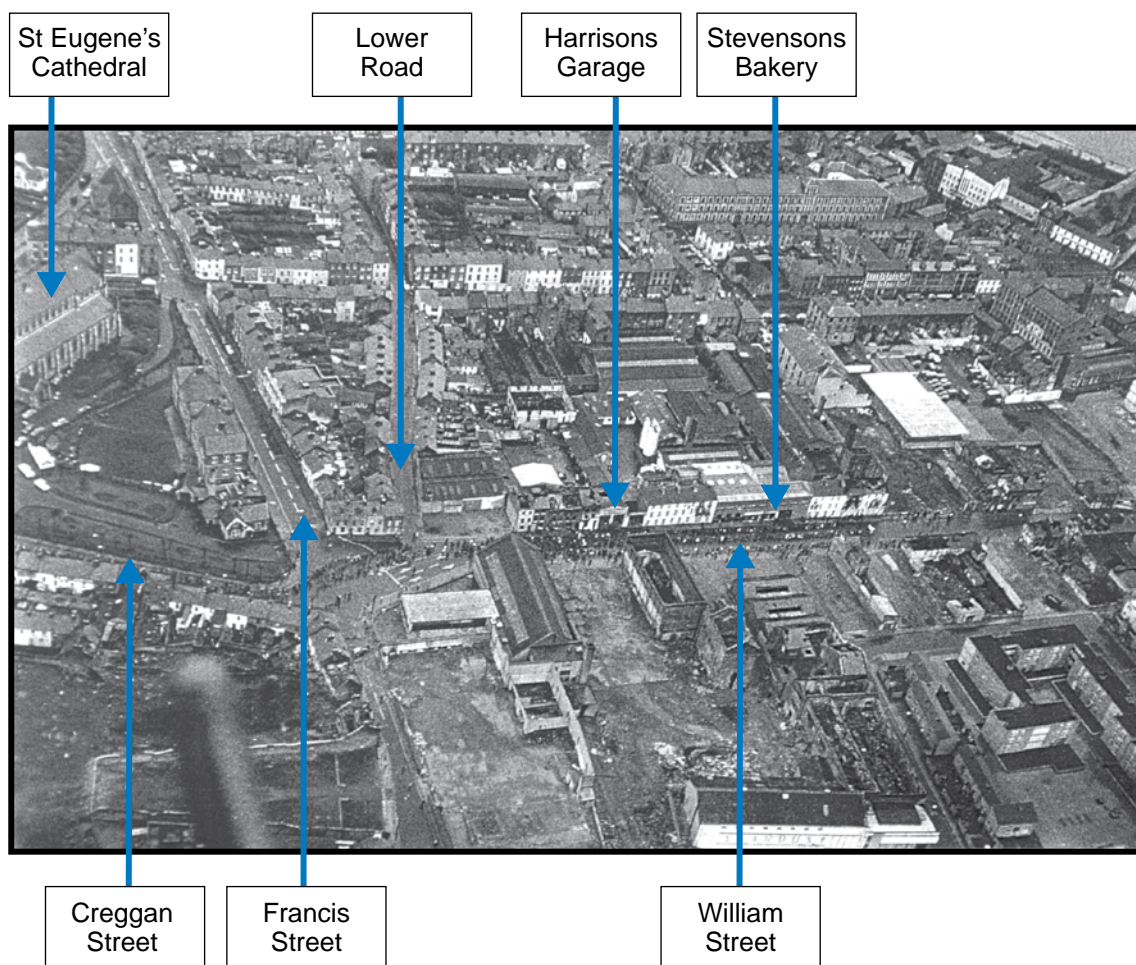
¹ L216

- 157.17 We have earlier referred to the arrests of five men in William Street. Four members of Anti-Tank Platoon claimed, in statements made to the RMP at Fort George on the evening of Bloody Sunday, to have made these arrests. It is convenient at this point to consider the circumstances in which these arrests occurred.

Chapter 158: The William Street arrests

158.1 The men arrested in William Street were Charles Glenn, Joseph McColgan, Patrick Martin Norris, John Rodgers and Michael McCallion. To understand the evidence on this matter it is useful to reproduce a map and photograph on which we have identified William Street and the surrounding area, including a number of buildings.





158.2 Charles Glenn, a uniformed volunteer of the Order of Malta Ambulance Corps, attended Jackie Duddy in the Rossville Flats car park. He was part of the group, led by Fr Daly, who carried Jackie Duddy from the car park and along Chamberlain Street. Turning into Harvey Street, the group continued to Waterloo Street where Jackie Duddy's body was placed on the ground.¹ Jackie Duddy was taken to Altnagelvin Hospital by an ambulance which arrived in Waterloo Street at 1621 hours.² According to both his 1972 accounts and his evidence to this Inquiry, Charles Glenn was then allowed through the Army barrier at Castle Gate (Barrier 16). There he made a complaint to a member of the RUC, Sergeant H Johnston, of having seen Jackie Duddy shot and was told to report the incident to the RUC police station attached to Victoria Barracks.³

¹ AG43.4-5; H5.20; AB9.4; B1946-1947; B1737

³ AG43.5; AG43.10; AG43.24; JJ2.1; W189 serial 438

² ED37.7; D500.26-27

158.3 In two accounts given in 1972,¹ Charles Glenn described making his way towards Victoria Barracks and reaching Guildhall Square where he encountered a "*hostil crowd*". In particular he recalled four youths following him down "*Post Office St*". This caused

Charles Glenn to decide not to continue to Victoria Barracks but to make his way to Francis Street, “*where the Order of Malta Headquarters were for the day*”. Guildhall Square is marked as Shipquay Place on the above map. While there is no Post Office Street on the map, it can be seen that the Head Post Office was situated near to Shipquay Place. Charles Glenn met Joseph McColgan, whom he referred to as Joe McColgan, in the area of Post Office Street. Together with Joseph McColgan, he “*thumbed a lift to the top of Clarendon St*”. As the map shows, the west end of Clarendon Street meets Francis Street. When he gave evidence to us, Charles Glenn recalled making his way towards Guildhall Square and reaching the bottom of Shipquay Street, but said that he had no recollection of how he had then travelled to Francis Street.²

¹ AG43.10; AG43.24

² Day 81/24-26

158.4 Joseph McColgan told us that in 1972 he was employed as a laboratory technician at Du Pont’s Maydown site, some seven miles outside the city. On Bloody Sunday he was working on the 8.00am to 4.00pm shift. On finishing work Joseph McColgan accepted a lift from a colleague as far as the Craigavon Bridge. From there he began to walk to the Bogside. He met Charles Glenn in the Diamond. Together they walked, via a route that included taking either Shipquay Street or Linenhall Street into Waterloo Place. They continued along Strand Road, eventually reaching Francis Street and then William Street.¹ In an RUC statement taken by Constable Kenneth Curran at Fort George on the evening of 30th January 1972, Joseph McColgan said that he reached the city at 4.35pm with a “*message [an errand] to do in Rossville Street*” and that he got “*a lift with a first aid fellow*” to Francis Street where they got out to walk to the Bogside. We accept that Charles Glenn and Joseph McColgan travelled together by car from Guildhall Square to Francis Street.

¹ AM123.8-10

158.5 According to Charles Glenn, on finding no-one at the headquarters in Francis Street, he and Joseph McColgan walked to the junction of Francis and William Streets. There they were stopped by members of 1 PARA. His undated NICRA account¹ records:

“At the corner of Francis St there were paratroopers who called us down. We were roughly searched and generally insulted. When I said I was in the Order of Malta, the one in charge said: ‘Those bastards!’

We were then taken, after they had reported by radio, to an armoured car where we got more rough treatment.”

The statement later records that they were put into a taxi “*with another detained man and we were driven to the junction of Rossville and William St*”. They were then placed in the back of an Army lorry and taken to Fort George.

¹ [AG43.10-11](#)

- 158.6** The second of the two statements¹ made in 1972 by Charles Glenn, gives some further details of his arrest:

“We were called over by the paratroopers we went down to them anyway and they searched us and then we were told to sit against the wall and then to stand against the wall. They asked us what I was I said that I was in the Order of Malta, and they said ‘one of those bastards’, and they phoned down to their headquarters and I heard one of them say ‘weve got one of their fancy medics here[’]. He must have got word to take us as he said the medic as well and I couldnt hear the reply and then he said it would be a pleasure. They took us down then to an armoured car, then there waas a taxi driver and his two passengers, and they had been taken out of their car. The taxi drivers name was [N]orris, we were stood against the armoured car and we were being assaulted almost continuously. An officer came out of the armoured car and told us to get into the taxi, we were put into the taxi and another officer came over from a ferret car and told the driver to drive between the ferret and the landrover and to follow them no funny business ... and they took us down William st across Lower Road and down Gt James st across Little James st and on to the waste ground opposite Con Bradleys Pub...”

This account referred to Charles Glenn being taken to Fort George with “*about 5 other civilians*”.

¹ [AG43.24](#)

- 158.7** In his evidence to this Inquiry, Charles Glenn described being stopped by “*three or four paras*” at the junction of William Street and Francis Street and taken eastwards down William Street. He and Joseph McColgan were put into the rear of a taxi where a woman was already sitting. Charles Glenn thought she was called “*Mrs Breene*”, the owner of a taxi firm. The taxi had a civilian driver. A paratrooper sat in the front seat pointing a gun at those in the rear of the car and “*continually abused*” them. They were driven by a roundabout route and taken out by Con Bradley’s pub at the junction of William Street and Rossville Street.¹

¹ [AG43.6](#); [Day 80/195-197](#); [Day 81/34-39](#)

158.8 When he spoke to Constable Curran in 1972, Joseph McColgan said:

“I got a lift with a first aid fellow to Francis Street. When we got out of the car in Francis Street we walked towards the Bog. The Army stopped us at the junction of William Street/Francis Street and we were held there for questioning, where we were abused and spat on. They put five of us into a taxi and took us to the corner of Rossville Street William St. They took all my personal belongings. We were then put into a lorry and took to the Maintenance Base.”

158.9 During the course of his oral evidence, Joseph McColgan told us that he was sure that he and Charles Glenn had not been arrested at the corner of Francis Street, put in a taxi and driven around.¹ His evidence was that they were arrested by paratroopers on William Street as they passed Stephenson’s bakery (the spelling of the bakery varies in statements) walking towards Rossville Street. They were pushed and shoved and then marched to a piece of waste ground where other arrestees were assembled. After being searched, they were made to kneel on the ground.²

¹ Day 104/32-33

² AM123.9-10; Day 104/8-9

158.10 Patrick Martin Norris was a taxi driver in 1972 and employed by Foyle Taxis. He told us that he was working on 30th January 1972 and was on his way to collect a fare in Glenfada Park when he was stopped by soldiers in an army vehicle near Stevenson’s bakery in William Street. He was made to get out of the car, searched and then arrested. Three other civilians, whom he did not know, were then ordered into the back seat of the taxi and a soldier got into the front passenger seat. Patrick Martin Norris was then ordered to drive the taxi. While he could not recall the exact route he took, he did recall travelling down Great James Street into Little James Street to reach the junction of William Street and Rossville Street. From there he was put into an Army lorry and taken to Fort George with other civilians. According to Patrick Martin Norris, while the car was travelling along Great James Street, it was flagged down by Ida Breen, the wife of his employer. The soldier in the taxi swore at Mrs Breen and told her to go away.¹ At Fort George, Patrick Martin Norris gave a statement to the RUC, which made brief mention of his arrest: “*At about 4 p.m. on 30.1.72 I was arrested by men of the Paratroop Regiment at William Street near Lower Road.*”²

¹ AN28.2-3; Day 150/119-124

² AN28.1

158.11 John Rodgers did not make a statement in 1972.¹ He told us that he attended the march on 30th January 1972. He was walking along Frederick Street when a driver shouted to him for assistance to take people to hospital. As well as the driver there were three others

in the car. On the “spur of the moment” John Rodgers “jumped in”. When the vehicle reached William Street near Francis Street it was stopped by soldiers. The occupants were told to get out and made to stand against an APC. John Rodgers’ evidence was that while standing against the APC he was not beaten and did not “*think that any of the other people with me were beaten at that stage either, but then again I wasn’t allowed to look at what was happening around me*”. They were then “*moved by the soldiers and eventually ended up in Fort George*”.² Although John Rodgers said that he did not think that the vehicle in which he travelled was a taxi, he acknowledged that he might have been wrong about this.³ In fairness to John Rodgers, Patrick Martin Norris told us that his vehicle would not have had any markings or signs which would have identified it as a taxi.⁴

¹ Day 410/18

³ Day 410/11; Day 410/20

² Day 410/3-6; Day 410/14; AR42.1-2

⁴ AN28.2

158.12 The only account from Michael McCallion available to us is that set out in a short NICRA statement.¹ There, Michael McCallion described being on Westland Street at about 5pm when he heard the news that “*people were lying dead about the Flats area*”. The statement continues:

“A taxi man said he would go and try to bring out the bodies and I said I would help. A Saracen stopped us in William St. and soldiers ordered us out of the taxi, put up against the saracen and searched, while we were being searched we were beaten about the body with batons and subjected to verbal abuse also. Then they took us down to the R.N. barracks in the Strand Rd.”

¹ AM71.1

158.13 We accept the evidence of Patrick Martin Norris that he was working as a taxi driver on 30th January 1972. We are satisfied that he did pick up John Rodgers and Michael McCallion with the intention of assisting in the taking of injured people to hospital. While driving east along William Street, the taxi was stopped by members of 1 PARA. This occurred, as Patrick Martin Norris told the RUC in 1972, near the junction of William Street and Lower Road. We are satisfied that Charles Glenn and Joseph McColgan were arrested, as they both said in 1972, together in the area of William Street and Francis Street. This finding puts their arrests as occurring further west than those of Patrick Martin Norris and his two passengers. It may explain Charles Glenn’s account in 1972 of being taken “*down ... to an armoured car*”.¹

¹ AG43.24

158.14 The mention in the same account of a taxi driver named Norris, and two passengers, suggests that all five men were arrested at about the same time (albeit at two different points in William Street) or that Charles Glenn and Joseph McColgan were arrested after the other three men. These arrestees give differing accounts of the number of passengers in the taxi – something which may be a consequence of the passage of time or the circumstances in which the arrests occurred. We find Joseph McColgan's 1972 evidence to the RUC that five arrestees were ordered into the taxi to be reliable. We are further satisfied that when the five men were ordered into the taxi, Patrick Martin Norris was ordered to drive it and, as he and Charles Glenn recalled, a soldier sat in the front passenger seat.

158.15 A feature that links these five witnesses is the reference to a taxi and Mrs Breen. However, Charles Glenn is mistaken in his recollection of seeing Mrs Breen in the taxi. It is likely that Patrick Martin Norris would have remembered if Mrs Breen, whom he named as his employer's wife, was in the taxi. According to the 8th Infantry Brigade log, a telephone call was received at 1724 hours from Mrs Breen. The entry in the log¹ recorded:

"Mrs Breen, Foyle Taxis (88-274) speaking from home, PARA took driver of a maroon Morris Oxford 3719 UI in Gt James St at 1705 hrs, took driver and fare. Wants to know details."

¹ [W51](#) serial 224

158.16 Four minutes later Mrs Breen made a similar call to the RUC.¹ The telephone call from Mrs Breen to 8th Infantry Brigade lends support to Patrick Martin Norris's recollection of having seen her in Great James Street. While it is unlikely that she was able to flag down the taxi, it is possible that she saw it, mistook the four men sitting in the rear seat for customers and on seeing the soldier in the front seat, concluded that the taxi and those in it had been stopped by 1 PARA.

¹ [W162](#)

158.17 We recognise she may have learned these details from others. In any event, her telephone call to the Army prompted an inquiry. There is an entry in the 1 PARA log¹ timed at 1820 hours which records the following exchange between the 1 PARA command vehicle (nicknamed the "Gin Palace" and identified in the log by the symbol +) and A Company.

“Taxi No 3719 VE driver missing do you know anything about it

A. Yes It was reported early to + and we sent it to Little James St for processing. Dvr should now be in for processing. This Taxi Dvr said at A Coys loc that he was going to collect wounded from Rossville St.”

The reference to an earlier report to “+” is to a report to the Gin Palace. There is no such earlier entry in the 1 PARA log unless it is an entry timed at 1635 hours,² which records a message sent from A Company to call sign 9 (Lieutenant Colonel Wilford) and which reads “*Taxi on way to pick up 2 bodies*”. If that is the case then the reference to Colonel Wilford’s call sign may be an error in the 1 PARA log.

¹ W90 serial 46

² W90 serial 37

158.18 Alternatively, the message may have been sent to Colonel Wilford via the Gin Palace. That it appears in the 1 PARA log can only mean that the message reached the Gin Palace, since that was where the log was being created in the course of events. In any event, by the time of that earlier entry (1635 hours), and as considered below, A Company would have moved into William Street. We find these two entries in the 1 PARA log to be significant in three ways. First, they indicate that in 1972 Patrick Martin Norris gave an explanation to the soldiers who stopped his taxi which corresponds to that given by Michael McCallion and John Rodgers in their respective accounts. Second, they support the conclusion that all three men were in the same vehicle. Finally, the entries show that Patrick Martin Norris, Michael McCallion and John Rodgers must have been arrested by members of A Company of 1 PARA.

158.19 There is a difference in the registration number of the taxi as noted in the 8th Infantry Brigade log and the 1 PARA log. This is a transcription error and both entries refer to the same taxi. We are satisfied of this, given an exchange recorded on what has been described as the “IRA bug tape”, a recording which is considered elsewhere in this report.¹ The exchange is between a soldier (probably an officer at 8th Infantry Brigade Headquarters) and Mrs Breen. The soldier tells Mrs Breen that the taxi “*Was driving fairly fast down the road behind an ambulance*” and was stopped. All its occupants including the driver were detained for questioning. The car was left “*locked up*” and “*unharmd*” in Little James Street.²

¹ Chapter 191

² X2.25.14

158.20 We set out below the reasoning for our finding that we cannot rely on the claims made in 1972 by four members of Support Company that they arrested these five men. This raises the question as to which soldiers did, in fact, arrest them. Since we have found that they were

arrested by members of 1 PARA, and given the entries in the 1 PARA log referred to above, we are satisfied that these men were arrested by members of A Company. Major INQ 10, the Officer Commanding A Company, made a statement in 1972 which, under the heading “DIARY OF OPERATIONS”, includes a record of his company’s movements.¹ At 1612 hours Major INQ 10 received orders for his unit to move into Lower Road (where an Army barrier, Barrier 11, was in place, manned by 1 CG) “*and turn East into William Street*”. Between 1612 and 1715 hours, A Company had “*gone firm in the posn William St/Creggan St junction and 100 m East*”. At 1715 hours, as the 1 PARA log confirms,² A Company was ordered to return to its original Forming Up Position (FUP), which it did by 1725 hours. The effect is that the various vehicles of A Company (which included six APCs and a Ferret car³) would have been parked along William Street at the time the five arrestees arrived there.

¹ [B1341-1342](#)

³ [B1853.14](#)

² [W91](#) serial 42

158.21 There is evidence that while in William Street members of A Company stopped and searched civilians. On 30th January 1972 a group of soldiers from 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt), led by Lieutenant 146, was deployed to Harrison’s Garage in William Street. This, as the photograph above shows, was a little way east of the junction of William Street and Francis Street. Three members of this group, including Lieutenant 146, told the RMP in 1972 that between 1600 hours and 1700 hours they saw a number of APCs stop outside their location, and paratroopers debus from those vehicles and stop and search a group of men or youths in William Street. None were arrested. Lieutenant 146 recalled that the paratroopers had put on their red berets before beginning to stop and search people.¹

¹ [B1884](#); [B1748](#); [B1873](#)

158.22 John Duddy and Anthony McCallion both told us that they were in a car which was stopped by soldiers in Creggan Street near its junction with Francis Street. They were pulled out of the vehicle, made to stand spreadeagled against railings near St Eugene’s cathedral (where others were already lined up), and searched. They were eventually released. Anthony McCallion told us that he recognised that the soldiers involved were from the Parachute Regiment from the berets that they were wearing.¹ In a written statement to this Inquiry, Private INQ 630 told us that he and another member of A Company had stopped and searched people near the junction of William Street,

Francis Street and Little Diamond.² Another member of A Company, Lance Corporal INQ 1761, told us that he recalled assisting in the stop and search of civilians after the company had driven in convoy through an Army barrier.³

¹ AD148.8-9; AM65.3-4; Day 179/101

³ C1761.3-4

² C630.3; C630.5

158.23 The evidence of Major INQ 10 is that A Company did not make any arrests.¹ We are satisfied that the soldiers who detained these five men did come from that company. We are unable to identify who these arresting soldiers were. However we accept the evidence of Charles Glenn, Joseph McColgan, Patrick Martin Norris and Michael McCallion that when detained in William Street they were subjected to verbal and physical abuse by these soldiers.

¹ B1343.004

158.24 While the suggestion that these five men were then conveyed to the junction with Rossville Street in a taxi accompanied by a soldier appears bizarre, we are satisfied that this is what happened. The taxi may have been used simply because A Company could not leave it at the western end of William Street or at Barrier 11 when they were ordered to return to their FUP at 1715 hours.

158.25 The four members of Anti-Tank Platoon who took responsibility at Fort George for the arrests in William Street were Lance Corporal F, Private INQ 635, Corporal E and Private INQ 1237.

158.26 In two separate arrest statements given at Fort George, Lance Corporal F identified Michael McCallion and Patrick Martin Norris as rioters who had been “*throwing stones at my patrol*” in William Street. He told the RMP that he arrested both of them at about 1615 hours. When told at this Inquiry that Michael McCallion claimed to have been in a taxi when arrested, Lance Corporal F said that he did “*not remember anything about it at all*”.¹ When told that Patrick Martin Norris also claimed to have been in a taxi on William Street and not throwing stones, Lance Corporal F said that he could not help.²

¹ Day 375/163-164

² Day 375/157

158.27 According to the arrest statement he gave to the RMP at Fort George, Private INQ 635 said that at about 1615 hours, when he arrested him, John Rodgers was “*throwing stones at Security Forces*” in Rossville Street. Shown a copy of a photograph taken at Fort George of him with John Rodgers, Private INQ 635 said he was not able to recognise John Rodgers and had no recollection of seeing him throw stones at the security forces or

of arresting a man in a taxi.¹ Later he said he had “*no recall of the arrest at all*”,² nor any recollection of the circumstances in which he came to sign the statement relating to the arrest.³

¹ Day 352/39-40

³ Day 352/84

² Day 352/42

158.28 Although, as we have accepted, Charles Glenn and Joseph McColgan were together when arrested, Corporal E and Private INQ 1237, the soldiers who claimed to have arrested them, put these two civilians as rioting at different times and at different locations.

158.29 In the arrest statement he made at Fort George, Private INQ 1237 claimed that at about 1600 hours he saw Charles Glenn throw stones at his patrol on William Street and arrested him. Private INQ 1237 told us that he had no recollection of dealing with any arrested civilians. He confirmed that he appeared in an arrest photograph with Charles Glenn but did not recognise him. He then said that he had no memory of arresting anyone and could give no explanation for how he came to appear in the photographs. He had no recollection of being in the area of William Street and specifically in the area of St Eugene's Cathedral. Later Private INQ 1237 denied that he would have fabricated details in order to secure an arrest.¹

¹ Day 366/34-45

158.30 Corporal E is dead and did not give any evidence to this Inquiry. At Fort George he told the RMP that at about 1615 hours he saw Joseph McColgan throw stones at the security forces in Rossville Street. He made no reference to the arrest of Joseph McColgan in the two statements he gave to the RMP on 31st January 1972 or in his statement for the Widgery Inquiry. In a statement given some time later in 1972 he confirmed that he had arrested Joseph McColgan in Rossville Street and that at the time of the arrest Joseph McColgan would have been “*immediately arrested by me*”. We have seen an RUC memorandum dated 20th April 1972 recommending that a charge of riotous behaviour against Joseph McColgan be withdrawn. That records what must have been the result of an RUC interview with Corporal E and notes:

“Corporal E, 1st Battalion of Parachute Regiment made a statement in which he says that he saw the defendant in Rossville Street throw one stone at the soldiers. The Corporal chased this youth and caught him...”

The memorandum also notes that Corporal E made no mention of Joseph McColgan having been in a taxi.

- 158.31** We have concluded that the William Street arrests were made by unidentified members of A Company of 1 PARA. It follows that we do not accept the evidence given by these four soldiers of Anti-Tank Platoon in the arrest statements they made at Fort George. There is no evidence that any of them were at the western end of William Street at any time. If the arrest statements were accurate then the five arrestees would have been detained in either William Street or Rossville Street at about 1600 or 1615 hours.

Chapter 159: The transfer of arrestees from the Bogside to Fort George

159.1 Lieutenant Colonel Wilford held a battalion orders group meeting on Saturday 29th January 1972. This was attended by a number of 1 PARA officers, the Regimental Sergeant Major (RSM) and, so Colonel Wilford thought, the Provost Sergeant of the battalion.¹ The notes of that meeting include a paragraph in respect of arrests:²

“(2) Arrest Procedure.

The arrest team of RMP with RSM and Paddy Wagon and escort will move fwd to a loc in Great James Street. Normal arrest procedure then take prisoners and documentation to Fort George or Craigavon Br (sit).”

¹ [B1110.027](#)

² [G94.563](#)

159.2 The reference to the “*arrest team of RMP*” is likely to be to a group of RMP officers, who were attached to 1 PARA for the operation on 30th January 1972. This group appears to have been made up of RMP officers based in Londonderry and Lisburn. An entry in the 8th Infantry Brigade log records a transmission, timed at 1509 hours, to the RMP to the effect that “*39 Bde Arrest Team may move to join 1 PARA*”.¹ The headquarters of 39th Infantry Brigade was in Lisburn.² The RMP officers from Londonderry were Corporal 126 and Lance Corporal 121. In accounts given in 1972 they identified themselves as being part of an RMP arrest team attached to 1 PARA and given the role of documenting any arrestees.³ It is not clear how many members of the RMP made up the arrest team. Corporal 126 told the Widgery Inquiry that the team travelled in two Land Rovers.⁴ Given that he and Lance Corporal 121 both placed themselves as being in the same Land Rover and that the latter told us that he thought they were the only two in the vehicle,⁵ it may be that the team consisted of no more than four RMP officers.

¹ [W43](#) serial 98

⁴ [B1781](#)

² [Day 237/3](#)

⁵ [B1763](#)

³ [B1758](#); [B1761](#); [B1771](#)

159.3 The RMP arrest team was not responsible for transporting arrestees to Fort George. That task fell to the Provost Detachment of 1 PARA, which was the “*escort*” mentioned in the above extract from the notes of Colonel Wilford’s orders group meeting. Described by some witnesses as the “*Regimental Police*”, the Provost Detachment’s duties included dealing with arrestees.¹ The extract above indicates that by 29th January 1972 a decision had been reached that any arrestees detained by 1 PARA would be taken to the area of

Great James Street, but it was not yet certain to which PCP they would then be transferred. The decision to use Fort George must have been made shortly afterwards given that the RSM, Warrant Officer Class I INQ 2037, told us that on arriving in Londonderry he, together with members of the Provost Detachment, undertook a reconnaissance of the route from the city to Fort George.²

¹ C1786.1; C301.1; C1335.1

² C2037.2

159.4 While Warrant Officer Class I INQ 2037 appears to have been in overall charge of the processing of arrestees,¹ the command of the Provost Detachment fell to Sergeant INQ 301, the Provost Sergeant of 1 PARA in January 1972.² He described himself as “RSM INQ 2037’s right hand man”.³

¹ Day 321/192

³ C301.4

² C1335.1; C1916.1

159.5 In a statement taken by Constable E Foster of the RUC on 15th February 1972, Sergeant INQ 301 said that he was in charge of an “*arrest team*” of seven soldiers on 30th January 1972.¹ Subsequently, in an RMP statement signed on 12th June 1972, Sergeant INQ 301 recorded that “*All available Provost Staff under my command formed an arrest team for that day*”. He identified the members of that arrest team as Corporal INQ 1709, Lance Corporal INQ 1335, Corporal INQ 1989 (also known by the cipher UNK 419), Lance Corporal INQ 1786 (also known by the cipher UNK 6), Lance Corporal INQ 429 (identified in the RMP statement of Sergeant INQ 301 with the cipher UNK 777), Lance Corporal INQ 507 and Lance Corporal INQ 1916 (identified in the RMP statement of Sergeant INQ 301 with the cipher UNK 776).²

¹ C301.8

² C301.9

159.6 On the evidence before us, these eight soldiers and Warrant Officer Class I INQ 2037 constituted the full complement of the Provost Detachment on Bloody Sunday. The Inquiry obtained statements from all of these soldiers with the exception of Lance Corporal INQ 1916, Corporal INQ 1709 and Corporal INQ 1989. We have no evidence from Corporal INQ 1709 and Corporal INQ 1989. We do have a statement made in May 1972 to the RMP by Lance Corporal INQ 1916. Of those who made statements to this Inquiry, Warrant Officer Class I INQ 2037 and Sergeant INQ 301 gave oral evidence.

159.7 There are a number of photographs of the Provost Detachment escorting arrestees on Bloody Sunday. Together with evidence from members of the detachment, they show that, on Bloody Sunday, these soldiers wore berets, used camouflage cream and carried a self-loading rifle (SLR) as a personal weapon and a baton.¹ There is no evidence to

suggest that members of the Provost Detachment were wearing helmets with or without face visors on the day. Sergeant INQ 301 said that the Provost Detachment sometimes wore black armbands with the letters “RP” on them in red, or maroon armbands with blue letters, or another form of armband which came down from the epaulettes.² There is evidence that some members of the Provost Detachment were wearing some form of armband marked “RP”.³

¹ C507.2; C507.7; C1335.1; C1786.4-5; C1786.9; C2037.8; C1970.36

² C301.4

³ C1970.36; AG43.6; C17.2

159.8 Sergeant INQ 301 told the RMP that he and the soldiers under his command were all in a four-ton vehicle save for Lance Corporal INQ 1916 who travelled with Warrant Officer Class I INQ 2037 in a quarter-ton vehicle.¹ Warrant Officer Class I INQ 2037 told us that he had escorted “*the four tonner*” in his Land Rover.² The four-ton vehicle mentioned by Sergeant INQ 301 is the “*Paddy Wagon*” referred to in the extract from the notes of Colonel Wilford’s orders group meeting set out above. According to the written statement of Lance Corporal INQ 1786 to this Inquiry, it was a lorry adapted for the purpose of transporting arrestees, “*with steps up into the back and benches along each side of the inside of the rear*”.³ We have referred to this vehicle as “the Provost Detachment lorry”.

¹ C301.9

³ C1786.5

² C2037.4

159.9 The photograph below, taken by Jeffrey Morris of the *Daily Mail* newspaper, shows some of the Glenfada Park arrestees lined up along the GPO perimeter fence. The soldier wearing a beret is Captain INQ 7, the 1 PARA Intelligence Officer.¹ The helmeted soldiers are not members of the Provost Detachment.² It is possible that they are members of either Composite Platoon of Support Company (Guinness Force) or C Company detailed to guard the arrestees.

¹ B1288-1289; B1295.023; B1295.024

² C301.4; C301.5; C301.7



- 159.10** The woman on the extreme left of the photograph is Winifred O'Brien. Fr Terence O'Keeffe is the man next to her.¹ Both had been arrested in Glenfada Park. By the time this photograph was taken, four of the men arrested in Rossville Street, William John Dillon, Charles Canning, James Charles Doherty and Joseph Lynn had been escorted to and made to stand at the same fence.² From other photographs it is apparent that William John Dillon is the fifth person from the left in the above photograph.

¹ [AD69.5](#); [AD69.10-11](#); [Day 127/130](#)

² [AD69.4](#); [AD69.16](#); [AD69.12](#)

- 159.11** We are satisfied that the first group of arrestees transported to Fort George by the Provost Detachment consisted of 23 of the Glenfada Park arrestees together with William John Dillon, Charles Canning, James Charles Doherty and Joseph Lynn. Fr O'Keeffe's evidence is that all those arrested in the area of Glenfada Park were put in the same lorry before being transported to Fort George.¹ William John Dillon, James Charles Doherty and Joseph Lynn all had a recollection of being in a lorry with a woman detainee.² Winifred O'Brien was the only woman arrested on the day. According to the accounts given in 1972 by Sergeant INQ 301, he received instructions at some time about 1600 hours to go to William Street where "*persons were detained by soldiers*". When his team arrived at the junction of William Street and Little James Street he found a group of 26 men and one woman lined up "*against a wire fence*".³

¹ [H21.23-24](#)

³ [C301.8](#); [C301.10](#)

² [AD46.5](#); [AD69.5](#); [AL39.5](#)

159.12 The arrestees were then run from the wire fence, past Barrier 12 positioned across Little James Street, and to the Provost Detachment lorry parked in Sackville Street.¹

¹ AD58.1; AD69.16; AM42.2; M11.6; M75.2; JM18.5; JK6.1

159.13 The Land Rover carrying the RSM (Warrant Officer Class I INQ 2037) accompanied the Provost Detachment lorry carrying this first group of arrestees to Fort George. Sergeant INQ 301 told the RMP in 1972 that, having left the arrestees at Fort George, the Provost Detachment returned not to William Street but to the 1 PARA tactical headquarters (Tac HQ) at Foyle Technical College. They were there for “*just a few minutes*” before being instructed to proceed to William Street.¹ There they found five male arrestees including a uniformed member of the Knights of Malta Ambulance Corps lined up “*against the wall of a building*”.² They were all put into the rear of the Provost Detachment lorry and taken to Fort George.³ The Knight of Malta Ambulance Corps member in question can only have been Charles Glenn. Accordingly we are satisfied that these five men were those previously detained by members of A Company in William Street.

¹ C301.11

³ C301.11-12

² C301.11

159.14 We have already referred to the evidence of Corporal 126 and Lance Corporal 121, members of an RMP arrest team attached to 1 PARA. In statements they gave in 1972, first to the RMP and then for the Widgery Inquiry, both recalled that the RMP arrest team was “*called forward*” shortly after elements of 1 PARA had moved down Rossville Street. The two Land Rovers of the RMP arrest team then moved south to a position close to the north end of Block 1 of the Rossville Flats. Corporal 126 and Lance Corporal 121 were both present when Duncan Clark and William John Doherty were documented by other members of that RMP arrest team.¹ Corporal 126 told us that this would have included taking a Polaroid photograph of the arrestee.² In our discussion of the events of Sector 2,³ we considered the injuries sustained by Duncan Clark and William John Doherty. There we reproduced a photograph of William John Doherty and set out our conclusion that this photograph was probably taken in the back of an RMP Land Rover parked in the area of Rossville Street. That arrest photograph is the only document relating to the processing of these two men by the RMP arrest team attached to 1 PARA. Both Duncan Clark and William John Doherty were subsequently documented anew at Fort George.

¹ B1778; B1781; B1758; B1761

³ Chapter 43

² B1782.005

159.15 The evidence of Fr O’Keeffe is that the group of arrestees of whom he was one numbered 28 men and one woman. Given our conclusion that those arrested in William Street were transported to Fort George on the second trip made by the Provost Detachment, this suggests, if Fr O’Keeffe is right, that Duncan Clark and William John Doherty were among those who were taken to Fort George on the first trip made by the Provost Detachment. In his RMP statement dated 2nd May 1972, Staff Sergeant 222 recorded that the first group of arrestees to arrive at Fort George included a woman and two men, one with a cut above his head and the other with a cut on the side of his nose.¹ These injuries suggest that these men were Duncan Clark and William John Doherty. However, it is apparent from the statement that Sergeant 222 only saw these two men after a second group of arrestees had arrived at Fort George.

¹ [B2173](#)

159.16 Support for a conclusion that the second trip concerned just the five men arrested in William Street also comes from RMP statements given in 1972 by two members of the Provost Detachment, Lance Corporal INQ 1335 and Lance Corporal INQ 1916, who both refer to dealing with five men, including a uniformed first-aider.¹ These statements, and that from Sergeant INQ 301 to which we have already referred, were taken as part of an investigation into an allegation that property had been stolen from some of the William Street arrestees. This may explain why Lance Corporals INQ 1335 and INQ 1916 made no reference in their statements to another two arrestees being placed in the same vehicle.

¹ [C1335.5](#); [C1916.1-2](#)

159.17 Other arrestees said that 27 prisoners were taken to Fort George on the first trip.¹ We also have the RMP statement made by Sergeant 301 in June 1972, in which he said that, as the five William Street arrestees were being loaded onto the lorry, “*two other males were handed over by the RMP for onward transmission to Fort George*”.² This must be a reference to Duncan Clark and William John Doherty. Their own evidence indicates that they were taken to the lorry in an RMP Land Rover.³ It is likely that it was the same RMP Land Rover in which William John Doherty had been photographed. We are satisfied that Duncan Clark and William John Doherty are more likely to have been taken to Fort George on the second trip made by the Provost Detachment lorry.

¹ [AD41.6](#); [AD58.1](#)

³ [AC61.1](#); [AD113.1](#)

² [C301.12](#)

159.18 We now turn to deal with the question of whether the RMP arrest team attached to 1 PARA accompanied the Provost Detachment on either or both of its two trips to Fort George. We can only identify two members of that team, Corporal 126 and Lance Corporal 121. The 1972 evidence of these two witnesses is that they were present when Duncan Clark and William John Doherty were taken to Fort George. That evidence also indicates that these two men were the only arrestees processed by the RMP team of which Corporal 126 and Lance Corporal 121 were a part.¹ Our finding that Duncan Clark and William John Doherty were likely to have been taken to Fort George on the second trip suggests that the RMP arrest team did not travel to Fort George on the first trip made by the Provost Detachment. Indeed no uniformed RMP officer appears in any of the photographs taken of arrestees being moved from the GPO perimeter fence to the Provost Detachment lorry waiting in Sackville Street.

¹ B1779; B1781; B1758-1759; B1761

159.19 The reference by Corporal 126 and Lance Corporal 121 to being present when two arrestees were taken to Fort George could suggest that the RMP arrest team did accompany the Provost Detachment on its second trip. However, the RMP statements of Sergeant INQ 301, Lance Corporal INQ 1916 and Lance Corporal INQ 1335 concerning that second trip make no reference to RMP officers either being in the lorry or accompanying it to Fort George. Both Lance Corporal 121 and Corporal 126 gave evidence to this Inquiry. Neither could recall dealing with arrestees.¹ Corporal 126 could not recall if he “*went back to Fort George*”.² He did tell us that he and his colleague were tasked to “*accept any prisoners that they [1 PARA] arrested and ... would convey them back to Fort George*”. However, he conceded that they would have been able to handle no more than one or two prisoners.³ Given that in 1972 both these witnesses would have been aware (as is apparent from the accounts they gave at the time) that other RMP officers were available at Fort George to deal with arrestees, it is likely that the RMP arrest team did not accompany the Provost Detachment to Fort George.

¹ B1764.001; B1782.003

³ Day 359/92

² B1782.004

159.20 We now consider the evidence that other members of 1 PARA may have escorted arrestees either from the GPO perimeter fence to the Provost Detachment lorry or to Fort George itself.

159.21 Colour Sergeant INQ 1938 said in his written statement to this Inquiry that he was a member of Composite Platoon, having replaced Colour Sergeant INQ 147.¹ He told us that he was in a lorry holding about 15 prisoners who were driven to a holding area and

handed over to the RUC.² The nominal roll for Support Company³ does not identify Colour Sergeant INQ 1938 as a member of Composite Platoon. It does identify Colour Sergeant INQ 147 as such. We are of the view that Colour Sergeant INQ 1938 was wrong in his recollection and may not have even been in Londonderry on Bloody Sunday.

¹ C1938.1

³ GEN8.6-7

² C1938.2

159.22 Private INQ 132 also identified himself as a member of Composite Platoon but does not appear among those listed in the nominal roll.¹ In his written statement to this Inquiry he said that he had been on the tailboard of a four-ton lorry which had been used to transport 30 or 40 handcuffed prisoners to a police station.² His recollection was that he was part of a reserve snatch squad, which he believed debussed from its vehicle near Craigavon Bridge and made its way on foot to a row of APCs parked in a street. He had no memory of passing through any manned barriers.³ The lack of clarity in this statement leads us to conclude that Private INQ 132 was confused in his recollection and did not travel in a lorry containing arrestees on Bloody Sunday.

¹ C132.1; GEN 8.6-7

³ C132.1-2

² C132.3

159.23 In his written statement to this Inquiry,¹ Lance Corporal INQ 1940, a member of Anti-Tank Platoon on the day, could only tell us that he was in a “*housing estate*”. He said that he escorted a number of prisoners, taking them from the arresting soldier through alleyways to “*our four-ton lorries*” where the prisoners were handed over to the military police. He made no mention of the Provost Detachment being present. The route from the GPO perimeter fence to the Provost Detachment lorry, parked in Sackville Street, was across open ground and not through alleyways. We have found above that the RMP arrest team attached to 1 PARA did not accompany the Provost Detachment to Fort George. We have also observed that no military policeman appears in the photographs showing arrestees being escorted from the GPO perimeter fence. While Lance Corporal INQ 1940 may have played a role in escorting those civilians arrested by his platoon northwards to that fence we are satisfied that he was not involved in escorting any civilians from it to the lorry.

¹ C1940.2

159.24 Lance Corporal INQ 366 was the driver for Colonel Wilford on Bloody Sunday.¹ In his written statement to this Inquiry he said that “*someone asked if they could borrow*” him to escort a prisoner from a wall to a police Land Rover parked nearby. Having put the prisoner in the police Land Rover, Lance Corporal INQ 366 returned to his own vehicle.²

In his oral evidence to this Inquiry he said he had taken the prisoner from the GPO perimeter fence.³ Lance Corporal INQ 366 produced a photograph on which he identified himself holding an arrestee. The photograph shows three paratroopers and an arrestee near what must be the GPO perimeter fence. Lance Corporal INQ 366 correctly identified one of the other two soldiers in the photograph as Lance Corporal INQ 1786. He incorrectly said that Lance Corporal INQ 1786 was acting as Colonel Wilford's bodyguard rather than as a member of the Provost Detachment. He identified the other soldier in the photograph as Corporal INQ 1171, one of Colonel Wilford's two radio operators, though the photograph shows him without a radio set.⁴

¹ C366.1; C2006.26

³ Day 288/21

² C366.4

⁴ C366.4; C366.6

159.25 In his written statement to this Inquiry, Corporal INQ 1171 confirmed that he was the soldier in the same photograph but told us that he was not "*involved in the arresting of civilians on the day*"; nor did he suggest that he had any involvement in escorting arrestees. Corporal INQ 1171 did not identify Lance Corporal INQ 366 as being in the photograph but did identify Lance Corporal INQ 1786.¹ We are satisfied that Lance Corporal INQ 366 correctly identified himself in the photograph. It is likely therefore that he escorted at least one prisoner from the GPO perimeter fence.

¹ C1171.2-4; C1171.6

159.26 The Chamberlain Street arrestees were not transported to Fort George by the Provost Detachment. Instead they were placed in a C Company lorry. According to RMP statements made by Sergeant INQ 2000, Corporal 007 and Private INQ 12 – the three soldiers who claimed to have arrested these 19 civilians – the arrestees were all loaded into a four-ton lorry parked in the area of Chamberlain Street. These three soldiers accompanied the arrestees to Fort George.¹

¹ C2000.3; B1379; B1383; C12.11

159.27 We have only been able to identify one other soldier who was involved in the transport of the Chamberlain Street arrestees. Lance Corporal INQ 945 was a member of Motor Transport Platoon of 1 PARA in 1972. He told us that his normal role was as a driver. However, on Bloody Sunday he was attached to C Company as an infantryman, although he was not a member of a snatch squad.¹ His evidence was that he escorted arrestees to a Bedford truck. When the lorry was full, he and three other soldiers got into its rear, each sitting in a corner. The lorry travelled to a "*holding centre, which I think was at an old naval yard*". The recollection of Lance Corporal INQ 945 was that the Bedford truck made more than one trip to the holding centre.² One difficulty with the evidence of this witness

is the existence of a document produced to this Inquiry by Captain 200, the officer commanding Composite Platoon. It identifies Lance Corporal INQ 945 as a member of Defence Platoon responsible for guarding the Tac HQ of 1 PARA. If that document relates to Bloody Sunday then it means the evidence of this witness as to his role on Bloody Sunday must be wrong. The document was put to Lance Corporal INQ 945 on that basis. He told us that he had never acted as part of Defence Platoon and stood by his recollection that he was involved in dealing with arrestees.³ In fairness to him, Captain 200 could not say if the particular document related to Bloody Sunday.⁴ On balance we are satisfied that Lance Corporal INQ 945 was involved in the transport of the Chamberlain Street arrestees to the extent mentioned.

¹ C945.1-3

³ C945.5; Day 309/160-163

² C945.3

⁴ B2022.015

159.28 Those arrestees taken by the Provost Detachment to Fort George arrived there before the Chamberlain Street arrestees. In 1972 Corporal INQ 17 said that the first vehicle to arrive at Fort George with arrested persons (including a woman) was a four-ton Bedford lorry. It arrived at about 1650 hours.¹ We have already referred to the RMP statement given by Staff Sergeant 222. There he said that at *“About 1650 hrs a vehicle arrived and about 22 arrested persons were brought into the arrest compound ... These persons were not accompanied by the arresting soldiers.”*² Sergeant INQ 20, another member of the RMP arrest team at Fort George, gave 1645 hours as the time when a group of about 20 arrestees arrived, unaccompanied by their arresting soldiers.³ Despite the discrepancy in numbers, we are satisfied that these witnesses must be referring to the arrival of the Provost Detachment lorry containing the 23 Glenfada Park arrestees together with William John Dillon, Joseph Lynn, James Charles Doherty and Charles Canning. The times given by these three members of the RMP correlate with that given by Woman Constable Patricia Lamont in her 1972 statement for when she took charge of Winifred O’Brien (4.45pm).⁴

¹ C17.9

³ C20.5

² B2172

⁴ JL2AA.1

159.29 The absence of the arresting soldiers was noted. Staff Sergeant 222 telephoned *“for the arresting soldiers to come to Fort George”*.¹ At 1704 hours 1 CG (call sign 76) informed 8th Infantry Brigade that *“The first batch of people who were brought back by Bravo call sign to our Papa Charlie Papa did not have the arresting soldiers with them. The Bravo people said that they had been handed by ... to them by another unit.”*² Bravo was the call sign allocated to 1 PARA. The *“Bravo people”* must be the Provost Detachment while the reference to *“another unit”* would be to the soldiers who had actually made the arrests.

¹ B2172

² W139 serial 556

159.30 Staff Sergeant 222 told the RMP that he saw a second lorry appear containing “*about eight civilians all accompanied by arresting soldiers*”.¹ Corporal INQ 17 told them that this second vehicle arrived “*About 10 minutes*” after the first, and that the second group were accompanied by their arresting soldiers.² Again, while there is a discrepancy in numbers we are satisfied that this was the Provost Detachment lorry returning to Fort George with the William Street arrestees together with Duncan Clark and William John Doherty. The evidence of Corporal INQ 17 suggests that this second group of arrestees arrived at Fort George at about 1700 hours. Even given the evidence of Sergeant INQ 301 that little time elapsed between the two trips made by the Provost Detachment, 1700 hours seems too early. We can only say that the second group of arrestees arrived sometime between 1715 hours (when A Company returned to its Forming Up Position) and about 1815 hours, an approximate time (for what must be the arrival of that group at Fort George) we derive from the 1972 evidence given by one RMP officer, Lance Corporal INQ 18.³

¹ B2173

³ C18.10

² C17.9-10

159.31 For the following reasons we are satisfied that Staff Sergeant 222 and Corporal INQ 17 were incorrect in saying that this second group of arrestees were accompanied by their arresting soldiers. Warrant Officer Class I INQ 2037 told us that efforts were made to photograph arrestees with members of the Provost Detachment until it was realised that “*the chain of evidence would have been wrong*” and that the arrestee had to be photographed with the soldier who had made the actual arrest.¹ That evidence is supported by the 1972 accounts of two RMP officers at Fort George which show that efforts were made to process some arrestees before the soldiers who would later identify them as involved in riotous behaviour arrived at Fort George;² and also by the evidence to us of RUC Sergeant Alexander Gray who said that the absence of arresting soldiers meant “*a breakdown in continuity*”.³ It is possible therefore that Staff Sergeant 222’s and Corporal INQ 17’s 1972 accounts resulted from the confusion described by Warrant Officer Class I INQ 2037; or, alternatively, it may have been an assumption on their part that 1 PARA had responded to the calls (including from Staff Sergeant 222) to provide arresting soldiers made after the arrival of the first arrestees at the detention centre.

¹ Day 321/174-175

³ Day 211/28-29

² C13.5; C16.5

159.32 Staff Sergeant 222 said he saw “*a third lorry load*” arrive “*accompanied by arresting soldiers*”.¹ We are satisfied this was the C Company lorry carrying the Chamberlain Street arrestees. Corporal INQ 16, in an RMP statement made on 2nd May 1972, said that the

arrestees in this third group numbered about 20. His statement suggests that they arrived at Fort George shortly after the second group of arrestees delivered by the Provost Detachment.²

¹ B2173

² C16.5

159.33 After the initial attempt at 1704 hours to secure the attendance of the arresting soldiers, further efforts were made. At 1835 hours the RMP reported to 8th Infantry Brigade that Support Company of 1 PARA still had not sent the arresting soldiers¹ and at 1902 hours 1 CG reported to 8 Brigade headquarters that the “*arresting bodies*” had not arrived.²

¹ W53 serial 246

² W54 serial 254

Chapter 160: The treatment of the arrestees escorted to Fort George by the Provost Detachment

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160.1 We deal first with the treatment of those civilians escorted from the Bogside by the Provost Detachment. We have evidence from all 34 arrestees concerned. For 12 of them this only takes the form of accounts given in 1972. The remaining arrestees all made statements to this Inquiry. Of that number, 21 gave oral evidence to us.

Transport to Fort George

The evidence of the arrestees

- 160.2** Fr Terence O’Keeffe was in the first group of arrestees to be taken to Fort George. In a letter written to General Sir Harry Tuzo and dated 20th February 1972,¹ he complained:

“After being placed in line against a wire fence – again with threats, beatings and abuse – I was batoned into an Army lorry in William Street. There were 29 people in the lorry (28 males and one female). One soldier came to the foot of the lorry, loaded a baton round and said: ‘I want you fuckers in half that space’. We were forced to kneel facing the front of the lorry, crushed against one another. Those at the back of the lorry (where I found myself) were struck repeatedly in the back and on the head. The woman present was told to keep quiet by one soldier, waving a baton, in the following terms: ‘If you don’t shut your fucking mouth, you’ll be eating soft food for a fucking month’.”

¹ [H21.27](#)

- 160.3** In his undated statement for the Widgery Inquiry,¹ Fr O’Keeffe recorded that the arrestees were ordered to run towards an Army lorry. They were struck, he thought with rifles, as they climbed into the lorry. He recalled a woman (Winifred O’Brien) calling the soldiers “murderers”. A soldier threatened her, telling her that if she did not shut up “*she would be eating soft food for a month*”. The allegation that a soldier had stood at the foot of the lorry with a loaded baton gun and ordered the arrestees to take up “*half that space*” also appears in this account. The statement continued:

“We were in two lines sitting and two lines squatting and we had to turn and squash up to the front of the lorry on our hands and knees. The soldiers who climbed into the lorry after us when we had squashed up struck those at the back of the crowd of whom I was one. They did this several times during the journey if anyone moved.”

¹ [H21.24](#)

- 160.4** The note of the *Sunday Times* Insight Team’s 1972 interview with Fr O’Keeffe included an additional detail. There he said that three uniformed members of the RUC were standing at the lorry when the arrestees were being “*kicked onto it*”. At this time “*one RUC man kicked the boy immediately behind me, as i was scrambling in*”.¹ According to Fr O’Keeffe, this was the only occasion on Bloody Sunday that he saw a member of the RUC behaving inappropriately.

¹ [H21.41](#)

160.5 The evidence of Fr O’Keeffe to us corresponds with that which he gave to the Widgery Inquiry and that contained in his letter to General Tuzo. He clarified that when describing the arrestees as facing the front of the lorry he meant that they had their backs to its tailgate.¹

¹ H21.49-50; Day 127/142; Day 127/224-225

160.6 There is similar evidence from other arrestees of the manner in which they were conveyed to the lorry and put in it. Denis Patrick McLaughlin, Fergus McAteer and Patrick McGinley all told NICRA that the arrestees were taken one by one from the GPO perimeter fence to the lorry.¹ Neither Seamus (James) Liddy nor his brother Barry Liddy gave any evidence to this Inquiry. Seamus Liddy told Kathleen Keville that the arrestees had been run one by one to a waiting lorry. While being put into the vehicle they were hit with rifle butts; he recalled being struck in the head and kidneys. They were then forced to kneel down.² Barry Liddy described having to run a gauntlet towards the lorry and receiving a blow from a rifle butt as he was being beaten into it.³

¹ AM42.2; AM326.22; AM241.10

³ AL13.9

² AL12.1; AL12.2

160.7 The evidence of Patrick McGinley was that the arrestees were not allowed to climb into the lorry. Rather (as he told us, and in 1972 NICRA), they were thrown physically into the lorry.¹ In his NICRA statement, James Charles Doherty said that the arrestees were dragged by the hair to the lorry.² He told us that arrestees were “*manhandled*” into the lorry.³ John Gormley told NICRA that as he was getting into the lorry he was “*hammered on the back*”,⁴ while John Devine told them that arrestees were beaten into the lorry with batons.⁵ George Roberts, in a Keville interview, said that the arrestees were “*kicked into the lorry*”.⁶

¹ AM241.6; AM241.10

⁴ AG46.15

² AD69.16

⁵ AD41.6; AD41.12; AD41.17

³ Day 103/111-112

⁶ AR13.11; AR13.8

160.8 George McDermott did not give any evidence to this Inquiry. He told Kathleen Keville in 1972 that a policeman had kicked arrestees as they tried to climb into the lorry.¹ In his written statement to this Inquiry, Robert Wallace described seeing a police officer near the parked lorry verbally abusing the arrestees.²

¹ AM183.4

² AW3.3

160.9 Many of these arrestees described being made to kneel, hands on their heads, on the floor of the lorry facing in the direction of the cab. They were ordered to move forward until they were packed tightly together and warned not to look around.¹ Robert Wallace

recalled that the arrestees were initially told to sit on the benches running along the side of the lorry. They were then ordered to kneel down on the floor of the lorry and “*push forwards onto one another's backs so that we were closely packed in*”.²

¹ AD41.17; AD58.1; AD58.4; AD58.9; AD69.5; AD69.16; AG46.15; AO4.1; AO1.7; AM183.4; AM42.2; AM377.4; AM377.14; AM241.6; AM241.10; AM326.22

² AW3.3; AW3.16; Day 154/178-180

- 160.10** The evidence of some arrestees suggests that violence was not used against the civilians being transported to Fort George. Christopher James Doherty told us that he did not recall the soldiers saying anything to the arrestees nor any violence of any kind occurring on the lorry.¹ Hugh O’Boyle told us that he was one of the first to be put into the lorry and ended up kneeling right at the front. A number of paratroopers also got into the lorry. He recalled hearing Winifred O’Brien “*giving them a lot of abuse*”. He said that he was not subjected to any violence in the lorry and was not aware of any violence being used on others.² Hugh O’Boyle did not refer to any violence occurring in the lorry when he spoke to NICRA in 1972. Then he also recalled that the arrestees had been packed into the lorry “*as tight as possible*”.³

¹ Day 182/151-152

³ AO1.16; AO1.24

² AO1.7; Day 132/86-88

- 160.11** The NICRA statement of Eamon McAteer¹ contains no details concerning the journey to Fort George. In his written statement to this Inquiry he told us that the arrestees were made to crouch on the floor of the lorry. Paratroopers at the back of the lorry (by which we take it he means near the tailgate) put their boots on the backs of arrestees and were abusive. He makes no reference to seeing or hearing any violence directed towards any arrestee. While he remembered a woman being in the lorry, he made no mention of her being abusive.²

¹ AM41.33

² AM41.6

- 160.12** Anthony Coll told Kathleen Keville in 1972 that the arrestees were made to kneel in the back of the lorry and hit with batons “*if we done it wrong*”. He was hit on the back of the head and told to shut up.¹ In his written statement to this Inquiry he said that arrestees were made to kneel four or five abreast in lines facing the front of the lorry. “*There was a para with a baton at each end of the line, and if any of us turned round we were hit.*”² Anthony Coll was not called to give oral evidence. After making his written statement he ceased to co-operate with the Inquiry. In his written statement to this Inquiry, Eugene Bradley (also known as Thomas Lawrence Bradley) told us that arrestees were made to

lie on the floor and “*If you looked up, you were hit on the head with a baton*”. He stated that the soldiers in the lorry spoke with both English and Scottish accents.³ Eugene Bradley did not make a statement in 1972.

¹ AC84.20; AC84.1-2

³ AB113.3

² AC84.8

160.13 Fergus McAteer told NICRA that “*All the time the soldiers hurled threats*” at the arrestees as they knelt pressed “*tight*” in the lorry. He could hear the soldiers “*hitting prisoners at the back of the lorry*”.¹ In his written statement to this Inquiry Fergus McAteer told us that he had been in the middle of the lorry. While he was not “*attacked at that stage*”, other arrestees were physically abused by one or two soldiers who had got into the rear of the lorry.²

¹ AM42.2

² AM42.11

160.14 The NICRA statement of James Kelly simply records that the arrestees were subjected to “*verbal and extreme physical abuse*”.¹ James Kelly told us that he was at the front of the lorry alongside Hugh O’Boyle. The arrestees were told to face forward and not look round. He could not, therefore, see what was happening behind him. However, he could hear shouts and noises coming from behind him which sounded “*like reactions from people who were being hit*” by paratroopers who were also in the lorry.² James Kelly disagreed with the proposition, put to him by counsel for the majority of the represented soldiers, relying on the evidence of Hugh O’Boyle, that no violence occurred on the journey to Fort George. He rejected the possibility that what he had heard had been Winifred O’Brien verbally abusing the soldiers in the lorry.³

¹ AK12.1

³ Day 145/67-69

² AK12.6

160.15 We are satisfied that Winifred O’Brien did continually abuse the soldiers who accompanied the arrestees in the lorry. Her actions caused concern to other arrestees. Joseph Lynn told us that he “*kept wishing that she would shut up as I knew that the soldiers would not take it out on a woman, but that they would take it out on the rest of us*”. He believed that there were four soldiers in the lorry; two at the front and two at the back.¹ Christopher James Doherty recalled a woman “*who would not shut up*”. He was concerned that she was “*annoying the soldiers*” in the lorry.² Anthony Coll told us: “*She was mouthing off and did not kneel down in the lorry. Every time she mouthed off we got hit.*”³

¹ AL39.4-5

³ AC84.10

² AD58.13

160.16 Winifred O'Brien is dead and gave no evidence to this Inquiry. She told NICRA that the arrestees were verbally abused on getting into the lorry, "*and told ... to move further up the van*".¹ The note of her interview with the *Sunday Times* Insight Team supports Christopher James Doherty's evidence to us that Winifred O'Brien had shown the soldiers on the lorry that she had blood on her hands and told them "*You have blood of Irishmen on you*".² The note suggest that Winifred O'Brien had shown a Scottish paratrooper her bloodied hands in the course of an abusive exchange, which had begun when she refused to kneel in the lorry and included a threat from the soldier to throw her out of the vehicle.³ She did not tell the *Sunday Times* or NICRA that she had seen any violence directed to the arrestees en route to Fort George.

¹ [AO4.1](#); [AO4.5-6](#)

³ [AO4.4](#)

² [AD58.13](#)

160.17 The blood displayed by Winifred O'Brien appears to have come from James Charles Doherty. In a NICRA statement, James Charles Doherty said that he had a cut hand which, by the time he was on the lorry, was bleeding badly. A woman (and it can only be Winifred O'Brien) in the lorry kept shouting at the soldiers and was threatened by them. She kept "*scotting my blood onto the soldiers*". The statement continues: "*They threatened to throw us out on to the road and shoot us as trying to escape*".¹ The transcript of James Charles Doherty's interview with Kathleen Keville records that a woman on the lorry had called the soldiers "*barbarians*" and "*kept slagging away at them*". It appears from the transcript that she had become involved in an exchange with a particular soldier who told her "*If you don't shut up you will be eating soft foods for the next six months*".²

¹ [AD69.16](#)

² [AD69.20](#)

160.18 James Charles Doherty told us that he was one of the last people to get into the lorry. He was next to Winifred O'Brien, who was on a seat. He recalled that she was flicking his blood at two soldiers in the back of the lorry, telling them "*the blood of the Irish is on you now you bastard*". The soldiers responded by taking it out on James Charles Doherty. A soldier wearing a face visor headbutted him to the back of the head. He also told us that he was punched and kicked regularly.¹

¹ [AD69.4-5](#); [Day 104/93-95](#); [Day 104/111-114](#)

160.19 Patrick McGinley also remembered a woman who was abusive to the soldiers accompanying the arrestees. The soldiers threatened to throw a young man wearing glasses out of the lorry. Patrick McGinley did not know the name of this young man.¹

¹ [AM241.19-20](#); [AM241.10](#); [AM241.6](#); [Day 425/152](#); [Day 425/175](#)

160.20 William John Dillon was 15 years old at the time of Bloody Sunday.¹ A photograph taken of him at Fort George shows that he was wearing glasses on the day. He told Kathleen Keville that as the lorry was travelling along Strand Road a soldier had tried to throw him off: “*The vehicle was speeding at the time, then he just threw me on the ground again.*”² He told us that he was put in the lorry last and was kneeling close to Winifred O'Brien. He recalled there being five soldiers in the lorry. Every time Winifred O'Brien “*slagged*” the soldiers, he, rather than her, would be kicked or hit. He described one soldier as being about 18 years old and wearing a beret (most of the other soldiers were wearing helmets). That soldier struck William John Dillon twice with a baton, causing injury to his right hand. About halfway through the journey, the same soldier told William John Dillon that they were going to throw him out of the lorry. With two helmeted soldiers, he dragged William John Dillon to the tailgate, turned him around to face the road, “*and made like they were about to push me out of the lorry.*”³

¹ AD46.1

³ AD46.5; Day 103/187-189; Day103/206-209

² AD46.16; AD46.14

160.21 We now consider the evidence of those arrestees taken to Fort George on the second trip made by the Provost Detachment.

160.22 Charles Glenn gave two written accounts in 1972. He complained that his status as an Order of Malta Ambulance Corps volunteer “*got me special attention, especially from the RP who behaved most disgracefully of all*”. The reference to RP is to the Regimental Police, who carried “*long thin batons with a curve in them*”. His respirator, cap and web belt were taken from him. The Regimental Police beat arrestees with batons. He himself was hit in the back and had his glasses knocked off. The arrestees were then made to kneel down in the lorry. En route to Fort George, the accompanying paratroopers sang “*the sash*” and told the arrestees they would release anyone who could sing two verses of “*God save the queen*”.¹

¹ AG43.10-11; AG43.24

160.23 Charles Glenn's evidence to us was similar to that he gave in 1972. He repeated his recollection of being searched by the Regimental Police and having items of his kit taken from him, some of which he later recovered. In the lorry the arrestees were made to kneel facing forwards and with their hands on their heads. The accompanying soldiers squatted down near the tailgate and sang “*the 'sash'*”. Charles Glenn said that the civilians in the lorry sat quietly “*due to the intimidation of the soldiers*”. While there was verbal intimidation of the arrestees, Charles Glenn did not recall any actual violence on the lorry itself.¹

¹ AG43.6-7; Day 80/197-198; Day 81/5; Day 81/44-45

160.24 Joseph McColgan did not refer to in any detail to the journey to Fort George in the statement he gave to the RUC at Fort George, although he said that all his personal belongings were taken after he was removed from the taxi at the corner of Rossville Street and William Street and before he was placed in the lorry. He told us that he and Charles Glenn were searched by the paratroopers who detained them. Personal items were taken from him. They, and others, were then put into a lorry. Joseph McColgan said that the paratroopers pushed and shoved the arrestees into the lorry. The arrestees (who he wrongly believed numbered between 20 and 30), were made to kneel and face forwards, and told not to talk or look around. Two paratroopers, armed with rifles, stood at the back of the lorry. One had a pickaxe handle and the other a baton. While Joseph McColgan was not subjected to any violence while in the lorry, a man kneeling in front of him was hit “*for moving*”. Joseph McColgan also said that one or both of these two soldiers were drinking beer on the journey to Fort George.¹

¹ [AM123.10](#); [Day 104/10-11](#); [Day 104/37-39](#)

160.25 Patrick Martin Norris also made a statement to the RUC at Fort George.¹ There, he explained that he had been searched at the junction of Rossville Street and William Street and all his personal belongings taken from him. He made no mention of how he had been transported to Fort George. In his written statement to this Inquiry he told us that he believed that his personal belongings may have been taken from him either when he was first detained or by the soldier who travelled with the arrestees in the taxi. He could not remember getting into the lorry but could “*distinctly remember being inside it*”. He recalled kneeling on the floor with his hands on his head.²

¹ [AN28.1](#)

² [AN28.3](#)

160.26 In his written statement to this Inquiry, John Rodgers told us that he could not recall how he travelled to Fort George.¹ We only have the 1972 accounts of William John Doherty² and Michael McCallion.³ They make no reference in these accounts to the circumstances of the journey to Fort George. Duncan Clark told NICRA that “*a paratrooper*” had struck him on the hand with a rifle butt as he was trying to pull himself into the lorry.⁴

¹ [AR42.2](#)

³ [AM71.1](#)

² [AD113.1](#); [AD113.4](#)

⁴ [AC61.1](#)

The evidence of members of the Provost Detachment of 1 PARA

160.27 No member of the Provost Detachment acknowledged that any arrestees were ill-treated during their loading and transport to Fort George.

160.28 It is likely that Warrant Officer Class I INQ 2037 escorted the first lorry in his Land Rover. That is what he told us in his evidence to this Inquiry,¹ correcting his earlier remark² that he was in the lorry. However, we find that Warrant Officer Class I INQ 2037 was not present when the first group of arrestees was transferred from the GPO perimeter fence to the Provost Detachment's four-ton lorry. According to his evidence, he was in the area of Little James Street when soldiers brought back a group of detainees including a woman and a boy of about 13 years. Warrant Officer Class I INQ 2037 then moved south down Rossville Street. He spoke to Warrant Officer Class II Lewis in the area of Block 1 of the Rossville Flats and then to his nephew, Private 005, a member of Support Company, who was near an APC parked on the waste ground to the east of Rossville Street. He told us that by the time he rejoined the Provost Detachment, "*the four-tonner was loaded*".³

¹ C2037.4; Day 321/197-198

³ C2037.2-4; C2037.10; Day 321/159

² Day 321/192

160.29 Sergeant INQ 301 told us that he thought that he had only made one journey to Fort George.¹ We have already referred to the RMP statements he made in 1972 in which he identified the members of the Provost Detachment on duty in Londonderry on Bloody Sunday. There is nothing in those accounts to suggest that any of these men did not take part in both trips to Fort George undertaken by the Provost Detachment. They confirm that Sergeant INQ 301 accompanied arrestees to Fort George on both occasions and, certainly in the case of the second trip, that he travelled in the rear of the four-ton lorry.² Sergeant INQ 301 told the RMP that he personally searched each male prisoner in the first group of arrestees, giving each a "*very cursory frisk as it was vitally necessary to get them away*".³

¹ C301.3

³ C301.10

² C301.10-11

160.30 The evidence of Sergeant INQ 301 to us also suggests that he was involved in the first trip. He told us that he remembered a group of detainees standing against a chain-link fence. In particular he recalled a woman who "*kept shouting*". He wanted to "*get the detainees out of the area because there was shooting going on*". Apart from "*the comments ... and the noise and trouble the woman was making*", he recalled nothing

about the journey, including whether prisoners were made to kneel.¹ Shown the statement of William John Dillon to this Inquiry, Sergeant INQ 301 said that he could not remember if William John Dillon was kicked or hit every time Winifred O'Brien "*slagged*" the soldiers.² He was then asked:

"Q. Did you not respond in any way, or did any of your soldiers respond in any way to this continual slagging you were getting from Mrs O'Brien?

A. From what – what I try to remember, and I really am not that clear now, I would just tell her to be quiet, shut up."

¹ C301.2; Day 324/19

² Day 324/20-21

160.31 Shown the account to this Inquiry of James Charles Doherty being headbutted by a soldier in a visor in response to Winifred O'Brien's taunts, Sergeant INQ 301 said that he could not remember the incident though he acknowledged that it could have happened.¹ He was then asked:

"Q. Would you have regarded that as rough treatment or brutality?

A. What was he supposed to have done again?

Q. Punched and kicked.

A. That is brutality.

Q. Butted.

A. That is brutality.

Q. You would not have allowed that to happen, would you?

A. If I was in the back of the truck, no way."

¹ Day 324/21-23

160.32 There is no evidence to dispute the account given by Sergeant INQ 301 in 1972 that Lance Corporal INQ 1916 was driving Warrant Officer Class I INQ 2037. We accept the latter's evidence that when he moved south down Rossville Street towards the Rossville Flats, he did so in his Land Rover.¹ It is likely that Lance Corporal INQ 1916 would have driven him. It follows therefore that Lance Corporal INQ 1916 would not have been involved in transferring the first group of arrestees to the lorry. Similarly, Lance Corporal INQ 1916 would have driven Warrant Officer Class I INQ 2037 to Fort George and would not have been in the lorry. We accept the evidence of Warrant Officer Class I INQ 2037

that he escorted only the first lorry-load of arrestees to Fort George.² However, we have a statement to the RMP from Lance Corporal INQ 1916, dated 20th November 1972,³ which confirms that he was involved with the second group of arrestees to be taken to Fort George by the Provost Detachment. On that occasion he would have had to travel in the Provost Detachment lorry.

¹ Day 321/156

³ C1916.1-2

² Day 321/169

160.33 Lance Corporal INQ 1335, who was not called to give oral evidence, told us in his written statement to this Inquiry that he had “*only ... a few flashes of memory about isolated incidents that happened on that day*”. He did have a memory of escorting a male detainee from a wire fence across some open ground to a four-ton vehicle and then getting in with him. He went on to say that there was no ill-treatment of prisoners on the way to the “*holding centre*”.¹ Lance Corporal INQ 1335 does not refer, in his written statement to this Inquiry, to making more than one trip to Fort George. However, we do have his RMP statement dated 20th November 1972, which deals with his involvement in the transport of what must have been the William Street arrestees. Lance Corporal INQ 1335 told the RMP that on that journey he travelled with the driver in the cab of the vehicle. He also identified Sergeant INQ 301, Lance Corporal INQ 429 and Lance Corporal INQ 1916 as dealing with these arrestees.²

¹ C1335.1-2

² C1335.5-6

160.34 In his written statement to this Inquiry, Lance Corporal INQ 507, who identified himself as the soldier shown in a photograph escorting a Glenfada Park arrestee from the wire fence, told us that there was ongoing shooting as prisoners were being taken away one at a time.¹ He recalled being in the back of a lorry with a number of prisoners including a woman. The statement continued:²

“The prisoners just sat there. They had given up and were not interested in making trouble. They were of no interest to us nor us to them. I cannot remember any of them saying anything, never mind giving us any abuse.”

¹ C507.4

² C507.5

160.35 Lance Corporal INQ 507 was not called to give oral evidence. His written account makes no reference to his making a second trip to Fort George.

- 160.36** Lance Corporal INQ 429 could not recall any women among the arrestees. He told us that his instructions, which may have come from Sergeant INQ 301, were to get the arrestees “*off the streets as soon as possible*”, one reason being that there had been reports of shots. His statement continued:¹

“We had to put the detainees into the truck and to do so, we would get hold of the scruff of their necks and frog march them to the trucks, as quickly as possible. In the back of the vehicle, it did not matter whether the detainees were seated, standing or kneeling and I cannot remember what these detainees were doing. I went in the back of the vehicle with two or three other soldiers. We were seated at the back to keep the detainees in there. However, they were not giving us any trouble. None of them was hit or mistreated in any way and none of them had any gunshot wounds or injuries.”

¹ C429.2

- 160.37** Again, Lance Corporal INQ 429’s statement does not make specific mention of more than one trip to Fort George, though as we noted above the 1972 evidence of Lance Corporal INQ 1335 indicates that he was present on the second trip.

- 160.38** Lance Corporal INQ 1786 did not give oral evidence. In his written statement to this Inquiry, he told us that he ran arrestees one at a time from a holding area to a four-ton lorry. He identified himself in photographs of a soldier escorting two different arrestees from the wire fence.¹ We are satisfied that these were two arrestees who would have been taken to Fort George on the first trip made by the Provost Detachment. Lance Corporal INQ 1786 told us “*I did not see or commit any brutality towards the arrestees at any time*”. He described the situation as dangerous and tense with ongoing shooting and a lot of shouting and swearing. He remembered one woman spitting in the face of Lance Corporal INQ 1335 and screaming at him, when told to get into the lorry. However, “*none of the prisoners were kicked or punched or physically abused in any way*”.²

¹ C1786.5

² C1786.6

- 160.39** From the above we conclude that Warrant Officer Class I INQ 2037 accompanied only the first trip by the Provost Detachment, in a Land Rover driven by Lance Corporal INQ 1916. Accordingly, the remaining seven members of the Provost Detachment would have been available to deal with the first group of arrestees – putting them in the lorry and travelling with them in that vehicle to Fort George. Warrant Officer Class I INQ 2037 did not participate in the second trip. Lance Corporal INQ 1916, as he said in 1972, did join the other members of the Provost Detachment in dealing with the second group of arrestees.

The evidence of journalists, police officers and military witnesses from other units

160.40 In their statements for the Widgery Inquiry, a number of journalists gave evidence of seeing what must have been the first group of arrestees to be escorted by the Provost Detachment to Fort George.

160.41 John Cooke, a reporter with the Press Association, told the Widgery Inquiry that he saw arrestees being searched one by one when lined up in Little James Street. He said: *“Occasionally Paratroopers would push someone along, but I would not have described their behaviour as brutal, in the circumstances. After being searched, these people were run away singularly with a Paratrooper at the side of each one.”*¹ When he gave evidence to us John Cooke had little independent recollection of seeing these arrestees but said he stood by the account in his statement for the Widgery Inquiry.² Michael Taylor of the *Londonderry Sentinel* saw the arrestees being brought one by one to a lorry in Sackville Street. He said *“I did not see any of those under arrest being hit but they looked frightened and were roughly herded”*.³

¹ M16.3

³ M75.2

² Day 199/65-66

160.42 According to his statement for the Widgery Inquiry, David Capper, a reporter with BBC Radio in Northern Ireland, followed a group of arrestees from Columbcille Court to the wire fence we have identified as the GPO perimeter fence. He said that the arrestees were *“one by one ... forced to run at top speed to a waiting truck where they were roughly bundled in”*.¹ Brian Cashinella, a reporter with the *Times*, told the Widgery Inquiry that he saw paratroopers lining arrestees up along a wire fence in Little James Street. His statement continues:²

“33. ... They were searched and then one by one escorted away by the paratroops on the run down Sackville Street towards Strand Road.

34. Throughout the search of these people and when they were being escorted away I did not see any ill-treatment of the people by the Paratroops.”

¹ M9.3-4

² M11.6-7

160.43 Frederick Hoare, a photographer with the *Belfast Telegraph*, took a number of the photographs showing arrestees being escorted from the GPO perimeter fence. He made no reference in his statement for the Widgery Inquiry to seeing the ill-treatment of any arrestee.¹ Kenneth Mason, then with the *Daily Telegraph*, was another photographer who

took photographs of the same arrestees. He did not make a statement for the Widgery Inquiry. In his written statement to this Inquiry he recalled seeing “*soldiers lining suspects up along a fence*”. This can only have been the GPO perimeter fence. Kenneth Mason then said: “*I would describe them as treating the suspects aggressively and firmly. I would not say, however, that the soldiers were in anyway mistreating those arrested. I could see from their clothing that these soldiers were paratroopers.*”²

¹ M40.2

² M51.1; M51.6; M51.4

- 160.44** Robert Hammond, a sound recordist with ITN, was the only journalist to refer to the second group of arrestees to be dealt with by the Provost Detachment. In his statement for the Widgery Inquiry,¹ he described seeing a number of people in William Street who were being “*vigorously frisked*”. The statement continues with a reference to someone who can only have been Charles Glenn:

“I noticed that one of them was a Knights of Malta ambulance man and I would say that he was receiving special treatment as he was being tapped under the crotch by a paratrooper with a curly ended truncheon.”

¹ M37.3

- 160.45** Members of the RUC, including some from the Special Branch, were on duty in the area of Little James Street and Sackville Street on Bloody Sunday. From accounts given in 1972, it is clear that some of these police officers observed the first group of arrestees being taken from the GPO perimeter fence to the Provost Detachment lorry in Sackville Street.¹ None of these officers made any reference in these accounts to the manner in which these arrestees were treated.

¹ JC24.2; JC25.2; JF3A.2; JH13.1; JR3.1; JS5.2; JM44.2

- 160.46** We also have evidence from some former members of 22 Lt AD Regt who, on Bloody Sunday, were manning the Army barriers in Little James Street (Barrier 12) and Sackville Street (Barrier 13). They would have been in a position to see the first group of arrestees being transferred from the GPO perimeter fence to the lorry waiting in Sackville Street. While some of the soldiers described the manner in which members of 1 PARA handled arrestees as being, for example, “*rough*”, none suggested that there was any use of unnecessary force.¹

¹ C543.3; C631.3; C836.3; C863.4; C1189.3

Conclusions

- 160.47** As will have been seen, some arrestees allege that they were assaulted while others make no such claim nor claim to have seen or heard abusive treatment, although some of the latter were kneeling and facing forward in the lorry. The soldiers deny any abusive behaviour.
- 160.48** Other soldiers from 1 PARA assisted the Provost Detachment in moving arrestees from the wire fence to a waiting lorry.
- 160.49** As to the first trip, we are satisfied, on the balance of probabilities, that some soldiers, whom we are unable to identify, were unnecessarily rough in their handling of the arrestees as they hurried them along to and into the lorry on the first trip. We make no criticism of the soldiers for running the arrestees singly to the lorry. The circumstances in which these operations occurred (namely the number of prisoners, reports of gunfire and the open ground over which the arrestees had to be escorted) may have contributed to the treatment, which was exacerbated by the arrestees' understandable fear. Fr O'Keeffe's experience of being struck while getting into the lorry is likely to have happened to other prisoners.
- 160.50** Similarly, during the trip, whether in response to Winifred O'Brien's remarks or otherwise, we are satisfied that some civilians, including William John Dillon and James Charles Doherty, were singled out for rough treatment by soldiers whom we are unable to identify. In our view any verbal abuse directed towards the soldiers by Winifred O'Brien did not justify such a response.
- 160.51** As to the second trip, we are not satisfied that the arrestees were subjected to abusive treatment, apart from Duncan Clark being hit by an unknown soldier on the hand while getting into the lorry. Other arrestees in that trip make no mention of ill-treatment in their 1972 statements, while Charles Glenn could not recall any actual violence in the lorry.
- 160.52** We are unable to link any complaint of assault on either trip with an identified soldier.

Treatment on arrival at Fort George

The evidence of the arrestees

160.53 On any view, the evidence of the arrestees as to what they encountered on reaching Fort George presents a disturbing and frightening picture. While the accounts vary to some extent, many arrestees describe being obliged to pass through a gauntlet of soldiers and barking dogs.

160.54 When the Provost Detachment lorry arrived at Fort George for the first time, the arrestees were taken out one by one.¹ Some described being pulled from, or thrown out of, the vehicle. Patrick McGinley said, in his written statement to this Inquiry, that “*They practically dragged us and threw us onto the ground*”.² Barry Liddy told Kathleen Keville that the arrestees were ordered to leave the lorry. As they turned around to do so, they were beaten by two paratroopers.³ Winifred O’Brien told the *Sunday Times* Insight Team that a soldier from the Coldstream Guards “*said to me, polite-like, watch your step getting down lady*”. A paratrooper then said “*effing throw her out and ... he just shoved me down*”.⁴ Fergus McAteer, in his signed NICRA statement, said that as the lorry stopped two soldiers at the back of it “*took us individually and threw us off the back*”.⁵

¹ AD58.1; AG46.5; AG46.12; AL12.3; AL13.1; AO1.16; AM326.22; AN24.15

³ AL13.1; AL13.9

⁴ AO4.4

² AM241.6

⁵ AM42.2

160.55 Both in a NICRA statement and in his written statement to this Inquiry, John Gormley recorded that he was grabbed by the hair and thrown out of the lorry onto the ground.¹ James Charles Doherty said that he was grabbed by his hair and clothing and pulled out of the lorry, falling onto concrete.² This account differs from that in his NICRA statement, in which he said “*We were kicked from the lorry. I fell and was kicked in the stomach to make me get up*”.³ We do however also have the transcript of a Keville interview with James Charles Doherty in which he said that a soldier “*literally threw me out*” of the lorry. He fell on to his knees and was then “*booted*” in the ribs.⁴

¹ AG46.15; AG46.5

³ AD69.16

² AD69.5

⁴ AD69.20; AD69.13

160.56 The evidence of many arrestees is that they were hit as they were leaving the lorry, or immediately afterwards. James McNulty told us: “*The truck was high up and so when we were thrown out you jumped or got pushed and it was a long hard fall to the ground. When I jumped I was hit on the neck with a baton*”.¹ He made no reference to

his treatment at Fort George in his NICRA statement dated 1st February 1972.² George McDermott, in a Keville interview, said that the arrestees were beaten out of the lorry with rifle butts and continued: “as we [were] falling to the ground we were met with a barrage of sticks and ... batons.”³ Christopher James Doherty made two statements in 1972. In a signed NICRA statement he described being hit on the leg as he got out of the lorry and then being hit on the side and the back.⁴ He told Kathleen Keville that the blows came from three individual soldiers.⁵ He gave a similar account to this Inquiry.⁶

¹ AM377.4

⁴ AD58.1

² AM377.10

⁵ AD58.9

³ AM183.4

⁶ AD58.13

160.57 Hugh O’Boyle told us that he was one of the last to leave the lorry and was kicked off it. A soldier was waiting outside at the tailgate of the lorry. The soldier had either a baseball bat or a pickaxe handle held in the “*position where you see the American baseball players*”. From behind, he then gave Hugh O’Boyle a “*severe blow*” to the front of the left knee. Though he was left in pain, Hugh O’Boyle could still move. He did not think his distress over the injury would have been apparent to others at Fort George. However, by the end of the night his leg was swollen and he received treatment first at a first aid post and then at Altnagelvin Hospital.¹ Hugh O’Boyle’s NICRA statement made no mention of his being struck in the manner he described to us. It did record “*I was batoned and kicked out*”,² and later “*When we were batoned coming out of the lorry I received a severe injury to my knee for which I received no medical attention until I reached the first aid post at St Mary’s Intermediate School about seven hours later*”. He later attended Altnagelvin Hospital.³ James Kelly also said that he was one of the last to exit the lorry. As he was jumping to the ground he was “*hit in the stomach, possibly by a rifle butt, just as my feet were about to hit the floor*”. The force made him double over.⁴

¹ AO1.8; Day 132/41-42; Day 132/88

³ AO1.17

² AO1.16

⁴ AK12.6-7

160.58 We have statements from all 27 of the arrestees taken to Fort George in the first trip made by the Provost Detachment lorry. Of these only five do not, either in 1972 or in evidence to this Inquiry, make reference to arrestees being made to run between two lines of soldiers. In many accounts, this was described as a gauntlet.

- 160.59** In his statement for the Widgery Inquiry, Fr O’Keeffe described the gauntlet at Fort George (which he called the “*Strand Road army centre*”) in the following terms:¹

“30. When we arrived at the Strand Road army centre we were ordered not to move until we were told. There was a short delay and then eventually I was kicked in the back by a soldier and told to get out of the lorry. I was kicked from the lorry and had to run between two lines of soldiers with red flashes and red berets who I think were paratroopers. They were armed with rifles, batons and I got the impression some sort of hoses.

31. I put my hands over my head and ran for the door which was at the end of the two lines and as I ran through the two lines I was struck several times on the legs, body and arms.”

¹ [H21.24](#)

- 160.60** In his letter to General Tuzo, Fr O’Keeffe said that the soldiers in the gauntlet were paratroopers and were “*wielding batons, hoses and rifles*”.¹ Fr O’Keeffe described the gauntlet to us as being about ten yards long and made up of two lines of soldiers wearing red berets, carrying batons and pieces of “*what looked like black flexible hose*”. As he ran between the soldiers there was a lot of “*noises, shouting and roaring*”. He was “*particularly struck around the arms and legs at that stage*”.²

¹ [H21.28](#)

² [H21.50](#); [Day 127/130-131](#)

- 160.61** Although the arrestees gave differing accounts of the gauntlet, many described being struck as they ran along it. Seamus Liddy, in the transcript of his interview with Kathleen Keville, described young boys and his brother Barry Liddy being “*bludgeoned and beaten the whole way in*”.¹ Barry Liddy told Kathleen Keville that he was thrown out of the lorry, “*kicked*” and then “*made to get up and run the gauntlet*”.² Eamon McAteer told us that he was hit twice on the head by a soldier with a baton and left bleeding. As he reached the door to the detention centre, an RUC man tripped him up.³ His brother Fergus McAteer told NICRA in 1972 that on being thrown from the lorry, he “*landed between two lines of soldiers and I had to run between them while they struck wildly at me with their batons and boots*”.⁴ He remembered being struck on the kneecap, a detail he repeated in his written statement to this Inquiry.⁵ Fergus McAteer also said that the gauntlet was “*right up next to the back of the lorry*”. He said that he was unsure of his memory of policemen being in the gauntlet. Rather, “*most, if not all, were soldiers*”.⁶

¹ [AL12.2-3](#)

⁴ [AM42.2](#)

² [AL13.2](#); [AL13.15](#)

⁵ [AM42.11](#)

³ [AM41.6](#); [Day 135/23](#)

⁶ [Day 168/74](#)

160.62 In 1972 Anthony Coll said that he fell twice as he ran and each time he was “*kicked and battered over the head*” with batons.¹ While in 1972 he referred only to the presence of soldiers in the gauntlet, he told this Inquiry that police officers were part of it.² John Gormley described the gauntlet to us as “*two lines of soldiers carrying batons, about 50 in total*”. The arrestees were made to run with their hands on their heads. According to John Gormley, “*The soldiers battered the daylights out of people*”.³ In 1972 he stated “*I was made to run twenty yards between two parraell lines of soldiers who kept hitting me*”.⁴ James McNulty told Kathleen Keville that, after being thrown out of the lorry, he was hit with a baton in the stomach. He then “*doubled up*”. He saw soldiers lined up in “*twos’s*”. The soldiers were verbally abusive and “*they just leathered into us*”.⁵

¹ AC84.2; AC84.20

⁴ AG46.12

² AC84.8

⁵ AM377.14

³ AG46.5

160.63 Hugh O’Boyle, to whose evidence we have already referred, told us that he was made to run a gauntlet of between three and six soldiers on each side. As he ran, he was hit and slapped with, he thought, batons. He added “*To be honest, I was not hit very hard...*”.¹ In accounts he gave in 1972 he said that the gauntlet was made up of between seven and ten soldiers.² Robert Wallace told us that the gauntlet involved eight to 12 soldiers. They wore red berets and he was “*100 per cent sure*” that these soldiers were paratroopers. Shown the transcript of his Keville interview, in which he described being hit on the head but made no reference to anything resembling a gauntlet, Robert Wallace said he was almost certain that he did speak of the gauntlet when he gave that account in 1972.³

¹ AO1.8; Day 143/43

³ AW3.3; Day 154/167; Day 154/180-181

² AO1.16-17; AO1.25

160.64 Some arrestees, such as Fr O’Keeffe, Eamon McAteer, Hugh O’Boyle and Robert Wallace, did not recall dogs forming part of the gauntlet. For others that was a vivid recollection. We have already referred to the Keville interview given by Barry Liddy. In a signed manuscript statement he mentioned “*snapping and snarling*” dogs in the gauntlet.¹ In 1972 George McDermott told Kathleen Keville that the arrestees encountered a “*cordon*” of soldiers and police officers. Four soldiers had dogs “*which kept at you*”.² James Kelly said that he was beaten and hit as he ran between two lines of paratroopers. The two paratroopers “*furthest away from me were holding the leads of either one or two German Shepherd dogs*”. James Kelly did not see the dogs bite anyone but was certain

that “*the dogs were being incited and restrained on the leash*”. He agreed with the suggestion put to him by counsel for the majority of the represented soldiers that the dogs were being allowed to come “*frighteningly close to the civilians*”.³

¹ AL13.5; AL13.9

³ AK12.7; Day 145/38; Day 145/69-70

² AM183.4

160.65 Denis Patrick McLaughlin made no reference to dogs in either of the two accounts he gave in 1972.¹ His evidence to us was that the arrestees had to march through a cordon of ten to 12 soldiers, holding four or five Alsatians. The soldiers “*were teasing us with dogs, holding them back on strained leads but only slightly away from us*”.² Joseph Lynn told us that he was pulled backwards out of the lorry by two soldiers. He then ran “*towards an alleyway between two rows of chained wire*”. The alleyway was lined with soldiers from the Parachute Regiment. There were also two or three dogs in the alleyway on long leads. Joseph Lynn was hit as he ran down the alleyway. He, alone of the arrestees, said he “*could tell from the ‘yelps’ that some people had been bitten by the dogs*”. He did not see anyone at Fort George with injuries from a dog bite.³

¹ AM326.22; AM326.24; AM326.39

³ AL39.5; Day 193/26-28

² AM328.6; Day 159/55-56

160.66 There is evidence from some arrestees that suggests that a dog or dogs were positioned not as part of a gauntlet but immediately inside the doorway to the detention centre. In 1972, Patrick McGinley was interviewed by Kathleen Keville. We have both a transcript of that interview and the unsigned NICRA statement produced from it. In the latter, Patrick McGinley described running between two lines of soldiers and then reaching a narrow gate where two soldiers were positioned, one with a baton and one with a dog. He said “*it was all the same ... you missed the dog you got the baton*”.¹ Fergus McAteer made no mention of dogs being part of the gauntlet, either in his statement to NICRA or in his evidence to us. He recalled that there was a door at the far end of the gauntlet which led to a large shed. He said “*we burst through the door because we had to run through the gauntlet, because obviously the longer you were in the gauntlet or in the middle of it, the more blows you received. I shot to the far end and the only way forward then was through the door, and I remember specifically one dog was on my left were barking, but they were on leads and then I was directed towards the far wall*.”²

¹ AM241.10; AM241.20

² AM42.11; Day 168/75

160.67 James Charles Doherty, in his evidence to us, recalled the gauntlet as being 30 yards in length and running it as a “*totally traumatic experience*”. A soldier told him to “*run for the fucking door you bastard*”. He was kicked and punched as he ran. When he reached the

door he saw a soldier “*with a massive Alsatian on a chain*”. The dog leapt at him and was “*pulled sharply back at the last minute*”. James Charles Doherty added: “*It was obvious that the soldier with the dog was doing his best to scare me.*”¹ Myles O’Hagan, who did not make a statement in 1972, told us that there were soldiers with dogs on chains inside the door to the detention centre. These soldiers “*were egging the dogs on to try to attack people and then pulling them back at the last minute*”.²

¹ AD69.5; Day 104/126

² AO43.4

160.68 Joseph McAnthony was the author of an article on the events of Bloody Sunday published in the *Sunday Independent* newspaper on 6th February 1972.¹ In preparing the article he interviewed a number of witnesses, including Barry Liddy.² The article contains one detail relevant to the topic under discussion here. It alleges that the arrestees were beaten with “*yellow coloured hoses*” which “*were packed as part of the paratroops equipment for their task in Derry*”.³

¹ M89.3-4

³ M89.17-18

² M89.1-2

160.69 Aside from Fr O’Keeffe, other arrestees recalled that the soldiers used weapons other than batons and rifles to strike them. James Kelly said that the paratroopers had lengths of “*What looked like hose pipes*” though he conceded that they could have been batons.¹ Patrick McGinley described being hit as he ran through a gauntlet of soldiers wielding “*rubber tube-like sticks*”.² When he gave his account in 1972 he said only that soldiers used batons and rifle butts.³ John Devine told us that the “*two lines of soldiers waiting for us*” had “*batons and bamboo canes*”.⁴ In 1972 he referred only to being hit with batons and rifle butts.⁵ Myles O’Hagan told us that the soldiers who formed the gauntlet lined both sides of a barbed wire tunnel that led to the door of the detention centre. They beat people with brass-tipped sewer rods which were about a yard long.⁶ Joseph Lynn, who did not make a statement in 1972, said he was certain that some of the soldiers in the gauntlet used a “*hydraulic-type hose*” which was “*pale yellowy-orange*” in colour and “*stung*”.⁷

¹ AK12.7; Day 145/69

⁵ AD41.6; AD41.18

² AM241.6; Day 425/152-153

⁶ AO43.4.5; Day 388/107

³ AM241.10; AM241.20

⁷ AL39.5; Day 193/28-30

⁴ AD41.3

160.70 We turn now to the evidence of those arrestees who reached Fort George on the second trip made by the Provost Detachment.

160.71 The evidence Charles Glenn gave to us was similar to that he gave in his 1972 accounts. He recalled being struck by a soldier with a rifle as he came off the lorry. He variously described where the blow fell as his stomach, “*hip bone*” and “*groin area*”. He was then made to run through a gauntlet of soldiers. In 1972 he said that these were paratroopers. He told us he recalled that the soldiers used their rifles on the arrestees. Though in one 1972 account he referred to the soldiers using batons, he told us that he could not remember them having either sticks or batons. While in 1972 Charles Glenn said that he was beaten as he ran the gauntlet, he told us that he could not recall receiving any other blows beyond the first blow from a rifle as he left the lorry. He was certain that he was not hit about the head.¹

¹ [AG43.10](#); [AG43.25](#); [AG43.7](#); [Day 81/45-48](#)

160.72 Joseph McColgan told us that the gauntlet was made up of dozens of soldiers from different regiments armed with sticks, batons and even what appeared to be broom handles. They struck the arrestees as they ran through the gauntlet. He was hit on the back and suffered bruising but did not have medical treatment.¹

¹ [AM123.11](#); [Day 104/11-13](#); [Day 104/39-41](#)

160.73 Patrick Martin Norris, in his evidence to this Inquiry, could only recall a row of soldiers standing to his right when he got out of the lorry at Fort George. As he and other arrestees ran towards a warehouse-type building, the soldiers were “*taunting and prodding us with the sharp end of their guns*”. He suffered a deep cut on a finger – which he conceded could have been accidental.¹ John Rodgers told us that he had had to run through a gauntlet made up of 15 or 20 soldiers armed with batons. He got “*a couple of whacks*”. A man in his 50s running ahead of him was hit on the forehead with a baton.² William John Doherty told NICRA that the arrestees were ordered to run towards a large shed.³ As he did so a soldier tried to trip him up. He told the *Sunday Times* that he suffered no brutality after arriving at Fort George.⁴ Duncan Clark told NICRA that at Fort George “*we were made to run the gauntlet of about 10 paratroopers to the place of detention (a large shed)*”.⁵

¹ [AN28.3](#); [Day 150/123-124](#)

⁴ [AD113.4](#)

² [AR42.2](#); [Day 410/5-7](#)

⁵ [AC61.1](#)

³ [AD113.1](#)

The evidence of members of the Provost Detachment of 1 PARA

160.74 Warrant Officer Class I INQ 2037 told us that after he spoke to a Sergeant Major of the Coldstream Guards, the Provost Detachment began to “*take the detainees off the back of the truck*”. There was a corridor of concertina wire between the lorry and the building into which the arrestees were to be taken. A woman (this must be Winifred O’Brien) and a boy of about 13 years (this must be Myles O’Hagan) were helped off the lorry. The other arrestees were told “*when they hit the ground: start doubling [ie running] down the alleyway that had been formed by barbed wire*”. Warrant Officer Class I INQ 2037 saw no “*heavy handed treatment of detainees*”. He said that a man who said he was a priest had to be restrained by a member of the Provost Detachment when he tried to run away. This soldier was about to hit the man when Warrant Officer Class I INQ 2037 intervened.¹

¹ C2037.4; C2037.6; Day 321/160-1164

160.75 According to Warrant Officer Class I INQ 2037, no arrestee was struck as they got off the lorry, or made to run a gauntlet past soldiers and dogs. He told us that “*there were not enough provosts to form a ‘corridor’ from the vehicles to the building*”.¹ Asked in his oral evidence to this Inquiry if any of his men were stationed along the corridor of wire through which arrestees had to run, Warrant Officer Class I INQ 2037 replied:²

“There was an open area before the start of the corridor; there would be two or three of them there possibly, to prevent anybody going off to the left; bearing in mind, I think, the sum total I had was seven men.”

He alone, of the members of the Provost Detachment who gave evidence to this Inquiry, recalled “*a couple of dogs who were lunging and snarling as we went past*”³ and acknowledged that the dogs were “*too close*”.⁴

¹ C2037.6

³ C2037.4

² Day 321/164

⁴ Day 321/168

160.76 Sergeant INQ 301, the Provost Sergeant, told us that he could not recall Warrant Officer Class I INQ 2037 being present when the Provost Detachment lorry was unloaded at Fort George. He said he had not seen arrestees being made to run a gauntlet of soldiers and being hit as they did so, saying of it “*That is not ill-treatment; that is brutality*”. He added “*If there was brutality it would have come back on my head, and I would not allow that*”. Sergeant INQ 301 said that while the arrestees were not hit as they ran along, they may have been moved along “*briskly*”. He conceded that there may have been “*rough*

treatment", which he defined as "*Just pushing, moving them along, and raising the voice*". He had no recollection of any arrestee trying to escape or of there being soldiers with dogs present.¹

¹ [Day 324/8-10](#)

160.77 Lance Corporal INQ 1786, who helped unload the prisoners at Fort George, told us he saw no brutality "*towards the arrestees at any time*" and that he did not see dogs at Fort George.¹ Lance Corporal INQ 1335 told us that he "*did not see any brutality to any prisoners once I got them to the holding centre*" and that he was unaware of dogs being present.² Lance Corporal INQ 507 recalled that on arrival at Fort George, the Provost Detachment lorry was reversed, "*quite close to the building*" where the arrestees were to be held. He described the building as having a doorway, with a wired-off area. He said that while it was "*quite probable*" that the arrestees were "*pushed along*", they were not hit or ill-treated. He could not recall there being any dogs outside the building.³ Lance Corporal INQ 429 said:⁴

"There were four to six soldiers forming a cordon from the truck to the building, to make sure that no one got away. I remember that two of them did try to make a run for it. As they got off, they tried to go down the side of the vehicle to get away. I would assume that they would have been struck by a baton to get them back in line, but I did not see this."

¹ [C1786.6](#)

³ [C507.5](#)

² [C1335.2](#)

⁴ [C429.2](#)

The evidence of Royal Ulster Constabulary officers and military personnel on duty at Fort George

160.78 A number of RUC officers who were on duty at Fort George on Bloody Sunday told us that they saw arrestees arrive there. None of these witnesses made any reference to the treatment of arrestees in the statements they gave in 1972.

160.79 In his evidence to this Inquiry, Constable Robert Black said he was standing at the opening to a hangar and saw a number of Army lorries arrive. Arrestees were brought along a barbed wire corridor to the building. There were dogs on leads in the area but Constable Black could not recall if they were inside the corridor or outside it. He did not think that the dogs were being used to frighten the arrestees. Constable Black did not see arrestees being made to run a gauntlet or any arrestee struck as they were directed to the building.¹ Constable James O'Neill told us that he saw two lorries containing arrestees

arrive at the same time. The arrestees were “*more or less pushed and thrown off the lorries*”. He said he did not see arrestees being made to run a gauntlet. Rather, once down from the lorry, the arrestees were made to walk in a line with their hands above their heads. The only arrestee he saw assaulted was a small balding man with ginger hair. Very soon after this arrestee got out of the lorry, “*a young para struck him in the groin/privates with the butt of a rifle and he fell to his knees. I had not seen the man provoke the young para at all.*”²

¹ JB7.2; Day 211/172

² JO2.4-5; Day 211/131

160.80 Sergeant Alexander Gray told us that he thought the processing of arrestees at Fort George had been a complete RUC operation. He had no recollection of the RMP being present. He said he saw the first group of arrestees arrive at Fort George. They were all male and about 15 in number. While he heard the accompanying soldiers use raised voices towards these arrestees, they were not assaulted or made to run a gauntlet. The soldiers carried rifles but not batons and were not, so Sergeant Gray believed, from the Parachute Regiment.¹

¹ JG8.6; Day 211/21-25; Day 211/39-43; Day 211/52-53

160.81 Two members of the RMP arrest team working at Fort George were outside in the RMP radio vehicle when the Provost Detachment brought arrestees to Fort George.

160.82 In an RMP statement dated 2nd May 1972, Corporal INQ 17 recorded that he was in the RMP radio vehicle when he saw what must have been the Provost Detachment lorry arriving at Fort George with its first complement of arrestees. He saw the lorry reverse up to the wire fence leading to the door of the detention centre, so blocking his view of the door. From his position, Corporal INQ 17 could not see if any soldiers “*lined the route from the rear of the vehicle to the door*”. He did however see one arrestee, a youth, run around the lorry. The youth was chased and caught by two paratroopers. According to Corporal INQ 17, this arrestee “*was not mistreated but he was handled firmly*”. Corporal INQ 17 saw eight paratroopers leave the detention centre and climb back into the lorry.¹

¹ C17.9

160.83 In his written statement to this Inquiry, Corporal INQ 17 described seeing the arrival of a lorry containing 16 to 20 arrestees including a woman (Winifred O’Brien) and a child who was aged about ten or 11 (Myles O’Hagan). The arrestees were accompanied by paratroopers wearing RP (Regimental Police) armbands. Corporal INQ 17 recalled the arrestees being made to pass through a cordon formed by the soldiers who had brought

them to Fort George. He did not see this as oppressive. He still remembered an arrestee who “*made a break for it*”. Corporal INQ 17 caught this arrestee and handed him back to a paratrooper.¹

¹ C17.2

160.84 In his 1972 account, Corporal INQ 17 recorded that he saw what must have been the Provost Detachment lorry return. This time he could see the “*route from the rear of the vehicle to the door*”. He saw about five paratroopers get off the lorry and “*stand a guard*” on the route between the vehicle and the door to the detention centre. The arrestees were then led into the centre. Corporal INQ 17 stated that he did not see any of these soldiers strike or attempt to strike an arrestee.¹ His colleague, Lance Corporal INQ 18, also saw this second lorry-load of arrestees arrive. Both the statement he gave to the RMP in May 1972² and his written statement to this Inquiry³ indicate that arrestees had already arrived at the detention centre in Fort George by the time he began his duties there. In 1972, Lance Corporal INQ 18 said he was in the RMP radio vehicle when he saw about eight civilian prisoners get out of the lorry. They were accompanied by paratroopers. Lance Corporal INQ 18 stated that he did not see any of these paratroopers strike any of the arrestees.⁴ His evidence to us was that the only rough treatment he saw arrestees receive was when some were “*physically pushed*” out of a lorry by soldiers.⁵ He accepted that this recollection tallied with the account he gave in 1972 of seeing eight prisoners. Lance Corporal INQ 18 told us that he did not see prisoners being made to run a gauntlet. He said that he had a “*vague recollection*” that dog handlers “*made the dogs bark at the people going into the arrest area*”. His impression was that this was done deliberately to frighten arrestees.⁶

¹ C17.9-10

⁴ C18.10

² C18.10

⁵ C18.5-6

³ C18.3

⁶ Day 306/128-132

160.85 A number of former members of 1 CG, present at Fort George on Bloody Sunday, gave evidence to this Inquiry in which they described arrestees being brought to that location by members of the Parachute Regiment. None of these witnesses had made a statement in any form in 1972. With one exception, none said that they had seen members of their own regiment, or any other unit, participate in a gauntlet.

160.86 Major INQ 179, the Officer Commanding HQ Company, told us that he was outside walking from one part of Fort George to another when from a distance of 50 yards he saw “*several snatch squads from the Parachute Regiment coming into Fort George*” with arrestees. He observed them for about five minutes. Major INQ 179 did not see any dogs

in the area or any members of 1 CG dealing with the arrestees. He said that he witnessed mistreatment of these arrestees by paratroopers that he found appalling, although he accepted that he had little or no recollection of the details of what happened. He was certain that there was “*screaming and yelling at them*” and said it was possible that the paratroopers might have struck them. He could not recall arrestees being made to run through lines of soldiers who used their batons on them, though he added “*but it may have been that I saw it, which promoted the various remarks I made in my diary*”.¹

¹ C179.3; Day 307/7-11; Day 307/20-21

160.87 The diary Major INQ 179 was referring to was his personal diary.¹ An entry for 30th January 1972 in that diary said this of the Parachute Regiment:

“Words cannot describe what a dreadful and ghastly regiment that is. I was horrified by what I saw in their treatment of prisoners.”

The entry for 31st January 1972 included the following:

“I saw the snatch squad of the Parachute Regiment (1st Battalion) bring in civilian prisoners – the way these savage trained terrorists treated those civilians was beyond description. It was quite ghastly and frightful.”

¹ C179.6

160.88 Major INQ 179 told us that the opinion expressed in the diary about the Parachute Regiment was based “*Solely and completely on the basis of what happened on that day*”. He had had no personal animosity towards that regiment or its officers. He explained that at the time he made these diary entries he was in “*a slightly unstable emotional condition*” but that this did not alter the fact that “*what I wrote was probably fairly accurate*”.¹ He did not intervene to stop the mistreatment he saw, as “*it was not for me to go and interfere in another regiment’s business*”.²

¹ Day 307/15

² Day 307/20-23

160.89 Major INQ 179 said that he complained to his Commanding Officer, Lieutenant Colonel INQ 598, and was asked to write a report of what he had seen. He duly did so.¹ We do not have a copy of this report but have no reason to doubt that Major INQ 179 did make a report to his senior officer. Colonel INQ 598 told us that he had no recollection of it,² or of speaking to Major INQ 179 about his concerns.³ However, in his written statement to this

Inquiry Major INQ 1779, the second in command of 1 CG, said that Colonel INQ 598 told him that he had spoken with Major INQ 179 about the latter's unhappiness "*about the Paras in our barracks*".⁴

¹ C179.3-4; Day 307/12-14

³ Day 272/27; Day 272/29-30

² Day 272/21-22

⁴ C1779.2

160.90 Lance Corporal INQ 321 described seeing a four-ton lorry reverse up to the entrance to a large building at Fort George on Bloody Sunday. He then saw members of the Parachute Regiment form two rows leading from the rear of the lorry to the entrance. There were four to five paratroopers in each row; wearing helmets but no camouflage. Lance Corporal INQ 321 then saw civilians jump out from the rear of the lorry. They were guided into the building by the paratroopers.¹

¹ C321.2

160.91 In his written statement to this Inquiry, Guardsman INQ 875 said that he saw at least two lorries parked side by side in open space from which members of the Parachute Regiment were "*herding some arrestees*". There were about six paratroopers, all wearing red berets carrying batons and rifles. The arrestees numbered about 20, all male. They jumped out of the rear of the lorries. Guardsman INQ 875 described the actions of the paratroopers as "*helping the arrestees on their way, out of the vehicle and forward*". While they may have been "*pushing them with gusto*", he did not see any paratrooper hitting any arrestees. Guardsman INQ 875 also saw at least two Alsatian dogs, which were being handled by RUC officers or members of the Coldstream Guards. The dogs were "*being held close enough to the arrestees to act as a deterrent and to keep them in line*" but "*not close enough to bite the arrestees*".¹

¹ C875.2-3

160.92 Guardsman INQ 951 was in HQ Company of 1 CG. In his written statement to this Inquiry, he said that at some time in the evening of Bloody Sunday, while on patrol at Fort George, he saw a lorry pull up "*near one of the warehouse type buildings*". A paratrooper, wearing a beret, got out of the driver's cabin and let down the tailgate. Two other paratroopers got out of the rear of the lorry. Neither was armed in any way. The paratroopers then "*proceeded to help about eight to ten men*" out of the lorry and directed them towards the entrance to the warehouse. Guardsman INQ 951 did not see any women or children among these arrestees. He described the paratroopers as "*quite pleasant in their attitude to the civilians*". There was no swearing or shouting nor were arrestees "*shoved and prodded*".¹

¹ C951.1-2

160.93 Guardsman INQ 1078 was also in HQ Company of 1 CG. In his written statement to this Inquiry, he told us that he could “*remember very little about 30th January 1972*”. He had a recollection of a lorry arriving in Fort George and then reversing up to a building. He gave us a similar account to that given by Guardsman INQ 951. He described seeing paratroopers help civilians down steps set in the tailgate of the lorry. There were about three paratroopers and eight to ten civilians. Guardsman INQ 1078 stated that he saw no “*mistreatment of the civilians by the paras*” and was not aware of any dogs.¹

¹ C1078.1

160.94 Lieutenant INQ 167 commanded Reconnaissance Platoon of 1 CG.¹ In his written statement to this Inquiry,² he said that he could recall only a “*general picture*” of arrestees being taken into a large “*hangar type building*” from Army vehicles. His statement continued:

“As I have said, I cannot remember the detail but the impression I formed at the time was that the soldiers were giving the arrestees a harder time than I thought they ought to have been giving them. I have an impression of a particular arrestee being pushed out of the back of a Pig. I have a picture of arrestees being chased or frog marched along. I did not go into the hangar. I believe that the soldiers in charge of the arrestees were from the Parachute Regiment.”

¹ C167.1

² C167.3

160.95 Lieutenant INQ 167 did not mention seeing soldiers form a gauntlet.

160.96 In his written statement to this Inquiry, Guardsman INQ 214 said that he was on sentry duty in the transport compound at Fort George on Bloody Sunday. This was near the “*warehouse*” to which arrestees were taken. While he did not see any vehicles carrying arrestees arrive at Fort George or see them getting out of those vehicles, Guardsman INQ 214 stated that he watched arrestees being taken into the warehouse and did not see any “*great violence*”. There was “*pushing and shoving and bad language from both the civilians and the soldiers*”, but Guardsman INQ 214 told us that he did not see any soldier strike an arrestee nor see an arrestee fall, trip or stumble. He could not recall arrestees being made to run “*a type of gauntlet between the soldiers*”. Guardsman INQ 214 suggested that as many as 200–300 arrestees may have been brought in to Fort George but recognised that he could be mistaken about that detail. He said that “*A lot of the arrestees*” were escorted by members of the Parachute Regiment. Guardsman INQ 214 told us that he could not be sure if any arrestees were brought in by soldiers from other regiments.¹

¹ C214.2

160.97 In his written statement to this Inquiry, Captain INQ 650, the Company Commander of 2 Company, 1 CG, said that he saw a paratrooper he recognised as a Regimental Sergeant Major (RSM) treat an arrestee harshly. This occurred “*outside in the open*” and the paratrooper “*booted the prisoner in the backside*”. Captain INQ 650 could give no further description of the paratrooper save for his title, but did add that “*The Regimental Sergeant Major seemed to be in overall charge of the process of bringing in the prisoners*”.¹ When shown the evidence of Captain INQ 650, Warrant Officer Class I INQ 2037, the RSM of 1 PARA, accepted that he was in overall charge of bringing in prisoners. He dismissed the remainder of Captain INQ 650’s account as “*rubbish*” and said he had not kicked anybody on the day. Had he done so, he would have expected the Captain to reprimand him.²

¹ C650.3-4

² Day 321/165-166

160.98 Guardsman INQ 552 told us that he saw three or four lorries arrive at the same time at Fort George, “*full of civilians*”. They were accompanied by about a dozen paratroopers wearing red berets and travelling in Land Rovers. From his position, Guardsman INQ 552 had a side-on view of these vehicles. He admitted that he would not have had a view into the lorries from there, but told us that he heard the “*commotion*” which followed from some arrestees refusing to leave the vehicles. Paratroopers removed them, “*dragging them off and pulling them out*”. Dogs were also put into the lorries to get the civilians out. Guardsman INQ 552 said that he heard a lot of shouting and swearing from both soldiers and arrestees. The latter were “*having a go*” at the soldiers. He conceded that he had not seen any civilian striking a paratrooper. The paratroopers did however strike the civilians with batons as the latter were getting off the lorries. Guardsman INQ 552 said that he did not believe that the paratroopers had used more force than necessary. He said that he did not see arrestees being made to run between two lines of soldiers on leaving the lorries or any arrestee struck on the way from the lorries to a nearby hangar.¹

¹ C552.1; Day 313/75-84

160.99 Corporal INQ 838 was a technician from the Royal Electrical and Mechanical Engineers (REME) attached to 1 CG. In a written statement to this Inquiry, he told us that the REME workshop was next to a large building where arrestees were held on Bloody Sunday.¹ From that workshop, Corporal INQ 838 saw three or four lorries carrying arrestees arrive one at a time at Fort George on Bloody Sunday. Members of the Parachute Regiment stood in two lines creating a corridor from the tailgate of the lorry into the building. Corporal INQ 838 estimated the distance between the two as about 10m. He described the soldiers and civilians as “*a bit hyper*”. Some arrestees were shouting and swearing

but none appeared to be refusing to leave the lorries. As the arrestees moved along the corridor of paratroopers, some were kicked and hit. Corporal INQ 838 suggested this was *“probably to hurry them along”*. He did not see any arrestee knocked to the ground or deliberately targeted. He could not recall what weapons the paratroopers were using. He added *“I did not think the hitting and kicking I saw was extreme and I felt it was probably the right thing to do at the time. It was the environment of the day. Soldiers were bricked, bottled, shot and mutilated. I felt that the prisoners must have been arrested for something. It was simply the way it was at the time, and what I saw was not extreme.”*²

¹ C838.1

² C838.2

160.100 In his written statement to this Inquiry, Guardsman INQ 491 described seeing a temporary wire-meshed pen at Fort George to hold prisoners. He remembered a lorry arriving which carried *“five to eight Irish prisoners”* and at least four paratroopers. Those arrestees who refused to leave the vehicle were threatened by the paratroopers. He thought one paratrooper had used a pickaxe handle to threaten an arrestee. One prisoner had tried to run away and was brought down by a rugby tackle.¹

¹ C491.1-2

160.101 Sergeant INQ 753 also recalled arrestees being taken to a temporary compound. In his written statement to this Inquiry, he told us that he saw arrestees directed from vehicles between *“two ranks of Paras”* into a large compound made of metal stakes and barbed wire. While Sergeant INQ 753 stated that he saw *“some rough handing of unco-operative detainees”*, he did not see any being struck with any kind of weapon.¹

¹ C753.3

160.102 Guardsman INQ 1224, who guarded the arrestees held at Fort George, said that, having been informed that prisoners would be coming, *“we were waiting outside when the first vehicle pulled up”*. He was near the door of the detention centre when the first group of prisoners, numbering about 20, arrived. They were in a lorry which parked with its rear facing the building. The prisoners were *“roughly manhandled out of the vehicle by paratroopers, who had obviously been escorting the prisoners in the vehicle”*. The prisoners were made to run through two lines of about eight paratroopers on each side. Close to the building there were a *“couple of Alsatian dogs on the leash ... going bananas”*. While the dogs were allowed to come very close to the arrestees, Guardsman INQ 1224 did not see anyone bitten. Some arrestees hesitated when passing the dogs and were *“whacked on the head or body by one of the paras to make them continue”*. Some prisoners were hit with batons with *“a force that would cause a nasty bruise.”*

Guardsman INQ 1224 could not recall any prisoner behaving in such a way that made it necessary to use a baton. At this time there was a lot of shouting both from prisoners and from the paratroopers. He described the language used by the prisoners as aggressive but said that he did not see any prisoner react physically.¹

¹ C1224.1-2; Day 304/196-200

160.103 In his written statement to this Inquiry, Guardsman INQ 1147 said that he guarded arrestees at Fort George on Bloody Sunday. At about 1645 hours he saw that a lorry had just arrived marked with “*a para insignia on it*”. The driver and an accompanying NCO were both wearing red berets. There were two paratroopers in the rear of the lorry, which carried about 20–30 prisoners, including some women. Among them, Guardsman INQ 1147 recognised a man who worked “*as a washer in our NAAFI*”. (This is probably a reference to either Seamus Liddy or his brother Barry Liddy, both of whom had worked at Fort George.) He told us that there were about “*half a dozen Coldstream Guards lined up between the back of the lorry and the double doors leading into the hangar*”. There were also two dog handlers who were members of either the Royal Anglians or the Royal Green Jackets. Guardsman INQ 1147 said that the Coldstream Guards were responsible for ushering these arrestees into the detention centre. The dogs were used to “*dissuade the people from stepping out of line*”.¹ Shown this account, Guardsman INQ 1224 said that he did not remember two lines of Coldstream Guards guiding prisoners into the building.²

¹ C1147.1-3

² Day 304/218-219

Conclusions

160.104 From this evidence, we are satisfied that, on both occasions when it brought arrestees to Fort George, the Provost Detachment lorry backed close to the entrance of the detention centre and that wire fencing funnelled the arrestees into the building. They were made to run the short distance from the trucks to the building between lines of soldiers, who were soldiers who had brought them to the detention centre. The lines have often been described as a gauntlet, but have also been referred to as a cordon or as soldiers standing guard. Arrestees have variously described the number of soldiers involved as being from five to 20. As we are satisfied that the soldiers who transported the arrestees formed the lines, there could not have been more than seven for the first load and likely fewer for the second load. The varying numbers referred to may be explained by the darkness, the noise, fear and the rough treatment accorded the arrestees. The point is that soldiers formed two lines to ensure the arrestees went from the lorry to the detention centre.

- 160.105** There is evidence that at least one dog (and perhaps two or more) was present while the arrestees went from the lorry to the detention centre. We are satisfied that the dog or dogs were inside the building and, although it or they barked and were close enough to the prisoners to frighten them, none of the arrestees was bitten.
- 160.106** As to the first load of arrestees, we are satisfied that some arrestees gave the escorting soldiers verbal abuse and very likely offered token physical resistance when they reached Fort George. Such verbal abuse and resistance, however, did not warrant the actions of some of the soldiers, which in our view consisted of hitting some arrestees randomly on their trunk and legs, and in at least one case in the groin, with batons or rifles as they were hurried along the gauntlet. We do not know who these soldiers were.
- 160.107** As to the second group of arrestees, we are satisfied that one soldier, whom we are unable to identify, struck Charles Glenn as he described and that unidentified soldiers struck some of the arrestees as they were made to run to the detention centre, all without justification.

Treatment within the detention centre at Fort George

- 160.108** We now turn to the allegations of mistreatment of arrestees at Fort George.
- 160.109** The arrival of the first group of arrestees at the detention centre, followed within a relatively short period by the second, caused some confusion. This was not only because of the numbers of arrestees brought to Fort George¹ or the question of whether the RUC would process the arrestees first,² but also because of the initial absence of arresting soldiers.³
- 160.110** The first group of arrestees reached the detention centre at about 1650 hours. On entering the building they were first made to line up against a wall, were searched and had their details taken by the RUC.¹ The arrestees were then placed in the holding area, where they were subsequently joined by the second group of arrestees to be transported by the Provost Detachment.²

¹ JB7.2; Day 188/45-46

³ Day 321/174-175; C13.5; C16.5; Day 211/28-29

² C14.5

¹ AM41.6; AM241.10; H21.28

² AD113.1-2

160.111 Many of the arrestees remembered the detention centre as being extremely cold. They said they were made to alternate between standing with their hands on the barbed wire which formed two sides of the holding area and standing in a “*search position*” facing the walls forming the remaining two sides of that space. On occasion they would be told to put their hands on their heads. The estimates of how long the arrestees were made to stand in these positions vary between two and three hours.¹ At the instigation of Staff Sergeant 222 a medical area was set up and some arrestees, including Duncan Clark and William John Doherty, received treatment from a doctor.² During this period Barry Liddy fainted and was allowed to sit on a chair and attended by the doctor.³

¹ AC61.1; AD46.6; AD46.16; AD58.1; AD58.14; AD69.5; AD69.20; AI 4.2; AG46.15-16; AM71.1; AN 24.21; AO43.5; H21.25; H21.50 ² B2174; C13.4-5; AC61.1; AD113.2 ³ AL13.9

160.112 The circumstances in which the arrestees were held then improved following the intervention of a senior officer from the Coldstream Guards, who ordered that they be brought chairs and heaters. The arrestees were allowed to move freely within the holding area and were provided with tea. One soldier guarding the arrestees gave them some cigarettes.¹ That arrestees were made to stand in the search position with their hands against the wall or on a barbed wire fence, and were later “*allowed to relax*” and provided with some comforts, was observed by members of the RUC and of the RMP arrest team on duty at Fort George. At least one gas heater was placed within the holding area and another immediately outside it.²

¹ H21.28; AD58.1; AD58.14; AD69.5-6; AD69.16; AG46.13; AO1.17 ² Day 211/68; Day 211/146; C13.4; C14.5-6; C16.5

160.113 The officer who initiated these changes is likely to have been Colonel INQ 598, the Commanding Officer of 1 CG. In his written statement to this Inquiry, Guardsman INQ 1224 said that he had seen his Commanding Officer remonstrate with a “*para officer*” having seen the arrestees “*being spread eagled and abused*”. Colonel INQ 598 had insisted that “*the prisoners should be brought chairs and cups of tea*”.¹ When giving oral evidence to this Inquiry, Colonel INQ 598 disputed the account of Guardsman INQ 1224, describing it as “*muddled*”. He told us that he had gone into the building where the arrestees were held, which he described as a gymnasium. There he saw about 30 to 50 arrestees “*spreadeagled all the way round the wall*”. He ordered that they be allowed to sit down. Colonel INQ 598 said that he had spoken to the RSM of 1 PARA and that his instructions had been followed immediately.²

¹ C1224.3

² C598.6; Day 272/31-32

160.114 We accept the evidence of the arrestees that they were made to stand in uncomfortable positions for a significant period of time. While the evidence of some arrestees¹ suggests that members of the Parachute Regiment were present while the arrestees were made to stand in this manner, we prefer the evidence of Fr O’Keeffe and other arrestees including John Devine, Charles Glenn and Fergus McAteer,² which shows that during this time members of the Coldstream Guards guarded the arrestees rather than members of 1 PARA, and that the arresting soldiers from Support Company did not arrive until after Colonel INQ 598 had seen the arrestees. The only members of the Parachute Regiment present for some, if not the majority, of the time during which these arrestees were made to stand in these uncomfortable positions would have been the three soldiers from C Company who claimed responsibility for detaining the Chamberlain Street arrestees.

¹ AB113.4; AC84.8-9; AM123.4

² H21.25; AD41.6; AG43.25; AM43.2; AM183.4; AR13.8

160.115 In these circumstances, it is unlikely that Colonel INQ 598 is correct in his recollection that he spoke to the RSM of 1 PARA. The latter would have left Fort George some time before the arrestees were provided with chairs and heat. While we accept that Colonel INQ 598 did intervene, it is more likely that his instructions were given to the Warrant Officer from 1 CG¹ who was overseeing the guarding of arrestees at the detention centre.

¹ B2172; C16.5; C20.5

160.116 It also follows from the above that the complaint that arrestees were made to stand for long periods of time in uncomfortable circumstances is one which cannot be made against members of 1 PARA.

160.117 As has already been noted, the arresting soldiers for those arrestees brought to Fort George by the Provost Detachment came from Support Company of 1 PARA. We now consider the complaints made by these arrestees of the treatment they received at the hands of these arresting soldiers at Fort George. Broadly these complaints can be said to fall into two categories. The first concerns the verbal and physical abuse of arrestees; the second an incident of what Fr O’Keeffe described in his letter to General Tuzo as “*deliberate torture*”¹ and which culminated in a soldier spitting into the mouth of an arrestee. We begin with the issue of verbal and physical abuse.

¹ H21.28

The evidence of the arrestees

160.118 It is useful to return to the letter sent by Fr O’Keeffe to General Tuzo.¹

“At around 9.00 p.m., soldiers from the Parachute Regiment returned and each soldier selected three or four persons for the purpose of “identifying” them as stone-throwers. I myself, along with six others including a young boy of around 13 years and a badly-injured middle-aged man, were not selected at this time. We remained on the chairs while the paratroopers lined their prisoners against the wall to await photographs, interviews with the R.U.C., etc. It was during this period of waiting that I witnessed conduct that was both sickeningly brutal and a disgrace to any uniform. Assaults were committed in a sadistic manner on a number of people, particularly youths aged from about 15 to 19 years. These assaults continued over a period of 1 to 1½ hours. These consisted of:

(1) Deliberate and systematic provocation of the prisoners by the paratroopers by verbal means and by physical assault, such as stamping on feet, kicking shins, kneeling on the thigh or in the groin, severe hair-pulling, striking with fists in the body, stomach and groin etc. Such actions occurred continuously over this period.

(2) More serious examples of physical assault took place. One youth (aged about 16 or 17 years) was struck in the groin and lower abdomen twice with such severity that he collapsed. On being kicked and hauled to his feet, he was unable to stand upright and fell backwards, striking his head on the concrete floor. He was kicked to his feet again and had to be placed against the wall in order to keep him upright.

(3) There were also cases of deliberate torture. Two youths were forced to hold their heads back in an unnaturally strained position, in order to bring their faces as close as possible to the electric heaters, which were on stands about 6'6" above floor level. They were forced to keep in this position for about three-quarters of an hour and were struck if they shifted position. The smaller youth was forced to stand on the taller youth's feet during this time, in order to raise his face nearer the heater. When one youth was asked if he wanted a drink, he replied that he did and was told to open his mouth. The paratrooper then spat into his mouth.”

¹ [H21.28](#)

160.119 The statement of Fr O’Keeffe for the Widgery Inquiry¹ gives a very similar account of events at Fort George to that found in his letter to General Tuzo. In that statement he said that between 12 and 15 paratroopers were at Fort George. Fr O’Keeffe identified Lance Corporal F as the paratrooper who “*kneaded me several times in the groin*” and who also tried to kick a youth next to Fr O’Keeffe before an RUC Sergeant intervened.

¹ [H21.25-26](#)

160.120 When he gave evidence to this Inquiry, Fr O’Keeffe said he was taken to a small “*holding room*”. Two soldiers appeared to be in charge. One was Lance Corporal F, the other Fr O’Keeffe described as “*5 '9" or 5 '10" [with] very blonde, almost whitish hair. He had very scary eyes and had a frightening, almost psychotic look.*” He said that these two soldiers appeared to be targeting youths of about 15 to 17 years of age. They subjected arrestees to a “*fairly continuous idle sort of assaulting which went on and certainly occurred on far more than two occasions*” and involved stamping on people’s feet and kneeling people in the groin. Fr O’Keeffe said that these two soldiers “*made two young fellows stand with their faces very close to the heaters for a long time*”. One of the two young men became very distressed. Lance Corporal F asked if he wanted a drink. When the young man answered “yes”, he was told to open his mouth. Lance Corporal F then spat in the young man’s mouth.¹ This latter incident corresponds to one described by Fr O’Keeffe in his letter to General Tuzo and also in his statement for the Widgery Inquiry. In the latter account Fr O’Keeffe did not identify Lance Corporal F as the soldier responsible, even though he did name him as the soldier who had kneaded him in the groin.

¹ [H21.51](#); [Day 127/132-133](#)

160.121 In 1972 Fergus McAteer said in his signed NICRA statement that the paratroopers who arrived at Fort George to identify arrestees picked people out at random. While some of these people were queueing to move into an adjoining room, paratroopers assaulted them by “*hitting them with their hands, knees and boots*”. Some were also pulled by the hair.¹ George McDermott told Kathleen Keville that when the paratroopers came to identify arrestees, “*they needled us and kicked us and made us stand with our backs against the walls and our arms up*”.²

¹ [AM42.3](#)

² [AM183.4](#)

160.122 In his Keville interview Patrick McGinley said that paratroopers had “*gathered round Georgie Roberts and started to slag him too about having long hair and all*”.¹ George Roberts told the same interviewer that the paratroopers assaulted arrestees “*once the policemen were out of sight*”.² In his evidence to us, George Roberts repeated a detail

that also appears in his Keville interview. This concerned his refusal to sing when ordered to do so by a paratrooper. Absent from the Keville interview is his evidence to us of the reaction to that refusal. George Roberts told us that a paratrooper spat in his face and mouth.³

¹ [AM241.21-22](#)

³ [Day 151/100-104; AR13.3](#)

² [AR13.11](#)

160.123 John Devine was another arrestee who recalled paratroopers abusing arrestees queueing “to get charged”. Both in a signed NICRA statement and in a Keville interview, John Devine said that arrestees were kicked and kneed in the groin and that he was struck twice in the stomach and in the groin by two paratroopers. This seems to have been in response to his refusal to answer a question as to whether he would join the Ulster Defence Regiment. He was also slapped in the face and kicked in the backside.¹ In his written statement to this Inquiry, John Devine said that he was assaulted by two paratroopers. However, this account differs in its detail from those he gave in 1972. It includes the recollection that he was assaulted with a rifle butt that left him with a burst blood vessel in his ear,² an incident not mentioned in his NICRA statement.³

¹ [AD41.6; AD41.18-19; AD41.12](#)

³ [AD41.6](#)

² [AD41.4](#)

160.124 John Devine told us that one arrestee was wearing a new suit which had a hole in the leg. A soldier tore the whole trouser leg open. That arrestee may have been John Gormley. In his NICRA statement¹ John Gormley described a time when the arrestees were “*told to stand as we pleased and to have a smoke if we wished*”. This must have been after the visit of Colonel INQ 598. The statement continued:

“As I finished my cigarette eight troops appeared and ordered us back against the wall. I was punched in the ribs with a baton, punched in the stomach with a fist and kicked in the ankles, received a cut knee and tore my trousers as a result of kicks from the troops. These attacks occurred at different times. I had a slight hole in my trousers which a soldier made bigger by ripping them. He asked me had I got any cigarettes and I did not answer. He put his hands into my pocket and took my cigarettes and matches. He lit one match, put the lit end to my nose and said ‘Your Hail Marys will do you no fucking good now’.”

¹ [AG46.16](#)

160.125 We take the reference to “*eight troops*” appearing as being to the arrival of the arresting soldiers from Support Company. The reference to a lit match does not appear in John Gormley’s written statement to this Inquiry. He does refer to James McDermott (a Chamberlain Street arrestee) being burned on the nose with a lit cigarette lighter.¹ James McDermott, however, made no reference to this in the three accounts he gave in 1972.² James Kelly, in his written statement to this Inquiry, said that one or more paratroopers had tried to “*burn one of the prisoners’ nose with a lighted match*”.³ He made no reference to such an incident in his very brief NICRA statement.⁴ We are satisfied that James McDermott would have mentioned such an incident had it happened to him. Despite the evidence of James Kelly, the inconsistent evidence of John Gormley leaves us unpersuaded that such an incident occurred.

¹ AG46.5

³ AK12.7

² AM185.1; AM185.4; AM185.5

⁴ AK 12.1

160.126 In his written statement to this Inquiry, John Devine also told us that Barry Liddy had his leg broken at Fort George.¹ After his release from Fort George, Barry Liddy was treated by members of the Order of Malta Ambulance Corps and taken by ambulance to Altnagelvin Hospital. The driver of the ambulance was Hugh Deehan, a volunteer in the Order of Malta Ambulance Corps.² In a handwritten statement he made in 1972, Hugh Deehan said that Barry Liddy had a “*suspected fracture of his left patella and tibia and was suffering from severe shock*”. Barry Liddy told him that the “*British Army*” had jumped on his legs.³ Hospital records show that Barry Liddy was admitted to Altnagelvin Hospital for observation, X-rayed and found to have no “*bony injury*” to his left leg.⁴ We have a handwritten statement which Barry Liddy made in 1972 some time after leaving Altnagelvin Hospital. There, having referred to the episode in which he fainted, Barry Liddy said “*I could give you details of further sadism and bestiality on the part of the Paratroopers but as no further damage was done to myself I am sure that the other persons who were so inhumanely degraded will give their own personal statements*”. In the same account Barry Liddy referred to an “*injury in my left leg*” when speaking of his being placed in the Provost Detachment lorry.⁵

¹ AD41.6

⁴ AL13.12-13

² AD22.6

⁵ AL13.5; AL13.9

³ AD22.2; AD22.11

160.127 Because John Devine failed to mention in his NICRA statement what he now claims to have been a serious injury to his ear, and given his description of Barry Liddy’s leg injury, we are of the view that John Devine’s recollection is confused.

160.128 Eamon McAteer made no reference to any ill-treatment of arrestees by the arresting soldiers in his written statement to this Inquiry.¹ In his NICRA statement, he said “*During the course of my detention I was beaten and abused. I also saw soldiers meet out similar treatment to other prisoners.*”²

¹ AM41.6

² AM41.33

160.129 In 1972 Seamus Liddy stated that a Knight of Malta (who must have been Charles Glenn) was singled out by paratroopers who “*strip[p]ed him of his decorations and...came up and punched him*”.¹ In one of the two accounts he gave in 1972, Charles Glenn said that he “*lost my rank badges, someone had ripped them off*”. While he does not identify the person who removed his badges as a paratrooper, we believe this to be likely, given that Charles Glenn put this incident as occurring after the paratroopers had begun to select arrestees for processing by the RMP and RUC. In 1972 Charles Glenn said that while arrestees were in a line they were “*assaulted, harassed, punched and kicked*” by paratroopers. He was struck across the back of the leg with a rifle.² The evidence of Charles Glenn to us was that he had no “*present recollection*” of violence being used against him or anyone else he could see.³

¹ AL12.1; AL12.3

³ Day 81/49-53

² AG43.25

160.130 Anthony Coll, after giving his written statement, did not co-operate with the Inquiry and did not give oral evidence. His evidence must be considered in this light. In his written statement to this Inquiry he alleged that arrestees had been subjected to random assaults “*by the paras*” and that he had been assaulted by Lance Corporal J.¹ There is no dispute that at Fort George Lance Corporal J claimed responsibility for arresting Anthony Coll. The transcript of the Keville interview given by Anthony Coll in 1972 makes no reference to his being assaulted by the soldier who identified him.² While in that 1972 account he made reference to the ill-treatment of the arrestees at Fort George, it is not clear from that account that those responsible for that behaviour were from the Parachute Regiment, who were not at Fort George from the first. In the circumstances we place no reliance on the evidence of Anthony Coll as to the conduct of paratroopers at Fort George. In particular we reject his allegation that he was assaulted by Lance Corporal J.

¹ AC84.8-9

² AC84.21

160.131 While some arrestees spoke in the statements they made in 1972 or to this Inquiry of being held within the detention centre at Fort George, they made no reference to seeing or hearing any physical abuse directed at the arrestees.¹ William John Doherty told the

Sunday Times Insight Team that he suffered “*no more brutality*” after he was put into the Provost Detachment lorry.² Consistent with his 1972 accounts,³ Christopher James Doherty told us that he did not see anyone mistreated at Fort George.⁴

¹ AB113.4; AC61.1; AD46.16; AD46.6; AI4.2; AO1.17; AN24.21-22; AW3.16

³ AD58.1; AD58.9

⁴ Day 182/153

² AD113.4

160.132 We now turn to the incident of “*deliberate torture*” – a phrase taken from the letter to General Tuzo written by Fr O’Keeffe, the relevant extract from which we have already set out.

160.133 Joseph Lynn did not make a statement in 1972. In his written statement to this Inquiry, Joseph Lynn described Lance Corporal 229, the soldier who identified him at Fort George, as a “*sadistic bastard*”. Joseph Lynn said that, when Lance Corporal 229 picked him out as the person he had arrested, Joseph Lynn had told him that he was not the “*para that arrested me as he only came up to my shoulder in height*”. As a result Lance Corporal 229 took him to one side and gave him a “*real dosing*”. Joseph Lynn said he was verbally abused, punched in the chest and stomach and kicked between the legs by Lance Corporal 229. He and other arrestees were then made to stand in front of some gas fires. The statement continued:¹

“31. Although there was a line of people against the gas fires, I seemed to come off worse than most as I was taller and therefore my face was closer to the fire. The fires themselves were angled downwards towards us and we were made to stand very close to them. I do not know how long we were standing beneath the heaters, but we seemed to be there a long time and we were not allowed to step away for some air. Lance Corporal 229 was walking up and down making sure that we all knew what the fires were doing. There was a fella in front of me who passed out because of the heat and 229 approached him and kicked him on the floor. I tried to help him up, and got rapped for doing so. 229 also laid into him on the floor with his boots and baton. Eventually he came around and was dragged up by Lance Corporal 229. He was told in no uncertain terms what was going to happen to him if he didn’t: ‘Effing get up and effing stop trying to pretend to faint’. Later I found out that this gentleman was called Dennis McLaughlin...

32. All the time the fires were burning us. I got burnt down the left side of my face and I could hear my hair burning and crackling like rice crispies ... Dennis McLaughlin then asked 229 for a glass of water. He was told to open his mouth and that he would have a glass of water. As Dennis opened his mouth, 229 spat down into the back of his throat. That made me want to heave. Seeing this was far worse than any beatings that we suffered.”

¹ AL39.6-7

- 160.134** When he gave oral evidence to us, Joseph Lynn rejected the possibility that Denis Patrick McLaughlin’s faint was not genuine. Told that Lance Corporal 229 denied spitting into an arrestee’s mouth, Joseph Lynn said:¹

“That is an act that I do not think anyone in his right mind would admit to because, to me, that is I cannot even – I do not think there is a word for it, but he definitely and positively spat down Denis McLaughlin’s throat when the boy asked him for a drink of water, after he had been kicked from the floor back to his feet and I just about threw up down his back when this was done to him; even now when I think on it, I still get (indicating) a lump or whatever you want to call it in my throat, because it was one of the dirtiest acts I have ever witnessed in my life, anywhere.”

¹ Day 193/35-37

- 160.135** In a Keville interview, Patrick McGinley said that during the course of his detention at Fort George, the arrestees were given chairs and tea. The situation changed when paratroopers arrived to identify people. The paratroopers were verbally and physically abusive to the arrestees and took them into a “*wee room*”. One “*young fella*” fainted and fell to the ground. A paratrooper kicked the boy up. When the boy fell down the paratrooper kicked him again. The arrestees were then lined up. When the boy asked for a drink of water, a paratrooper told him to open his mouth and then spat in it. Arrestees were then made to stand on tiptoe near a large gas heater. They were struck as they did so. Four or five paratroopers then beat up a “*big lad*” from Strabane.¹

¹ AM241.10-11; AM241.20-21

- 160.136** Save for some differences in chronology, Patrick McGinley’s evidence to this Inquiry was very similar. His recollection was that more than one paratrooper spat in the mouth of the “*young fella*” who fainted. As to the arrestee from Strabane he described him as “*a big*

man with red hair” who looked like a rugby player. Patrick McGinley told us that he did not see this man assaulted. The man was dragged behind a screen. Patrick McGinley heard this man’s cries and “*thought they must be hurting him*”.¹

¹ AM241.7; Day 425/155-157

160.137 Denis Patrick McLaughlin was 16 years old in 1972.¹ In a Keville interview he said:²

“we were standing there for a while, you know, and I took sick, then I fainted and a boy came over and sunk the boot in my side and he says ‘get up and stop kidding’, you know. I got up and stood up and all and I says I wanted a – want a drink of water. He says ‘you want a drink of water do yous’, he says ‘hold on a minute’ he went away, came back again. ‘you want a drink of water’ I says ‘aye’ he says ‘open your mouth’ and he spat in it. And then...

[Female voice] You asked for a drink of water?

... says to me ‘open your mouth’ and he spat in my mouth. And then they held our heads back under heater, you know.”

¹ AM326.1

² AM326.39-40; AM326.24

160.138 Denis Patrick McLaughlin did not make any reference to this incident in the NICRA statement he signed in 1972.¹ He told this Inquiry² that while at Fort George he had been made to stand under a large gas heater. Whenever his head dropped a soldier would push it up by placing a baton under his chin. Denis Patrick McLaughlin asked the soldier for a drink of water. In his written statement to this Inquiry he said:

“The soldier, who was taller than me, said ‘Open your mouth’. Not being my full self at that moment due to everything that had happened that day, I opened my mouth and he spat into it.”

He also remembered fainting and a soldier kicking him in the side and saying “*Get up, you are only kidding*”. Denis Patrick McLaughlin also told us that he had no specific recollection of other physical violence directed either at him or at other arrestees.³

¹ AM326.22

³ Day 159/87

² Day 159/54-55; AM326.9

160.139 A number of other arrestees gave evidence which supports the complaints above of young men being made to put their faces close to heaters¹ and of a soldier spitting into an arrestee’s mouth.²

¹ AM42.3; AM42.11

² AD41.4; AK12.7; AR42.2

160.140 Earlier we referred to the article written by Joseph McAnthony published in the *Sunday Independent* on 6th February 1972. Denis Patrick McLaughlin was interviewed for the purpose of that article.¹ The article alleges that Lance Corporals F and 229 were among a group of paratroopers who “*perpetuated one of the most appalling brutalities*”. It continues:²

“A boy named McLaughlin had been forced to stand by the heater for over half an hour with his head close to the heat. Then one of the paratroopers came over to him, grabbed him and suddenly with full force brought his fist right into the boy’s groin. McLaughlin must have passed out because he collapsed on the ground and his head banged loudly against the concrete floor.”

This assault is likely to be the incident referred to at item (2) in the extract from Fr O’Keeffe’s letter to General Tuzo set out above. According to the *Sunday Independent* article, following this incident, a Staff Sergeant from the Coldstream Guards then intervened, saying “*We don’t want a heart attack in this place*”. Another paratrooper then picked the boy up and asked him if he wanted a drink of water. When the boy said yes, the paratrooper asked him to open his mouth and spat in it.

¹ [AM326.9; AM326.18](#)

² [M89.21-22](#)

The evidence of soldiers from 1 PARA

160.141 The table below sets out which members of Support Company of 1 PARA are said to have made arrests.

SOLDIER	ARRESTEE
HQ Platoon	
Lance Corporal 033	PIRA 1
Lance Corporal INQ 627	James Charles Doherty
Private 037	William John Dillon
Mortar Platoon	
Sergeant O	William John Doherty
Private U	Charles Canning
Private 112	Eamon McAteer
Private INQ 1918	Duncan Clark

SOLDIER	ARRESTEE
Anti-Tank Platoon	
Sergeant INQ 1694	Hugh O'Boyle, Robert Wallace
Corporal E	Seamus Liddy, Fergus McAteer, Joseph McColgan
Lance Corporal J	Anthony Coll, John Gormley
Lance Corporal F	Eugene Bradley (also known as Thomas Lawrence Bradley), Fr O'Keeffe, Michael McCallion, Patrick Martin Norris
Private G	John Devine, Christopher James Doherty, Patrick Joseph Norris
Private INQ 1237	Charles Glenn, George McDermott
Private INQ 635	George Irwin, James McNulty, John Rodgers
Private Longstaff	James Kelly, George Roberts
Composite Platoon	
Lance Corporal 229	Joseph Lynn, Patrick McGinley, Denis Patrick McLaughlin

160.142 Sergeant INQ 1694 is dead and did not give any evidence to this Inquiry. Corporal E and Private G are also both dead and did not give any evidence to this Inquiry. However, both gave a number of accounts to the RMP and the Widgery Inquiry in 1972. In none of those did they refer to events at Fort George.

160.143 Lance Corporal 033 told this Inquiry that he remembered going to a large building (which must be the detention centre at Fort George) in order to identify the person he had arrested.¹ He maintained that he had made an arrest in the Bogside and denied that he simply "*turned up at the holding centre to identify someone as participating in rioting*".² He was not asked about the ill-treatment of arrestees at Fort George.

¹ B1621.008; Day 324/84-87

² Day 324/94-96

160.144 When he gave oral evidence to us, Lance Corporal INQ 627 corrected his written statement to this Inquiry and accepted that he had made an arrest on Bloody Sunday. He said that he had no independent recollection of the arrest or of making an arrest statement at Fort George.¹ He was not questioned further about events at Fort George.

¹ Day 338/48; C627.4; Day 338/67-70

160.145 In his written statement to this Inquiry, Private 037 told us that he could not remember dealing with arrestees. Having been shown the relevant arrest documents he was able to say that he “*vaguely*” remembered driving to Fort George.¹ He too was not questioned further about events at Fort George.

¹ [B1636.002-004](#)

160.146 Sergeant O told us that he, together with the other men in his platoon who had made arrests, went to Fort George to identify arrestees. He described the visit as “*very much “quick in and quick out”*”. He saw no other soldier identify arrestees as he was the first to have his arrestee processed.¹ In his written statement to this Inquiry, Sergeant O said:

“It is not the paras’ way to brutalise people after the event. During the course of an arrest operation civilians may well have been hit by the stock of a rifle by a para, when the principle would be to break up the crowd, keep them moving and arrest them if you can. However, it was accepted in the regiment that hitting a prisoner half an hour later served no purpose whatsoever, and caused great problems when the prisoner came to Court. We had learned from our experiences in Belfast that we had to be consistent in the way that we handled prisoners and make sure that our answers were consistent in Court in order to secure the convictions.”

¹ [B575.120](#); [Day 335/112-115](#)

160.147 While he could recall being in a holding area, Private U told us that he had no recollection of “*picking out my arrestee*”.¹ He was not questioned further about the circumstances in which this identification occurred.

¹ [B787.008](#)

160.148 In his written statement to this Inquiry, Private 112 said that he went to a large hall where prisoners were being kept in order to identify the person he had arrested. He said he did not witness any mistreatment of prisoners.¹ In his oral evidence to this Inquiry, while maintaining his belief that he had correctly identified at Fort George the person he had arrested earlier in the Bogside, Private 112 conceded that it was possible that he had made a mistake. He denied that he identified someone at Fort George whom he had not seen before.²

¹ [B1732.007](#)

² [Day 320/100-103](#); [Day 320/133](#); [Day 320/167](#)

160.149 Lance Corporal J told us that he could recall having to identify the persons whom he arrested and being photographed with them. While he said he had little or no recollection of why he came to make the two arrests he did, Lance Corporal J rejected the suggestion that he had been told to identify two people as throwing stones when he had not, in fact, seen either of them do so.¹

¹ Day 370/84-88

160.150 Private Longstaff recalled being at Fort George and conceded that he may have participated in a sham identity process while there and when giving arrest statements.¹ He told us that he had not seen any physical abuse of arrestees at Fort George nor had he physically abused any arrestee in his charge.² Private Longstaff was shown George Roberts's written statement to this Inquiry in which the latter said that a paratrooper had spat in his face. Private Longstaff said that he would not have been part of such conduct.³

¹ C23.7; Day 374/107-112

³ Day 374/209

² Day 374/115

160.151 Some soldiers said they had no recollection of Fort George. Private INQ 635 told us that he could not remember making arrests on Bloody Sunday or going to a detention centre for the purpose of identifying arrestees.¹ Similarly, Private INQ 1237 said that the name Fort George "*does not mean anything to me*". He said that he had no recollection of dealing with any arrested civilians.² In his written statement to this Inquiry, Private INQ 1918 told us that he had no recollection of making an arrest statement or of going to a "*place called Fort George*".³

¹ Day 352/35-41

³ C1918.4

² C1237.8; Day 366/32-45

160.152 The Joseph McAnthony article to which we have referred above appears to have been the reason for Lance Corporal F making an RMP statement on 15th February 1972, dealing with his conduct at Fort George.¹ In that statement he recorded that he had arrived at Fort George at about 1900 hours to find the arrestees sitting or standing in a wire enclosure. We cannot accept this timing as being particularly reliable, given, as we noted, that calls for the arresting soldiers of those arrestees taken to Fort George by the Provost Detachment to come to that PCP were still being made at 1902 hours.²

¹ B132-133

² W54 serial 254

160.153 Lance Corporal F told the RMP that when at Fort George he identified the four men he had arrested in the Bogside, took them to one side and waited for his turn to be processed. He allowed the arrestees to "*stand at ease, one behind the other, and to keep*

their hands behind their backs". Lance Corporal F denied to the RMP that he ill-treated any of his prisoners and said that he had not seen any ill-treatment of other prisoners. He specifically denied allegations of abuse made against him by "*two prisoners, namely McLoughlin and Liddy*". He pointed out that he was not responsible for arresting either man and denied making them "*expose themselves to the heat of a stove*". Lance Corporal F described the allegation that he spat in the mouth of Denis Patrick McLaughlin as "*completely unfounded*". He said that he had not been spoken to by an NCO from the Coldstream Guards. He also said that he did not know Lance Corporal 229.¹

¹ [B132-133](#)

- 160.154** In his written statement to this Inquiry, Lance Corporal F told us that he had no recollection of going to Fort George.¹ He told us that he did not remember seeing Fr O'Keeffe at Fort George. Shown the evidence of Fr O'Keeffe to this Inquiry, Lance Corporal F accepted that it was possible that the soldier described by Fr O'Keeffe as "*having very blonde, almost whitish hair ... and ... a frightening, almost psychotic look*"² might have been Private G, but could not remember being at Fort George with him. Lance Corporal F denied making arrestees stand close to a heater, spitting in the mouth of an arrestee and kicking Fr O'Keeffe in the groin.³ Later he denied treating arrestees with brutality at Fort George and falsely identifying individuals as rioters.⁴

¹ [B167.007-008](#)

⁴ [Day 376/30](#); [Day 376/40-45](#); [Day 376/51-52](#);
[Day 376/177](#)

² [H21.51](#)

³ [Day 375/158-161](#)

- 160.155** Lance Corporal 229 made a statement to the RMP on 15th February 1972, the same day as Lance Corporal F.¹ In that account he stated that he was responsible for three arrests. He had arrived at Fort George at about 2000 hours. Lance Corporal F was among those members of the battalion who had also gone to Fort George. However, Lance Corporal 229 had "*little or no contact with him during the course of the evening*." He described what must have been the holding area for the arrestees as being a rectangle created by partitioning off two sides with wire. The statement continued:

"I identified the three persons arrested by me and together with the other prisoners and the persons who had arrested them, we formed a queue around the stone wall section of the partitioned area. I was the last person, so stood at the back with my three prisoners. The prisoners and their escorts moved one at a time through a door into another part of the building where prisoner and escort were photographed together and statements taken from the prisoners. The only form of heating which I saw in the partitioned area was an electric wall fire. The processing did take some time and McLoughlin after standing for something like 1¼ hrs fainted and fell to the floor. It was at this time that a WOII of the Coldstream Guards who was passing by suggested that I obtain a chair for McLoughlin. I did not obtain a chair because I was not convinced that it was a genuine faint. A short time before this incident, McLoughlin and the youth arrested with him had been trying to provoke me. They were abusive towards me and ill-disciplined in that they talked when they had been told to keep quiet. I believe that McLoughlin was trying to attract attention. However, I did pick him up, and held him until such time as he was able to stand on his own feet. The whole incident was over in approximately two minutes. It was approximately half an hour later that I was photographed with my prisoners and I was present when they were interviewed by the RUC."

¹ [B2209-2210](#)

160.156 Lance Corporal 229 gave a similar account in his written statement to this Inquiry of the fainting incident involving Denis Patrick McLaughlin. He said Lance Corporal F had been near to him when "*we were lined up with our prisoners*" and remembered being at the back of a queue of arresting soldiers and prisoners. There was "*certainly an amount of animosity between the arrestees and the soldiers*" and an exchange of verbal abuse. Lance Corporal 229 said that he did not see any ill-treatment of arrestees and was not involved in such behaviour. Specifically he denied spitting at anyone and said he had not seen another soldier do so. He also denied hitting Joseph Lynn or any other prisoner and making any arrestee stand close to a heater.¹

¹ [B2211.006-008; Day 341/57-69](#)

160.157 The allegations made against Lance Corporal 229 were addressed by his legal representatives. As to what they described as "*the alleged fainting incident*" involving Denis Patrick McLaughlin, they pointed out that it was Lance Corporal 229's honest belief that the former had not genuinely fainted. They also pointed out that Denis Patrick McLaughlin made no reference to fainting in the accounts he gave in 1972. They then submitted that Joseph Lynn's allegation that Lance Corporal 229 assaulted Denis Patrick

McLaughlin while he was on the floor was complete fabrication, comparing it with Denis Patrick McLaughlin's own evidence in 1972 that a soldier had done no more than "*sunk the boot in my side*".¹

¹ [FS8.1513-1514](#); [AM326.40](#)

160.158 As to the "*spitting incident*", those acting on behalf of Lance Corporal 229 submitted that Joseph Lynn's identification of their client as the soldier who spat in the mouth of Denis Patrick McLaughlin is "*utterly unreliable*". They pointed out firstly that Fr O'Keeffe identified Lance Corporal F as the soldier responsible; secondly that Denis Patrick McLaughlin's own evidence was that the soldier responsible was taller than he and that the arrest photograph of the two together shows that Lance Corporal 229 was shorter; and thirdly that Patrick McGinley, who claimed to be a witness to the spitting incident, did not identify Lance Corporal 229 as the soldier responsible, despite the latter being his arresting soldier and both being photographed together at Fort George.¹ We note that although the arrest photograph shows that Lance Corporal 229 was shorter than Denis Patrick McLaughlin, the difference in height is slight. Those representing Lance Corporal 229 did not address the question of how their client came to be associated with this incident in a press article published shortly after Bloody Sunday.

¹ [FS8.1515-1516](#); [FS8.1523](#)

160.159 They did address Joseph Lynn's allegation of being subjected to a number of physical assaults from Lance Corporal 229. They dismissed Joseph Lynn's evidence as "*either fabricated or grossly exaggerated*". These representatives submitted that Joseph Lynn did not make a statement in 1972 and that the arrest photograph taken of him "*does not indicate that Mr Lynn has been the recipient of the severe beating he so vividly described to the Tribunal, in particular having his face burnt and his hair singed*". They went on to say that neither of the other two men whom Lance Corporal 229 said he arrested (Denis Patrick McLaughlin and Patrick McGinley) made any reference to any "*specific assaults on Mr Lynn*". They argued that it was improbable that Lance Corporal 229 would assault Joseph Lynn in front of soldiers from other regiments and RUC officers. Finally, they referred us to the evidence of Fr O'Keeffe to this Inquiry where he identified Lance Corporal F and another soldier with "*very blonde, almost whitish hair*" as two soldiers subjecting arrestees to idle brutality. Relying on this evidence they suggested that in "*the unlikely event that there is any degree of truth in Mr Lynn's recollections of personal assaults on him*", he had incorrectly identified Lance Corporal 229 as the culprit.¹

¹ [FS8.1516-1523](#); [H21.51](#)

The evidence of Royal Ulster Constabulary officers and military personnel on duty within the detention centre

160.160 Constable James O'Neill was on duty at Fort George and processed three arrestees between 1945 hours and 2125 hours.¹ He described the scene in the detention centre as “*very unpleasant and chaotic*”. To him the situation lent itself to soldiers making mistakes in identifying who they had arrested. No paratrooper expressed any concern that an identification may have been wrong.² The building was “*very cold*” and arrestees were kept lined up against a wall with outstretched arms “*for a long time*”.³ Constable O'Neill recalled that heaters were brought in later in the evening. He stated that he did not see any arrestees abused by being made to stand close to the heaters.⁴ We have already referred to Constable O'Neill's evidence of an incident involving a ginger-haired arrestee that, according to him, occurred outside the detention centre.⁵ Save for that incident, Constable O'Neill told us that he did not see any other arrestee assaulted.⁶ His colleague, Constable Robert Black, who was at Fort George throughout Bloody Sunday,⁷ told us that he “*saw no violence ... At any stage*”.⁸

¹ JO2.5-6

² Day 211/135-138

³ JO2.4

⁴ JO2.5

⁵ Day 211/150-151

⁶ Day 211/132; Day 211/146-147

⁷ JB7.3

⁸ Day 211/180-182

160.161 Sergeant Charles Graham told us he saw no arrestee being “*badly treated*”.¹ In his oral evidence to this Inquiry he said he could not remember witnessing any brutality on the part of paratroopers but, had he done so, he would not have allowed it to continue. He recalled dealing with Fr O'Keeffe but could not say that he was the RUC sergeant who stopped Lance Corporal F from kicking a youth standing near to Fr O'Keeffe.² Told of the evidence of Joseph Lynn that he had been assaulted by Lance Corporal 229 in front of RUC officers, Sergeant Graham said such an incident would not have occurred in his presence. He denied that there was a “*tradition in the RUC of closing ranks to protect other members of the RUC and indeed other soldiers*”, saying that he tried to be impartial.³

¹ JG7.5

² Day 211/73-75

³ Day 188/76-78

160.162 In his oral evidence to this Inquiry, Sergeant Alexander Gray said that the detention centre was under the control of the RUC.¹ The arrestees were allowed to walk and talk freely within two barbed wire enclosures.² Sergeant Gray could not recall a point where

a soldier had been inside either enclosure.³ He told us that he did not see or hear any arresting soldier subject an arrestee to verbal or physical abuse. He said he would not have condoned such conduct.⁴

¹ Day 211/47

³ Day 211/61

² Day 211/42-44

⁴ Day 211/45-46

160.163 The members of the RMP arrest team on duty at the detention centre recorded, in the statements they made in 1972, that they did not see any soldier strike a civilian in the detention centre.¹ They gave similar evidence to this Inquiry. Corporal INQ 16 of the RMP stated he saw no “*violence towards prisoners*”,² and Corporal INQ 17 that he “*did not see any paras hitting or mistreating the arrestees*”.³ Lance Corporal INQ 19 told us he “*saw nothing untoward at all*”,⁴ while Sergeant INQ 20 did “*not recall any ill treatment of prisoners*”.⁵ In his written statement to this Inquiry, Lance Corporal INQ 18 said that except for prisoners being pushed off a lorry, he saw no “*rough treatment*” himself. However, he “*knew things were happening*” at Fort George. He added:⁶

“People were hit with batons and there are no two ways about it, they were treated roughly. However, what would you expect from 18 to 20 year old soldiers who had been in a terrifying situation earlier that day and had been bottled, had bricks thrown at them and had been shot at. You would expect them to want to get a bit of their own back. That is human nature.”

¹ B2172-2173; C13.5; C14.6; C16.6; C17.10; C19.5; C20.5

⁴ C19.1

² C16.3

⁵ C20.3

³ C17.3-4

⁶ C18.6

160.164 Asked about this aspect of his evidence, Lance Corporal INQ 18 said that while at Fort George on Bloody Sunday he had heard from colleagues that soldiers were striking the arrestees.¹ His evidence to us is to be contrasted with that in his RMP statement where he made no reference to any violence towards arrestees. That statement does, however, indicate that Lance Corporal INQ 18 must have spent a considerable part of his time at Fort George outside the detention centre in the RMP radio vehicle.²

¹ Day 306/131-133

² C18.10

160.165 We have already referred to the evidence of Guardsman INQ 1224 who told us that he guarded the arrestees. According to his written statement to this Inquiry, Guardsman INQ 1224 was already at the detention centre where the first arrestees arrived.¹ Later in his statement, Guardsman INQ 1224 described the treatment given to the arrestees:²

“The prisoners were being spread eagled against the walls. The paras were hitting them with their batons and pushing and shoving them. They would get hold of a prisoner by the scruff of the neck and push him against the wall. If he didn’t spread his arms and legs quickly enough the paras would give him a whack on the shoulders, arms or legs to make him do so. This was the standard searching position, but the treatment of the prisoners by the paras was a bit rougher than I had experienced before. Once a prisoner had been spread eagled, if he moved or spoke, the paras would hit him again with the baton. I thought it was a bit over the top.”

¹ C1224.1

² C1224.2

Conclusions

160.166 We accept Fr O’Keeffe’s account of being kicked in the groin by Lance Corporal F. In the course of this report we have considered in detail the evidence of this soldier and, for the reasons we give, have concluded that in significant respects it lacks credibility.

160.167 Fr O’Keeffe told us that two soldiers, Lance Corporal F and one with “*very blonde, almost whitish hair*” were, among other things, kneeling “*people in the groin for no apparent reason*”.¹ The arrest photographs of Joseph Lynn, Denis Patrick McLaughlin and Patrick McGinley all show Lance Corporal 229 as having dark hair. While we are not convinced that Joseph Lynn was mistreated to the extent he recalled, we are of the view that he was struck, although we are unable to say by whom.

¹ H21.51

160.168 We are satisfied that a soldier kicked Denis Patrick McLaughlin while he was on the floor and spat into Denis Patrick McLaughlin’s mouth after he got to his feet following his fall to the floor. We cannot, however, say whether Lance Corporal 229, Lance Corporal F or another soldier did so. It goes without saying that such action cannot be justified under any circumstance. We are unable to say whether Denis Patrick McLaughlin fainted or feigned a faint after being hit in the groin by a soldier.

160.169 Even if the more colourful accounts given by some prisoners are discounted, we are satisfied that prisoners at Fort George were badly treated. Upon arrival they were made to stand in an uncomfortable position for long periods. Colonel INQ 598 ordered the practice to be discontinued and provided chairs for the prisoners, which to our minds illustrates his view of the proceedings up to that point. When the soldiers of Support Company arrived, some took part in random rough treatment, which consisted of the

striking and kicking of some prisoners, including that of Fr O’Keeffe by Lance Corporal F and the assaults described above on Joseph Lynn and Denis Patrick McLaughlin. This mistreatment was more severe than that suffered by the arrestees from 33 Chamberlain Street, which we describe below. Apart from Lance Corporal F, it is impossible to single out individual soldiers because, by reasons of fatigue, fear, confusion and partial disguise, identification is unreliable.

Chapter 161: The treatment of the arrestees escorted to Fort George by members of C Company

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161.1 As has been noted,¹ the civilians arrested in 33 Chamberlain Street were the third and last group to arrive at Fort George. The arresting soldiers, Sergeant INQ 2000, Corporal 007 and Private INQ 12, accompanied the arrestees to Fort George in a C Company vehicle. These arrestees were processed shortly after arrival and before those who had been brought to Fort George by the Provost Detachment. After processing their arrestees, the C Company soldiers left Fort George.

¹ [Paragraph 159.28](#)

161.2 We have statements from all the Chamberlain Street arrestees with the exception of Henry McGurk and John Morrison. For five of the remaining 17 witnesses this evidence is in the form of accounts they gave in 1972. Of the 15 who did give written statements to this Inquiry, eight were called to give oral evidence.

The evidence of the arrestees

Transport to Fort George

161.3 Accounts differ as to how the arrestees were loaded into the lorry. Some say that they were manhandled into the back of the lorry. In a Keville interview, Noel Breslin said that the arrestees were dragged into it “*by the hair*”. They were made to face forwards and

were kicked during the trip “every time we moved”.¹ In his written statement to this Inquiry, Noel Breslin told us that he remembered being very scared on the journey to Fort George but that there was “*no rough treatment in the lorry*”.² In his oral evidence to this Inquiry, he agreed that he did not see any soldier assaulting a prisoner in the lorry.³ James McDermott, in a signed statement to NICRA, said that “*Some of us were bodily lifted and thrown on to the wagon*”.⁴ OIRA 8 said much the same in his written statement to this Inquiry.⁵

¹ AB116.12

⁴ AM185.4

² AB116.3

⁵ AW14.4

³ Day 184/172; Day 184/180-181

161.4 In a NICRA statement, Kevin Leonard claimed that he was hit when getting into the lorry.¹ The arrestees were made to sit “*facing the front of the truck*”. In his written statement to this Inquiry, Kevin Leonard said “*We were thrown*” into the rear of the lorry, although he also told us there was no mistreatment during the journey itself. The arrestees were told to face towards the driver and were not allowed to talk.² Joseph Hutchman recalled soldiers verbally abusing the arrestees while awaiting transport to Fort George, but had no recollection of any verbal or physical abuse on the journey there.³ In our consideration of events in Sector 2, we discussed George Nelis’s complaint of verbal abuse while awaiting transport to Fort George.⁴ When he complained to the RUC about this incident on 10th February 1972 he stated that otherwise he was “*treated quite well by the security forces*”.⁵ He told us that the journey to Fort George was “*short and uneventful*”⁶ and agreed that he saw no-one beaten up while on the lorry or as they got off it at Fort George.⁷

¹ AL7.2

⁵ JB12.2

² AL7.6; Day 201/15

⁶ AN9.4

³ AH91.4; Day 102/200-201

⁷ Day 103/140-141

⁴ This complaint was investigated by the RUC. In the course of that investigation statements were taken from some of the Chamberlain Street arrestees (JD8.1-3).

161.5 While some arrestees suggested that the journey to Fort George was made in silence,¹ others recalled soldiers abusing the arrestees. Thomas Meehan, in an RUC statement, said “*On the way down to the dockyard, this soldier, who everyone said, was a wee Scotchman, picked on two fellows with long hair, he accused them of being at Magilligan and threatened them with what he would do*”.²

¹ Day 103/123; Day 113/9

² AM393.2

161.6 Some arrestees alleged physical mistreatment during the journey to Fort George.

161.7 Charles McCarron is dead and did not give any evidence to this Inquiry. He made two NICRA statements in 1972. In one he claimed that the arrestees were beaten “*about the legs and back with batons*”,¹ an allegation he did not repeat in an RUC statement dated 3rd March 1972.² Maurice McColgan recalled that once inside the lorry some of the prisoners were piled in on top of each other and told not to look around. He heard, but did not see, a person “*being struck by a paratrooper*” for raising his head.³ In his written statement to this Inquiry, William Leo Carlin claimed that two soldiers gave one young man “*a hammering*” with their fists and the butt of a rifle.⁴

¹ AM80.2

³ AM124.4; Day 74/171-172; Day 74/216

² AM80.3

⁴ AC40.4

161.8 The most serious allegation was made by William McCloskey, who, in his written statement to this Inquiry, told us that an arrestee in the lorry was struck in the face by a round fired from a baton gun. He described the incident in the following terms:¹

“As the lorry drove, a Welshman, whose name I cannot recall and who I think is now dead, was shot, by a paratrooper in the face from very close range with a rubber bullet. The man, who I believed had served in the British forces, had complained to the paratroopers about something. I am not sure exactly what he complained about, but my impression was that, as an ex-forces man, he knew we were being wrongly treated. A paratrooper levelled his rubber bullet gun to within inches of the man’s face and shot him on the nose. Rubber bullets in those days were made of rubber (and not plastic as they are today). They also had rounded fronts as opposed to the pointed ends of plastic bullets. If the bullet had been a plastic bullet, I have no doubt that the Welshman would have been killed. As it was, the rubber bullet caused considerable damage to his nose. There was blood all over his face and the man held his head all the way to Fort George, which turned out to be our destination.”

¹ AM120.4

161.9 He repeated the allegation during his oral evidence to us¹ and identified the arrestee concerned as Duncan Clark.² The latter, as we have described elsewhere in this report,³ was not arrested at 33 Chamberlain Street, but near the Eden Place alleyway, where he was put in an APC and injured when a baton round was discharged into the APC.

¹ Day 73/153-155

³ Paragraphs 30.8–33; Chapter 43

² Day 73/162-163; Day 74/50-58

- 161.10** Kevin Leonard¹ and George O'Neill rejected the suggestion that a rubber bullet was fired inside the lorry. George O'Neill added that he "*did not see anybody getting kicked or anything in the wagon*".² No other Chamberlain Street arrestee mentioned, either in 1972 statements or to us, anything remotely resembling the event described by William McCloskey. We are sure that no baton round was discharged in the lorry. William McCloskey's account is to our minds more than a mere exaggeration. It is either a fabrication or resulted from confusion about an incident of which he later learned.

¹ Day 201/29

² Day 113/09

Treatment on arrival at Fort George

- 161.11** We have earlier described the circumstances in which those arrestees conveyed to Fort George by the Provost Detachment were moved from a lorry into the detention centre. There we concluded that the actions of escorting soldiers in hitting running prisoners were unwarranted.
- 161.12** Some of the Chamberlain Street arrestees also recalled a situation that might be described as a gauntlet.
- 161.13** Maurice McColgan told us that he was one of the last out of the lorry when it arrived at Fort George. He said "*At the back of the truck were about 50 paras standing in two lines ... The paras beat the men as they ran between the [sic] them.*" He recalled that he was with Eamon McAteer, who stumbled upon being hit and whom Maurice McColgan helped.¹ As we have explained, Eamon McAteer was among those arrestees taken to Fort George by the Provost Detachment. Maurice McColgan was therefore wrong in his recollection that he was with Eamon McAteer. In addition, Maurice McColgan greatly exaggerated the number of paratroopers at Fort George when the Chamberlain Street prisoners arrived. His grossly mistaken estimate of the number of paratroopers present and his mistaken identification of Eamon McAteer leave us unable to rely on this aspect of his evidence.

¹ AM124.4; Day 74/172

161.14 Another Chamberlain Street arrestee to mention a gauntlet was OIRA 8. In his written statement to this Inquiry, he told us that:¹

“The soldiers screamed at us to get off the lorry and run to the entrance door and to do that we had to ‘run the gauntlet’ between the two rows of soldiers ... Everyone in the lorry was made to run the gauntlet.”

In his oral evidence to us, he added that while some of the soldiers had batons in their hands, all that he could see was that they were shouting aggressively.²

¹ AW14.4

² Day 410/51

161.15 In his Keville interview and in his written statement to this Inquiry, Noel Breslin referred to lines of soldiers as he was moved from the lorry. In the former,¹ he spoke of the arrestees being kicked out of the lorry one by one and then being kicked or hit by a baton as they moved into the detention centre past soldiers lined up. In his written statement to this Inquiry, he told us that there were two lines of soldiers. The soldiers raised their batons but he was not hit.²

¹ AB116.12

² AB116.3

161.16 George O'Neill told us that when the arrestees climbed out of the lorry at Fort George there were “*soldiers with large Alsatian dogs who were barking at us*”, and that he remembered having to walk between two lines of soldiers “*but I was not hit and I am not aware of any of the others from my wagon being hit.*”¹ William Leo Carlin told us that the arrestees were made to walk through a gauntlet of dogs on leashes.² Evidence of other arrestees suggests that they did not encounter any dogs until they entered the detention centre itself.³

¹ AO77.3

³ AH91.5; AH91.7

² AC40.4

161.17 Some arrestees, while they did not suggest that they were forced to run a gauntlet, did allege that they were treated roughly on arrival at Fort George. Matthew Campbell told the RUC, “*as I got down from the lorry, soldiers were grabbing us and throwing us down from the tailboard.*”¹ The evidence of Kevin Leonard to us was that the arrestees were pushed and pulled off the lorry on arrival at Fort George. They were immediately confronted by leashed “*snapping and snarling*” dogs. None of the arrestees was bitten and they were not made to run a gauntlet into the detention centre. As far as Kevin Leonard was aware no arrestee was beaten on the way into the detention centre.²

¹ AC140.1

² AL7.6-7; Day 201/15-16; Day 201/30-31

161.18 A prominent feature of the accounts given in 1972 by those arrestees interviewed by the RUC is the mention of one of the accompanying paratroopers referring to the arrestees as “*fresh meat*” for the guard dogs at Fort George.¹ This recollection also appears in the written statements to this Inquiry of arrestees who had not given RUC statements in 1972.² The impression of George O’Neill was that this remark was intended to “*intimidate and frighten*” the arrestees.³ Some of the arrestees identified the soldier responsible as Private INQ 12.

¹ JD8.1; AC140.1; AL7.3; AH91.7; AM185.5; AO77.1

³ Day 113/9-11

² AC40.4; AD152.2

Treatment within the detention centre at Fort George

161.19 On arrival at the detention centre, the Chamberlain Street arrestees were searched and placed in the same holding area as the first two groups of arrestees. Many of the arrestees described the detention centre as being cold and recalled being made to stand for a long period of time either with their hands on their heads or holding onto barbed wire. At some stage heaters were brought into the detention centre and the arrestees given tea.¹ There were a number of dog handlers in the detention centre holding Alsatian dogs on leads. Some of the arrestees described the fear caused by these dog handlers allowing their dogs to jump up at the arrestees and strain at the leash.²

¹ AB116.12; Day 184/177-179; AD152.3; AH91.4; AL7.2; AL7.6; AM124.5; AM185.1; AN9.9; AO77.3

² AB116.3; AH91.4; AM393.2; AN9.5; AM124.5

161.20 We are satisfied that the Chamberlain Street arrestees were held at Fort George under the same conditions as those who had been taken there by the Provost Detachment. The evidence of some arrestees of being given tea and of heaters being brought in indicates that they too benefited from the intervention of Colonel INQ 598. It follows that when these arrestees were being made to stand in uncomfortable positions, they were under the control of guards from 1 CG. Accordingly, in our view the complaint of being made to stand for long periods of time in an uncomfortable position is not one that can be made against the soldiers from C Company who took the Chamberlain Street arrestees to Fort George.

161.21 Some arrestees, such as Noel Breslin, William Leo Carlin and William Duddy, do not say in their various accounts that they saw or heard any physical mistreatment of arrestees by members of the Parachute Regiment while they were in the detention centre. In 1972, James Ferguson told the RUC: “*We were taken down to the dockyard, I didn’t see anyone being abused but I heard a great amount of obscene language from them, the*

soldiers.”¹ When giving oral evidence to us, Joseph Hutchman agreed that he had not seen any physical violence directed at other arrestees.² Otto Schlindwein told us that he was not aware of any violence other than the blow that he received while waiting to be taken to Fort George.³ Similarly, George O'Neill agreed that he had not see anyone “*being violently treated at Fort George*”.⁴

¹ AF45.1

³ Day 104/174-175

² Day 102/202

⁴ Day 113/15

161.22 Other arrestees do give evidence of the abuse of civilians detained at Fort George.

161.23 In his written statement to this Inquiry, George Nelis told us that when the arrestees were led into the detention centre they were told to hold onto a barbed wire fence with their hands. He saw a young arrestee drop his hands, whereupon an unidentified soldier beat him “*with a truncheon on his arms four or five times*”. George Nelis told us that after standing for 20 minutes, he was taken to another area where he sat down before being taken to yet another area to be photographed with Private INQ 12. He told us that, on returning to the seating area, he saw a young man being hit in the face by “*a sergeant type [who] seemed to be walking round inspecting things and had an air of authority*”.¹ The RUC statement given by George Nelis does not refer to any events which occurred at Fort George.² In his NICRA statement George Nelis said “*I witnessed some of the men ... drop their hands and immediately the soldiers would hit the men's hands with the batons and tell them to lift their hands to the outstretched position.*”³

¹ AN9.5-AN9.6

³ AN9.9

² AN9.22

161.24 In his Keville interview, Noel Breslin stated that he and others were made to hold onto barbed wire with their hands above their heads for about an hour and that soldiers hit them between the legs with batons if their legs were not wide enough apart. Noel Breslin described an incident, following his identification by Private INQ 12, where an arrestee was made to drink “*tea*” that had been spat into and which, from the smell, contained urine.¹ Noel Breslin did not mention these incidents in his written statement to this Inquiry and in his oral evidence acknowledged that he might have spoken in anger during his Keville interview.² For these reasons, we are not persuaded that the last incident occurred.

¹ AB116.12-13

² Day 184/180-181

161.25 In an RUC statement dated 3rd March 1972, Charles McCarron recorded that at one point he was alone with two paras, one of whom, “*a short fat chap about 5'6"–7", with a big full face*”, beat him “*about the head with a baton*”. He thought, but was not sure, that

this soldier had an English accent. On 1st February 1972, he went to Altnagelvin Hospital and on the following day had a mastoid operation.¹ Charles McCarron had made no reference to such mistreatment in two earlier NICRA statements although he did, in one, refer to the arrestees being beaten on the way to Fort George.²

¹ AM80.3

² AM80.2

161.26 In his written statement to this Inquiry,¹ Maurice McColgan said that at the detention centre the arrestees were told to hold onto barbed wire. A paratrooper with the rank of Corporal tried to force his hands onto the barbed wire. In another statement made in 1998, he described this soldier as Scottish, small and of stocky build.² However, when he gave oral evidence to this Inquiry, Maurice McColgan told us that the soldier he was speaking of was the one who had appeared with him in an arrest photograph taken at Fort George.³ That soldier was Private INQ 12.

¹ AM124.5

³ Day 74/190-192

² AM124.2

161.27 Maurice McColgan also told us in his written statement to this Inquiry that a dog handler hit him after having escorted him to some toilets in another building. In oral evidence Maurice McColgan told us that this soldier was a paratrooper. He could not identify the soldier but confirmed that it was not the soldier shown as arresting him.¹ Joseph McColgan, the brother of Maurice, was, as we have explained, arrested in William Street with Charles Glenn. He told us that a soldier, who was not a paratrooper and had been patrolling along an elevated walkway in the detention centre, came into the building, grabbed his brother and dragged him off to some toilets on the other side of the building. On his return Maurice McColgan told his brother that he had been “thumped” by the soldier.² William McCloskey told us that a paratrooper threatened to shoot a “fella called McColgan” who he was escorting to the toilet. He had not heard this threat directly but learned it from the person called McColgan.³ We are satisfied on balance that Maurice McColgan was struck by a soldier at Fort George. Having regard to his written evidence and that given by his brother, we consider it likely that the soldier responsible was not from 1 PARA.

¹ AM124.5-6; Day 74/179-181; Day 74/223-229

³ AM120.5; Day 74/64-65

² Day 104/16-18

The evidence of the arresting soldiers from C Company

161.28 Sergeant INQ 2000 gave a written statement to this Inquiry that began “*I have absolutely no recollection of the events of 30 January 1972*”.¹ He was not called to give oral evidence. Sergeant INQ 2000 gave a statement to the RMP on 19th May 1972. There, speaking of the time when the Chamberlain Street arrestees were put into a lorry, he said:²

“Whilst these people were being taken to the vehicle it was necessary to take hold of some of them by the shoulder and direct them towards the vehicle. This action was necessary in order to get them to move as they refused to go towards our vehicle. Obscene language was being used by these persons towards the Security Forces and on a number of occasions I told these people to “Fucking shut up” and “Get a fucking move on” whilst directing them towards the vehicle, however this language was only used towards the people who were being abusive towards the Security Forces and never directed at or in the hearing of any women.

On arrival at FORT GEORGE, these people were again searched. This search was carried out by placing them against a wall with arms and legs outstretched.”

¹ C2000.1

² C2000.3

161.29 Sergeant INQ 2000 then listed the individual arrestees he had “*positively identified*”. He added: “*During the time that these people were in my custody, I did not assault any of them nor did I see any other members of the Security Forces assault them.*”¹ He gave a similar account when interviewed by the RUC.²

¹ C2000.3-4

² JC13.1

161.30 Private INQ 12 also made an RMP statement on 19th May 1972. Like Sergeant INQ 2000 he said that the arrestees directed verbal abuse at the security forces as they were being put into the lorry. He admitted that he had responded with obscene language.¹ The statement continues:

“On arrival at Fort George, the arrested persons were again placed against a wall in the search position. A number of these, I do not remember how many or who, refused to open their legs and it was necessary for me to force them open. I did this by gently placing my right foot between the persons feet from the rear and once I had got my foot between the arrested persons feet, I then pushed their legs apart with the side of my right foot. At no time did I kick anyone.”

¹ [C12.10-11](#)

161.31 The statement then lists the six arrestees Private INQ 12 had “*positively identified*” and continues “*During the whole time that these people were in my custody, I did not assault them nor did I see anyone else assault them*”. The statement concludes with a denial that Private INQ 12 had made any remarks about “*fresh meat*” to the dog handlers on duty at Fort George.

161.32 Private INQ 12 also denied any mistreatment of arrestees in a statement given to the RUC.¹

¹ [C12.14](#)

161.33 Private INQ 12 said to us that he was 5’6” in height and agreed that he was of stocky build and a Scotsman.¹ He said that he had travelled in the rear of the lorry with the arrestees² but, wrongly, suggested that he had made two trips to Fort George, the second for the purpose of identifying arrestees.³ He said that no-one was assaulted in the lorry on the way to Fort George.⁴

¹ [Day 351/46](#)

³ [Day 351/34](#); [Day 351/117-118](#)

² [Day 351/33](#)

⁴ [Day 351/53-54](#); [Day 351/127](#)

161.34 While prepared to concede that he had used obscene and abusive language towards arrestees,¹ Private INQ 12 repeatedly denied making remarks about “*fresh meat*” being available for the guard dogs.² He denied that he had “*brutalised*” arrestees at Fort George.³ Told of the evidence of Maurice McColgan, Private INQ 12 denied attempting to force the hands of arrestees onto the barbed wire fencing at Fort George.⁴ Counsel representing Private INQ 12 referred his client to the evidence of Charles McCarron (wrongly typed as McCannon) as summarised in an RUC report prepared in 1972:⁵

“Q. There then follows the allegation – I take it very shortly – that in fact somebody assaulted him, and he alleged that he had gone into hospital, which was as a result of that, not entirely borne out by the doctors. If there was any assault on that man, did you take any part in it?

A. No, sir, there was no assault that I know of.”

¹ Day 351/112; Day 351/121

⁴ Day 351/50-52

² Day 351/49-50; Day 351/52-53; Day 351/58

⁵ Day 351/129-130

³ Day 351/107

161.35 Like Sergeant INQ 2000 and Private INQ 12, Corporal 007 also told the RMP in 1972 that the arrestees had been verbally abusive. He said that he had not been verbally abusive towards or assaulted any person who had been in his custody.¹ He told us he had no recollection of arrestees being abusive towards him or his colleagues. He said that there was no mistreatment of arrestees either on the way to Fort George or on arrival there. In particular he denied the allegation that arrestees were made to run a gauntlet and beaten as they did so. He said that while arrestees would have been “*manhandled*” when getting off the lorry, he did not recall arrestees being struck. Corporal 007 defined “*manhandled*” as “*escorted them by the arms, shoulders, whatever it may be*”. He could not recall hearing a “*Scots Para*” making a comment to the effect that there was “*fresh meat for the dogs*”.²

¹ B1384

² Day 310/45-49

Conclusions

161.36 For reasons that we gave during our consideration of the arrests at 33 Chamberlain Street,¹ we do not have confidence in the evidence of Private INQ 12.

¹ Chapter 66

161.37 While we are satisfied that colourful language was being used by some prisoners and by some soldiers, including Private INQ 12’s use of the phrase “*fresh meat*”, and that soldiers assisted some prisoners into the lorry with shoves and pushes, we are not persuaded, in the circumstances, that excessive force was used.

161.38 Civilian evidence about ill-treatment of arrestees while being driven to Fort George varies from no mistreatment to the baton gun incident alleged by William McCloskey. In our view there was no ill-treatment of these arrestees during their journey to Fort George.

- 161.39** We are satisfied that the Chamberlain Street arrestees had to run past soldiers after disembarking and that in some cases they were subjected to physical mistreatment when so doing. Also they were justifiably alarmed by the presence of the guard dogs and their closeness.
- 161.40** We are satisfied that the Chamberlain Street prisoners were shouted at and made to stand in an uncomfortable position for periods of time and that their legs may have been kicked apart by soldiers. While the Chamberlain Street arrestees were not mistreated at Fort George to the same extent as the civilians arrested by soldiers of Support Company, we are satisfied that some of them were ill-treated.

Chapter 162: Identification of arrestees by soldiers at Fort George

162.1 There was one reason for soldiers from Support Company and C Company of 1 PARA to go to Fort George. That was to identify, and make statements against, civilians whom those soldiers had seen engaged earlier in riotous behaviour in the Bogside. A positive identification placed that civilian at risk of prosecution and a six-month prison sentence.

162.2 We have referred to the evidence of RMP officers who said that the arresting soldiers were to identify arrestees one by one. While that may have happened for the Chamberlain Street arrestees where there were only three arresting soldiers, it is unlikely to have been the position with those arrestees identified by members of Support Company. That these arrestees were selected in groups is indicated by the 1972 accounts of Lance Corporal F¹ and Lance Corporal 229² and by evidence from arrestees including Fr Terence O'Keeffe and Fergus McAteer.³ The divide between the evidence of the majority of arresting soldiers and that of the arrestees is that the latter allege that the selection was made on a random basis. This underpinned, as the representatives for the majority of the families submitted, the subsequent fabrication by arresting soldiers of the contents of arrest statements made to the RMP.

¹ B132-133

³ H21.28; AM42.3

² B2209-2210

162.3 Three soldiers, Sergeant INQ 2000, Corporal 007 and Private INQ 12, identified all the Chamberlain Street prisoners held at Fort George. It is doubtful whether any of them had an opportunity to observe the offences claimed because the three soldiers were in Waterloo Place well behind Barrier 14, until shortly before they went through Barrier 14. Even if the times and places of the offences were approximate, it is unlikely that they could have identified rioters at Barrier 14, as these three soldiers, after leaving Waterloo Place, were not among the first soldiers to cross Barrier 14. It would be too much of a coincidence that the three soldiers who entered 33 Chamberlain Street were also the only soldiers able to identify rioters, whether in Chamberlain Street or at Barrier 14. Elsewhere in this report¹ we rejected the assertions of Corporal 007 and Private INQ 12 that they identified any of these arrestees as rioters and concluded that they made false statements. As to Sergeant INQ 2000, while we doubted that he could make correct identifications, we are unable to determine whether his identifications were made in good faith.

¹ Chapter 66

162.4 We have earlier mentioned the identification of the five William Street arrestees by Lance Corporal F, Private INQ 635, Corporal E and Private INQ 1237. These arrests were made by unidentified members of A Company. We do not know why the soldiers responsible did not go to Fort George in order to identify their arrestees. The consequence is that Charles Glenn, Joseph McColgan, John Rodgers, Michael McCallion and Patrick Martin Norris should have been released from Fort George without charge. Instead, four members of Support Company took it upon themselves to make statements identifying these men as having thrown stones. We have not found any evidence which can justify the accounts these four soldiers gave to the RMP at Fort George, nor is there any basis to say that their identifications of these five men were made by mistake.

162.5 The identification process is further illustrated by two identifications made by Lance Corporal F of Fr O’Keeffe and Eugene Bradley (also known as Thomas Lawrence Bradley). In arrest statements made at Fort George, he claimed that both arrestees had been “*throwing stones at my patrol*” in William Street at “*about 1615 hrs*”. This was the same account as he gave in the arrest statements for Patrick Martin Norris and Michael McCallion. Yet the only time Lance Corporal F could have made that observation is as he crossed William Street sitting in the rear of an Anti-Tank Platoon APC. The evidence of Fr O’Keeffe is that he was in Rossville Street and made his way towards Glenfada Park North as the vehicles of Support Company moved south down Rossville Street.¹ Eugene Bradley told us that he began to run south along Rossville Street when told that “*the army was moving in*”.² We do not accept the possibility that Lance Corporal F’s reference to seeing these two arrestees throwing stones in William Street was made in error and that when he saw them in the area of Glenfada Park, where they were arrested, he assumed they were stoning there. In our view he arbitrarily placed them in William Street without any basis for doing so.

¹ [H21.20](#); [H21.45](#)

² [AB113.1](#)

162.6 We have formed the view that, apart from the six Rossville Street arrestees, the identification process conducted by those members of 1 PARA who went to Fort George was in significant respects entirely arbitrary, soldiers having no proper basis for the descriptions or reasons they gave. There appears to have been a large-scale failure to act in good faith, and their actions illustrate that many soldiers were prepared to lie.

162.7 Elsewhere in this report,¹ we consider the question of the legal powers of arrest available to the soldiers on Bloody Sunday.

¹ [Chapters 195 and 196](#)

Chapter 163: Allegations of complicity on the part of the Royal Ulster Constabulary

163.1 We should note that in their closing submissions those acting on behalf of the majority of the families and the wounded made four allegations against the RUC institutionally and two against the 12 RUC officers present at Fort George on the evening of 30th January 1972.¹ After considering the response of the Crown Solicitor on behalf of the RUC, we considered that these allegations should be disallowed and not published. They were not raised when RUC officers gave evidence and furthermore in our view had no relevance to our purposes for examining the events at Fort George. Accordingly we do not consider these allegations in this report.

¹ [FS1.2703-4](#)

Chapter 164: Conclusions

164.1 We have not followed up every mention of mistreatment by arrestees from the time of their arrest until their release, or every denial of mistreatment made by soldiers. There were 53 arrestees in Fort George that evening and a somewhat similar number of soldiers and RUC officers. Of this number, some made no contemporary statement and others had or said they had no current memory of the events, events that took place in a confusing and highly emotional environment. Such circumstances, in most cases, make it impossible to identify a particular soldier with any alleged mistreatment. We have, however, examined sufficient allegations of abuse, which, taken with what can only be termed sham identifications of arrestees, satisfy us that some soldiers of Support Company and C Company who were involved in the arrest, detention and identification process were prepared to make knowingly false statements at the time and afterwards to give knowingly false accounts of what they did and saw. In short, arrestees were knowingly misidentified as rioters and some were physically mistreated. This conduct by soldiers of 1 PARA was, in our view, inexcusable.

Other Events and Matters

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Chapter 165: The Loden List of Engagements

165.1 At or shortly before 1719 hours, 8th Infantry Brigade ordered 1st Battalion, The Parachute Regiment (1 PARA) to return to its original base, that is its Forming Up Position.¹ In the case of Support Company this was at Clarence Avenue. 1 PARA completed this manoeuvre by 1730 hours.² According to Captain INQ 1853, one of 1 PARA's watchkeepers, Lieutenant Colonel Derek Wilford then met his Company Commanders at the Gin Palace (part of the 1 PARA tactical headquarters), where they informed him "*who had fired what*" and "*how many rounds they had fired*".³ Captain INQ 1853 told us that he recalled compiling the numbers "*as the commanders reported*".⁴ He stated that he believed that Major Loden, the Commander of Support Company, was present.⁵ We are satisfied that the following entry, found in the 1 PARA log and timed at 1810 hours,⁶ was based on the information that Colonel Wilford obtained at that time from his Company Commanders, including Major Loden:

"CAS (OWN)		Ammo Expended		Arrests
		Ball	Baton	
A	Nil	NIL	Nil	NIL
C	Nil	Nil	4	28
D	Nil	Nil	Nil	1 (051 WP)
Sp hurt back		108	64	28
				57
Sp Coy engaged		Nail bombers	x 6	
		Petrol	x 1	
		Gunmen	x 7	
		Acid	x 1"	

¹ W141 serial 581

⁴ Day 255/111-112; Day 255/120-121

² W141 serials 579-586; W142 serial 602; W91 serials 42-44

⁵ C1853.5-6

³ C1853.5-6

⁶ W91 serial 45

165.2 Major Loden told the Widgery Inquiry and this Inquiry that at around 1730 hours, after Support Company had returned to Clarence Avenue, he commenced interviewing some of the soldiers who had fired.¹ According to his account, using a gridded map, Major Loden attempted to determine the position of the soldier when he fired, the location and weapon of his target and the result of the shot, the particulars being written down in his notebook.

¹ [WT12.17](#); [B2283.008-009](#)

165.3 The manuscript list prepared by Major Loden in his notebook during the interviews has not survived. Major Loden told this Inquiry that when the list was completed he handed it to 1 PARA headquarters and he had not seen it since.¹ However, the 1 PARA Adjutant, Captain Mike Jackson, made a manuscript copy of Major Loden's list.² From either Captain Jackson's copy or Major Loden's original list, a typed list headed "GUNBATTLE" was prepared. During the course of this Inquiry, the list became known as the "Loden List of Engagements" or the "Loden shot list". A description following the heading indicates that 15 listed "engagements" took place between approximately 1617 hours and 1635 hours. We set out below the typescript list.³

¹ [Day 343/70-71](#)

³ [B2214](#)

² [B2214.005](#); [CJ1.61](#); [Day 384/10-11](#)

GUNBATTLE

The following engagements took place during the gunbattle which lasted from approx 1617 hours to 1635 hours:-

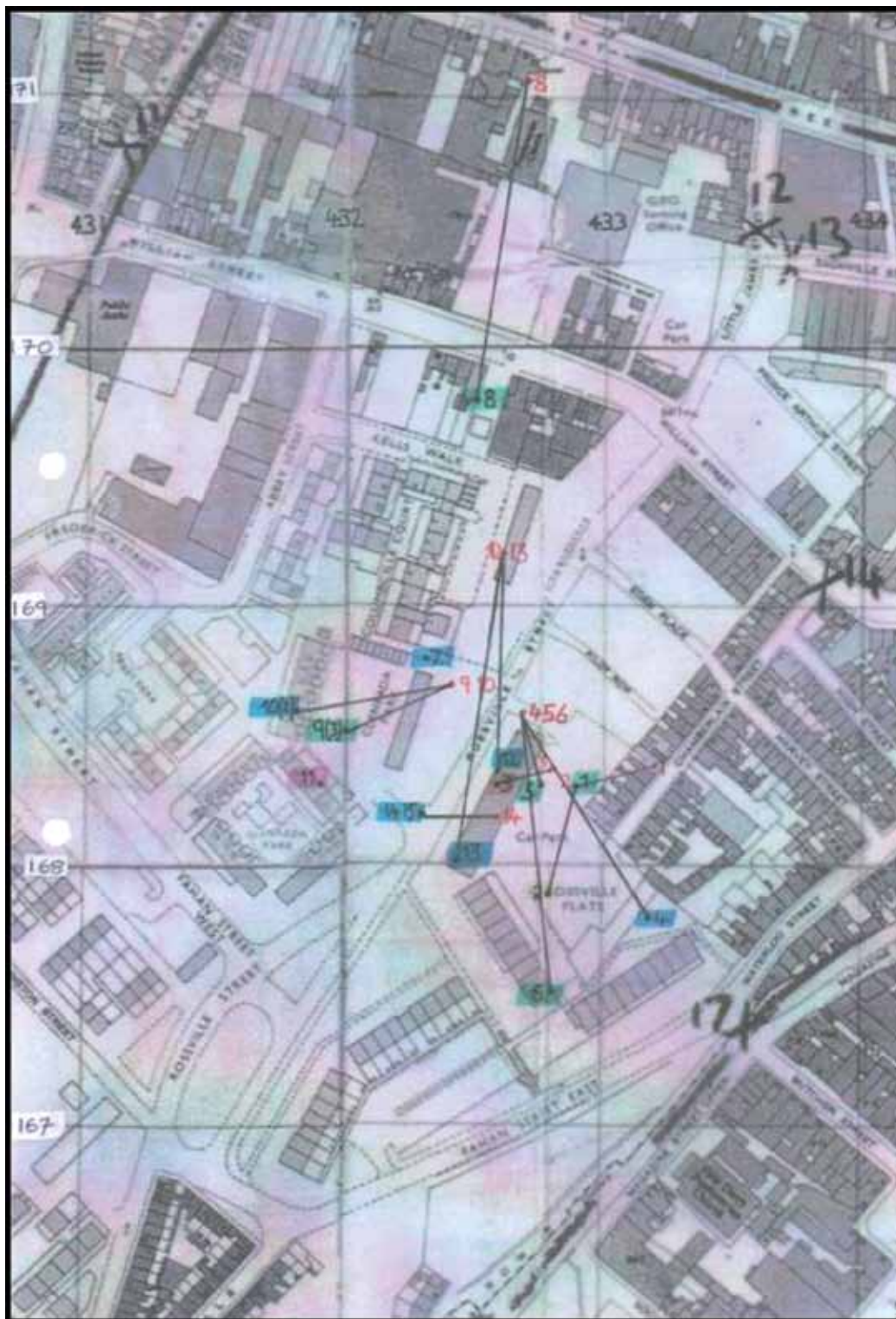
1. One nail bomber at GR 43291683 shot from GR 43321684. Hit in thigh (Back of houses in Chamberlain St).
2. One petrol bomber at GR 43281679 shot from GR 43291683. Apparently killed (Car Park).
3. One bomber at GR 43261683 (top floor of flats) shot from GR 43281684. Apparently killed.
4. One gunman with pistol at GR 43321678 behind barricade at end of Chamberlain St shot from GR 43271686. Hit.
5. One nail bomber (bomb had lighted fuse) at GR 43281683 (Car Park) shot from GR 43271686. Hit.
6. One nail bomber at GR 43281675 (Car Park) shot from GR 43271686. Hit.
7. 1 gunman with pistol fired 2 rounds at a soldier armed only with a baton gun at GR 43231688 (Alleyway). Soldier fired one baton round and withdrew swiftly.
8. 1 nail bomber at GR 43251698 (William St) shot from GR 43271711. Hit.
9. 3 nail bombers at GR 43201685 (Glenfada Park) shot from GR 43241687. All hit.
10. 2 gunmen with pistols at GR 43181686 (Glenfada Park) shot at from GR 43231687. One hit, one unhurt.
11. 1 sniper in toilet window at GR 43191683 fired upon. Not hit.
12. 1 gunman with pistol at GR 43261684 (3rd floor of Rossville Flats) shot at from GR 43261692. Possibly hit.
13. 1 gunman with rifle at GR 43241680 (ground floor of Rossville Flats) shot from GR 43261692. Hit.
14. 1 gunman with rifle at GR 43231682 (barricade) shot from GR 43261682. Killed. Body recovered.
15. 1 gunman with rifle at GR 43231682 (barricade) shot from GR 43261682. Killed. Body recovered.

165.4

Based on the grid references in the list, the representatives of some of the interested parties prepared trajectory maps for each of the 15 listed engagements¹ and, as well, the following consolidated plan showing the trajectories for the 15 engagements.²

¹ OS2.46; OS2.48; OS2.50; OS2.52; OS2.54; OS2.57;
OS2.59; OS2.61; OS2.64; OS2.66; OS2.68; OS2.70;
OS2.72; OS2.77

² OS1.807



- 165.5** In the course of the report, we examine each of the 15 listed engagements in detail as we evaluate the soldiers' accounts of their firing. This chapter of the report is concerned with the preparation of the list.
- 165.6** Major Loden's list was incomplete and lacking in information that might have provided us with assistance. As is discussed below, it did not refer to every shot fired by a 1 PARA soldier on the day. In the incidents that are included, a number of highly relevant details, most notably the names of the firing soldiers and the number of rounds they fired, go unrecorded, and it is not possible to tell how many soldiers were involved in each exchange. Finally, some of the grid references contained in the list mean that several targets were on the other side of buildings from the soldiers who claim to have seen and then fired at them; this clearly casts doubt on the accuracy of these grid references.
- 165.7** The list became controversial as the representatives of some of the interested parties in their final submissions alleged that the list provided "*further compelling material from which it may be inferred that some members of the Parachute Regiment decided at an early stage to provide a bogus account of what happened*".¹ The allegation appears to be that Major Loden either invented the list or was complicit by knowingly accepting soldiers' untruthful accounts or that, at the least, he recorded in good faith false accounts given by some soldiers. Underlying the allegations is that the list played some part in a cover-up to conceal the emerging truth that some innocent civilians had been shot and killed by soldiers of 1 PARA, although it is not explained exactly how this conspiracy is said to have worked.
- ¹ FS2.14; FS3.15
- 165.8** The circumstances under which Major Loden compiled the list were far from ideal. The interviews took place hurriedly in the back of his dimly lit and cramped command vehicle.¹ Major Loden recorded eight-figure grid references to identify relevant positions, but as the map he worked from had only three figures for each axis, he had to estimate the fourth. He and the soldiers were not familiar with either the map or the area they were attempting to describe. While these factors may explain why there are errors in the list, including mistakes that led to some impossible trajectories being described, they do not on any view explain why the list fails to account for all the casualties that resulted from the 1 PARA action.

¹ Day 344/13-14

165.9 The omission of so much information that could have been included in the list is unfortunate from our point of view, as its lack of detail has deprived us of what might have been a more useful contemporary record. Captain Jackson told us that the compilation of the list was an operational rather than an investigative procedure.¹ He explained that the compilation of the list was an “*operational reporting*” process, meaning that it was normal procedure in the course of an operation to inform higher command of the locations in which shots had been fired and the targets at which they had been fired; a completely different process from an investigative exercise intended to examine the actions of the individual soldiers. It was suggested that plotting the position of the target and the firer would seem to have little use for ongoing operations, but we are not persuaded by this. For ongoing operations it might well be important for 8th Infantry Brigade to know where shots had been fired and where paramilitaries had been operating; and to be told whether and where paramilitaries had been wounded. Of course such information would also be highly material for an investigation into what happened, and for investigative purposes further details would be equally important, such as the names of the soldiers concerned and the number of rounds they fired.

¹ [Day 384/32](#)

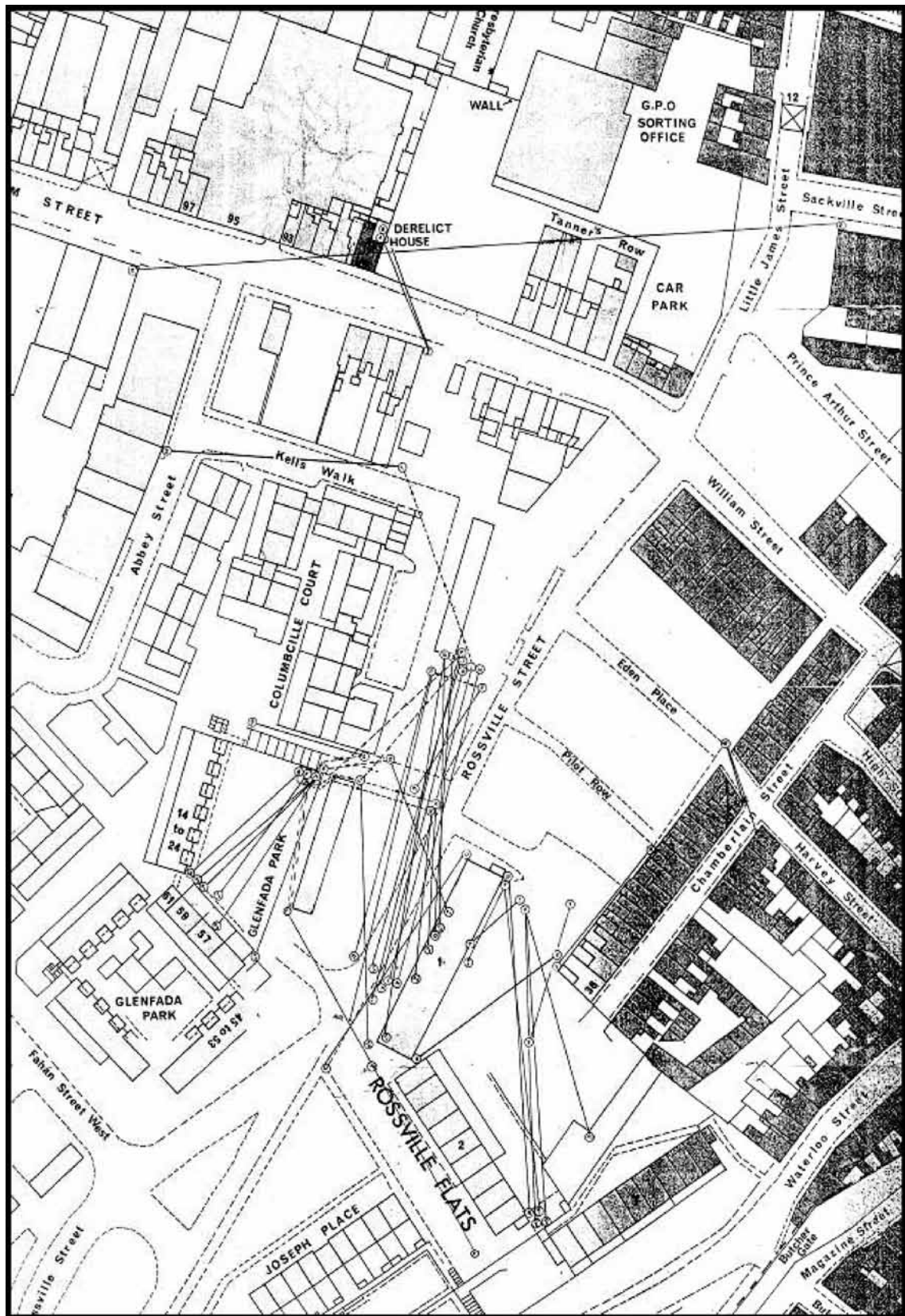
165.10 We accept Captain Jackson’s evidence of the purpose for which the list was initially prepared; and find nothing sinister in the fact that it did not include details such as the names of the soldiers and the number of rounds fired. However, the list did play a role in the Army’s explanations of what occurred on the day. Colonel Maurice Tugwell, a staff officer at Headquarters Northern Ireland with responsibility for information policy, was interviewed by BBC Radio on 31st January 1972 at about 1.00am. During the interview he referred to members of 1 PARA coming under fire in 25 “*shooting engagements*”, with 1 PARA responding to 15.¹ We are of the view that one of the sources of Colonel Tugwell’s information was Major Loden’s list, which also recorded 15 occasions on which soldiers of 1 PARA fired their weapons. Colonel Tugwell specifically mentioned an incident in which a soldier with a baton gun was fired upon twice; this corresponds with item 7 on Major Loden’s list. In his evidence to this Inquiry, Colonel Tugwell told us that he could not recall seeing the list, but that “*it is the sort of material*” he would have relied on for his broadcasts.² It also appears that information from the list was used by Lord Balniel, the Minister of State for Defence, in the House of Commons on 1st February 1972, when he defended the actions of the soldiers and claimed that they had fired “*in self-defence or in defence of their comrades who were threatened*”.³

¹ [B1316](#); [B1318](#)

³ [G106.645](#)

² [B1333.006](#)

- 165.11** That the list is not comprehensive is clear from a comparison between the map above, which shows the exchanges recorded in the document, and the following diagram of all of the shots that members of 1 PARA acknowledged firing in their evidence to the Widgery Inquiry. This document, which was prepared for the Widgery Inquiry, is based on the trajectory photographs for each soldier who acknowledged firing. It includes one shot that was fired by Lance Bombardier Z, who was not a member of 1 PARA, and hence would not have appeared on Major Loden's list even if that list had been complete. This is the shot represented by a line running from the corner of Sackville Street to a building on the southern side of William Street.



165.12 The evidence of Major Loden, his Platoon Commanders and the firing soldiers does not assist in establishing who was and who was not interviewed, or the reasons for the lack of a more complete record. This issue was not examined at the Widgery Inquiry, and by the time they came to give evidence to us, very few of those involved said that they retained useful memories of the events in question. Most of the soldiers told us that they could not recall being interviewed by Major Loden, namely Corporal A¹; Private B²; Private C³; Lance Corporal F⁴; Sergeant K⁵; Private Q⁶; Private R⁷; Private S⁸; Private U⁹; and Lance Corporal V¹⁰; and one who did, Private H, said he could not remember the details of what happened.¹¹ Major Loden himself no longer knew whether he interviewed soldiers from Composite Platoon, although he thought that he did.¹² Lieutenant N, Lieutenant 119 and Captain 200, who were all apparently told to send those members of their platoons who had fired to see Major Loden, told us they could not be sure who actually went.¹³

¹ Day 297/86-87

² Day 311/47-48

³ Day 354/68

⁴ Day 376/141-142

⁵ Day 364/172-173

⁶ Day 339/62

⁷ Day 337/70-71

⁸ Day 332/75-77

⁹ Day 369/180

¹⁰ Day 333/153-154

¹¹ Day 378/57-59

¹² Day 343/68-69

¹³ Day 364/78-79; Day 322/100-101; Day 367/150-151

165.13 Despite this, we have attempted to establish the source or sources for each of the 15 entries on the list by comparing the information recorded by Major Loden with the evidence that the firing soldiers gave to the Royal Military Police (RMP) and to the Widgery Inquiry. The results of this exercise are set out below. In some cases the match is imperfect or tentative, not least because it is often not clear how many soldiers were involved in a single incident. We explain the reasons and the level of certainty behind each of the following identifications in the parts of this report that deal with the events in the relevant sector. We should make clear that the descriptions given below are based on the evidence of the soldiers. Whether we accept or reject their accounts are matters that we consider in detail in the course of this report.

- Entry 1 – Lieutenant N's last shot
- Entry 2 – Lance Corporal V's only shot
- Entry 3 – Private T's two shots
- Entry 4 – Private R's shots at his second target
- Entry 5 – Private R's shot at his first target

- Entry 6 – Private Q’s only shot
- Entry 7 – Private 017’s baton round fire at a gunman
- Entry 8 – The shots of one or both of Corporal A and Private B
- Entry 9 – The shots of Lance Corporal F and Private H inside Glenfada Park North
- Entry 10 – (Possibly) Private G’s firing inside Glenfada Park North
- Entry 11 – Private H’s 19 shots against a sniper at a bathroom window
- Entry 12 – Private C’s shots against his second target and Lance Corporal D’s two shots
- Entry 13 – Private C’s shots against his first target
- Entry 14 – The shots of some or all of Sergeant K, Private L and Private M
- Entry 15 – The shots of some or all of Sergeant K, Private L and Private M

165.14 It appears from these identifications that Major Loden first interviewed members of Mortar Platoon (Lieutenant N, Lance Corporal V, Private T, Private R, Private Q and Private 017). He then saw one or both of the two Machine Gun Platoon soldiers (Corporal A and Private B) who fired, before moving on to Anti-Tank Platoon (Lance Corporal F, Private G and Private H) and Composite Platoon (Private C, Lance Corporal D, Sergeant K, Private L and Private M).

165.15 It seems to us that the following shots are not referred to on Major Loden’s list:

- Lieutenant N – his first three (warning) shots and the live round that he ejected
- Sergeant O – all eight of his shots
- Corporal P – all nine of his shots
- Private S – all 12 of his shots
- Private U – his only shot
- Corporal E – all three of his shots

- Lance Corporal F – his first shot towards the rubble barricade; all of his firing to the south of the Rossville Flats; some of his last shots towards windows in Block 1 of the Rossville Flats
- Private G – his two shots along the alleyway to the north of Glenfada Park; possibly his final shot towards a window in Block 1 of the Rossville Flats
- Lance Corporal J – his two shots at nail bombers in Rossville Street
- Private L – his two shots fired towards a target in Abbey Street

165.16 On this basis, of the 108 claimed rounds expended by members of 1 PARA on Bloody Sunday, between 48 and 55 were not included on Major Loden's list of engagements. The figure of 48 rounds comprises four rounds from Lieutenant N, eight from Sergeant O, nine from Corporal P, 12 from Private S, one from Private U, three from Corporal E, five from Lance Corporal F (his firing at targets at the rubble barricade, to the south of the Rossville Flats and at the top floor of Block 1 of the Rossville Flats), two from Private G (his shots along the alleyway to the north of Glenfada Park North), two from Lance Corporal J and two from Private L. The figure of 55 rounds includes remaining shots that Lance Corporal F and Private G claim to have fired towards targets in the Rossville Flats, which may or may not have been included in Major Loden's list. The figures might even be higher if, for example, entry 8 did not result from interviews with both Corporal A and Private B, or if entries 14 and 15 did not include the shots fired by one or more of Sergeant K, Private L and Private M.

165.17 We discuss the reasons for each of these omissions in greater detail during our examination of the military evidence in the relevant sectors. In some instances, the explanation is clear and raises no further issues. Sergeant O and Corporal P accompanied the bodies of three of the rubble barricade casualties to Altnagelvin Hospital, and hence they would not have been available for interview in Clarence Avenue when Major Loden was compiling the list. Lieutenant N's evidence was that his first shots were fired above the heads of a crowd as a warning; it is possible that these were not considered to be part of an "exchange", and hence they were not included in the list. In other cases where some but not all of a soldier's claimed shots are included, questions are raised about possible discrepancies in the account of that soldier. The list shows, for example, that Lance Corporal F did not mention several shots that he later admitted to firing. There is no obvious reason, however, why some soldiers, notably Private S,

Lance Corporal J and Private U, either did not speak to Major Loden or admit to their firing, or were otherwise excluded from the list.

- 165.18** Two soldiers, Private David Longstaff of Anti-Tank Platoon and Private INQ 449 of Composite Platoon, told this Inquiry that they fired on the day but were not interviewed by the RMP and did not give evidence to the Widgery Inquiry. Their claims are discussed elsewhere in this report,¹ where we conclude that they did not fire on Bloody Sunday.

¹ Paragraphs 123.69–96 and 123.104–117

- 165.19** In our view Major Loden prepared the list substantially as he described. As we have observed, he did not interview all soldiers who fired. The list does not account for all of the 108 live rounds reported to 8th Infantry Brigade as having been fired by soldiers of Support Company. Nevertheless, we consider that the exercise was a genuine attempt by Major Loden to determine which members of Support Company fired that afternoon and what their targets were, by interviewing the soldiers concerned and recording what they told him. It is not surprising, given the difficult circumstances under which the list was prepared, namely the cramped and dark quarters, an inadequate map, the unavailability of some soldiers and the soldiers' unfamiliarity with the area, that the list was incomplete and inaccurate. We are satisfied that Major Loden prepared his list in good faith and not for the purpose of deliberate deception or cover-up, or to place the Army in a good light. Once again we should emphasise that whether soldiers told Major Loden the truth is a matter we discuss in detail when considering the accounts of the soldiers and the other evidence relating to their firing.

Chapter 166: The live ammunition count, spare rounds and modified rounds

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Introduction

- 166.1** The evidence given to the Widgery Inquiry by members of 1st Battalion, The Parachute Regiment (1 PARA) was to the effect that members of that battalion fired 107 live rounds on Bloody Sunday, and that one further bullet was ejected unfired. The individual allocations were as follows:

Machine Gun Platoon		
Corporal A	2 rounds	(B8-9)
Private B	3 rounds	(B25-27)
Anti-Tank Platoon		
Corporal E	3 rounds	(B94-96)
Lance Corporal F	13 rounds	(B137-138.001)
Private G	6 rounds	(B185-188)
Private H	22 rounds	(B233-235)
Lance Corporal J	2 rounds	(B272-274)
Mortar Platoon		
Lieutenant N	4 rounds fired; 1 round ejected	(B397-401)
Sergeant O	8 rounds	(B466-470)
Corporal P	9 rounds	(B591-593)
Private Q	1 round	(B635-637)
Private R	4 rounds	(B669-673)
Private S	12 rounds	(B706-708)
Private T	2 rounds	(B734-736)
Private U	1 round	(B766-769)
Lance Corporal V	1 round	(B801-803)
Composite Platoon (Guinness Force)		
Private C	5 rounds	(B51-54)
Lance Corporal D	2 rounds	(B75-76)
Sergeant K	1 round	(B297-299)
Private L	4 rounds	(B320-322)
Private M	2 rounds	(B359-362)
Total	108 rounds	

- 166.2** In his report, Lord Widgery wrote that he had no means of deciding which soldier fired or how many rounds each fired except for the evidence of the soldiers themselves.¹ Little time was spent at that Inquiry on the number of rounds fired, with the result that we have little evidence from 1972 to assist us.

¹ WT Rpt 25

166.3 It was submitted to us by those representing some of the wounded and families of the deceased that soldiers of Support Company, 1 PARA inaccurately reported the number of live rounds fired that afternoon; that, apart from this, the ammunition counts otherwise failed to account for all the shots fired; and that, because some soldiers maintained a private supply of bullets in addition to those issued to them, more shots might have been fired by soldiers of 1 PARA that afternoon than were counted or acknowledged. It also appears to be suggested that some soldiers might have had modified rounds.¹ We consider these submissions below.

¹ FS2.32-55; FS3.33-56; FS1.535; FS1.588-600

The ammunition count

The reporting of the ammunition count

166.4 The first reference on 30th January 1972 to an ammunition count conducted by 1 PARA is contained in the 1 PARA battalion log in an entry timed at 1810 hours.¹ This recorded that Support Company had fired 108 live rounds, while the other three companies had not discharged any ball ammunition. If, as in our view was the case, the figure for Support Company included the shots fired by members of Composite Platoon, then this entry is consistent with the evidence before the Widgery Inquiry as to the amount of live ammunition expended by 1 PARA soldiers. We reproduce this entry in its original form.

¹ W191

CAS (OWN)	Ammo Expended		Arrests
	Ball	Baton	
A Nil	NIL	NIL	NIL
C Nil	NIL	4	28
D Nil	NIL	NIL	1 (051 WP)
Sp [REDACTED]	108	64	28
hurt back			57
Sp Coy engaged	Mail bombers	x 6	
	Petrol	x 1	
	Gunner	x 7	
	Acid	x 1	

166.5 In contrast, the Brigade log contains an entry timed at 1945 hours that records information relayed to Brigade Headquarters by 1 PARA. In this it is stated that the latter had fired 106 rounds of live ammunition.¹ It is difficult to see how this can be reconciled with the figure of 108 rounds from the 1 PARA log and the Widgery Inquiry evidence,

even allowing for the possibility that the information given to Brigade Headquarters did not include the round that was ejected unfired by Soldier N.

¹ W57

166.6 Major INQ 1901 (the Operations Officer at 8th Infantry Brigade Headquarters¹) told us that he might have been the person who compiled the information found at serial 265 of the Brigade log. He said that it was “*based on information that had come in [from 1 PARA] over a period*”.² It seems to us that this may well be the reason for the discrepancy with the 1 PARA log, though it is possible that there was a simple error in communication or record-keeping. The communications to Brigade Headquarters regarding the number of rounds fired do not appear on the Porter tapes and so must have been made otherwise than on the Ulsternet (the Army radio network). In our view the entry in the Brigade log does not, of itself, cast doubt on the figure in the 1 PARA log.

¹ C1901.1

² Day 261/120-121

The evidence of Major Loden

166.7 Major Loden’s first specific reference to the ammunition count came in his statement of 17th February 1972. In this he wrote that he gave a ceasefire order at approximately 1635 hours: “*On my instructions the CSM [Company Sergeant Major] then called for an ammunition expenditure return.*”¹ In his evidence to the Widgery Inquiry, Major Loden repeated this evidence, and agreed that he ordered the ammunition count at the same time as he called for the ceasefire, and thus at 1635 hours.² Major Loden told the present Inquiry that he asked for an ammunition count at some point, but as it was not his responsibility to carry out such a check he did not know how the information was obtained.³

¹ B2222

³ B2283.008; Day 344/19; Day 345/22-23; Day 348/12-13

² WT12.16

166.8 We have elsewhere in this report¹ considered the list prepared by Major Loden (the “Loden List of Engagements”).² This described 15 “*engagements*” under the heading “*GUNBATTLE*”, but did not record the number of rounds fired or who fired them and hence is not directly relevant to the issues surrounding the ammunition count. However, the representatives of some of the families and wounded submitted³ that if the figure of 108 rounds was final and definitive, then it would have been included in Major Loden’s

statement. In our view the list was not prepared for the purpose of recording the number of rounds fired and accordingly we do not accept this submission.

¹ Chapter 165

³ FS2.55; FS3.56

² B2214

Evidence concerning Support Company's ammunition counts

The evidence of Warrant Officer Class II Lewis

166.9 Warrant Officer Class II Lewis was the Company Sergeant Major (CSM) of Support Company (and sometimes called by the cipher Warrant Officer 202). As such he was in charge of the company's ammunition issues.¹ He gave a statement to the Royal Military Police (RMP) on 14th February 1972 and gave written and oral evidence to this Inquiry. The totality of his evidence was that he conducted or ordered three different ammunition counts, namely:

1. a check at approximately 1700 hours on 30th January 1972 while the company was still in the Bogside;
2. a physical count of all remaining ammunition once 1 PARA had moved to Drumahoe on the evening of Bloody Sunday; and
3. a further physical count of all remaining ammunition, which was carried out on 31st January 1972 at Palace Barracks, Holywood.

¹ B203; Day 348/12-13

166.10 In his RMP statement, Warrant Officer Class II Lewis recorded that his company holding of 7.62mm ammunition consisted of 4,050 rounds.¹ This figure is consistent with that recorded in the RMP statement of Corporal 201, the battalion ammunition storeman,² whose evidence is discussed below. Of these 4,050 rounds, Warrant Officer Class II Lewis told the RMP that 2,950 were issued to "*my men*" for their operation in Londonderry on 30th January 1972.³

¹ B2030

³ B2030

² B2024

166.11 Warrant Officer Class II Lewis recorded in the same statement that after the shooting incidents on Bloody Sunday an ammunition count took place at about 1700 hours,¹ slightly later than is suggested by Major Loden's Widgery Inquiry evidence.² In 1972 Warrant Officer Class II Lewis described the exercise as a "*physical check*" carried out by

the Platoon Sergeants,³ but in his evidence to this Inquiry he said that this was incorrect, as this check was verbal and not physical.⁴ He described the check in the following terms:⁵

“I sent a corporal from the company headquarters around to each platoon location to confirm how many shots were being fired and who fired them and within 20 minutes of me sending that corporal around and also from enquiries made on the net, I got the return from the platoons as I requested of the number of people who had shot those rounds and who had actually shot them.”

¹ B2030

⁴ Day 373/3; Day 373/85; Day 373/176-179

² WT12.16

⁵ Day 373/84

³ B2030

166.12 Warrant Officer Class II Lewis did not refer to the ammunition check at Drumahoe until he gave oral evidence to this Inquiry.¹ He told us that the Drumahoe check was the first physical count of Support Company’s remaining ammunition, and that it occurred in the presence of the Special Investigation Branch (SIB) of the RMP and the Platoon Sergeants, at a time when the latter retained the ammunition that had been issued to their own platoons.² Warrant Officer Class II Lewis said that this exercise enabled him to confirm the figures for ammunition expenditure that had been given to him earlier in the day.³

¹ Day 373/3

³ Day 373/95

² Day 373/94-95; Day 373/179-180

166.13 Warrant Officer Class II Lewis told this Inquiry that on the following day, 31st January 1972, at Palace Barracks, the ammunition was checked again.¹ He said that he physically counted every single round that was returned to him, but pointed out that this was not as arduous as it may seem as the majority of the ammunition was still in sealed boxes.² His recollection was that by this time all of the company’s ammunition had been consolidated in the company store, and hence it would not have been possible to establish from this check alone how many rounds each platoon had fired.³ He gave the following account of this exercise in his RMP statement:⁴

“The Physical check of ammunition carried out by me on the 31 Jan 72 consisted of an actual count by me of the rounds returned to me by my Company and a comparison against my initial issues. By this method I arrived at the figure of 94 rounds of 7.62 ammunition being expended during the period that the ammunition was issued.”

¹ Day 373/96

³ Day 373/94; Day 373/96

² Day 373/94

⁴ B2031

166.14 Throughout his evidence, Warrant Officer Class II Lewis stated that there was a discrepancy of 94 rounds between the amount of ammunition issued and the amount returned.¹ He told us, and we accept, that he did not carry out a check of Composite Platoon's rounds, since he was not CSM of that platoon.² The count of 94 is consistent both with the Widgery Inquiry evidence of Support Company's soldiers and, when taken together with 14 rounds that Captain 200 said that Composite Platoon fired, with the 1 PARA log entry at 1810 hours on 30th January.³

¹ B2030-2031; Day 373/186

³ W191

² B2111.023; Day 373/83

The evidence of other members of Support Company about an ammunition count in the Bogside

166.15 There is a possible discrepancy between Warrant Officer Class II Lewis's evidence of an ammunition count taking place at about 1700 hours on Bloody Sunday and the evidence of Sergeant O and Corporal P. These two soldiers, who between them claim to have fired 17 rounds, were tasked with driving the bodies of the rubble barricade casualties to Altnagelvin Hospital.¹ On Sergeant O's 1972 evidence, they left the Bogside at approximately 1645 hours,² and thus potentially before Warrant Officer Class II Lewis's check began. It is notable that Sergeant O was a Platoon Sergeant, and as such it fell to him, according to Warrant Officer Class II Lewis's RMP statement, to organise Mortar Platoon's ammunition count. However, Warrant Officer Class II Lewis told us that his recollection was that the count was completed before Sergeant O left for Altnagelvin Hospital. In his oral evidence to this Inquiry, Sergeant O, when asked if some form of initial ammunition count might have been done while he was still in the Bogside, replied that if it happened, he did not remember it.³

¹ B442; B469; B593; B603; B623.002; CS3.207

³ Day 336/140-141

² B442; B469

166.16 The other Support Company Platoon Sergeants who were present on Bloody Sunday were Sergeant INQ 1694 of Anti-Tank Platoon and Sergeant INQ 441, who was Acting Platoon Commander of Machine Gun Platoon. The former is dead and gave no evidence to this Inquiry or to that of Lord Widgery.

166.17 Sergeant INQ 441 told this Inquiry that he instructed Corporal INQ 1686, his Acting Platoon Sergeant, to do an ammunition check after the CSM had called for one.¹ It is not possible to ascertain from his evidence precisely when this occurred, although Sergeant INQ 441 did recall that it was at a point when "*matters were quiet and it was clear that we*

had dealt with the situation and contained the area".² Sergeant INQ 441 said that the ammunition check would have involved someone going to each soldier and checking "*what ammunition they had left in his magazine and also in any bandoliers ... so as the company sergeant major can tally up the exact number of rounds that had been fired and what happened*".³ Hence it appears that he believed that a physical check was carried out, but it is not entirely clear when. Corporal INQ 1686 is dead, and gave no evidence to this Inquiry.

¹ C441.6

³ Day 303/91

² C441.6

166.18 There is more direct support for Warrant Officer Class II Lewis's evidence that some kind of ammunition count was carried out before Support Company left the Bogside from a number of other witnesses. Lance Corporal 033, one of Major Loden's signallers, told this Inquiry that before his unit withdrew he was tasked with going to each platoon to find out how many shots they had fired and then giving the total to the CSM.¹ There is no reference to this in his RMP statement,² though this is probably explicable on the basis that he was not asked about it. Lance Corporal 033 did not give evidence to the Widgery Inquiry.

¹ B1621.007; Day 324/82-83

² B1617

166.19 Corporal 162, from Mortar Platoon, stated to this Inquiry and to the RMP that he was involved, while still in the area of the Rossville Flats, in establishing how many rounds members of his platoon had fired.¹ Lance Corporal J told the Widgery Inquiry that an ammunition count was conducted before Anti-Tank Platoon left Rossville Street,² and Private H said to us that he remembered an ammunition check taking place in his Pig (Armoured Personnel Carrier) while it was on the waste ground to the east of Rossville Street.³

¹ B1961; Day 323/198-199

³ Day 378/62-63

² B274; WT15.33

The evidence of other members of 1 PARA about ammunition counts at Drumahoe

166.20 There is also evidence to support Warrant Officer Class II Lewis's account of an ammunition count at Drumahoe. Sergeant O told this Inquiry that after taking the casualties to Altnagelvin Hospital he drove to Drumahoe where he found that

Corporal 162 had already begun an ammunition check.¹ In his written evidence to this Inquiry he explained the procedure that would have been involved:²

“We were issued ammunition from the Company Sergeant Major and it was our responsibility to ensure that ammunition was checked and returned and all rounds were accounted for ... Once back at Drumahoe, I would have checked each member of the platoon to see whether he had full magazines or whether he had fired rounds. I would have consolidated my check into one entry for the platoon which I would have given to the Company Sergeant Major, 202 [Warrant Officer Class II Lewis]. I would have written this on a scrap of paper which I would then have thrown away.”

¹ B575.120-121; Day 335/114; Day 336/103-104

² B575.120-121

166.21 During his oral evidence, Sergeant O characterised the process as an “*overall count of ammunition returned back to me*”.¹ He added that each soldier would have handed his remaining ammunition either to him or to the senior Platoon Corporal (Corporal 162) who had initially undertaken the count.² On their return to Palace Barracks, Sergeant O would then have ensured that the ammunition was returned to the company store, of which Warrant Officer Class II Lewis was in charge.³ He said that he would have declared his ammunition state (ie acknowledged the difference between that which his platoon had been issued and that which his platoon now possessed) while at Drumahoe.⁴ Corporal 162, who gave his oral evidence to this Inquiry before Sergeant O, was not asked whether he took part in any ammunition count at Drumahoe.

¹ Day 336/104

³ Day 336/106-107

² Day 336/106-107

⁴ Day 336/108

166.22 Warrant Officer Class II 205, who was CSM of A Company, gave an RMP statement in which he dealt with the issue and return of ammunition to his company. In this he recorded that: “*On the return to our location at Drumahoe the ammunition was subsequently returned to me and I made a physical check and found all ammunition to be correct.*”¹ Although it does not follow that Support Company would necessarily have adopted the same routine as A Company, we consider that this account lends support to the evidence to this Inquiry of Warrant Officer Class II Lewis and Sergeant O.

¹ B2118

166.23 Warrant Officer Class II 204, who was CSM of C Company, recorded in his RMP statement that “*On the return of my Company to unit lines the ammunition was withdrawn from the men by the platoon Sergeants and returned to me*”.¹ There is no indication in this statement, or in his evidence to this Inquiry, as to where the “*unit lines*” were.

Like Warrant Officer Class II 205, Warrant Officer Class II 204 told the RMP that on the recall of the ammunition, all was present and correct.²

¹ B2115-2116; B2117.001-005

² B2115

- 166.24** The evidence to this Inquiry of Sergeant 106 and Corporal 039, which is considered below, was also to the effect that some kind of ammunition count was carried out among at least part of Composite Platoon while they were at Drumahoe.

Evidence concerning Composite Platoon's ammunition counts

The evidence of Captain 200

- 166.25** Captain 200, the officer commanding Composite Platoon, recorded in a statement dated 5th February 1972 that he ordered an ammunition count immediately after his men had withdrawn to Clarence Avenue from the Bogside. He then spoke to each of the men who fired, and recorded that Composite Platoon had fired 14 shots on the day.¹ He gave consistent evidence to the Widgery Inquiry, adding that once they had reached Clarence Avenue he asked his two Colour Sergeants to compile an initial list of which rounds had been fired; and that he spoke to the firers after receiving that list.²

¹ B1982

² B1987

- 166.26** Captain 200 gave evidence to the same effect to this Inquiry,¹ and explained the provenance of his statement of 5th February. He said that he wrote an account of the relevant events a day or two after Bloody Sunday, at a time when he was back at Palace Barracks.² This document, which contained several precise details such as eight-figure grid references identifying the position of the firing soldiers, was based on notes that he made "*at the time*".³ It was not clear precisely when Captain 200 originally recorded each piece of information that subsequently appeared in his statement; it could have been at Clarence Avenue or later at Drumahoe.⁴ However, he thought that by the time he reported his platoon's firing to Major Loden on the evening of Bloody Sunday he was "*clear how many rounds were fired and who had fired them*".⁵ He also believed that before he began to write his account of events he had taken down the names of the firing soldiers and the number of shots that they had claimed.⁶

¹ B2022.009; Day 368/3-4

⁴ Day 367/146-155; Day 368/5-7; Day 368/70-75

² B2022.009; B2022.040-050; Day 367/158

⁵ Day 367/149

³ B2022.047; Day 367/147

⁶ Day 368/71

166.27 Captain 200 transcribed this statement into a fairer manuscript copy, which this Inquiry does not have, and handed this to the 1 PARA Adjutant (Captain Mike Jackson).¹ This was subsequently typed up on an RMP statement form, presumably on 5th February 1972.²

¹ B2022.009; Day 367/146

² B2022.009

The evidence of other members of Composite Platoon

166.28 The two Colour Sergeants who were present with Composite Platoon on Bloody Sunday were Colour Sergeant INQ 147 and Colour Sergeant 002, who were respectively attached to the two sections of Composite Platoon who went into the Bogside (sections CS71 and CS71A). The latter section included Private INQ 449.¹

¹ B2022.063; B1353

166.29 Colour Sergeant 002 gave a statement to the RMP¹ and written, but not oral, evidence to the Widgery Inquiry² and to this Inquiry.³ In his Widgery Inquiry statement he recorded that after the main shooting incidents he brought his platoon together at the north end of a block of flats where an ammunition check was conducted.⁴ He gave no further details, and it is not clear from this statement alone whether the flats in question were those at Kells Walk, Glenfada Park or the Rossville Flats.⁵ Colour Sergeant 002 mentioned the movement to this position in his RMP statement, but made no reference to an ammunition check.⁶ Neither of his 1972 statements dealt with events after his platoon moved out of the Bogside.⁷

¹ B1353-1356

⁵ B1362; B1363.007

² B1361-1362

⁶ B1350

³ B1363.001-007

⁷ B1356; B1362

⁴ B1362

166.30 In his written evidence to this Inquiry, Colour Sergeant 002 stated that: “As Colour Sergeant I possibly did an ammunition check but I cannot remember doing this. We would have asked the men to check their ammunition magazines and pouches and make a declaration.” As Colour Sergeant 002 did not give oral evidence to this Inquiry he could not be examined further on these points.¹

¹ B1363.005

166.31 Colour Sergeant 002’s evidence of an ammunition check at a relatively early stage after the main firing on Bloody Sunday is supported by Sergeant K, a member of CS71A who fired on the day. In his evidence to the Widgery Inquiry he said that an ammunition check was carried out “as soon as we consolidated our position in and around the ruined

buildings at the end of the Kells Walk at lower rise flats".¹ As with Colour Sergeant 002, Sergeant K's 1972 evidence did not extend beyond Composite Platoon's initial withdrawal from the Bogside.²

¹ WT15.84; B298

² B291; B298

166.32 In his evidence to this Inquiry, Sergeant K initially recalled that the ammunition check took place once he had returned to his vehicle,¹ but on being shown his 1972 evidence he said that he did not have a clear recollection as to where it took place, and he thought it "*quite feasible*" that there was more than one such check on the day.² He stated that he could not remember who carried out the ammunition checks,³ but that it would have been either Captain 200 or Colour Sergeant 002.⁴ He said he did not recall being questioned by Captain 200 while in Londonderry about the circumstances in which he fired.⁵

¹ B311.010

⁴ Day 364/172

² Day 365/45

⁵ Day 365/29-30

³ B311.012

166.33 Another member of CS71A who fired on Bloody Sunday, Private M, gave evidence to the Widgery Inquiry that would suggest that there were two ammunition checks before he and his platoon moved back to William Street:¹

"We then returned to our vehicles which by then were parked in William Street towards the direction of the William Street barricade. There was no ammunition check as this had taken place shortly after I had shot the two men I described and also another check had taken place in the derelict building."

¹ B361

166.34 Again, Private M did not give evidence in 1972 about what happened after Composite Platoon had moved out of the Bogside.¹

¹ B348; B361

166.35 In his evidence to this Inquiry, Private M stated that he could recall having his ammunition checked by a non-commissioned officer shortly after he fired, and he thought that it was subsequently inspected again.¹ He said he could not recall who carried out the checks or where, but he said that they would have involved the inspecting soldier examining his magazine to see how many rounds he had left.² He also said that he could not recall speaking to Captain 200 about his firing on the day before he returned to barracks.³

¹ B372.005

³ Day 365/131-136

² Day 365/109-110

166.36 Colour Sergeant INQ 147 gave written, but not oral, evidence to this Inquiry. He stated that he had very little recollection of the events of the day and he gave no evidence relating to ammunition checks or counts.¹

¹ [C147.1-3](#)

166.37 Three other soldiers from Composite Platoon, Private C, Lance Corporal D and Private L, stated that they fired on Bloody Sunday. Neither Private C nor Lance Corporal D gave evidence in 1972 about any ammunition checks,¹ and neither could recall, when asked at this Inquiry, giving Captain 200 an account of the rounds that they had fired.² However, Corporal C thought that something of this nature would have arisen as “*whatever rounds you signed out, you had to sign back in ... everything had to be accounted for*”.³

¹ [B15-68](#); [B69-85](#)

³ [Day 354/68](#)

² [Day 354/68](#); [Day 355/38](#)

166.38 Private L gave no evidence in 1972 about where and when any ammunition check took place. His evidence to this Inquiry was that some sort of ammunition check took place after his unit had returned to the area of the Presbyterian church.¹

¹ [Day 381/156-157](#)

166.39 Sergeant 106, a section leader in CS71,¹ initially told this Inquiry that he recalled an ammunition count taking place in the barracks where they stayed on the night after Bloody Sunday (seemingly a reference to Drumahoe),² although later in his evidence he said that he did not have much recollection of the location.³ He said that he would have counted the remaining ammunition of each of the four or five soldiers in his section before handing the rounds over to the CSM.⁴ He recalled that no-one had fired,⁵ but he could not remember the names of the men that he worked with on Bloody Sunday.⁶ Sergeant 106 stated that he had no recollection of Major Loden or Captain 200 speaking to those members of Composite Platoon who had fired rounds; however, as, on his account, neither he nor anyone in his section had fired he would not have been directly involved in this exercise.⁷ He did not deal with the ammunition count in his RMP statement.⁸

¹ [B1713.001](#); [B2022.063](#)

⁵ [Day 299/75](#)

² [B1713.005](#); [Day 299/76](#)

⁶ [B1713.001](#)

³ [Day 299/99-100](#)

⁷ [Day 299/74](#); [Day 299/100-107](#)

⁴ [Day 299/75](#); [B1713.001](#)

⁸ [B1711-1712](#)

- 166.40** Corporal 039, who was also deployed with CS71A and who fired a baton round on Bloody Sunday, told this Inquiry that he remembered an ammunition check at Drumahoe. However, he recalled that weapons and ammunition were retained until 1 PARA returned to Palace Barracks.¹

¹ [B1561.6](#)

The evidence of Private 203

- 166.41** Private 203 was the ammunition storeman for headquarters or Command Company of 1 PARA at the time of Bloody Sunday. He described his role in the issuing of ammunition in his RMP statement:¹

“The system of ammunition issues to men of the Company is as follows: The men requiring arms and ammunition for duty report to me personally, and I issue them with their weapon and the ammunition required and shown in the daily detail. The men sign for their weapon and ammunition which they count and check. When they return it I count and check it and if any rounds have been fired I report the fact in writing to my CSM. Replacement rounds are issued by 201, the unit arms storeman.”

¹ [B2112](#)

- 166.42** In relation to the ammunition that was issued and returned on Bloody Sunday, Private 203 told the RMP that he did not provide all of Composite Platoon with their arms and ammunition, as some of them would have obtained these from B Company stores. However, on the morning of 30th January 1972 he did provide 26 men with 50 rounds of 7.62mm ammunition, and one man with 40 rounds. He stated that on 1st February these men returned from temporary duty in Londonderry and handed in their arms and ammunition. Private 203 told us he “*personally checked the ammunition and compared it with the issue sheets*”. This exercise showed that 14 x 7.62mm rounds had been expended, and Private 203 reported this.¹

¹ [B2112-2113](#)

- 166.43** In his evidence to this Inquiry, Private 203 explained the procedure that would be employed when a soldier returned his weapon and ammunition after an operation:¹

“8. When the weapon and ammunition were returned at the end of the operation, I would sign the ledger to show that the amount of ammunition and the weapon were the same as the soldier had been issued with.

9. Each soldier was required to prove to me that his gun was clear. I would take the weapon away and check the butt number and the ammunition against the log before I signed the log. The ammunition was normally in black clips of five in bandoliers and so I counted the ammunition in batches of five. It was easy to tell at a glance if one round was missing. If there was a gap, I would spot it straight away. If there were any shortfalls in the amount of ammunition handed back, I would red circle the amount and report to the Sergeant Major. I would take him the ledger rather than submitting a written report. If there had been firing in the company, I would submit a statement to the SIB. If there was no firing and the round count was wrong, it was a disciplinary matter as it would mean that a round had been lost and I would give evidence to a disciplinary hearing, if required.

10. The Sergeant Major would then carry out a complete arms check every Friday, including checking serial numbers of all weapons held in the stores plus all ammunition.”

¹ [B2114.002](#)

166.44 He told us that after Bloody Sunday the ammunition that was returned to him at Palace Barracks would have been checked, by him personally, in this way.¹

¹ [B2114.006](#); [B2114.007](#); [Day 306/115](#)

166.45 During his oral evidence Private 203 was asked about how he checked and cleaned the weapons that were returned to him. He said that the latter duty fell upon him as Command Company was, in general, comprised of senior ranks and hence he was given the permanent position of ammunition storeman in order to do such chores for them.¹ After an operation, he said, he would clean each weapon, going through each one systematically.² He said that he would be able to tell if a weapon had been fired from the smell (if he received the weapon before this dispersed) and from carbon deposits inside the chamber.³ He was asked if he recalled having any reason to think that any member of Composite Platoon had fired without admitting to having done so; he replied that he did not.⁴ He said that if he had come across a weapon that he suspected had been fired then this would have been something that he would have remembered and reported.⁵

¹ [Day 306/62](#)

⁴ [Day 306/63](#)

² [Day 306/64](#)

⁵ [Day 306/63](#)

³ [Day 306/62-63](#)

166.46 After Private 203 gave his initial evidence to this Inquiry, it emerged that in 1978 he was convicted of a number of offences involving firearms. When recalled, his evidence was to the effect that these matters did not alter his evidence or any pertinent facts as to what happened on Bloody Sunday. We are of the view that these convictions did not devalue the evidence that he gave to us.¹

¹ [B2114.013-016](#); [Day 382/23-62](#)

166.47 If Private 203's evidence to the RMP and to this Inquiry is correct, which in our view it probably is, then it follows that on 1st February 1972 he conducted a physical count of the 7.62mm ammunition carried by 27 members of Composite Platoon on Bloody Sunday. This revealed that 14 rounds had been discharged, a figure that is consistent with the evidence of Captain 200; with the 1 PARA log entry at 1810 hours;¹ and with the subsequent evidence of Composite Platoon soldiers to the Widgery Inquiry. As we have noted, Private 203, who cleaned the weapons used by members of Command Company, believed that he would have noticed and reported any rifle that had been fired by a soldier who did not admit to having done so.

¹ [W191](#)

166.48 Private 203's evidence that he did not supply ammunition to every member of Composite Platoon is confirmed by the RMP statement of Lance Corporal 206, the B Company arms storeman. He recorded that early on the morning of 30th January 1972 he issued weapons and ammunition to some members of Composite Platoon. He retained the arms sheets until 2nd February when the ammunition and weapons were returned to him.¹ Lance Corporal 206 then checked the number of rounds issued against the number returned and found that there was no discrepancy. He told us he did not provide figures for the amount of ammunition in question as the daily arms sheets on which he had recorded these had been destroyed, something that he said was normal procedure. He noted that there was a daily weapons and ammunition check carried out by the duty officer.² In his written evidence to this Inquiry, Lance Corporal 206 was unable to assist further as to his role on Bloody Sunday.³ He did, however, state that he did not accept the return of a weapon unless it was clean.⁴

¹ Lance Corporal 206's RMP statement records the return of "arms and ammunition sheets", but he stated in his evidence to this Inquiry that this must have been a mistake for "arms and ammunition" ([B2123.003](#)). We are sure this is correct as Lance Corporal 206 told the RMP that he retained the ammunition sheets and, if taken literally, the statement would leave unresolved the question of what happened to the ammunition that Lance Corporal 206 had issued.

² [B2121](#)

³ [B2123.001-003](#)

⁴ [B2123.001](#)

The evidence of Corporal 201

166.49 Corporal 201 was the battalion ammunitions storeman for 1 PARA at the time of Bloody Sunday. He was based at Palace Barracks in Holywood, and was responsible for controlling the battalion's ammunition bunker and issuing ammunition to each company.¹ He gave evidence to the Widgery Inquiry and to this Inquiry.²

¹ B2023; B2029.001

² B2023-2029.003; WT17.64-67

166.50 In his evidence to this Inquiry, Corporal 201 explained that he issued the relevant amount of ammunition to each company at the start of their two-year tour of duty in Northern Ireland. From then on the ammunition (and weapons) were generally stored in company armouries, which were separate from the ammunition bunker that Corporal 201 controlled.¹

¹ B2029.001

166.51 Corporal 201 told us that he retained records of how much ammunition had been issued in a ledger (known as a "183"), and through certificate issue vouchers (known as "1033s") which were used to back up the contents of a ledger.¹ Corporal 201 explained the system in place for recording the use of live rounds on operations:²

"7. If a round was expended on an operation it was necessary to account for this in the ledger. The Regimental Sergeant Major or Quartermaster would be informed of the expended or lost round and the Quartermaster then informed me. The details provided to me of the circumstances in which the round was expended were limited. I was told about the amount and type of rounds expended and very brief details of the operation on which, and the location where, they were expended, eg the details might be, internal security, the date and the general area, (normally limited to the town) where the round was expended. A new 1033 was issued in respect of each round expended. The information that had been provided to me was included in a new 1033 typed by the Quartermaster, signed by the Officer in Charge and stamped by the Major or Quartermaster to confirm that it had been issued. The 1033 would then be sent to the appropriate Commanding Officer for him to check and sign. Once this was done I amended the running balance of rounds issued in the ledger, in accordance with the new 1033, so that the ledger reflected the amount of rounds now held by the Company. Once a week or so the Company Orderly Sergeant came down to see me to check that what was in stores was in accordance with the contents of the ledger."

¹ B2029.001-002

² B2029.002

- 166.52** He agreed, during his oral evidence, that the ledger was, in effect, a “*record of the running total of the ammunition in issue to the relevant companies from time to time*”.¹ He also explained that the stock check conducted by the company orderly sergeant involved random inspections of items in the battalion ammunition bunker in order to ensure that the ledger correctly recorded what was retained there.² The following exchange with Counsel to this Inquiry demonstrated how the system worked:³

“MR CLARKE: As I understand it your ledger will tell you two different things. The first is how much is left in your store and the second is how much ought to be left in the company’s store; is that right?

A. That is basically correct, yes.

Q. Again, forgive me simplifying it. If you start with 20,000 bullets and you issue 5,000 bullets, the ledger will show that you have issued 5,000 bullets to the company, assume there is just one company, and that will show that you should have 15,000 bullets left?

A. That is correct.

Q. The ledger will also show, if 100 of those 5,000 bullets are expended, that the company should have 4,900 not 5,000 bullets to return; is that right?

A. That is correct, yes.

Q. What you are describing in the last sentence of paragraph 7 is a company orderly sergeant coming round to check, in my example, the 15,000 bullets that ought to be in your store?

A. That is correct.”

¹ Day 351/138

³ Day 351/148-149

² Day 351/144-145

- 166.53** In his RMP statement and his evidence to the Widgery Inquiry, Corporal 201 had stated that after the Bloody Sunday he had “*replaced*” 108 rounds of 7.62mm ammunition.¹ Corporal 201 told the present Inquiry that he did not mean by this that he physically handed over more rounds to the companies involved. Instead, he conducted what was in effect a paper exercise, whereby he issued new certificate issue vouchers (covering all expended rounds), so that the number in the ledger was brought down to the appropriate level.² It seems to us that his oral evidence to the Widgery Inquiry was consistent with this

explanation, though that evidence did not make particularly clear that what he was conducting was a paper exercise.³

¹ B2023-2024; WT17.65-66

³ WT17.65

² B2029.003; Day 351/142-143

166.54 Corporal 201 explained to this Inquiry why he did not issue more 7.62mm rounds to replace expended ammunition:¹

“I did not need to because they had plenty of ammunition, they was not firing thousands of rounds like they are abroad maybe, they are only firing the odd one or two, so the company sergeant majors would not want to resupply because to get one round I would have to give them another full box.”

¹ Day 351/170

166.55 As is noted above, Warrant Officer Class II Lewis recorded in his RMP statement that at the time of Bloody Sunday Support Company held 4,050 rounds, of which 2,950 were issued on 30th January 1972.¹ To our minds these figures support Corporal 201’s evidence that there would have been no need for Warrant Officer Class II Lewis to request fresh supplies of ammunition even after his men expended 94 rounds.

¹ B2030

166.56 Corporal 201 told this Inquiry that as battalion ammunitions storeman he was not involved in checking ammunition once it had been issued to the companies, although he understood that regular checks occurred.¹ However, he did state that at the end of the tour the ammunition was handed in by the companies in order to be passed to the next unit, and at this stage the ledger would be checked by an ammunition technical officer in order to “*ensure that the ledger was fully accountable for all rounds*”.² At points, his evidence seemed to suggest that this was another paper exercise, whereby the ledger would be checked against the certificate issue vouchers to ensure that the two sources tallied.³ However, other parts of his evidence might suggest that a physical check was conducted:⁴

“[Michael Mansfield QC]: At the end of a tour of duty, what happened to the records, can you say? Are they left at the barracks or do they go with the regiment or what?”

A. No, once the certificates, once the ammunition tech officer comes and checks all the ammunition, and checks the boxes are all resealed, takes any damaged rounds away, if there is any damaged rounds, he will give a certificate to the quartermaster. Then my ledger is burnt.”

¹ [B2029.002](#)

³ [Day 351/140; B2029.002](#)

² [B2029.002](#)

⁴ [Day 351/159](#)

166.57 It follows from the totality of Corporal 201’s evidence that his 1972 records, by which he meant the ledger and the certificate issue vouchers,¹ showed that during the period between 29th January 1972 and 2nd February 1972 he was informed that 108 rounds had been expended. He issued the new certificate issue vouchers so as to ensure that the figures recorded in his ledger reflected the rounds that would then have been held by the companies involved. He did not at that stage see or count the actual remaining ammunition; nor did he hand over any new rounds. In his oral evidence to this Inquiry he agreed that he would not have known whether the number of rounds in any company’s stores matched his own records; such a check was not his responsibility but that of the company storeman or orderly sergeant.² What is not wholly clear from his evidence is whether, at the end of the tour of duty, the remaining ammunition would have been physically checked by the ammunition technical officer, and whether at this point any discrepancies would come to light.

¹ [Day 351/154](#)

² [Day 351/169](#)

166.58 Corporal 201 told the Widgery Inquiry and the present Inquiry that for the period in question he was never a round out in his record-keeping.¹

¹ [WT17.67; B2029.001; Day 351/150](#)

Comparative assessment of the evidence of 1 PARA’s ammunition counts

166.59 The evidence about the timing, number and extent of ammunition counts that were carried out within Support Company and Composite Platoon on 30th January 1972 and in the days afterwards is patchy and imperfect. Although this is in part due to the limited recollections of the relevant witnesses, it is also relevant to note that no consistent

approach was taken to asking questions on this topic either in 1972 or at this Inquiry. The ammunition count was not a topic of controversy at the Widgery Inquiry and hence little evidence was then gathered about it; as a result, Counsel to this Inquiry did not have much material with which to prompt or test the evidence of those who appeared before the Tribunal.

- 166.60** The use of the term “ammunition count” in the singular is somewhat misleading. The evidence suggests that there were a number of ammunition checks which were carried out at different levels. Hence a soldier in Anti-Tank Platoon of Support Company would not have been subjected to the same process as one in CS71 of Composite Platoon. It is therefore necessary to consider Support Company and Composite Platoon separately.

Support Company

- 166.61** The most comprehensive evidence regarding the ammunition checks carried out on members of Support Company comes from Warrant Officer Class II Lewis. On his account, at least three ammunition checks were initiated following the firing on Bloody Sunday. The first took place while the company was still in the Bogside, the second at Drumahoe on the evening of 30th January 1972, and the third at Palace Barracks on the following day. The latter two exercises involved, on his evidence, a physical count of all of the remaining ammunition.
- 166.62** On the basis of the evidence to which we have referred, there was an ammunition check while Support Company (apart from Composite Platoon) was still in the Bogside. This was not a physical check but one in which soldiers were asked to say what rounds, if any, they had fired, though it may be that in some cases soldiers’ rounds were physically counted. There was a physical check of rounds at Drumahoe on the evening of Bloody Sunday; and a further physical check the following day by Warrant Officer Class II Lewis. However, we have placed little reliance on the paper exercise conducted by Corporal 201, since it would appear from his evidence that he would not have seen, issued or received the ammunition used on Bloody Sunday in the days or weeks before and after 30th January 1972.
- 166.63** We consider below the submissions that relate to the evidence of ammunition checks.

Composite Platoon

- 166.64** The evidence from members of Composite Platoon regarding the ammunition count is more fragmentary. We have no doubt that there was an ammunition check at Clarence Avenue as described by Captain 200; and it is possible that there had been an earlier check, as Sergeant K and Private M recalled.
- 166.65** There is very little evidence from members of Composite Platoon about what they did once they returned to Drumahoe. The evidence to this Inquiry of Sergeant 106 (at least initially) and Corporal 039 was that some form of ammunition count did take place, but to our minds aspects of their accounts, and the fact they were given 30 years after the event, raise some doubts about their reliability on this point. However, the 1972 evidence of Private 203 suggests that physical counts of ammunition took place when he issued weapons and rounds to 26 members of Composite Platoon on the morning of 30th January 1972 and again when they returned it on 1st February. In addition, he gave evidence to this Inquiry to the effect that he would have been able to tell if any weapon that was returned to him had been fired. His 1972 evidence, if correct, would rule out the possibility of an unacknowledged or unrecorded shot from a member of Composite Platoon who drew his supplies from B Company's stores. However, the lack of detail in his RMP statement limits the trust that we can place in it.

Submissions that the ammunition count was inadequate or inaccurate

- 166.66** Representatives of the families submitted that the figure of 108 expended rounds was "*entirely unreliable*".¹ Among the points these representatives made were that the lack of precision and care in controlling and reporting the use of baton rounds was reflected in 1 PARA's treatment of the expenditure of live ammunition; that the probity and competence of those who took the ammunition count is undermined by their failure to question what these representatives described as the incredible and inconsistent accounts given by some of the soldiers, notably Privates H and L, when reporting their firing; and that the lapsed standards employed after Bloody Sunday are demonstrated by the failure to remove the weapons held by Support Company on Bloody Sunday from operational use in order to preserve them for subsequent examination.

¹ [FS2.32-55](#); [FS3.33-56](#)

166.67 In our view none of these points demonstrates that the figure of 108 rounds was unreliable. We consider that the treatment of baton rounds was quite distinct from the treatment of live ammunition and that nothing can be inferred from the former that is applicable to the latter. As to the accounts given by soldiers of why they fired, this was not a matter with which the ammunition checks were concerned. The so-called failure to retain weapons after Bloody Sunday, again in our view, has nothing to do with the reliability of the ammunition checks.

Submissions on the reliability of the evidence given by Warrant Officer Class II Lewis

166.68 In addition to these points, it was submitted that the evidence of Warrant Officer Class II Lewis regarding the ammunition count for Support Company (excepting Composite Platoon) was so problematic that it cast doubt over the reliability of the results attained. There are three elements to their submissions on this matter:

1. It was submitted that at the time that Warrant Officer Class II Lewis claimed to have initiated the first ammunition count, Sergeant O and Corporal P had left the Bogside in order to drive some of the casualties to hospital, and hence these soldiers were not in a position to report on their own firing. Further, Sergeant O was the Platoon Sergeant for Mortar Platoon, and thus on a literal reading of Warrant Officer Class II Lewis's RMP statement, he should have been responsible for carrying out the ammunition count for his men.¹

¹ [FS2.44-46](#)

2. These representatives further submitted that, contrary to Warrant Officer Class II Lewis's RMP statement, it would not have been possible to conduct a "physical check" of ammunition while Support Company were still in the Bogside. They cited the evidence of Warrant Officer Class II Lewis to this Inquiry in which he agreed with this proposition, and submitted that he was unable to provide an adequate explanation of the change in his evidence on this point.¹

¹ [FS2.45-48](#)

3. They submitted that another inconsistency in Warrant Officer Class II Lewis's evidence was his reference to the ammunition check at Drumahoe, which he did not mention until his oral evidence to this Inquiry.¹

¹ [FS2.48](#)

- 166.69** As to the first of these points, this depends on assuming that the check was not made until after Sergeant O had left for Altnagelvin Hospital, ie that the time of about 1700 hours in Warrant Officer Class II Lewis's RMP statement was reasonably accurate. However, it is our view that too much reliance should not be placed on what to our minds was an approximate timing. In the light of the evidence to which we have referred, we have concluded that the initial check is likely to have been made before 1700 hours and before Sergeant O had left the scene.
- 166.70** As to the second point, it is true that Warrant Officer Class II Lewis's RMP statement referred to a physical check of ammunition. However, he corrected this in his evidence to this Inquiry; and the evidence of Lance Corporal 033 supports his account of how that check was in fact conducted. We accept the evidence of Warrant Officer Class II Lewis that the word "physical" was a mistake in his RMP statement.
- 166.71** As to the third point, we are not persuaded that the fact that Warrant Officer Class II Lewis only mentioned the ammunition check at Drumahoe when he gave his oral evidence to this Inquiry somehow devalues his evidence. There is other evidence, to which we have referred, that there was such a check. It should be borne in mind that neither in 1972, nor when giving his written statement to this Inquiry, was Warrant Officer Class II Lewis being challenged about what ammunition checks had been made, as opposed to the number of rounds said to have been expended.
- 166.72** We should note that in the course of the Inquiry we ruled that there was no sensible foundation for alleging that Warrant Officer Class II Lewis dishonestly invented a count list or record of Army ammunition expended on the day.¹ We remain of that view.
- ¹ [Day 346/138](#)
- 166.73** In these circumstances we are of the view that at some point before 1700 hours on Bloody Sunday Warrant Officer Class II Lewis made an initial, verbal, ammunition count which revealed that the soldiers of Anti-Tank Platoon, Mortar Platoon and Machine Gun Platoon had reported firing a total of 94 shots. This is consistent with the figure recorded in the 1 PARA log at 1810 hours, and the military evidence before the Widgery Inquiry. It is not, however, consistent with the initial RMP evidence of two of the relevant soldiers, which we consider below. We should note that no attempt was made by those attacking the count to reconcile the figure of 94 with the evidence that was presented to the RMP and to the Widgery Inquiry. If the figure of 94 was an arbitrary and inaccurate number, this must entail that soldiers tailored their later accounts to fit. We have found no evidence to suggest that this is what happened.

166.74 In relation to the initial count, the representatives of the majority of represented families criticised Warrant Officer Class II Lewis for not ensuring that a full physical check of ammunition was undertaken.¹ We do not accept this criticism, because of the practical difficulties in carrying out a full physical check of the dozens of Support Company soldiers, while still on the ground in the immediate aftermath of an operation.

¹ [FS1.599](#)

The evidence of Private David Longstaff and Private INQ 449

166.75 As we discussed when considering the events of Sector 3, two soldiers, Private Longstaff and Private INQ 449, have told this Inquiry that they each fired one live round on Bloody Sunday.¹ Neither round appears to have been recorded in the ammunition count. On their accounts, they declared their shots at an early stage. Neither made an RMP statement, a Widgery Inquiry statement or gave oral evidence to the Widgery Inquiry.

¹ [Paragraphs 123.69 and 123.104](#)

166.76 For the reasons given when considering the evidence of these two soldiers in the context of Sector 3, we concluded that it was much more likely than not that Private Longstaff had not fired on Bloody Sunday. On the balance of probabilities we concluded that Private 1NQ 449 had not fired either, though in his case there remained the possibility that he did fire one shot towards a window in the Rossville Flats, and that for some reason the shot was not recorded or counted.

166.77 If Private INQ 449 had fired, this would on the face of it have implications for the accuracy and integrity of the ammunition count unless (which he denied) Private INQ 449 used a spare round or obtained one later to take the place of the one he fired. On the assumption that he fired but did neither of these things, we do not know why his firing was not recorded or counted. If this shot was fired, this does not, to our minds, in itself lead us to the conclusion that other soldiers concealed shots. It would demonstrate that the ammunition count was (in respect of one shot) incorrect, but it does not follow that checks and controls of live fire that afternoon were otherwise inadequate. We have found nothing that suggests to us that the ammunition count was an organised deceit, or otherwise defective in that it did not record shots that (with the possible exception of Private INQ 449) soldiers reported that they had fired.

The first RMP statements of Sergeant O and Corporal P; and Lieutenant N's ejected round

166.78 The first RMP statements of Sergeant O and Corporal P about the number of shots that they fired are at odds with their subsequent accounts. Sergeant O initially stated that he fired seven shots, later he said eight; while Corporal P initially stated that he had fired 11 shots and later said nine. Lieutenant N mentioned the ejected round for the first time in his second RMP statement.¹ As a result, the 108 rounds initially claimed to have been fired, apart from the shot fired by Private INQ 449, would remain constant if we were satisfied that these three changes were genuine and if the shot ejected by Lieutenant N is counted in.

¹ [B391-392](#)

166.79 The discrepancy in the number of shots Sergeant O claimed to have been fired relates to the number he said that he fired at a man with a rifle at or near the Block 3 end of the lower walkway between Blocks 2 and 3 of the Rossville Flats. In his first RMP statement,¹ Sergeant O recorded that he fired seven shots in total, including two against that gunman. In his second RMP statement,² Sergeant O recorded that he fired a single shot first at that gunman and, when he saw no strike, he then fired two further rounds at the same gunman. Sergeant O has since maintained this latter account.

¹ [B439-442](#)

² [B461](#)

166.80 The discrepancy in Corporal P's account is in the number of shots he claimed to have fired over the heads of rioters. In his first RMP statement,¹ Corporal P recorded that he had fired "*a further five rounds over the heads of the rioters to attempt to disperse them*". In a second RMP statement,² Corporal P recorded that he fired only three warning shots at this time, a position he maintained in his Widgery Inquiry statement.³ Before the Widgery Inquiry he initially said he "*fired a couple of shots over their heads in an attempt to disperse them*".⁴ In response to an intervention by Lord Widgery, he said that he fired three and not two shots overhead.⁵ Before us, he claimed that he now had "*no recollection of firing my weapon or of seeing or hearing others firing weapons*"⁶ or of being in Rossville Street on the day,⁷ a claim we do not accept, as he also told us that his firing on Bloody Sunday was the only occasion on which, apart from training, he had fired live rounds in his Army career.⁸ In addition, for reasons given in the course of this report,

we are of the view that in important respects Corporal P failed to tell the truth in his RMP statements and in his evidence to the Widgery Inquiry.

¹ B578

⁵ B615

² B588

⁶ B623.002

³ B593

⁷ Day 353/21

⁴ B623.022

⁸ Day 353/2-3

166.81 In the cases of Sergeant O and Corporal P, it is possible that the number of shots was erroneously recorded in the first RMP statement by the statement taker and, as Sergeant O claimed, subsequently corrected by the soldier when he saw the typed version of the statement, in which case there is no significance to the statement taker's mistake.

166.82 We are of the view that the situation with Sergeant O was that he simply made an error in his first RMP statement. Such an error may be explained by the difficulties of remembering the events of the day, especially at a time when, as Sergeant O told us, he was tired, having just returned to Northern Ireland earlier that morning from training in Cyprus.¹ We have no reason to doubt the genuineness of this correction to Sergeant O's first RMP statement. Thus in our view Sergeant O fired eight and not seven shots as he initially claimed.

¹ B575.108

166.83 Corporal P, on the other hand, offered no explanation, either in 1972 or now, for the discrepancy in the number of shots he claimed to have fired over the heads of civilians. It may be that his first RMP statement reflected a careless or casual approach to the interview, somewhat similar to his evidence to the Widgery Inquiry when he first said he fired "*a couple*" of shots in this incident before he was corrected. Despite the unsatisfactory nature of much of the evidence given by Corporal P, we have no grounds for supposing that the change in the number of shots he said that he had fired was other than genuine. Thus in our view Corporal P probably fired nine and not 11 shots on the day.

166.84 Lieutenant N did not mention the ejected round in his first RMP statement.¹ In our view the probable explanation for the difference between Lieutenant N's first and second RMP statements is that either he or the statement taker considered that the unfired but ejected round should not be included in the first statement.

¹ B373-375

Conclusions on the ammunition counts

- 166.85** Various results about the number of shots that the soldiers have claimed to fire could have been reached. If Corporal P's two additional shots are counted along with one shot each by Private Longstaff and Private INQ 449, the total could be as high as 112. If, on the other hand, these shots are disregarded and Sergeant O's first RMP statement is correct, the number of shots falls to 107. We should note that although we reject (for reasons given in the course of discussing the events of Sectors 4 and 5) where Private H said he fired his rounds, we are of the view that he did fire 22 rounds on Bloody Sunday. In addition, there is the allegation, which we consider below and for which we have found no persuasive evidence, that Support Company soldiers fired private rounds that afternoon, thus distorting the ammunition count further. In our view, only one additional unrecorded round might have been fired, and that by Private INQ 449. In our view, therefore, soldiers of Support Company probably fired a total of 108 rounds (including the round ejected by Lieutenant N) on Bloody Sunday.
- 166.86** We should add that we have found nothing that suggests to us that some of the soldiers conspired together to divide up the rounds fired between them, so as to paint a false picture of what happened. No attempt was made by anyone to explain when or how such a conspiracy was organised or by whom; nor what specific purpose or purposes it was designed to serve.
- 166.87** We should also note, for reasons given when considering the events of Sector 3, that we do not accept Private INQ 449's assertion¹ that Corporal 036, who was sometimes called by the cipher Corporal INQ 2093, fired, an assertion denied by this soldier.²

¹ C449.8; Day 357/52-54

² B1631.21

Spare rounds

- 166.88** We now turn to the allegation that some soldiers maintained a private supply of ammunition over and above that issued to them, thus rendering the ammunition control and count meaningless and thereby making more ammunition available to the soldiers. Private ammunition is sometimes referred to as "buckshee" rounds.

166.89 The significance of this allegation is that if such ammunition was available and used that day, the ammunition count of 108 (or 109 if Private INQ 449 fired) becomes unreliable. Both Private INQ 449 and Private David Longstaff denied having spare or extra ammunition that day.¹

¹ C23.4; Day 357/69-70; Day 359/88

166.90 The representatives acting for the majority of the wounded and families of the deceased submitted that the practice was widespread, thereby permitting soldiers to use ammunition for which they would not have to account, that it demonstrated the undisciplined behaviour of the soldiers, that the practice was condoned by senior officers and that some soldiers carried extra ammunition on the day.¹ Representatives of Daniel Gillespie and the families of Alexander Nash, William Nash and Bernard McGuigan submitted² that the ammunition count was unreliable and that the practice demonstrated a “*culture of lying*” in the Army.³ Representatives for the soldiers did not address any alleged systemic shortcoming. Rather, if the issue arose with a particular soldier, they dealt with it on an individual basis.

¹ FS1.535; FS1.588-600

³ FS2.32

² FS2.32-55

166.91 Many of the soldiers who gave written statements or oral evidence to this Inquiry were questioned as to whether they had private or extra ammunition on the day and whether it was available to them. In addition, the practice was sometimes mentioned in media interviews given by soldiers. We do not propose to consider or tabulate their responses in detail other than to say that the majority of the soldiers who were asked either or both questions said that they did not have such ammunition on Bloody Sunday and that they did not know of the practice. A number of soldiers, however, did say that such ammunition was available and that soldiers sometimes had carried it on duty; and for that reason we examine the question further.

166.92 Warrant Officer Class I Wood, the Regimental Sergeant Major of 178 Provost Company, RMP, a company of the SIB based at Lisburn, told us that a soldier being found with spare ammunition would be “*court martialled instantly*”. In Northern Ireland, however, he said there appeared to be “*a different philosophy*” and it was not “*unusual*” to find a soldier with spare ammunition.¹ Another member of the RMP, Corporal INQ 1828, told us that it was no secret that “*many soldiers did carry illegal supplies of ammunition*”.²

¹ CW1.8

² C1828.4

- 166.93** Gunner INQ 312 of 22 Lt AD Regt described his practice in his written statement to this Inquiry and acknowledged that he carried extra rounds that day.¹

“On the day I had the standard 20 rounds I had been issued with, but I also carried a private supply of a further 20 rounds. When I first arrived in Northern Ireland I realised that 20 rounds would not be sufficient if I got caught in a gun fight with the IRA. Before we went to Northern Ireland we spent a lot of time at firing ranges. I would usually keep back some of the 20 rounds I had been issued with on each occasion I used the firing range. It became quite easy to build up another magazine of 20 rounds. In my experience it was not unusual for soldiers to carry extra ammunition and I knew a few lads in my regiment did the same as me. I did not know anyone who had dum-dum bullets, although I understood they were quite easy to make.”

¹ C312.4

- 166.94** Similarly, Private INQ 954 of 2 RGJ told us in his written statement to this Inquiry that the practice of carrying spare ammunition was widespread, although its use was rare.¹

“In addition to the standard issue of 20 rounds, I would say that most soldiers also carried their own supply of ammunition. Often, live ammunition was taken from rifle ranges; it was easy to do. If you did not fire all your live ammunition on the firing range, you could just not declare it at the end of the session.

It would be naive to say that officers were not aware that this went on, but it was certainly not encouraged. I would not go so far as to say that they turned a blind eye to it, but they were not too bothered.

The general feeling at the time was, because of the tight rules of engagement, soldiers were not given enough rope to do the job that they were there to do.

They were simply becoming targets for terrorists. By carrying a private supply of ammunition, if you were put in a situation where you had fired a shot and you did not want to declare it, having a private supply of ammunition would mean that you would not have to do so. In my opinion, this would happen possibly where there was no real justification for having fired a round, to avoid unnecessary red tape. People kept private supplies of ammunition more in case they were needed, rather than with any intention to use them. I would say that most people never used their private supply.”

¹ C954.2

- 2 Day 324/177-181

166.102 In an interview with Praxis Films Ltd, Lance Corporal INQ 1216, a member of A Company, 1 PARA, described the practice of having extra ammunition as being “*Quite common*”.¹ In his written statement to this Inquiry, he told us that there was an opportunity “*on the ranges ... to keep rounds back*”.²

¹ [C1216.27](#)

² [C1216.3](#)

166.103 Private INQ 1937, a member of D Company, 1 PARA, told us that private supplies could be accumulated at the end of a training session for use in situations not covered by the Yellow Card, such as frightening people.¹

¹ [C1937.2-3](#)

166.104 Private INQ 2023, who was a member of B Company and not in Londonderry on the day, said “*Most people had two or three buckshee rounds*” that came from training ranges.¹

¹ [C2023.3](#)

166.105 We now turn to members of Support Company.

166.106 While making his statement to this Inquiry, the CSM of Support Company, Warrant Officer Class II Lewis, was asked about private supplies of ammunition. He told us:¹

“144. I have been asked what could stop someone firing private supplies and then returning the rounds that I issued to them. Whilst there was nothing to stop this happening, I feel that if a soldier reported expending ammo then he had to be sure that it tied up with the rounds that he had got left. The speed with which I took the ammo check that afternoon would have meant that they would have to have been pretty quick.”

¹ [B2111.022](#)

166.107 He went on to add: “*all I can say is that I was strict about ammunition returns and it was a serious disciplinary offence not to account for ammunition or to have unauthorised rounds.*”¹ In his oral evidence to this Inquiry, Warrant Officer Class II Lewis accepted that, in an “*extreme case*”,² it was possible that a soldier fired a round from a private supply on Bloody Sunday that was not included in the ammunition check that he carried out on the day.

¹ [B2111.024](#)

² [Day 373/98](#)

166.108 Private 027’s various accounts about private supplies of ammunition are closely tied to his allegations that soldiers also had or fired modified or “dum dum” rounds. In some cases he explicitly stated that the modified rounds were held illegally, while at other times

it is unclear whether the bullet or bullets that he claimed were modified had been legitimately issued and held. We consider below Private 027's allegation that Private INQ 635 fired unrecorded shots on the day; and his allegations about modified rounds, in our discussion of the alleged possession of such rounds.

166.109 In his 1975 memoir, Private 027 stated that when he was in the back of his APC afterwards, members of his platoon were laughing and excited as they worked out the number of rounds that they had fired. Private 027 recorded that several soldiers had fired their own personal supply of modified rounds; and that Private INQ 635 had fired ten modified rounds but still had his official supply of ammunition and so said that he had not fired a shot.¹ In his evidence to this Inquiry, Private 027 stated that he did not know the source for the information that Private INQ 635 had so fired.²

¹ B1565.008

² B1565.057; Day 247/6-7

166.110 In his oral evidence to this Inquiry, Private INQ 635 denied Private 027's allegations that he fired modified or any other type of live rounds on Bloody Sunday.¹ Private INQ 635 also denied² an allegation made by Private INQ 2003 in an interview with Paul Mahon,³ which Private INQ 2003 withdrew before us,⁴ that Private INQ 635 had fired in Glenfada Park North. In his written statement to this Inquiry, Private INQ 635 stated that he had "*no knowledge of anyone carrying a private supply of ammunition*"; that there were very strict controls on the issue and return of ammunition; and that the possession of a private supply would be a very serious offence.⁵ In his oral evidence, however, Private INQ 635 said that while he did not have a private supply of ammunition and he did not know any soldiers who did so, he had "*heard of it before, like, the odd one or two rounds*".⁶ Later in his evidence he told us he recalled that when he was a recruit there was one incident where a soldier had retained extra rounds.⁷ He had not heard of any soldiers on Bloody Sunday replacing a round he fired with a private round.⁸

¹ Day 352/17-22

⁵ C635.2

² Day 352/25-226

⁶ Day 352/22

³ X1.41/.26

⁷ Day 352/75

⁴ Day 307/98-99

⁸ Day 352/22

166.111 We are of the view that Private INQ 635 did not fire on Bloody Sunday.

166.112 Two soldiers, Private 112 and Lance Corporal 624, in Mortar Platoon of Support Company, respectively agreed that it was "*possible*",¹ or that the "*opportunity*"² existed, that ammunition could be taken from firing ranges, but that they were not aware of that happening.

¹ B1732.008

² C624.6

166.113 Lance Corporal INQ 1152, Colonel Derek Wilford's radio operator on the day, told us that "*I know it was done*",¹ while Lance Corporal INQ 374, a member of Anti-Tank Platoon of 1 PARA, who was not in the city on Bloody Sunday, supposed that one or two men might have carried "*illegal*" rounds, but knew only of one case, and that not in Northern Ireland, where a soldier was found with illegal ammunition.²

¹ [C1152.8](#)

² [C374.3](#)

166.114 Of the 1 PARA soldiers mentioned above, only Private INQ 587, a soldier of C Company, stated that he was "*probably*" carrying unauthorised ammunition on Bloody Sunday.¹ Private 027 said that he could not "*accurately recall*" whether he did so as well.²

¹ [Day 324/180](#)

² [Day 247/5](#)

166.115 Set against this evidence is that of approximately 70 members of 1 PARA who told us that the notion of soldiers carrying private supplies of ammunition was impossible, improbable or something of which they had no experience.

166.116 While we are satisfied that the opportunity existed for soldiers to accumulate private supplies of ammunition, probably from firing ranges, and that some soldiers did so, we are not persuaded that soldiers of 1 PARA fired rounds from private supplies on the day. During our review of firing in each of the sectors, we give our view on which casualty was shot by which soldier, though in a few cases we could not be certain who among a small number of soldiers was the more likely to have been responsible. We also considered the evidence of rounds fired that did not result in casualties. From our consideration of these matters, it is our view that private or extra rounds were not required to account either for any of the casualties or for other rounds that were fired on the day. For reasons given in the course of this report, we consider that there were no additional or unknown casualties on the day, so there is no question of private or extra rounds being required to explain these.

166.117 Some of the witnesses who gave evidence to suggest that it was common for soldiers to carry private rounds do not appear to have been asked directly whether or not they were in possession of such ammunition on 30th January 1972.

166.118 There is no other direct evidence that links a specific soldier with a private supply of ammunition. Private 027 and Private INQ 449 have suggested that two soldiers, Private INQ 635 and Private 036, who claim not to have fired on the day, did so. While this might be explained by attributing private rounds to them, we do not find this explanation,

and the evidence of Private 027 and Private INQ 449, convincing. In our view, neither Private INQ 635 nor Private 036 fired on the day.

166.119 We should note at this point that it appeared to be suggested by the representatives of the majority of families that three SIB officers of the RMP falsely denied that soldiers possessed private rounds.¹ The soldiers in question were Sergeant Major INQ 1831, Corporal Brobson and Corporal INQ 2064.

¹ [FS1.143](#)

166.120 Sergeant Major INQ 1831 told us in his written statement to this Inquiry that he had never come across any private supplies of ammunition during his time in Londonderry: “*Such conduct would constitute very serious offences which no soldier would commit lightly.*”¹ It was not suggested to him when he gave oral evidence to this Inquiry that he had lied about this.

¹ [C1831.3](#)

166.121 Corporal Brobson told us that he had been asked by the solicitors engaged by this Inquiry (Eversheds) whether he had ever come across a soldier who had private supplies of bullets or who modified their ammunition. “*I did not. I have been asked whether I discussed these issues with colleagues. I cannot remember having conversations with my colleagues about these issues.*”¹ It was not suggested to him when he gave oral evidence to this Inquiry that he had lied about this.

¹ [C1868.5](#)

166.122 Corporal INQ 2064 told us that he did not keep private supplies of ammunition and was not aware of anybody else keeping private supplies, or hearing of any reports of soldiers keeping private supplies.¹ Corporal INQ 2064 did not give oral evidence to this Inquiry.

¹ [C2064.3](#)

166.123 We are not persuaded that any of these three SIB officers gave untruthful evidence on this matter.

Modified rounds

166.124 The suggestion that modified or “dum dum” rounds may have been fired on the day by soldiers of 1 PARA arises from comments made at various times by Private 027. Filing the point of a bullet or marking its head, usually as an “X”, modifies a round, the purpose being to create more fragmentation, and thus greater injury, upon impact.

166.125 In some cases Private 027 explicitly stated that modified rounds were part of the soldiers’ private supply, while at times he seemed to suggest that the modified bullet or bullets were originally legitimately issued on the day unmodified and then modified. Assuming that such rounds were held, it is most likely that they would have been part of a private supply as it would have been easier and less dangerous for a soldier to modify a private supply. If a soldier tampered with a round issued to him on the day of an operation, he ran the risk of being seen doing so. Further, he would be under pressure to fire or “lose” the modified round because he could not return it at the end of the day without the modification being seen by those responsible for taking in the ammunition. If the soldier chose instead to tamper with an illegally held round, these dangers would not have arisen, although, of course, he would have faced the problems in obtaining and concealing the round in the first place. The evidence of Warrant Officer Class I 2037, the Regimental Sergeant Major of 1 PARA, illustrates this difficulty. He said that although he had never heard of the practice of “doctoring” 7.62mm rounds, to do so would require a vice and hacksaw.¹

¹ [Day 321/189-190; C2037.8](#)

166.126 In his 1975 memoir,¹ Private 027 stated that after the main firing incidents on Bloody Sunday he was in the back of his APC with other members of his platoon who were laughing and excited as they worked out the number of rounds that they had fired. He stated that several men had fired their own personal supply of modified rounds; and that Private INQ 635 had fired ten modified rounds but still had his official supply of ammunition, and so was able to say that he had not fired a shot. This, Private 027 said, happened with several people in his APC.

¹ [B1565.008](#)

- 166.127** In an interview with Channel 4 on 17th March 1997, Private 027 resiled from the comments in his 1975 memoir:¹

“Q. But you’re aware that soldiers have their own supply of bullets.

A. No.

Q. Right. But you know that, that is, that has been widely circulated already in your previous statement, that people used dum-dums.

A. I’m not aware that I’d said that in the previous statements – where’s that, in the American thing? I’m not going to tell you, say that the British army used dum-dums and had their own private rounds and all of this.

Q. You can’t say that now?

A. Sorry.

Q. You can’t say that?

A. No.

Q. No, okay.

A. I’m not, I mean you keep saying oh well you’ve already said it, therefore you’ve, you can only be hung twice, or once, but the – I –”

¹ [B1565.247-8](#)

- 166.128** However, in a draft chapter for an intended book, written in late 1998 and early 1999, Private 027 raised the question again and recorded that as the Paras waited in APCs, modified rounds appeared in the back of his vehicle. He said that he had never previously seen a modified round and never saw one again.¹

¹ [B1565.307](#)

- 166.129** In his written statement to this Inquiry, Private 027 again stated that as his section was waiting, modified bullets were passed around the APC.¹ When asked about the above portion of his 1975 memoir, he told us:²

“In the middle of that same paragraph on the page marked 20, there is reference to the firing of dum dum bullets. I could not have known that at the time. I do not know what that part of the statement was based on, to what degree it was anecdotal, or what was in my head at the time that I wrote it. All that I can say at this stage is that I do remember dum dum bullets being passed around our vehicle before we went into the Rossville Street area. I have been specifically asked whether I thought Lance Corporal F may have carried dum dum bullets on the day. I do know that Lance Corporal F was in the vehicle when they were passed around, but I do not know who the dum dum belonged to. I may have known at the time. I cannot say anything more than that.”

¹ [B1565.037](#)

² [B1565.057](#)

- 166.130** In his oral evidence Private 027 said that he “*could not have known*” that Private INQ 635 had fired ten modified rounds and had “*no recollection relating to this particular comment*”.¹ Private 027 also told us that he could recall seeing only one modified bullet being passed around the APC before deployment. He did not know whose bullet it was or whether it was for use on that day.²

¹ [Day 247/6-7](#)

² [Day 246/36-37](#)

- 166.131** In his oral evidence to this Inquiry, Private INQ 635 denied Private 027’s allegations that he fired modified or any other type of live rounds on Bloody Sunday.¹ In view of Private 027’s present doubt about this allegation and the absence of corroboration, and as we have earlier concluded, we accept Private 635’s denial that he fired modified or any other type of rounds on the day.

¹ [Day 352/17-22](#)

166.132 Of the casualties, only the head wound suffered by Bernard McGuigan gave rise to the possibility that a modified round caused an injury. In their report to us, the Inquiry's experts, Dr Richard Shepherd and Kevin O'Callaghan, expressed the opinion that a stable and intact bullet did not cause Bernard McGuigan's injuries, and suggested a modified round as only one of four possibilities.¹ Dr Thomas Marshall, the State Pathologist for Northern Ireland in 1972, performed an autopsy on the body of Bernard McGuigan on the evening of 31st January 1972. He told us that while he does not know whether the bullet that killed Bernard McGuigan had been modified, the injuries he found "*did not need a tampered bullet*".² Following Dr (now Professor) Marshall's evidence, Dr Shepherd and Kevin O'Callaghan confirmed their original conclusion that the injury was not caused by a stable and intact bullet, saying, however, that they would never be certain of the "*nature of the bullet that struck and killed Mr. McGuigan*".³

¹ E2.0047

³ E19.3; Day 229/56-57; Day 230/36-40

² Day 207/127-128

166.133 During our consideration of the events of Sector 5, we concluded that Lance Corporal F shot Bernard McGuigan and that the round that struck Bernard McGuigan was substandard rather than modified. Private 027's allegations that modified rounds were available were put to Lance Corporal F, who denied either having or seeing modified rounds on the day.¹ Lance Corporal F shot Michael Kelly before shooting Bernard McGuigan. The bullet recovered from Michael Kelly's body had not been modified. In our view it is most unlikely either that Lance Corporal F, or any soldier, would place a modified round somewhere in his magazine of 20 bullets, not knowing in what circumstances (if any) it would be used; or during the course of his activities during the day, take the time and trouble either to remove the magazine in order to load a modified round, or somehow otherwise insert a modified round into the breech of his rifle.

¹ Day 375/66

166.134 In these circumstances it is our view that there is no acceptable evidence that soldiers of 1 PARA used modified bullets on Bloody Sunday.

Chapter 167: Firing from the City Walls

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Introduction

167.1 Although a number of civilians who made statements at the time referred to shooting from the walls surrounding the old part of Londonderry (the Walls), it was not suggested then that firing from there caused any of the casualties. Over the years, however, a theory became prevalent that firing from the Walls or their environs might have caused the deaths of William Nash, John Young and Michael McDaid, who were killed close to the rubble barricade in Rossville Street. The theory was put forward in a Channel 4 News programme broadcast in 1997¹ and in two books, *The Irish War*, by Tony Geraghty, first published in 1998 by HarperCollins, with a paperback edition published in 2000; and *Eyewitness Bloody Sunday*, edited by Don Mullan and John Scally, published in 1997 by Wolfhound Press. The theory was given support by Robert Breglio, a New York ballistics expert, and Dr Raymond McClean, a Londonderry doctor who attended some of the casualties of Bloody Sunday and several post-mortem examinations of those killed by Army gunfire that day.

¹ [X1.6.6](#)

167.2 However, none of the interested parties to the Inquiry maintained in their final submissions that firing from the Walls caused these three casualties. For the reasons given in the course of examining the events of Sector 3,¹ we are sure that these casualties were not shot from the Walls. In addition, we are sure that damage to

brickwork at the south end of the east block of Glenfada Park North was not caused by firing from the Walls. In our view there was no firing from the Walls directed into the area of any of the five sectors.

¹ [Chapter 86](#)

167.3 Elsewhere in this report¹ we consider Army sniper fire from houses beneath the Walls that was directed towards the Bogside Inn and St Columb's Wells areas and towards the city gasworks.

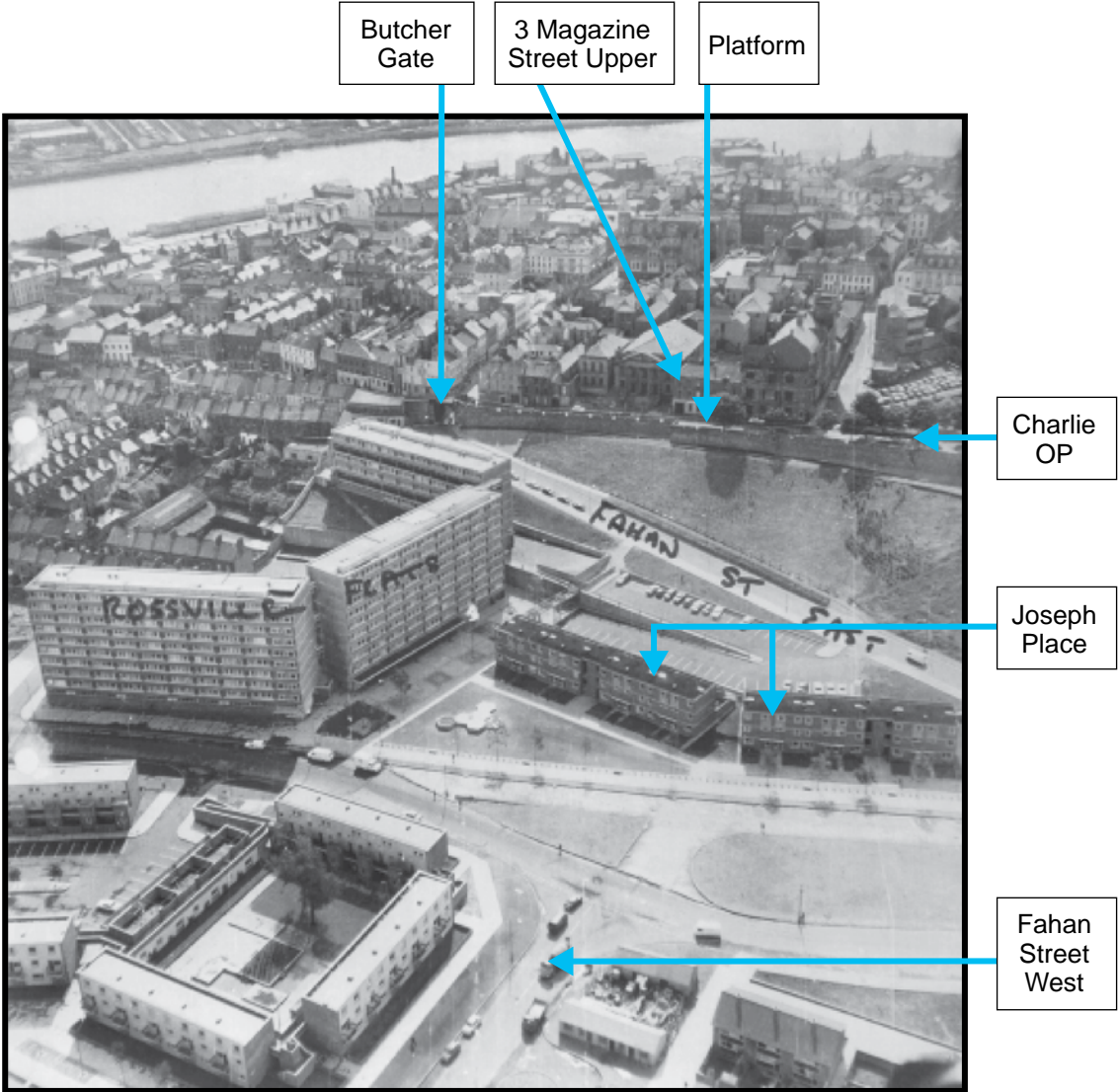
¹ [Chapter 151](#)

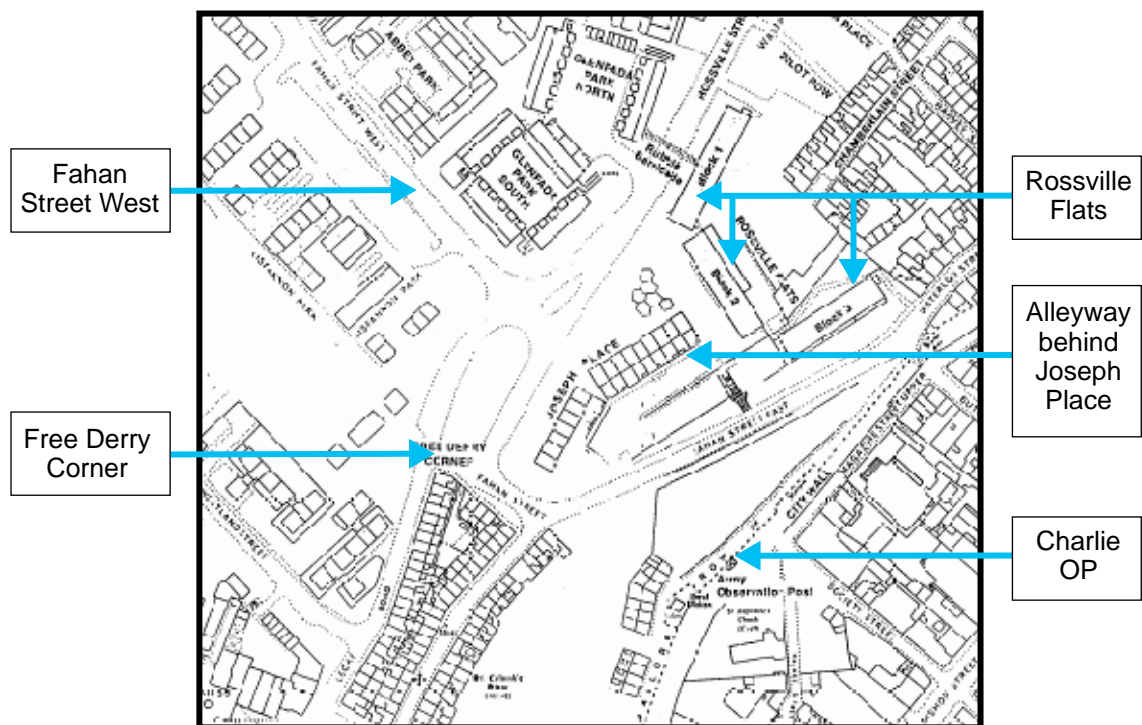
167.4 It is the case, however, that many civilian witnesses described shooting from the Walls into other areas of the Bogside, namely Free Derry Corner, Fahan Street West in the area of Lisfannon Park and an area at the back of Joseph Place. It is these three areas that we now turn to consider.

167.5 A very large number of witnesses, both civilian and military, speak of or deny that there was firing from the Walls, many only briefly. No casualties were reported in any of these areas nor have we found any evidence that there were any such casualties. Having considered the evidence of these witnesses, we consider that it is not necessary to summarise the accounts of all of them in this report, but instead we have taken what we believe to be a representative cross-section of this evidence.

167.6 We have earlier in this report described the commanding position of the Walls overlooking the Bogside and part of the Creggan and also described the location of Army Observation Posts (OPs) and sniper positions both on the Walls and in nearby houses.¹ There follows a photograph and a map showing the Army positions and the three areas now to be considered. The photograph does not show Free Derry Corner, which is to the right of the picture, but its position can be seen on the map.

¹ [Paragraphs 116.27–37](#)





Free Derry Corner

167.7 Many civilian witnesses who had gathered or were gathering at Free Derry Corner to hear the advertised speakers spoke of gunfire coming from the Walls towards Free Derry Corner as the speeches either were about to start or had just started. Their accounts vary in that some are certain that there was shooting from the Walls while others assumed that the firing came from there. The following two photographs depict the scene at Free Derry Corner at the time and show civilians at Free Derry Corner either running or attempting to shelter by crouching close to the ground.



167.8 Bernadette Crawford was a witness who was certain that there was firing from the Walls. In her written statement to this Inquiry she told us that she was at the lorry¹ at Free Derry Corner. Within seconds of Bernadette Devlin getting on the lorry, shooting started which she was “*certain*” came from the Walls. She looked up towards the Walls where she saw soldiers whom she thought were lined up.² She confirmed this account in her oral evidence to us.³

¹ This was the lorry that had accompanied the civil rights march.

² [AC114.1-2](#)

³ [Day 106/168-171](#)

167.9 James Coyle, who was sheltering in a trench in a building site just to the west of Free Derry Corner, is another witness who was “sure” that two shots were fired from the Walls towards Free Derry Corner.¹

¹ AC92.2; Day 105/7-8

167.10 Thomas Burke told us that he was “100 per cent confident” that he heard five high velocity shots fired from the Walls.¹ In his written statement to this Inquiry he said that the five shots “appeared” to come from the Walls² while in his Northern Ireland Civil Rights Association (NICRA) statement he said that he judged they came from “the vicinity of the Derry Walls”.³

¹ Day 106/56

³ AB103.8

² AB103.4

167.11 Some other witnesses are less emphatic in their description of the firing they heard while at Free Derry Corner.

167.12 Bernadette McAliskey, then Bernadette Devlin, said that she was standing on the lorry at Free Derry Corner, about to speak, when she heard gunfire. In an interview with the Insight Team of the *Sunday Times*, she said she “Automatically assumed that there was firing from the walls”,¹ but in her written statement to this Inquiry, she said “I am in no doubt the gunfire came from the Walls.”² In her oral evidence she said that the first shots she heard were from the direction of the Walls and as she looked there she saw two soldiers, but thought the shots had come from another part of the Walls than where she saw the two soldiers.³ She identified the area near Charlie OP as the source of the first shots, with later firing being from the direction of Rossville Street.⁴

¹ KD4.6

³ Day 112/28-30

² KD4.15

⁴ Day 112/75-84; KD4.34

167.13 The difficulty in determining the source of firing towards Free Derry Corner is shown in the evidence of Ivan Cooper. In a written statement to this Inquiry he told us:¹

“I was pinned to the ground in front of the platform. There was now a large open space in front of me as people had moved away and I became more conscious of bullets – maybe 20 to 25 – flying around. Some bullets seemed to be hitting something above me. They appeared to me to be flying from straight in front of me (north to south) over my head and hitting the wall behind me. I was convinced at the time that shots were being fired from the City Wall. I am not clear as to why I reached that conclusion because there was no ‘skipping’ of bullets from the direction of the City Wall. I had seen soldiers on the City Wall who I had believed to be from a regiment other than the Parachute Regiment.”

¹ [KC12.21](#)

- 167.14** Before us, Ivan Cooper explained that he could not say how he reached the conclusion that shots came from the Walls, saying “*It was an impression I had ... that was the feeling that I had.*”¹

¹ [Day 419/39-40](#)

- 167.15** Grainne (O’Donnell) Lynch recorded in a statement to NICRA that as Bernadette Devlin asked some children to sing, “*three high velocity bullets were fired from the walls*”.¹ In her written statement to this Inquiry she told us that as Bernadette Devlin started talking, she heard three distinct shots that “*seemed to come from the direction of the city walls*” and saw bullets hit the wall above Bernadette Devlin.² In her oral evidence she said that she “*assumed*” that the shots would have come from the Walls and that she saw soldiers there.³

¹ [AO30.8](#)

³ [Day 105/121-122](#)

² [AO30.2](#)

- 167.16** John Coyle said he was “*quite confident*” that he heard one shot from the Walls.¹ Eric Irvine concluded that “*a couple*” of bullets that struck the ground came from the Walls.² Bernard Heaney “*felt*” and Mavis Hyde “*thought*” that shots came from the Walls,³ while William Breslin had “*the impression that the shots were coming in from a high position, possibly the City Walls, or the GPO Sorting Office roof*” or from the electricity sub-station at the corner of Little James Street and William Street.⁴

¹ [Day 205/19-20](#)

³ [Day 107/185; Day 125/160-170](#)

² [Day 118/104-105](#)

⁴ [AB112.10; Day 194/184-185](#)

Joseph Place

- 167.17** A number of civilians, who were either walking or sheltering in the alleyway behind Joseph Place, tell of gunshots hitting areas behind Joseph Place. These areas are shown on the map and photograph at paragraph 6 above.
- 167.18** Thomas Dawe told us that he was walking south on the alleyway behind Joseph Place after seeing a casualty lying south of Block 2 of the Rossville Flats. He recalled that he was behind the southern block of Joseph Place approaching steps to the car park, when he heard firing from the direction of the Walls. Two shots, followed by a further two, threw up earth and grass, which struck other people in the alleyway. The shots struck a grassy triangular area bounded by the alleyway, the car park to the north and the pavement of Fahan Street East. A further four or five shots again caused earth to rain down. He told us he remembered getting soil in his hair as a result of the shots.¹
- ¹ [AD5.4-AD5.5](#); [Day 94/132-135](#)
- 167.19** James Duddy said he was sheltering in the alleyway along with “*perhaps 12*” others, and after having seen the dead Patrick Doherty lying to the south of Block 2 of the Rossville Flats, he heard shots striking the same location as that described by Thomas Dawe. James Duddy described clay flying from the ground as bullets struck. At the time, he did not know where the shooting came from but in his written statement to this Inquiry he told us that he thought it must have come from the Walls.¹
- ¹ [AD147.4](#); [Day 107/136-146](#)
- 167.20** In various statements, Hugh Kearney described shooting from the Walls. In his written statement to this Inquiry, he described five or six shots he “*assumed*” were from the Walls “*chipping away*” dirt and concrete and hitting the wall above his head as he sheltered in the alleyway behind the northern block of Joseph Place.¹ In his oral evidence he confirmed that he “*assumed*” the shots came from the Walls.² Hugh Kearney did not refer to this incident in either his NICRA statement or his Keville interview, but in both mentioned firing from the Walls towards a marked Red Cross vehicle in St Columb’s Wells.³ As noted, he placed himself behind the northern block of Joseph Place, while Thomas Dawe placed himself behind the southern block. Also, the wall that Hugh Kearney described as being targeted differs from that of Thomas Dawe and James Duddy.

¹ [AK1.10](#)

³ [AK1.12](#); [AK1.4](#)

² [Day 178/84-90](#)

- 167.21** Carmel (McCafferty) McCallion, while sheltering in the alleyway with others, described shots hitting the wall described by Hugh Kearney. She told us that she thought they could only have come from the Army OP on the Walls.¹

¹ [AM66.5; Day 173/41-43](#)

- 167.22** In his written statement to this Inquiry, George McGinley told us that he had sought refuge in the third maisonette from the north in the northern block of Joseph Place. After a time, he left the maisonette and went into the alleyway at the rear of the maisonettes with a view to escaping towards the south. While in the alleyway he said that “*about 10 shots*” passed overhead. He did not hear the crack of the shots, “*just the ‘whoosh’ as they passed*” over his head. He thought the direction of fire was from east to west, perhaps targeting St Eugene’s Cathedral.¹ In his oral evidence to this Inquiry, unlike the previous witnesses, George McGinley said that he heard no impact of any shot on any building or the ground, “*just the whoosh*”.²

¹ [AM238.3-5](#)

² [Day 134/30](#)

- 167.23** The witnesses did not suggest that they looked up to see whether the firing came from the Walls. The witnesses are generally consistent in placing the firing after at least some of the casualties had occurred. The witnesses are not consistent in describing the number of shots or where the bullets struck.

Fahan Street West (Old Bog Road) – Lisfannon Park

- 167.24** Several civilian witnesses described firing from the Walls towards Fahan Street West in the area of Lisfannon Park.
- 167.25** In a written statement to this Inquiry, Thomas Mullarkey told us that, following Army fire in Rossville Street when he was hiding behind a garden wall at the south-east corner of Lisfannon Park after Support Company entered Rossville Street, he saw soldiers on the Walls sighting their rifles and remembered “*seeing at least three puffs of smoke from the mouths of the rifle muzzles*”.¹ In a statement to the *Sunday Times* Insight Team dated 15th February 1972, he said, “*Shots coming up Fahan Street West appeared to be from the walls, but by this time fire was scattered and I cannot be sure.*”² Thomas Mullarkey said to us that he now *has* “*no precise memory*” of shots coming up Fahan Street West.³

¹ [AM452.4](#)

³ [Day 69/41](#)

² [AM452.17](#)

167.26 In a NICRA statement, Daniel Dunn recorded that, following the entry of soldiers into Glenfada Park North, as he was crossing Fahan Street shots were fired that appeared to come from the Walls.¹ In his written statement to this Inquiry, Daniel Dunn told us that after the casualties had occurred in Glenfada Park North, he was crossing the Old Bog Road with an older man when they came under fire from the direction of the Walls, with the bullets “*making marks in the road*”,² an assertion that he repeated to us.³

¹ AD172.10

³ Day 161/26-27

² AD172.4

167.27 Paddy McCauley, in his written statement to this Inquiry,¹ described crossing Fahan Street West twice. He first crossed while fleeing the incoming soldiers. He ran south from the pathway between Abbey Park and Glenfada Park South across the road to the gable end of a house in Lisfannon Park opposite the pathway. While standing there he heard the first gunfire that day, which he thought came from the Walls. He said that he saw two or three bullets bouncing off the road in front of him. The shooting prompted him to go to Glenfada Park North, which he believed to be a safe place. As he started he was warned by others not to do so, being told that there was shooting from the Walls. Nevertheless he crossed the road without incident and went into Glenfada Park North. We refer to his evidence about what he saw there when considering the events of Sector 4. For present purposes, his evidence is noteworthy as he places the first firing as being from the Walls.

¹ AM97.4

167.28 Paddy McCauley told us that this firing was the first that he had heard that it came from the City Walls and that he saw dust from the strike of the bullets.¹ His brief NICRA statement makes no reference to this incident.²

¹ Day 162/75-76

² AM97.12

167.29 In his written statement to this Inquiry, Gerry McLaughlin told us that he saw soldiers entering Glenfada Park North and heard gunfire as he ran towards and through the eastern gap between Glenfada Park North and Glenfada Park South. He then ran through Glenfada Park South and sheltered on the ground outside the south-western block of Glenfada Park South. He said that while sheltering there he saw a bullet strike the ground in front of Lisfannon Park and “*dust rise from the ground*”. He concluded that the bullet was fired from the Walls as it “*was clearly travelling east to west*”.¹ In his oral evidence to this Inquiry, Gerry McLaughlin said that after seeing “*the bullet ricochet off the ground, my mind was made up that they were shooting from the walls*”.²

¹ AM332.3-4

² Day 162/128-129

167.30 James Hegarty was “*very confident*” that as he crossed Fahan Street West from Abbey Park to Lisfannon Park there was shooting from the direction of the Walls, although he did not see bullets strike the ground. It is difficult from his evidence to determine when the firing he told us he heard might have occurred.¹

¹ [AH 60.2](#); [Day 163/88-89](#)

167.31 Charles Haslett was a staff reporter for the *Belfast Telegraph* on the day. In his written statement to this Inquiry, he said that while standing at the southern corner of Glenfada Park South, two shots hit the brickwork above him and another shot was fired as he was making his way “*up the Bogside*”. He wondered whether the first two shots came from the Walls.¹ In his oral evidence, he denied that Robert Breglio’s opinion had affected his belief that three shots were fired from the Walls.² He did, however, acknowledge that the first two shots might have struck the brickwork at the southern corner of Glenfada Park North rather than the southern corner of Glenfada Park South.³ In a statement for the Widgery Inquiry, he described shooting as he made his “*way through the Glenfada Park complex into Fahan Street*”, but he “*did not see from where*”.⁴

¹ [M38.6-M38.7](#)

³ [Day 166/106-108](#)

² [Day 166/110-111](#)

⁴ [M38.3](#)

167.32 Julian Daly also described firing from the Walls into Fahan Street West. In a written statement made in 1972 (one of those collected by the Irish Government, and probably a copy of a statement originally given to NICRA)¹ he recorded that he was approximately halfway “*across the square to the houses on the other side (Lisfannon Park)*” when “*a bullet struck the ground about four inches behind my right heel and this could only have been shot from the Derry Walls*”.² In his written statement to this Inquiry he told us that he knew the shot had come from the Walls because of “*the way the shot hit the road behind me and the dust blew up*”.³ In his oral evidence he said “*the dust flew away from the direction of the Derry Walls*”⁴ and that it happened in the middle of Fahan Street West opposite the pathway between Abbey Park and Glenfada Park South.⁵

¹ [AD2.8](#)

⁴ [Day 183/30](#)

² [AD2.13](#)

⁵ [AD2.18](#)

³ [AD2.6](#)

167.33 Charles McGuigan described hearing “*approximately 6 to 8 shots*” which he thought came from the Walls and seeing “*puffs of dust*” as the bullets struck the ground towards the mouth of Fahan Street West.¹ He told us there was no-one in the area where the bullets struck although people were crossing Fahan Street West. He also said that the shots could not have come from down Rossville Street towards Free Derry Corner as

they struck the ground “*too far round the corner*”.² According to this account it would appear that the shots Charles McGuigan told us he witnessed were fired before soldiers had entered Glenfada Park North.

¹ AM269.3-4

² Day 183/140-142

167.34 Patrick Bradley said that while helping to carry Joe Friel across Fahan Street West to a house in Lisfannon Park (which we know to be 23 Lisfannon Park), he saw “*two bullet strikes into the tarmac about four feet or so in front of me*”.¹ Although Patrick Bradley did not say from which direction the firing was coming he said that somebody shouted to him that there was shooting from the Walls.

¹ AB68.3; Day 153/136

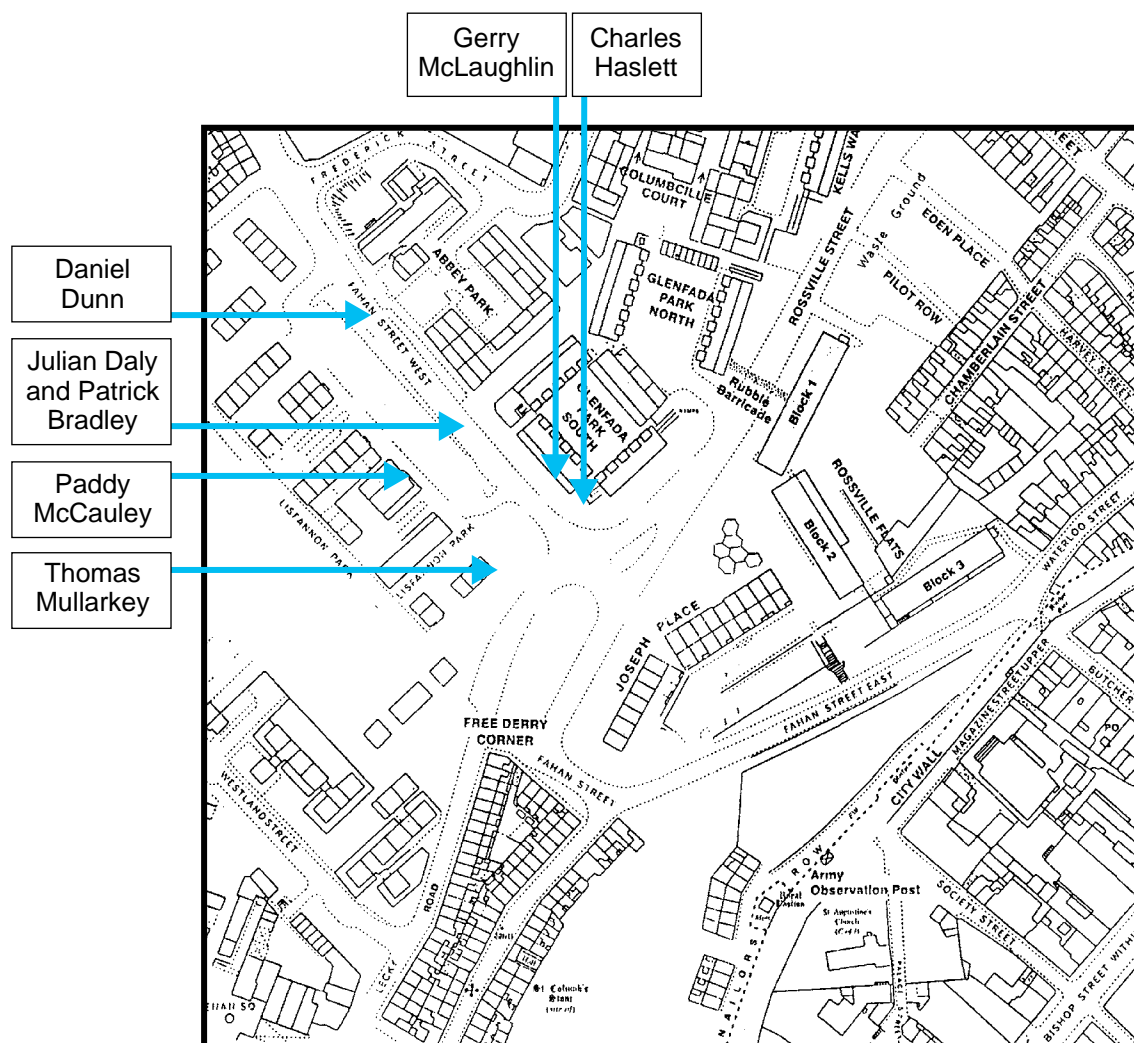
167.35 Two other witnesses, Hugh Leo Young and Eugene McGillan, who said they helped carry Joe Friel to 23 Lisfannon Park, do not mention this incident. While we only have a brief NICRA statement from Eugene McGillan,¹ Hugh Leo Young made a written statement for the Widgery Inquiry² and gave oral evidence both to the Widgery Inquiry and to this Inquiry.³ Both Hugh Leo Young and Patrick Bradley said that after taking Joe Friel into 23 Lisfannon Park, they again crossed Fahan Street West to the pathway between Abbey Park and Glenfada Park.

¹ AM233.1

³ AY1.15; Day 388/2-88

² AY1.9-10

167.36 We have prepared the following plan that shows where Thomas Mullarkey, Paddy McCauley, Gerry McLaughlin, Charles Haslett, Julian Daly, Daniel Dunn and Patrick Bradley said that they were when they described firing from the Walls towards this location.



- 167.37** It will be seen from this plan and the evidence of these witnesses that they were in different positions on either side of or on Fahan Street West when, according to them, they witnessed shots coming from the Walls. Some witnesses place the firing before the soldiers entered Glenfada Park North, while others place the firing afterwards. In addition, the bullet strikes are placed at different locations on Fahan Street West from near its intersection with Rossville Street to approximately 75 yards to the north-west.

Military and other evidence of shooting from the Walls

- 167.38** There was Army gunfire from two houses located below the Walls. Private AD and Private AC fired these shots. The firing was reported by the soldiers concerned and was also mentioned in radio messages and in Army records. We consider this firing elsewhere in

this report.¹ It was not into any of the areas under discussion. No other soldier claimed to have fired from the Walls or nearby areas; there is no record of missing ammunition for soldiers in the area; and there are no radio messages suggesting that additional shots were fired from or near the Walls.

¹ Paragraphs 151.57–101

167.39 We consider first the evidence of two soldiers, Staff Sergeant 129 and Private INQ 1766.

167.40 In his written statement to this Inquiry, Staff Sergeant 129, a member of the Royal Army Pay Corps who was attached to the Coldstream Guards, told us he was positioned on the Walls overlooking Block 3 of the Rossville Flats accompanied by a signaller. He said that after a barrage of 7.62mm shots in the Bogside had ended, a high velocity shot hit a wall some 20 feet above his head. “*Immediately afterwards*”, at least one shot was returned by Royal Anglian gunners to his left.¹ In his Royal Military Police (RMP) statement dated 2nd February 1972,² he recorded that he was at an Army OP on the Grand Parade and was accompanied by Warrant Officer Class II 164, although he told us that he did not now recall them being together.³ According to his RMP statement, at 1638 hours their position came under fire from Meenan Square, but no shots were returned. Three minutes later, however, a party of Royal Anglians to their left came under fire from the same direction, and they returned two 7.62mm shots. Before us, Staff Sergeant 129 agreed that that return fire might have been from a Royal Anglian sniper positioned outside the Walls.⁴ We consider that the exchange that Staff Sergeant 129 described is the one involving Private AD and was not an additional incident of Army firing from the Walls.

¹ B1805.1-3

³ Day 349/59

² B1803-4

⁴ Day 349/69-72

167.41 Private INQ 1766, who did not give oral evidence to us, concluded his written statement to this Inquiry by telling us that “*The Royal Anglians must have fired some shots from the Walls on Bloody Sunday and killed a few that way*”.¹ Although we know that Private AC and Private AD, who were members of 1st Battalion, The Royal Anglian Regiment (1 R ANGLIAN), did fire from just below the Walls that day, Private INQ 1766 does not describe anything that remotely resembles their shots. In our view much, if not all, of Private INQ 1766’s written statement can only be described as fantasy. Counsel for the majority of the soldiers referred to Private INQ 1766’s statement and said that he had “*no instructions that would permit me to associate myself with anything in that statement*”.²

It is possible that Private INQ 1766 was giving a distorted account of the firing by Private AC and Private AD, but in our view his evidence provides no support for any suggestion of other firing by soldiers from the Walls or nearby.

¹ [C1766.2](#)

² [Day 75/64](#)

167.42 Major 159 was the Battery Commander for 53 Battery of 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt), which was responsible for manning three Army OPs on the Walls that day. He told us he was responsible for issuing and receiving ammunition, and was “*absolutely certain*” that no soldier from his unit fired that day.¹ In his oral evidence to this Inquiry, Major 159 added that “*no soldier from the area*” fired a round.²

¹ [B1953.003](#)

² [Day 349/121-122](#)

167.43 Lieutenant 227 was a Troop (Platoon) Commander of 53 Battery of 22 Lt AD Regt and was positioned “*a little to the north*” of Charlie OP on the Walls.¹ In his oral evidence, when asked about return fire from the Walls, he said that he could not “*recall any shots being fired in my immediate vicinity*”.² Similarly, Staff Sergeant 139, who was positioned at Charlie OP, said that no shots were fired from the Walls that day and that, because of his position, he would have heard any such firing.³

¹ [B2204.002](#)

³ [B1862.005](#); [Day 350/26-27](#)

² [Day 371/181](#)

167.44 In addition to soldiers stationed on the Walls, two visiting senior Scottish police officers viewed the proceedings from Charlie OP. When one of them, Superintendent Samuel McGonigle, was asked if he heard shooting “*coming from the area of any part of the city walls*”, he replied that he did not.¹

¹ [Day 109/58](#)

167.45 Similarly, Constable David Edmonds of the Royal Ulster Constabulary (RUC), who was at an Army OP near the Walker Monument, in a statement made near the time recorded that he “*did not see or hear any members of the Royal Artillery on the wall shoot*”.¹ He confirmed this in his evidence to this Inquiry.²

¹ [JE2.1](#)

² [JE2.4](#); [Day 208/27](#)

167.46 On the other hand, Sergeant Christopher Laird of the RUC, who was not on the Walls but nearby, made two statements on 9th February 1972,¹ in which he said that at 4.25pm he heard high velocity gunfire from the Walker memorial. In his statement to this Inquiry and in his oral evidence, he said he “*assumed*” there was shooting from the City Walls area,

though it could have been below the Walker Memorial.² Sergeant Laird, unlike Constable Edmonds and Superintendent Samuel McGonigle, was not on the Walls at the time. In our view what he heard were probably the shots fired by Private AD.

¹ JL2.9; JL2.10

² JL2.7; Day 232/46-52

Conclusions

167.47 There are two important factors to bear in mind. The first is the so-called “Derry sound”. In his oral evidence this was described by Colonel Roy Jackson (Commanding Officer of 1 R ANGLIAN) in the following terms:¹

“Yes, it was very difficult in Derry because of topography and geography to isolate shooting points, or points of explosions, unless you either saw the flash or the smoke. And Derry had this unfortunate echo principle between the castle walls and the Bogside and the Creggan and so on.”

¹ Day 287/8

167.48 While the three areas under consideration might not be subject to sound distortion to the same extent as the five sectors, there were buildings involved, particularly in the Joseph Place area, and a steep rise of the ground to the base of the Walls. In our view these features made it easy to be mistaken about the direction from which the sound of gunfire was coming.

167.49 The second factor is that the local population would have been generally aware that on a daily basis soldiers were manning the Walls. On hearing firing it seems to us that people might easily, but mistakenly, jump to the conclusion that it was coming from where they expected soldiers to be.

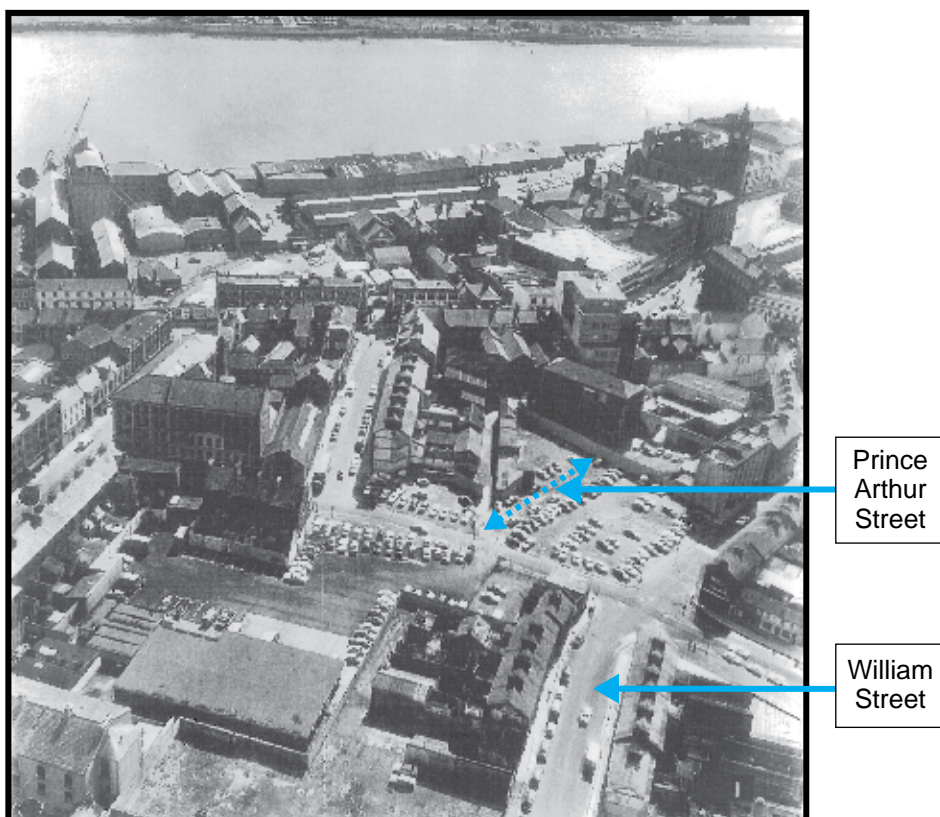
167.50 The firing from the Walls said to have been directed towards Free Derry Corner occurred just after the soldiers of Support Company of 1 PARA entered the Bogside, while claims of firing into the other two areas appear, in the main, to have been that it occurred after most, if not all, of the casualties had been sustained.

167.51 In so far as Free Derry Corner is concerned, we are of the view that in the commotion, noise and fear, people in that area, many if not all of whom were unaware that soldiers of Support Company of 1 PARA had come into the northern part of Rossville Street and opened fire, mistakenly jumped to the conclusion that this firing was coming from the Walls; whereas, in truth, it was coming from the Support Company soldiers further north.

- 167.52** We are sure, from what we regard as convincing evidence from those on the Walls, that there was no firing by soldiers from there or nearby into Free Derry Corner or either of the other two areas under consideration. We are not persuaded to a different conclusion by the evidence given by some people of seeing bullet strikes in various places in Fahan Street West.
- 167.53** So far as bullet strikes said to have been seen close to the junction between Fahan Street West and Rossville Street are concerned, it again seems to us that what was seen were bullets hitting the ground in this area, fired by soldiers of Support Company of 1 PARA further north on Rossville Street.
- 167.54** As to the accounts of bullet strikes further west along Fahan Street West, we have found no other evidence that indicates that soldiers (or even paramilitaries) might have fired into this area, though, as we describe when considering what was happening in the five sectors, there was considerable Army gunfire directed elsewhere. As we also describe when considering the events of Sector 4,¹ Private G fired a shot southwards along the pathway between Abbey Place and Glenfada Park South, but this hit the pathway, not Fahan Street West, though it may have ricocheted across this road. Though in our view the witnesses concerned honestly believed that they had seen bullet strikes this far up Fahan Street West, we have concluded that they must have been mistaken. It is the case that on hearing gunfire nearby, there is a tendency for people to believe that it is directed towards them, even if it is not. In the fear and confusion created by the events of Bloody Sunday we do not find it surprising that people should come mistakenly to believe that they saw shots hitting the ground.
- ¹ [Paragraphs 107.131–158](#)
- 167.55** We take the same view of the evidence of bullet strikes in the area behind Joseph Place. We have considered whether these might have been some of the shots fired by Support Company soldiers from the Rossville Street entrance to Glenfada Park North, which we consider when discussing the events of Sector 5, but this seems unlikely, because Joseph Place would have been in the way, unless the shots hit higher up the slope leading to the Walls than the witnesses indicated.
- 167.56** In these circumstances we are of the view that in the confusion, fear and noise following the incursion of soldiers of Support Company into the Bogside and the substantial amount of firing by those soldiers that followed, people mistakenly came to believe or suspect that soldiers on the Walls had fired into the areas under discussion.

Chapter 168: The firing incident concerning Gunner INQ 1255

168.1 Gunner INQ 1255 of 42 Battery of 22 Lt AD Regt was stationed in an upper floor of a building at the eastern end of Prince Arthur Street, which by the time of Bloody Sunday was a disused street. The building afforded views towards Little James Street to the west and towards Macari's Lane and the Bogside to the south.



168.2 In his evidence to this Inquiry, Gunner INQ 1255 told us that at approximately 1700 hours, while he was playing with the safety catch of his rifle as it rested on one of his boots, he accidentally discharged a bullet that went through his foot, but without breaking any bones. He was carried from the building and taken to hospital.¹ His Section Sergeant, Sergeant INQ 1791, told us that he was on the ground floor of the building when he heard a shot and a scream. According to this Sergeant's account, he went to the second floor of the building to investigate and was told by Gunner INQ 1255 that, while bored, he had been flicking the safety catch of his self-loading rifle (SLR) on and off while sitting with the rifle resting on his boot, when he pulled the trigger.² Gunner INQ 1255 told us that his Sergeant had previously that afternoon handled the rifle and cocked it.³

Sergeant INQ 1791 said that within “*five minutes at maximum*”, he reported the incident to his battery radio controller.⁴ The 22 Lt AD Regt log recorded a message timed at 1707 hours from 42 Battery: “*Gnr [INQ 1255] Accidental discharge slight injury to foot.*”⁵

¹ C1255.2-3; Day 305/26-28

⁴ Day 303/117-118

² C1791.4

⁵ W98 serial 78

³ C1255.2-3

168.3 Following his hospitalisation, Gunner INQ 1255 went on leave. On his return, he was summoned by his Commanding Officer. Gunner INQ 1255 told us that he had “*reported to him what I had been told to say by the members of my platoon, namely that my rifle had been fired accidentally when I fell down some stairs*”. He was fined £35, which, Gunner INQ 1255 claimed, was paid by the Sergeant who had cocked the rifle.¹

¹ C1255.3

168.4 The injury to Gunner INQ 1255 was the only gunshot wound sustained by any soldier in Londonderry during Bloody Sunday.

The Senior Officers

During the course of this report we have dealt with a number of matters particularly concerning General Robert Ford, Brigadier Patrick MacLellan, Colonel Derek Wilford and Major Edward Charles Loden. In this part of the report we consider first some further aspects of the actions and movements of these officers on Bloody Sunday; and then in each case address the question of whether they bear any and if so what responsibility for the deaths and injuries on that day.

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Chapter 169: Major General Ford

169.1 Earlier in this report¹ we considered the part that General Ford played in the preparations of the security forces for controlling the civil rights march. We also referred in our consideration of the events of Sector 1² to his presence at Barrier 14 when soldiers of C Company, 1 PARA went through that barrier and, when considering the question of automatic gunfire, the evidence he gave on that topic. Here we deal in the main with what General Ford did after 1 PARA had gone into the Bogside, before considering the question of his responsibility for what happened on Bloody Sunday.

¹ [Chapter 9](#)

² [Paragraphs 20.230–231](#)

169.2 On 31st January 1972 General Ford dictated a document entitled “My Movements in Londonderry on Sunday 30 January 1972”.¹ This document provided timings for his various movements, though these were described as “*approximate*”.

¹ [B1123-1127](#)

169.3 In this document General Ford described arriving by helicopter at Ebrington Barracks at about 1255 hours and then moving by Land Rover into the city where, among other things, he visited a number of Army barriers including Barrier 14. He went to the Observation Post (OP) at the Embassy Ballroom at about 1530 hours and then back to Barrier 14, where he observed some of the rioting at that barrier. His account continued:

“The mob, having been subjected to baton rounds and the water cannon and now seeing snatch squads of 1 PARA in readiness, began to break up Chamberlain St and William St. At about 1610 barrier 14 was lifted and Coy 1 PARA went in after the mob in a ‘sweep-up’ operation. I followed 1 PARA as far as just behind the junction of Chamberlain St/William St. It was at this stage that I heard shots fired from the direction of Rossville Flats. I returned at once to the OP on Embassy Ballroom but on my way met Lt-Col Ferguson CO 22 Lt AD Regt, and advised him that I thought it a good idea for him to return D Coy 1 PARA to under command 1 PARA. He agreed.

1620

Arrived Embassy Ballroom. From my vantage point I was able to observe the following:

1. Chamberlain St: Approx 1 pln in fire positions at the end of Chamberlain St looking on to the Rossville Flats. The remainder of the company were rounding up people and leading them back to the waste ground on junction Chamberlain St/William St where they were searched and held.

2. Rossville St: Coy moving tactically into positions overlooking Glenfadda Flats and Rossville Flats. At the same time other troops were rounding suspects up in Rossville St and moving them to the waste ground at junction Little James St/William St where they were searched and held. I then spoke on the radio to HQ 8 Bde and asked if D Coy 1 PARA had been transferred to under command 1 PARA. This was confirmed.

1635

Moved back down to Waterloo Place. I then had a quick word with D Coy Comd 1 PARA who at that stage was just returning to under command 1 PARA. After speaking to me he moved off up Sackville St. I moved into William St to the junction William St/Chamberlain St where I saw approx 20 of those arrested sitting on the ground awaiting transport to the holding centre.

I spoke to CO 1 PARA who confirmed my view that his troops had been fired upon first and had returned fire. At the same time I was apprehended by reporters from several newspapers and also by TV camera crews from the BBC and ITN. All of them accused the British Army of having fired indiscriminately and without provocation. In interviews with the BBC and ITN I denied this. I was also asked how many people had died as a result of the battle. At that time I only knew of two bodies that had been found. I also saw elements of RMP helping with the loading of suspects onto three tonners to be taken to the holding centres.

1720

I decided to return to Bde HQ in order to speak with the Commander. On arrival at HQ 8 Bde I was informed that he, in fact, was visiting Tac HQ 22 Lt AD Regt. I returned to Victoria Barracks, met the Commander and we decided to return immediately to the HQ. On our return to HQ 8 Bde I discovered that the total dead had now risen to 11.”

- 169.4** General Ford later prepared a written statement and then a supplementary written statement for the Widgery Inquiry.¹ In these statements he gave a similar account of his movements and what he saw and heard after 1 PARA had gone into the Bogside. He gave oral evidence to the Widgery Inquiry.

¹ [B1140](#); [B1150](#)

- 169.5** In his oral evidence, General Ford described hearing high velocity fire as he approached the junction of William Street and Chamberlain Street, which caused him to return to the Embassy Ballroom OP. It was at this stage that, according to his account, he remarked to his aide-de-camp (ADC) that “*That was awfully heavy firing*” or words to that effect, a

remark overheard by a reporter. He told the Widgery Inquiry that it had taken him a little time to return to the Embassy Ballroom OP, because he walked and there was a delay in getting up in the lift to the OP; and that he got there at about 1620 hours.¹ He also said that he went to this OP to see if he could see what was going on; and that he stayed there for about 15 minutes before going back to the corner of William Street and Chamberlain Street, where he met Colonel Wilford.²

¹ WT10.13-14

² WT10.19-21

169.6 General Ford told the Widgery Inquiry that when he spoke to television reporters after he had spoken (at about 1635 hours) to Colonel Wilford, the only information he had available to him was what Colonel Wilford had given him and it was this information that he gave to the reporters.¹ On the following day, counsel for the Ministry of Defence at the Widgery Inquiry told that Inquiry that General Ford apologised for saying in his evidence that the information about two people being killed had come from Colonel Wilford and that the information had in fact come from his ADC.²

¹ WT10.14-15

² WT11.36

169.7 We set out below the transcript of the filmed interview of General Ford (RF) with John Bierman (JB) of the BBC on 30th January 1972:¹

“RF The paratroopers did not go in there shooting ... in fact they did not fire until they were fired upon and my information at the moment and it is very ... almost immediately after the incident is that the para battalion fired 3 rounds all together after they had something between 10 and 20 fired at them from the area the Rosville Flats over there

JB They fired 3 rounds only

RF My information at the moment

JB I believe there are more than 3 dead

RF That they fired 3

JB I certainly I have seen 3 dead myself

RF Well they may well not have been killed by our by our soldiers

JB Certainly not

JB Are you saying that the paras only opened fire because they were fired on first because the people in the bogside are saying that no shots were fired at the troops as they came in

RF Most certainly there's absolutely no doubt at all ... that er the parachute battalion did not open up until they'd been fired at you will remember that the aim of the operation in fact was an arrest operation

JB Why

RF Against the hooligans who'd been attacking us as you saw

JB Yeah

RF For probably a couple of hours

JB Well have any British troops been hit by gunfire

RF Yes as the parachutists went in ... er acid bombs were dropped from the Rossville Flats and 2 of the parachutes were injured one I believe seriously ... it was at this time in fact that the gunmen opened up from from the Rossville Flat area

JB 2 paras were hit by acid bombs have any British soldiers been hit by bullets

RF Not as far as I'm aware at this moment

JB Why was it necessary for the paras to take aggressive action at all and to go into the bogside instead of just snatching the people at the head of the procession who were causing the trouble

[Helicopter overhead]

RF The aggressive action was taken because quite apart from the march and incidentally er I was watching the march and I saw the stewards stop it and indeed try to keep control throughout ... unfortunately a hooligan element took over and they came down to our positions down here ... and er started to attack the troops as you saw they attacked them with bricks stones ... various other nasty implements and including of course a couple of canisters of CS gas ... er this went on for some time and it was obviously necessary to to restore law and order"

¹ [B1208.006-008](#); [Vid 1 09.40](#)

169.8

General Ford gave another interview on Bloody Sunday, parts of which were broadcast by BBC radio later that evening.^{1,2,3} In the course of this interview he said that as soon as the soldiers were the other side of the barriers they were attacked "*not only by the*

hooligans but also by as I understand it at this moment half a dozen nail bombers and a petrol bomber and then seven gunmen opened up on them from the top of the flats". He was asked about this during his oral evidence to the Widgery Inquiry:⁴

"Q. In the period of your stay in the post no information had come to you either from the Sergeant there or anyone else to the effect that nail bombs had been thrown or that petrol bombs had been thrown, and during the time you were there you did not receive any information to suggest that gunmen, either one gunman or seven gunmen, had opened up from the top of the flats?

A. I was given no precise information at all. There was a lot of conversation going on on various radio nets.

Q. Indeed, you did not receive any information to suggest where the firing was coming from during the period you were in the post for 15 minutes or so?

A. I only had at that particular moment my own view which I had gathered earlier – which I mentioned, you remember – which was that the firing had come from the direction of the Rossville Flats.

Q. If we can go on to the next question from Mr. Fry: 'But did they in fact, did the paratroopers in fact decide to attack the crowd before or after the snipers opened up?

FORD: No the first para took on the hooligans of course before the snipers opened up, and in fact it was only when the snipers ... when the hooligans were put to flight that the snipers opened up at the top of Rossville flats.'

Again presumably that was on the basis of the information which had been supplied to you?

A. Yes.

Q. By Colonel Wilford?

A. By Colonel Wilford."

¹ [B1208.001-003](#)

³ [Day 260/132-137](#)

² It seems likely that this interview was given at about the same time as the one General Ford gave to John Bierman.

⁴ [WT10.32](#)

169.9

General Ford told the Widgery Inquiry that it was also Colonel Wilford who had told him about nail bombs.¹

¹ [WT10.44-45](#)

169.10 In the course of General Ford's oral evidence to the Widgery Inquiry there was this exchange:¹

"Q. May we take it then that after going to this corner of William Street and Chamberlain Street and hearing this firing you did not enquire at that point or investigate at that point where the firing was directed or where it was coming from?

A. I was not in command. Secondly, there was a great deal going on and the officers concerned were carrying out and giving their orders. It would have been quite improper for me to have interfered or to have asked for any information at that particular moment.

Q. What you are telling the Tribunal then is that in this situation where this certainly looked like a gun battle had started, you heard firing from the corner of those two streets and you turned your back on it and walked away, because it was not your business to enquire about it. Is that the situation?

A. I cannot accept that interpretation of my movements."

¹ [WT10.20](#)

169.11 In 1984 General Ford gave an interview to the author Desmond Hamill. In the course of that interview he made the following remarks:¹

"Incidentally I still believe what I said in the witness box – that 1 Para had to shoot. They honestly believed they were being shot at – and I do as well. They were in an area they didn't know – and therefore there is always some room for errors and problems. But of course it was – at the time – a serious setback. No doubt about it. A setback for the Army's reputation in the eyes of the public. Mind you, it quietened down Londonderry – for a hell of a long time. But that wasn't really the most important thing. Much more important were the political implications and the world-wide effect. I was terribly saddened that thirteen people were killed. But unlike some other people I understood why thirteen were killed. In Belfast, in a similar situation, there wouldn't have been any innocent people killed – they would all have been lying on the floor and out of sight. In Londonderry they weren't used to being shot at at all – and I think probably a lot of innocent people were standing around. In Belfast if 1 Para was seen on the streets ... 1 Para didn't kill anyone in Belfast except the odd terrorist. They had only to be there and everyone went to ground. They were terrified. But they didn't do that in Londonderry, they all stood up, as it were. 1 Para had a very difficult job.

So the operation wasn't a success – it was a local success in that the amount of hooligan damage in the next month was almost nil. But that was really a very small reward for all the tremendous impact it had on the Army and everything else.”

¹ B1208.003.019

169.12 As we have already noted, General Ford gave written and oral evidence to this Inquiry. In his written statement to this Inquiry, General Ford commented on the evidence he gave at the Widgery Inquiry about his reasons for going to the Embassy Ballroom OP:¹

“I was cross-examined in my evidence to the Widgery Tribunal about why I then went to the Embassy OP. There were four options open to me:

(i) I could have gone forward to join C Company. However, I had no information and I could well have walked into a firefight taking place from any direction and in any form. I probably would not have got to the right place anyway. In any case, the presence of a general in a firefight being conducted by either a platoon or even by a complete company would have been totally inappropriate and absolutely stupid.

(ii) I could have stayed where I was, but as I could see nothing and as C Company were not involved in the shooting, that did not seem to be the best course of action. I might have stood there for some considerable time, totally in ignorance of events.

(iii) I could have gone back to my Land Rover and listened in to the radio traffic. It would have taken the same time that it took me to go to the Embassy OP, which is the option I adopted and which I describe at (iv) below. I knew, however, from experience that the initial reports transmitted over the radio within a minute or so of a firefight are frequently incomplete and therefore rarely give an accurate overview. When soldiers are fired on, the immediate commander has a great deal more to do than to send reports back over his radio. The report that is transmitted may well be that of the Commander's radio operator, a private soldier, situated just behind him, whose first impression of what has happened is often inaccurate. The best radio sitrep is given when the action has settled down. All my experience has led me never to set too much store by the first reports that are received.

(iv) I could have gone, as in fact I did, to the Embassy OP from where I hoped I could see what was going on.

Option (iv) was an easy decision to make and I still believe the right one. It meant going back a few yards, then turning north, walking back into the OP, getting into the lift, going up to the top and then having a view from there using binoculars. I think I can recall seeing that more than one company of 1 PARA had been deployed. There was, inevitably, a period while I was in the lift when I could not hear what was going on. I believe there was also a delay of about a couple of minutes before getting into the lift at the Embassy Ballroom, although I can't now remember the reason for it. I cannot now recall any discussions in a back room at the Embassy Ballroom, or what they would have been about. I cannot now be sure whether or not I listened to the radio net.

From the moment that I went out on to the balcony at the front of the OP I heard no further firing. I do not now have any mental picture of what I could see from the top from this position."

¹ [B1208.046](#)

- 169.13** In his oral evidence to this Inquiry, General Ford told us that he had no recollection at all of anything on Bloody Sunday. "*Everything I put in my statement has been taken from documents or from my previous statements.*"¹ He made the same point when asked about the document in which he had recorded his movements on the day, to which we have referred above.²

¹ [Day 255/3](#)

² [B1123](#); [Day 255/28](#)

- 169.14** When General Ford was asked if he knew why the information about what had happened that he was initially given when he had returned from the Embassy Ballroom OP was "so *wildly out*", he gave this response:¹

"I do not know why, but I can only say this: from my own experience of firefights – and this, as I understand it, was in a very short period – you very rarely get the picture right on the spot. And I have taken part in a number of firefights, may I say. There is always confusion and, even immediately afterwards, there are differences of opinion as to what actually happened. And I could quote one or two famous examples if you so wished."

¹ [Day 255/50-51](#)

169.15 In the course of his oral evidence, General Ford's attention was drawn to the transcript of a tapped telephone conversation between two officers on the evening of Bloody Sunday.¹ We have drawn attention to this transcript when discussing the Army communications on Bloody Sunday elsewhere in this report,² as an example of the lack of security of the standard means of communications:

"MS McDERMOTT: Might X2.25.6 be put up on the screen, please. This is a transcript, General Ford, of a conversation which Counsel for the Tribunal has described as being a conversation between two Army officers, I believe that reference is at Day 48. If I may ask you to go to the bottom of it to put it in context:

'Male voice: Look, there has obviously been a hell of a sort out ... the whole things in chaos ... yeah obviously I think it has gone badly wrong in the Rossville ... the doctors just been up the hospital and they are pulling stiffes out there as fast as they can get them out.

'Male voice: There is nothing wrong with that.

'Male voice: Well there is because they are the wrong people ... there is about 9 and 15 killed by the Parachute Regiment in the Rossville area they are all women, children, fuck knows what and they are still going up there ... I mean their Pigs are just full of bodies ... there is a 3 tonner up there with bodies in.

'Male voice: ... Stiffes all over the place and solider [sic] 028.

'Male voice: Soldier 028 involved is he.'

If I bring you down a couple of lines:

'Male voice: The padre is a bit upset. He is going off to see the commander about all the ill treatment.

'Male voice: General Ford.

'Male voice: Yes.

'Male voice: He was lapping it up.

'Male voice: Who was?

'Male voice: Ford.

'Male voice: Was he.

'Male voice: Yeah ... he said it was the best thing he had seen for a long time.

'Male voice: Interesting, is it not.

'Male voice: Well done, 1st Para, he said, a look at them ... 24 ... million dollar.

'Male voice: Good, excellent.

'Male voice: He said this is what should happen.

'Male voice: Yeah.

'Male voice: He said we are far too passive ... and I will tell you later.

'Male voice: Yeah, okay.'

Were you lapping it up?

A. I was not.

Q. Do you have any comment to make about anything else that appears in that?

A. That appears to me, that appears to me to be a conversation between, is it two unknown soldiers?

Q. Yes?

A. Of the Army, we do not know who they are and they are talking – well, quite honestly there is no truth in what they said at all. It is highly emotional and exaggerated."

¹ X2.25.6; Day 260/2-4

² Chapter 191

169.16 We have no reason to doubt General Ford's evidence of his movements after he had seen soldiers of C Company, 1 PARA go through Barrier 14 in William Street. His 1972 accounts of his movements give 1620 hours as the approximate time he arrived at the Embassy Ballroom OP. His description of what he saw from there supports this timing, with soldiers from C Company at the southern end of Chamberlain Street, arrestees being brought back and the soldiers moving into tactical positions, ie moving to the north end of Block 1 of the Rossville Flats, as we have described in the course of considering the events of the day.

169.17 We accept General Ford's reasons for returning to the Embassy Ballroom OP after hearing gunfire. To our minds it would have been inappropriate for him either to have gone further forward or to seek to discover from soldiers on the ground what was going on. He was right to regard himself as an observer,¹ since the operation as a whole was under the command of Brigadier MacLellan. He was also right, for the reasons that he

gave to us, in not seeking to discover from the radio what was going on. There was little radio information about what was going on and some of what was reported was significantly inaccurate.

¹ As appears from his 1972 accounts of his movements, General Ford did suggest that D Company should be returned from 22 Lt AD Regt to the command of 1 PARA, but in the context of what was happening, this in our view was of little significance.

169.18 There is no doubt that immediately after the shooting General Ford was given what was correctly described as a “wildly”¹ inaccurate description of what had happened, though his account of being told that the soldiers had fired three times probably arose from him misunderstanding Colonel Wilford, whose evidence was that he had told General Ford that his soldiers had fired on three occasions. The first impressions that he must have gained at this stage and during at least the early part of the evening were that there had been an encounter between soldiers of 1 PARA and republican paramilitaries, in which the latter had suffered significant casualties; and that a significant number of rioters had been arrested.

¹ [Day 255/50](#)

169.19 Although he denied it was the case, it seems to us that at this stage and in the belief that 1 PARA had fought a successful engagement with paramilitaries, General Ford might well have felt pleased with what had happened. His remarks years later to Desmond Hamill in our view reflected his thoughts when he had come to learn something of what had really taken place.

Assessment of the responsibility of Major General Ford

169.20 We accept General Ford’s denial, both to the Widgery Inquiry and to this Inquiry, that the Army plan for 30th January 1972 was to cause a confrontation with the IRA.¹ In our view there was no such plan. 1 PARA soldiers went into the Bogside, as we have described earlier in this report,² as a result of the failure of Colonel Wilford to comply with the orders given by Brigadier MacLellan regarding the limits of the arrest operation. Colonel Wilford himself had decided to send Support Company into the Bogside in vehicles only a few minutes before he gave his orders; and Lieutenant N and Sergeant O, who led the vehicles in, understood that their task was to disperse what they described as rioters, arresting some in the process if they were able to do so. We have found no evidence at all that suggests to us that anything that occurred before or after the soldiers had gone in was the result of some plan to bring out and engage paramilitaries. We also accept

General Ford's evidence that his plans for an arrest operation arose from his perception that there was an opportunity, by seeking to arrest a significant number of hooligans, to deal "*a significant blow*" to the "Derry Young Hooligans", required because their activities were destroying the city's commercial centre.³

¹ B1201; B1205; Day 255/13

³ Day 258/23

² Chapter 20

169.21 In the light of the situation that obtained in Londonderry in early 1972 (which we discuss in detail in earlier parts of this report¹), we do not criticise General Ford for deciding to deploy soldiers to arrest rioters, though in our view his decision to use 1 PARA as the arrest force is open to criticism, as being a force with a reputation for using excessive physical violence, which thus ran the risk of exacerbating the tensions between the Army and nationalists in Londonderry. However, there is to our minds a significant difference between the risk of soldiers using excessive physical violence when dispersing crowds or trying to arrest rioters, and the risk that they would fire lethal weapons without justification. We have concluded that General Ford had no reason to believe and did not believe that there was such a risk of soldiers of 1 PARA firing unjustifiably that it was inappropriate for that reason to use them for an arrest operation.

¹ Chapter 9

169.22 As to General Ford's memorandum, where he suggested shooting selected ringleaders of rioters after warning, we are surprised that an officer of his seniority should seriously consider that this was something that could be done, notwithstanding that he acknowledged that to take this course would require authorisation from above. We are sure, for the reasons given in the report, that this idea was not adopted and that the shootings on Bloody Sunday were not the result of any plan to shoot selected ringleaders. In the event General Ford formulated a plan to use a large force in an arrest operation as the means of seeking to deal with rioters.

169.23 While the decision to prepare for an arrest operation was his, General Ford did not himself play any role in ordering the arrest operation to be launched or in the form either in which Brigade ordered it or which it actually took. Though he cheered on the soldiers of C Company as they advanced through Barrier 14 (for which we do not criticise him), he correctly in our view did not seek to interfere with or to influence what then happened, since the decision to launch an arrest operation and the form which it was to take were matters for Brigadier MacLellan.

- 169.24** General Ford bears the responsibility for deciding that in the likely event of rioting 8th Infantry Brigade should employ 1 PARA as an arrest force on 30th January 1972. But in our view he neither knew nor should have known at any stage that his decision would or was likely to result in soldiers firing unjustifiably on Bloody Sunday.
- 169.25** At this point we should note that it was submitted that there were a number of factors about Bloody Sunday which should have led not merely Brigadier MacLellan but also his superior officers, Generals Ford and Tuzo, and the “*political masters in Whitehall and Westminster*” to take steps to modify the Yellow Card by imposing additional restrictions on the circumstances in which lethal force could be used and to “*Make it expressly clear to the paratroopers that, whether they came under hostile fire on entering the Bogside or whether they believed they were under hostile fire, they ought to disengage rather than return fire in a crowd situation*”; and that the failure to modify the Yellow Card or issue such directions was a clear breach of the obligation of all involved to ensure that the operation was conducted in such a manner as to minimise to the greatest extent possible the risk to life.¹ It was further submitted that “*The failure to address the risks to civilian life of the use of lethal force by soldiers in the Bogside on Bloody Sunday contributed directly to the loss of 13 lives and the serious injury of 13 more*”.²
- ¹ [FS1.880-881](#) ² [FS1.883](#)
- 169.26** The difficulty with these submissions is that they assume that what happened on Bloody Sunday was something that those accused of failing to take these steps knew or should have known beforehand was likely to happen; and for that reason should have taken the steps suggested. Such an assumption is in our view unwarranted. Neither General Tuzo nor General Ford, nor those in London knew or could have known in advance that in breach of his orders Colonel Wilford would send his soldiers into the Bogside and into the crowd of people there. Whether Brigadier MacLellan should have taken any such steps is a matter we consider below.

Chapter 170: Brigadier MacLellan

170.1 Brigadier MacLellan was at his headquarters at Ebrington Barracks for most of the afternoon. At a late stage (probably after 1700 hours, though the evidence does not disclose exactly when) he went to the headquarters of 22 Lt AD Regt at Victoria Barracks. Meanwhile at about 1720 hours General Ford set off for Ebrington Barracks in order to meet Brigadier MacLellan, to be told on arrival that the Brigadier had gone to 22 Lt AD Regt headquarters. General Ford then went to Victoria Barracks, where he met Brigadier MacLellan. Both these officers then went back to Ebrington Barracks, probably arriving there at about 1745 hours.¹

¹ [B1148](#); [B1127](#); [B1226](#)

Assessment of the responsibility of Brigadier MacLellan

170.2 As we have noted above,¹ the power to order an arrest operation did not rest with General Ford, but with Brigadier MacLellan. We do not criticise Brigadier MacLellan for giving such an order. He did not do so until he was reasonably satisfied that there was sufficient separation between rioters and peaceful marchers to sanction the limited arrest operation that had been suggested by Colonel Wilford. Had Colonel Wilford informed him that in his view the situation had changed and that as the commander of the arrest force he now considered that it was necessary to send soldiers in vehicles along Rossville Street in order to make arrests, we consider that Brigadier MacLellan might well have abandoned the arrest operation altogether, on the grounds that such an operation would not allow sufficient separation between marchers and rioters. Brigadier MacLellan had no reason to believe and did not believe that the limited arrest operation he ordered ran the risk of deaths or injuries from unjustifiable firing by soldiers.

¹ [Paragraph 169.23](#)

170.3 We should add at this point that in our view Brigadier MacLellan cannot fairly be criticised either for not imposing additional restrictions, over and above those in the Yellow Card, on when soldiers could fire their rifles; or for failing to order soldiers engaged in an arrest operation to disengage rather than respond if they were or believed that they were under attack from paramilitaries, so as to minimise the risk that innocent civilians would be killed or injured. In his case suggestions to the contrary assume that he was responsible for sending soldiers into the Bogside. The arrest operation Brigadier MacLellan ordered was limited in scope and in our view the risk to civilians from such an operation did not call for any such restrictions or special orders. We have concluded that Brigadier MacLellan does not bear any responsibility for the deaths and injuries from the unjustifiable firing by soldiers on Bloody Sunday.

Chapter 171: Lieutenant Colonel Wilford

171.1 Elsewhere in this report¹ we have considered in detail the actions of Colonel Wilford up to and including the time he gave the arrest order. Here we deal in the main with what he did after giving that order, before considering the question of his responsibility for what happened on Bloody Sunday.

¹ [Chapters 12](#) and [20](#)

171.2 Gerald Seymour (GS) of Independent Television News interviewed Colonel Wilford (DW) on Bloody Sunday.¹ The following is a transcript taken from the film footage of this interview:²

“GS Colonel once the paratroopers went into the bogside there seem to have been a very large number of casualties

DW Well I suppose large er five is quite large in these circumstances it's unfortunate but when we got up there passed William Street here where we're standing and er up towards Rossville Flats er we came under fire ... er we came under fire from the bottom of the flats from the flats we were also petrol bombed and er ... some acid in fact was poured on us from the top of the flats

GS Local people are saying that you used excessive force when you went in there

DW Well ... what is force if you're being fired at you return fire and they know that perfectly well

GS How many gunmen do you feel you've hit in the Bogside

DW Well ... I am told from my quick sit-rep you must understand it's a very quick sit-rep that 3 gunmen were hit ... we have not got the weapons but this is the usual thing we saw people come forward I am not going to say that I saw weapons taken away because I don't know yet I have not spoken to the men on the ground although I was forward when the shooting was going on

GS You have no worries about this action

DW None at all

GS Local people have also said that you were disrespectful or troops were disrespectful and flung around the bodies of of dead Bogsideers

DW Well I am sure we did not ... in fact I was there when those bodies were recovered and I ordered in fact the vehicle to go forward er to pick them up ... we did not know at that stage whether they were dead or whether they were wounded ... and a vehicle went forward under the very real threat of fire because we were still being fired at at that stage

GS How do you feel about today's operation in the Bogside

DW Well I think any of these sort of operations are unfortunate it should er ... we shouldn't have to do it but they put us in a position where we ... we can do no other when we're fired at we must protect ourselves"

¹ Vid 3 07.36

² B1105

171.3 Shortly after Bloody Sunday, Colonel Wilford was interviewed on the BBC radio programme *The World at One* in which he said:¹

"I don't believe they were shot in the back running away. A lot of us in fact do think that some of their people were shot by their own indiscriminate firing. I hesitate to call anybody a liar but I'm afraid in this matter they are lying because I was forward with my troops and my company commanders and my sergeants and my platoon commanders, saw people and had shots fired at them and I personally had shots fired at me. We went in to make arrests and that's all we went in for. They were the orders and they were quite clear. We were aware and had been told beforehand that it was a dangerous area and I warned my companies to watch their flanks and to watch their front for snipers, and of course that's what we got. We got sniper fire. Certainly I personally saw a man with an M1 carbine on the balcony of a flat. I have got my record and I believe in fact it's something like seven, offhand, we moved very quickly when the firing started. It was also highly inaccurate and indiscriminate firing from the other side. I believe in fact they lost their nerve when they saw us coming on. My compassion is of course for those people in fact that were killed but my compassion is moderated by the fact that it might have been some of my soldiers and it need not have happened."

¹ B1110.016

171.4 In a written statement made soon after Bloody Sunday,¹ Colonel Wilford recorded that after he had given the arrest order and seen the first armoured vehicles moving south from Little James Street and across the William Street junction into Rossville Street; and as he heard several high velocity and baton gun shots, he and his signaller left his Observation Post (OP) (which was in a building to the east of the Presbyterian church) to move in behind the leading companies:²

“We ran down Great James and Little James Street, through barrier 12 and paused briefly at the Rossville Street William Street Junction. I saw that several arrests had already been made. I then moved round the corner hugging close to the wall and ran forward towards the end of Rossville Flats – the northern end. About half way across the ground two or three shots cracked uncomfortably close so I changed direction and ran to the right where I took cover behind a low wall and just to the rear of some of my paratroopers. One paratrooper fired to his left front as I arrived. I asked him what he was firing at. He said a gunman lying behind some rubble. I warned them all to keep their heads down and to fire only at identifiable targets. I asked where the Company Commander was and he was pointed out as being across near the flats. I then ran over and had a quick word with the RMP arrest team which had arrived to pick up some arrested civilians. I saw two civilians being placed in the back of a landrover. They were both bloodied about the head but were otherwise alright. I told the MPs [RMPs] to get the doctor to see them before they were taken off. I now saw the Company Commander Major Loden who called to me. I went over to him where he was standing at the gable end of the flats. He told me there had been considerable shooting from the flats and also from the Glenfada Flats further down and to the right. There were also two ? bodies lying behind the barricade and I told him to get a pig forward to pick them up. This he had already in hand. He told me his disposition and I then left him to find C Company. I went back to the Rossville/William Street Junction where I called A Company forward to protect my right flank. They were to motor through barricade 11 and secure the Little Diamond – William Street area. This they did. I saw C Company and the Company Commander who told me his dispositions. I ordered him to continue with the arresting process but to go firm as we were not to go any further forward. By this time I had a picture of some thirty arrests and probably five dead persons from GSW [gun shot wounds]. I reported these facts to Brigade. I saw all was well with the arrest teams and moved back to Support Company. I told the Company Commander I expected to pull out in a short while and to ensure he was ready to do this. A little while after this I moved into Chamberlain Street. I saw several groups of civilians walking in the flats area as I crossed the open ground some with white handkerchiefs but none of these were fired upon. It was in William Street that I first met General Ford and gave him a hurried report and told him that I was getting ready to move back, first to William Street and then probably to my FUP [Forming Up Position] area at Foyle Car Park. Support Company reported that there was still some shooting at them but soon after it stopped. Bde HQ were informed and my Second in Command began to tidy up the arrest procedure. I understand 50 persons were

arrested. I got [th]e executive order to pull out and all companies pulled back to the FUP area at 1730 and the debriefing began.”

¹ B944

² B950-953

171.5 A little later in this statement Colonel Wilford made this comment about the arrest operation:¹

“The scoop up operation depended for its success on pinching out the rioters before they could escape down into the Rossville complex. My decision to send the Support Company pigs across William Street into Eden Place was based upon the need to get behind the rioters. This they did but when the[y] came under fire the whole arrest operation took on a different face: the soldiers were obliged to move tactically into cover and engage the enemy gunmen.”

¹ B953

171.6 For the purposes of the Widgery Inquiry, Colonel Wilford made another written statement described as supplementary to the statement that we have quoted above. In this statement he told the Widgery Inquiry that:¹

“The situation after I had passed through the Little James Street barrier was that there was a platoon of C Company in William Street to the east of the Rossville Street junction, there were some of the battalion with arrested persons by the wire of the car park in Little James Street. There were some more soldiers at the corner of Prince Arthur Street with more arrested persons. There were some persons in Rossville Street just south of its junction with William Street with arrested persons. I shouted to them to get round the corner and they did. There were two four-tonners belonging to Support Company parked on the east side of Rossville Street by the building fronting William Street. I had a look from the southern corner of this block across the open space. I saw some Support Company vehicles at the northern end o[f] the Rossville Flats. I assumed that was where the Company Commander was and ran across to join him. However halfway across, when I was probably between Eden Place and Pilot Row I realised that shots were coming in my direction. I changed direction and went across to the edge of the long building on the other side of Rossville Street where there were some men of Support Company.”

¹ B973

171.7 In his oral evidence to the Widgery Inquiry, Colonel Wilford said that he thought that perhaps four minutes passed between the time the vehicles had gone in and he reached the junction of William Street and Rossville Street.¹ There was then this exchange:

“Q. When you went across the junction, where were you aiming for?

A. I was aiming to join the forward Company which I knew to be in the Pilot Row/Eden Place area.

Q. So you would be aiming, as it were, diagonally across there?

A. Yes, that is right.

Q. When you set off across that piece of ground did anything untoward happen?

A. Yes. I peered round the corner of William Street. After I had looked around there, because I could see some people being arrested, I went to a group across to the other side of the road and told them to get round the corner because firing was taking place. They had some arrested persons with them. I then again cautiously looked round the corner, observed vehicles at the northern end of Rossville Flats, that is this wing coming towards me now (Indicating) and reckoned that that is where the Company Commander would be. I set off at the double across there. I got about 20 yards when there was a distinct sound of two or three shots, which I took to be carbine, coming uncomfortably close, so I turned, ran and joined a group of my soldiers who were at the southern end of that block on my right.

Q. On Kells Walk?

A. Yes, that is right.

Q. You said two or three shots there, carbine you supposed?

A. Yes.

Q. Came uncomfortably close?

A. Yes.

Q. Did they strike anywhere near you?

A. No, they did not.

Q. Overhead, or what?

A. They passed over my head, I suppose. You cannot say whether it is two feet or ten feet, but there was a crack.”

¹ WT11.43

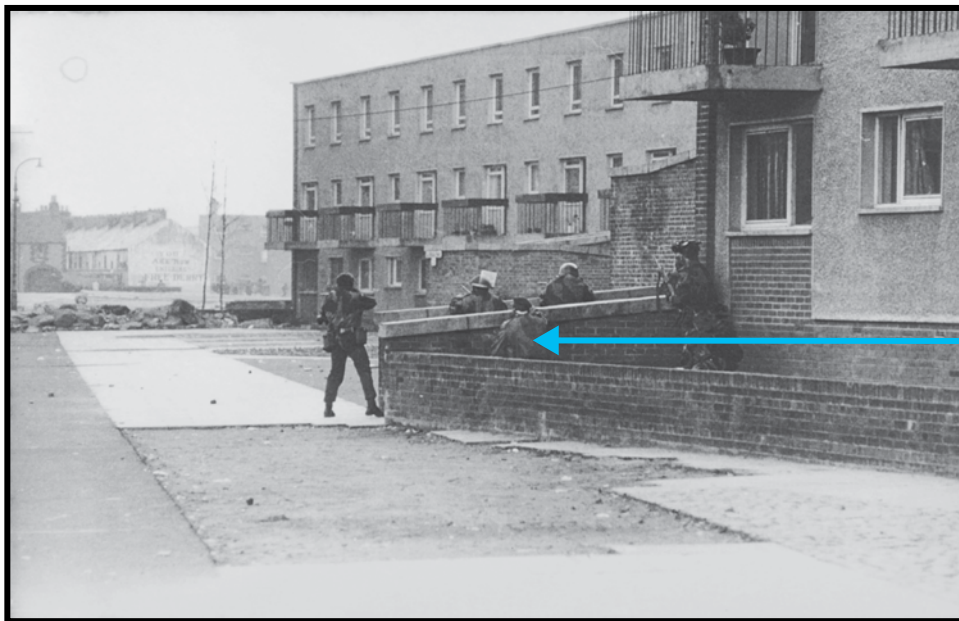
171.8 Colonel Wilford was asked who else was at Kells Walk. He gave this answer:¹

“There were several of my paratroopers there who I know to be members of a certain platoon. Just as I arrived behind them I went aground some ten yards behind them and then made my way forward. At that moment one of the soldiers fired. I asked him why he had fired and he told me there was a gunman behind the rubble at the side of Rossville Flats. I then had a quiet word with them. I told them to spread themselves out a bit because they were a little bit bunched.”

¹ [WT11.44](#)

171.9 Colonel Wilford identified himself as the soldier wearing a beret and with a white patch on the back of his smock in the photograph taken by Jeffrey Morris of the *Daily Mail*.¹

¹ [WT11.45](#)



Colonel Wilford

171.10 Colonel Wilford told the Widgery Inquiry that he thought that he had not given the soldiers at Kells Walk any other orders. “*I asked them where the Company Commander was and I went over. They were in perfect control. They had an NCO with them.*”¹

¹ [WT11.45](#)

171.11 However, later in his evidence Colonel Wilford said that he might have told the soldiers to fire only at identifiable targets.¹ He said he then went over to Major Loden at “*the corner*” who told him that there were two bodies behind the rubble barricade; that he told Major Loden to get something forward to pick them up; and that Major Loden told him that he already had this in hand. Colonel Wilford then said that he went across to the

Chamberlain Street area to see C Company, then went back to Aggro Corner and afterwards went along William Street to the junction of Chamberlain Street, where he met General Ford.²

¹ WT11.80

² WT11.45-46

- 171.12** Asked about how much he knew about what had happened at this stage, Colonel Wilford said this:¹

“Well, what I had gleaned at that stage was that we had been fired on going in, that fire had been directed at us from the car park at Rossville Flats and also from the windows of Rossville Flats and I also knew about the acid bomber who was on the top of Rossville Flats. I also knew that there were two, perhaps three, bodies behind the Rossville Street barricade. I also knew that there were possibly three more over towards Glenfada.”

¹ WT11.47

- 171.13** He said that he had told General Ford that there were possibly five, dead or wounded, “*of the enemy*”.¹ He also said that General Ford had misunderstood what he had told him. He had not said that there were three shots fired at the paratroopers, but that the paratroopers had fired back on three occasions, information that he had obtained from Major Loden, though Major Loden had not said how many shots had been fired.²

¹ WT11.47

² WT11.65-66

- 171.14** Colonel Wilford gave written and oral evidence to this Inquiry. In his written evidence he expressed doubts about what he could remember, in that he was not sure in some respects what was a memory from the day and what he had learned subsequently from talking with colleagues and from the media.¹ He also sought to resile from or qualify much that he had said to the media decades after the event. In relation to what he had said in the Channel 4 programme *Sunday*, there was this exchange:²

“Q. If you will take it from me for the moment – and I will refer the Tribunal or give the references in due course – but there are a number of occasions during your Channel 4 interview when you say that you controlled the Bogside, and that, somewhat to your surprise, it appeared that nobody was prepared to take advantage of what you had achieved.

A. Yes. This is talking, what, 25 years after the event. I think the remarks that I made were – and I said this before in this room – were the result of frustration and angry – anger, perhaps a certain amount of bitterness, all those sort of things. I think many of those remarks I made were foolish, insupportable, inadvisable, and I was certainly doing what I deplore in others, becoming an armchair general.

Q. The fact was that you did control the Bogside.

A. No, I did not.

Q. That, as you put it yourself, as I referred you to it a few moments ago, the operation was over, there was nobody left to shoot, and you were standing there when General Ford approached you saying ‘What are you going to do next?’

A. ‘Withdraw’, I said, did I not?

Q. You expressed surprise that he should ask you that question, and you then said that if you did not get any further orders that you would withdraw.

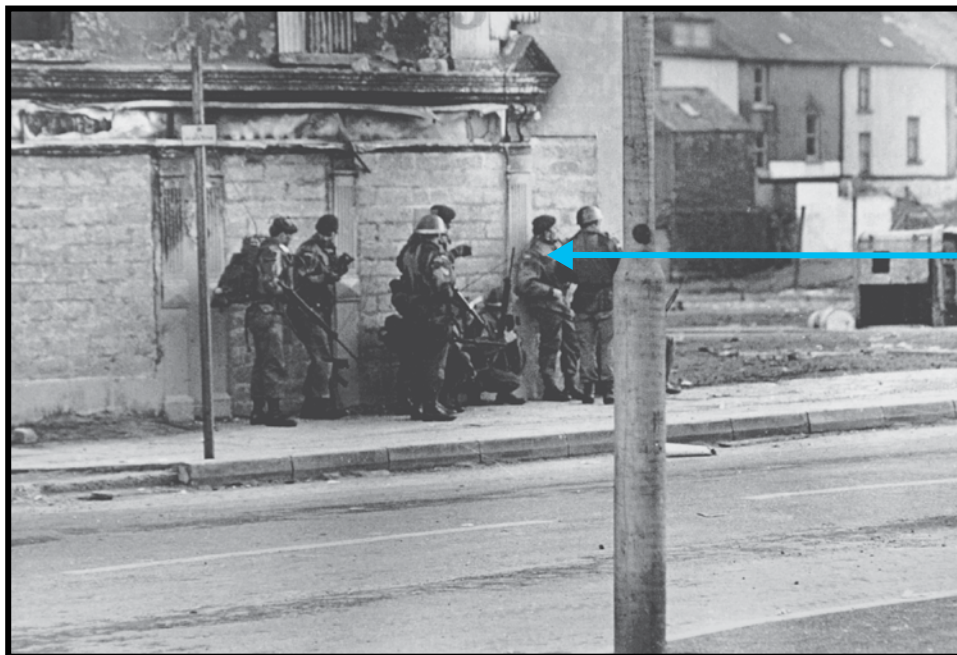
A. Yes, I did, but I did not need any orders, of course, because the operation – the arrest operation, which had been defiled, if you like – was over.”

¹ [B1110.017](#)

² [Day 320/78-79](#)

171.15 In his oral evidence Colonel Wilford agreed that he was probably the figure second in from the right on a photograph taken by Constable Brown, which shows a group of soldiers at the wall on the eastern side of Rossville Street at the northern end of the Eden Place waste ground.¹

¹ [Day 313/52](#)



Colonel
Wilford

171.16 On the basis of the contact sheets of the photographs taken by Constable Brown,¹ this photograph was taken after one showing Colonel Wilford at the low walls of the Kells Walk ramp (shown below), in a position similar to that in the photograph taken by Jeffrey Morris that we have shown above.

¹ For some reason the numbers on the contact sheets are chronologically in reverse order, ie the earliest photograph in time has the highest number. This is demonstrable by the fact that the photographs under discussion must have been taken after the photograph on the contact sheets of the rioting at Barrier 14.



Colonel
Wilford

- 171.17** A later photograph taken by Constable Brown shows a figure that appears to be that of Colonel Wilford moving south across the Eden Place waste ground towards the Support Company vehicles and two Royal Military Police (RMP) Land Rovers, by this stage grouped by the north end of Block 1 of the Rossville Flats.



- 171.18** On the basis of the order in which Constable Brown took his photographs it would appear that Colonel Wilford must have gone or returned to the wall on the eastern side of Rossville Street at the northern end of the Eden Place waste ground, after going to the low walls of the Kells Walk ramp. He was unable to recollect whether this was so, but in the end seemed to agree that this might have happened.¹

¹ [Day 315/28-29](#); [Day 321/78-79](#)

- 171.19** Asked about what he had seen when he got to the low walls of the Kells Walk ramp, Colonel Wilford agreed with the following summary of his evidence:¹

“Q. I would like to re-cap the position that we have reached at this stage: you saw, as you told Lord Widgery, the soldier on the left of the photograph EP28, firing in a southerly direction from Kells Walk. But apart from that, of which you have no specific recollection now, would I be right in thinking that you do not believe you heard any further firing from Kells Walk after the shot fired by the soldier with the rifle at his shoulder in the photograph?

A. That is right.”

¹ [Day 313/62](#)

171.20 The “*photograph EP28*” was a reference to the photograph taken by Jeffrey Morris of Colonel Wilford that we have shown above.¹

¹ [Paragraph 171.9](#)

171.21 Colonel Wilford also told us that he was not conscious of any firing on the east side of Rossville Street after he had seen this soldier, that the totality of the firing by soldiers that he saw was that of the soldier at the Kells Walk wall, and that though he had heard firing in Glenfada Park North he thought this was a little later, after he had gone across to Major Loden.¹

¹ [Day 313/62-3](#)

171.22 Whether Colonel Wilford had heard firing in Glenfada Park North, or had only learned from Major Loden that there had been firing, is in doubt.¹

¹ [Day 316/52-57](#); [Day 32/104](#)

171.23 Counsel drew Colonel Wilford’s attention to what he had said during the course of his interview on the BBC radio programme *The World at One*, the transcript of which we have set out above.¹ Colonel Wilford told us that he thought that he had got muddled up over that. “*I think in fact that I had come under fire. I think someone had then told me that somebody with an M1 Carbine was on, I think they said the second balcony of the Rossville Flats and I had actually joined up the two; I think that is what I had done.*”²

¹ [Paragraph 171.3](#)

² [Day 313/66](#)

171.24 There was this exchange during the course of Colonel Wilford’s oral evidence to this Inquiry:¹

“Q. I think it follows from the whole of your evidence that you had not seen the circumstances in which any of the 13 were killed or the 14 injured on Bloody Sunday?

A. No.

Q. But your position is this, is it not: you cannot believe that any of your soldiers were guilty of misconduct or worse?

A. That is so.

Q. And it is upon that basis, belief but not knowledge, that you have loyally said that your soldiers behaved admirably?

A. Yes.”

¹ [Day 313/67](#)

171.25 Colonel Wilford's attention was also drawn to what he had said in the television documentary *Remember Bloody Sunday*, broadcast in 1992. As appears below, Counsel quoted part of what Colonel Wilford had said and then asked questions about it:¹

"I was approached by General Ford who then asked me a remarkable question 'What was I going to do?', which was remarkable since he was a two-star general and I was a lieutenant colonel. But I took it that he was really asking me what had MacLellan, the Brigadier – the Brigade Commander told me to do. Well, in fact I had not been told by the Brigade Commander to do anything. And so in fact on my – entirely on my own initiative I started withdrawing my troops, and told the brigade that this is what I was doing. And I withdrew my troops.'

Can we go back to 1066, the preceding page. What you had said before the reference to being approached by General Ford was this, halfway down the page:

'Quite honestly I owned the Bogside in military terms; I occupied it. And at that stage, of course, there was no order. There was nothing in the operation order as to if this situation arose what would we do with it: would we exploit it or not. So I stood there for a little while wondering how best to proceed now, and in fact I had already started thinning my soldiers out anyway, because that is a normal operation of war, to create a reserve.'

Over the page at 1067 you describe being approached by General Ford and having the conversation that you describe with him. In that passage on 1066 and 1067 you appear to be complaining that you had no orders as to what to do once you had entered the Bogside; and saying that it was remarkable that General Ford asked what you were going to do; and stating that, on your own initiative, in default of orders, you started withdrawing.

As I understand it – correct me if I am wrong – you now accept that any complaint that you had no orders as to what to do is unfounded, in that you did not need any further orders once the arrest operation was over; is that right?

A. That is true.

Q. Did this exchange or something like it take place with General Ford?

A. I really – I really do not know. All I can say is this was a reflection a long, long time after the event, and I think perhaps that I was reflecting, most inaccurately, on a situation which I perhaps thought had happened. And when I think about it now I have simply no recollection of it being like that at all."

¹ Day 314/7-8

- 171.26** Colonel Wilford agreed that if a soldier heard a high velocity shot from a self-loading rifle (SLR) he would have been right to assume that it was an aimed shot fired at an identifiable target. He denied, however, that once shooting started it was difficult to stop it.¹

¹ [Day 315/81-82](#)

- 171.27** When Colonel Wilford was shown some of the evidence given by Brigadier MacLellan to the Widgery Inquiry, in which the Brigadier had told the Widgery Inquiry that he delayed giving the arrest order so as to be sure that the marchers were separated from the rioters, there was this exchange:¹

“Q. In relation to this matter, would it be correct to say that so far as you were concerned, separation was never a consideration; you would just have launched this operation to arrest hooligans whenever and wherever it was given?

A. When I was told to go, yes.

Q. And in fact it is one of the reasons why you were anxious to be prepared from a very early time to have barriers lifted to disperse crowds; the question of separation was really never broached with you, was it?

A. No, it was...

Q. Thank you. If one can see at the very last question at letter E:

‘Question: At 1607 you passed the order for the 1st Paras arrest force to move in?

‘Answer: My Brigade Major passed it, I was standing beside him.

‘Question: On your order?

‘Answer: On my order.

‘Question: Did they report to you that they went in immediately. If you look at serial 164 you get a message from 1 Para at 1613 that B3 was at Aggro Corner and ordered to return to initial location. Who was B3?

‘Answer: That is C Company...’

Also if we could look at 1258 at letter A and B.

The situation is, when one looks at that – if one goes to 1259, letter A:

‘Question: In your order to 1st Para to go in did you add any caution or prohibition about going down Rossville Street?

‘Answer: Yes, I did.

‘Question: What did you say?’

‘Answer: That they were not to conduct a running battle down Rossville Street and not to get involved with the NICRA [Northern Ireland Civil Rights Association] crowd.

‘Question: What did you mean ‘not to indulge in a running battle down Rossville Street’?

‘Answer: I meant that they should not get tied up with the crowd. The situation as I saw it was this: at the junction of William Street and Rossville Street there was a mob of 150 or so rioting. 300 metres or more away past the Rossville Flats there was a large crowd of non-violent people. The scoop-up, the arrest, was being launched at the hooligans.’

Again in relation to all of these matters, I first asked you a number of questions, I asked you a number of questions whether you believe you did anything wrong or your men did; your answer was: no. The second question, could anything have been done better, your answer was: no. Do you still adhere to that?

A. Yes.”

¹ [Day 316/8-10](#)

171.28 In the course of his oral evidence to this Inquiry, Colonel Wilford’s attention was drawn to what he had said to the Widgery Inquiry:¹

“Q. I wonder could we look at what you said when you spoke to Widgery about this. It is at 1,110.98, letter A:

‘Answer: A soldier in a hostile area sees a man with a gun which is up in the air. It is either pointed at him or, he presumes, at some of his mates. His dilemma is very simple. Does he fire to prevent that man killing him or killing one of his mates, or does he not fire and get killed? It is unlikely that he will see, in that situation, when there is some more shooting going on around him, other people that might be injured as a result of him shooting.

‘Question: Did you at any stage yourself consider the risk to innocent civilians as a result of your soldiers firing in this area?

‘Answer: I am sorry, my attention wandered just for a moment.

'Question: Did you at any stage yourself consider the risk to innocent civilians from your soldiers firing in this area?

'Answer: One is always conscious of this, yes.

'Question: You did think that there was such a risk?

'Answer: It is not a thing which I calculated at the time. One is aware that, if you are in a hostile situation involving a lot of civilian people – which, indeed, they are – who have got guns and missiles, that there is always a danger of some of them being injured.'

Does that accurately reflect what was the position at the time that you adopted towards innocent civilians?

A. I cannot say any better than I have said here.

Q. I am asking you: the views that you expressed to Lord Widgery, would those have honestly reflected your views as of 30th January 1972?

A. They reflect my thinking, yes, but they are directed at the point when we came under fire.

Q. Again it would tend to suggest that there was no structured consideration given to the risks that were inherent in such an operation to innocent bystanders; does it not?

A. I wish you could describe to me what you mean by 'structured'.

Q. For example, whenever you are making a plan, one of the primary considerations where shooting is anticipated, even as a possibility, is that the plan should be produced in such a way so as to take into account at all stages the measures which are to be taken to minimise the risk to civilian life?

A. We were always conscious in fact of the risk to civilians; again, as I say, broadly described as 'innocent civilians'. We were always conscious of that and we took whatever steps we could to avoid unnecessary injury.

Q. That is really delegating it to the individual soldier on the ground?

A. Well, indeed, yes.

Q. Is that what happened?

A. Well, of course, because it goes down, it flows down, right down to the individual soldier.

Q. What you said was:

‘It is not a thing which I calculated at that time.’

Did you not calculate it at the time because you believed it was primarily the responsibility of the individual soldier to make his own decision in the circumstances in which he found himself?

A. No, no, not at all. Of course these calculations were always in our minds. A specific calculation, I think I am referring to here, was not in my mind. If I could just remind you: this was in fact planned as an arrest operation, and that is how we planned it.”

¹ [Day 320/9-12](#)

171.29 Colonel Wilford denied that he sent his soldiers into the Bogside in order to invade IRA territory; and continued to insist that he was engaged only on an arrest operation.¹

¹ [Day 321/11](#)

Assessment of the evidence of Lieutenant Colonel Wilford of his movements

171.30 The evidence Colonel Wilford gave of his movements after his soldiers had gone into the Bogside was somewhat confused, but in the end it seems to us, particularly from the photographic evidence, that he probably went from near Aggro Corner first to the low walls of the Kells Walk ramp, before returning to the wall close to the junction of William Street and Rossville Street; and then moving up to the Support Company vehicles at the stage after they had moved to the area of the north gable wall of Block 1 of the Rossville Flats. We accept his evidence that the only soldier he witnessed firing was the one to his left at the low walls of the Kells Walk ramp. There is evidence from Sergeant 014 (in his RMP statement) that Colonel Wilford had arrived at this position and told Private L to cease firing;¹ and from Private 032 (in his written evidence to this Inquiry) that Colonel Wilford had arrived shouting “*stop shooting, fire only when told to do so*” and that if anyone was to fire it should be Sergeant K because he was the regimental sniper.² In view of Colonel Wilford’s first written account, where he stated that he had told the soldiers only to fire at identifiable targets, it seems to us that he probably did give some such order as Sergeant 014 recalled in his RMP statement. We are not persuaded that he gave the orders suggested by Private 032.

¹ [B1409-1410](#)

² [B1616.008](#)

171.31 It will have been noted that in his first written statement for the Widgery Inquiry,¹ Colonel Wilford had recorded that as he went to join his soldiers, after he had sent them into the Bogside, he heard some high velocity fire; and that as he made his way forward he had heard firing coming in his direction; which in his supplementary statement² he described as shots that he thought were from a carbine.

¹ B944

² B973

171.32 Colonel Wilford did not suggest that the high velocity shots he first heard were incoming fire. It seems to us that what he heard were probably the shots fired by Lieutenant N up the Eden Place alleyway or some of the Army firing that followed soon after in Sectors 2 and 3. As to the shots that Colonel Wilford said were incoming carbine shots, we have found no evidence that in our view supports his evidence in this regard. As we have also observed elsewhere, in a built-up area it is difficult if not impossible to distinguish between types of high velocity firearms. Captain 128, a member of 2 RGJ, who had been in a sniper role in a building on William Street on Bloody Sunday, and who heard firing soon after C Company of 1 PARA had started going through Barrier 14 and had come down from his position and was in William Street, told us in his oral evidence to this Inquiry:¹

“MR ROXBURGH: You describe the shooting as quite protracted, and you say you did not hear any automatic fire.

Did you hear any firing at all that you could identify as coming from a weapon other than an SLR?

A. No. And a comment, if I may: the identification of firing from outside that area is extremely difficult.

Indeed, in any urban environment, identifying shots – be they high velocity, low velocity, automatic, or whatever – is – is very tricky indeed, and curious things happen to sound in built-up areas.

Q. Did you hear any explosions?

A. No.”

¹ Day 303/31-32

171.33 Although we accept that Colonel Wilford believed that he had heard paramilitary fire, we are not persuaded that in fact he did so. In our view it is likely that what he heard was some of the Army shooting at Block 1 of the Rossville Flats from the balcony of Kells

Walk which we have considered when examining the later events in Sector 3,¹ at the stage when he was going forward for the second time towards Major Loden and the Support Company vehicles at the north gable end of Block 1 of the Rossville Flats.

¹ [Chapters 121–124](#)

171.34 We accept that Colonel Wilford did not send his soldiers into the Bogside in order to invade or take over IRA territory, but did so because in his view this was the only way he could effect a significant number of arrests.¹

¹ [Day 317/45-51](#); [Day 321/11](#)

171.35 In his 1972 evidence Colonel Wilford stated that he had warned his soldiers that they had to look to their flanks and front, particularly in the open area of the Rossville Flats and William Street where there had been so much sniping during previous rioting.¹ He also explained that what happened was that *“My decision to send the Support Company pigs across William Street into Eden Place was based upon the need to get behind the rioters. This they did but when the[y] came under fire the whole arrest operation took on a different face: the soldiers were obliged to move tactically into cover and engage the enemy gunmen.”*²

¹ [B946](#)

² [B953](#)

171.36 In 1992, in the course of the television programme *Remember Bloody Sunday*, Colonel Wilford said that he did not accept that his soldiers had acted wrongly. *“There might have been some er wrong things – wrong in the sense that innocent people, people in fact who were not carrying a weapon were shot and wounded or even killed, but that was not done as a deliberate malicious act, it was done as an act if you like of war – they they believed that in fact they were in danger.”*¹ In the same programme Colonel Wilford said this:²

“If someone starts shooting at you you can behave in a variety of ways. You can run away – which of course on the whole soldiers don’t – and certainly my battalion would never run away. You could take cover er behind your shields and just sit in an area until it all passed over. Or you could do er what of course my battalion were trained to do and that is to move forward and seek out the enemy.”

¹ [B1110.204](#)

² [B1046](#)

Assessment of the responsibility of Lieutenant Colonel Wilford

- 171.37** What happened with the arrest operation was not what Colonel Wilford had initially suggested and Brigadier MacLellan had ordered. Instead of an operation in which soldiers would stay in or close to William Street, Colonel Wilford sent them into the Bogside, where they chased people down Rossville Street, into the car park of the Rossville Flats, into Glenfada Park North and as far as Abbey Park.
- 171.38** In our view Colonel Wilford decided to send Support Company into the Bogside because at the time he gave the order he had concluded (without informing Brigadier MacLellan) that there was now no prospect of making any or any significant arrests in the area he had originally suggested, as the rioting was dying down and people were moving away.¹ In addition it seems to us that he wanted to demonstrate that the way to deal with rioters in Londonderry was not to shelter behind barricades like “*Aunt Sallies*” while being stoned, as he perceived was what the local troops had been doing,² but instead to go aggressively after them, as he and his soldiers had been doing in Belfast.
- ¹ [Day 315/85-87](#) ² [B1028](#)
- 171.39** What Colonel Wilford failed to appreciate, or regarded as of little consequence, was that his soldiers, who had not been in a position to observe the rioting that had been going on at the Army barriers, would almost certainly be unable to identify anyone as a rioter, save where, when they arrived, they were met by people who were rioting at that time.
- 171.40** Colonel Wilford failed to inform Brigade that in his view the situation had changed and that the only prospect of making any arrests was to send his soldiers along Rossville Street into the Bogside. He then failed to obey the order that Brigadier MacLellan gave, which prohibited any such movement. He thus created a situation in which soldiers chased people down Rossville Street and beyond, in circumstances where it was not possible to distinguish between those who had merely been marching and those who had been rioting. In other words he set in train the very thing his Brigadier had enjoined him from doing. He should not have ordered his soldiers to go in vehicles along Rossville Street and into the Bogside.
- 171.41** In our view Colonel Wilford can also be criticised on the grounds that he should not have sent his soldiers into an area which he regarded as dangerous and which he had told his soldiers was dangerous, in other words an area which his soldiers did not know and where they might come under lethal attack from paramilitaries, who dominated part of the

city. He knew that his soldiers would accordingly be very much on their guard, ready to respond instantly with gunfire at identified targets, as they were trained to respond, if they did come under such attack. He knew that his soldiers would not withdraw if they came under lethal attack but were trained not just to take cover, but instead to move forward and, as he himself said, seek out the “enemy”.

- 171.42** In these circumstances, on his own estimation of the danger of lethal attacks by paramilitaries, Colonel Wilford must have appreciated that there was a significant risk that sending his soldiers into the Bogside on an arrest operation could lead to an armed engagement with republican paramilitaries. He should have appreciated that if this did happen, then there was also, in view of the numbers of people around, a significant risk that people other than soldiers’ justifiable targets would be killed or injured, albeit by accident, from Army gunfire. To our minds this was another reason why Colonel Wilford should not have launched an incursion into the Bogside.
- 171.43** The fact that what in the event happened on Bloody Sunday when the soldiers entered the Bogside was not a justifiable response to a lethal attack by republican paramilitaries, but instead soldiers opening fire unjustifiably, cannot provide an answer to this criticism, which is based not on what happened, but what at the time Colonel Wilford thought might happen.
- 171.44** We have found nothing that suggests to us that Colonel Wilford can be blamed for the incident in which soldiers fired from the derelict building in William Street and injured Damien Donaghey and John Johnston. However, the question arises as to whether he realised, or should have realised, that there was such a risk of unjustifiable firing by soldiers if he sent them into the Bogside, that for this reason he should not have ordered them to go in.
- 171.45** There was the following exchange in the course of the oral evidence to this Inquiry given by Captain 128, who (as observed above) was in William Street when C Company of 1 PARA went through Barrier 14:¹

“Q. In paragraph 20, you say:

‘I was fully aware that a large number of rounds had been fired and I immediately feared the worst. It was always very difficult to identify from where shots were being fired in the Bogside because of the layout of the area and the Rossville Flats, which would distort sounds. When you hear shots, as a soldier, your automatic reaction is to fire yourself, which is a difficult reaction to stop. I was concerned that the troops who had gone into the Bogside had believed that they were under fire and had lost control of their firing. When firing breaks out in tense situations it can spread very quickly and is very difficult to control. Direct action is often necessary.’

Should we understand from that paragraph that the concern that you had was that the troops who had gone in to the Bogside might have opened fire in the mistaken belief that they were under fire themselves?

A. No, I do not think you would be right to draw that conclusion.

Q. The point you are making is that you were concerned that the troops had believed, rightly or wrongly, that they were under fire?

A. Yes. I mean, the wider point is the concern that I had at the time, and still do, is that in a firefight it is extraordinarily difficult to control fire. People, when they are frightened, tend to fire indiscriminately – it is human nature, I am afraid – and a heck of a lot of training goes in to ensure that that does not happen. But I have experienced it.

I was involved subsequently in training soldiers for duties in Northern Ireland, and it is a problem.

I suspect it always has been, and my impression at the time, because of the number of rounds being fired, was that there may have been some problems with fire control.

Q. Would it be fair to say, in view of the position where you were and the point that you have made about the difficulty of identifying the sounds of gunfire in urban areas, that you are not in a position to say whether or not fire was directed at the soldiers in the Bogside?

A. Emphatically I was not in a position so to do.”

¹ [Day 303/32-34](#)

171.46 We accept, as Captain 128 told us, that there have been occasions when soldiers have overreacted and lost control over their firing. It could thus be said that Colonel Wilford should have appreciated that by sending soldiers into an unknown area, which they

perceived to be dangerous, there was a risk that they might mistakenly believe that they had come under attack from paramilitaries and in that belief open fire without being satisfied that they had identified people who were posing a threat of causing death or serious injury; and that because of that risk, he should not have sent soldiers into the Bogside. In the end, however, we consider that on this ground Colonel Wilford cannot be criticised for giving the orders he did. In other words we take the view that Colonel Wilford cannot be blamed for failing to foresee that the risk of his soldiers firing unjustifiably was such that he should not have given the orders he did.

171.47 In summary, therefore, in our view Colonel Wilford should not have sent soldiers of Support Company into the Bogside for the following reasons:

1. because in doing so he disobeyed the orders given by Brigadier MacLellan;
2. because his soldiers, whose job was to arrest rioters, would have no or virtually no means of identifying those who had been rioting from those who had been taking part in the civil rights march; and
3. because he should not have sent his soldiers into an unknown area which he and they regarded as a dangerous area, where the soldiers might well come under attack from paramilitaries, in circumstances where the soldiers' response would run a significant risk that people other than paramilitaries engaging the soldiers would be killed or injured by Army gunfire.

171.48 Colonel Wilford did not foresee that his soldiers would act as in the event they did; and we consider that in this regard he cannot be fairly criticised.

171.49 It remains to say that the question of whether Colonel Wilford should have instructed his soldiers that in order to minimise the risk to people, if on going into the Bogside they came under lethal attack, or believed that this had happened, they should have disengaged and withdrawn rather than return fire, is in our view a hypothetical question, since for the first two of the reasons we have given above, Colonel Wilford should not have sent soldiers into the Bogside, with or without special instructions.

Chapter 172: Major Loden

172.1 We have already dealt in earlier parts of this report with a number of matters concerning Major Loden, the Commander of Support Company, 1 PARA. Here we deal with other aspects of his evidence about the deployment of Support Company into the Bogside, before considering whether he bears any responsibility for the deaths and injuries on Bloody Sunday.

172.2 In the course of Major Loden's oral evidence to the Widgery Inquiry, there was this exchange:¹

"Q. You moved through barrier 12 and into Rossville Street. I want you to tell my Lord about the deployment of your Company in that area.

LORD WIDGERY: Would you forgive me. Your orders were to move through barrier 12. Did your orders require you to go down Rossville Street or was the choice of going down Rossville Street and turning into William Street your own?

A. My orders were to arrest as many rioters as possible and going down Rossville Street was not mentioned to me. That is where the rioters went and that is where I pursued them."

¹ [WT12.9](#)

172.3 Later in his evidence to the Widgery Inquiry, Major Loden agreed that he had given no specific orders to his Platoon Commanders as to where they should go, but left them to use "SOP [standard operating procedures]", pursuing the rioters "*wherever they go within a reasonable distance*".¹ His evidence was that where the soldiers in fact went was "*quite satisfactory so far as I was concerned. I was in radio contact with all the vehicles and had they gone further I would have stopped them.*"²

¹ [WT12.36](#)

² [WT12.22](#)

172.4 As to the arrest operation itself, Major Loden told us that whereas the original plan had not been a frontal assault on rioters but to execute a pincer movement between Support Company and C Company with the soldiers seeking to encircle rioters, when he got to Barrier 12, "*the pincer movement went out of the window, but I – my orders, as you know, were to arrest as many rioters as I could and where the rioters went is where we pursued them*" and "*the aim really then was for the Pigs to get past and cut off the rioters, and I believe that is what happened ... If we had not gone down Rossville Street, we would not have arrested any rioters.*"¹ Later in his oral evidence, Major Loden said that he thought

that the original plan would have been for his men to deploy in the “*reasonably close confines of Aggro Corner*”, but that this had gone out of the window when he arrived at Barrier 12 and saw the rioters running away.²

¹ Day 344/49-57

² Day 348/73-74

172.5 In his evidence to this Inquiry, Major Loden told us that he was not given any order that there should no running battle down Rossville Street; and initially denied that he had conducted any such battle, though at the same time he said that he did not really recognise the term “*running battle*”.¹ However, later in his oral evidence, Major Loden said that if he had been given some instruction like that he would not have gone down Rossville Street, though he seemed a little later still to resile somewhat from this, on the grounds that it was a hypothetical question, since he had been given no such order; and when questioned by his own counsel, said that his company did not engage in a running battle down Rossville Street.²

¹ B2283.011; Day 342/45-46

² Day 344/66-67; Day 348/74-75

172.6 Major Loden said that he did not recall receiving any direction or instruction or limitation as to where he should go or what he should do when he was ordered to go through Barrier 12 in vehicles.¹ He told us that Lieutenant N and Sergeant O had gone respectively into the Eden Place waste ground and the car park of the Rossville Flats on their own initiative.²

¹ Day 342/45

² Day 342/49

172.7 We have discussed elsewhere in this report¹ Major Loden’s evidence that soon after disembarking in Rossville Street he heard the sound of automatic fire and as a result ordered his vehicles to move up close to the north gable end of Block 1 of the Rossville Flats. We have given our reasons for concluding that Major Loden was mistaken about hearing automatic fire; and that he did not order his vehicles to move until some minutes later than he thought he had.

¹ Chapter 50

172.8 Major Loden told the Widgery Inquiry that he had heard continuous fire for about ten minutes; and had seen his soldiers firing, though he did not see what they were firing at.¹ He also said that he had not seen any civilian shooting or with a gun, or anyone throwing a nail or petrol bomb or seeking to recover a rifle from near an injured person.² When asked about the number of shots fired by soldiers, he gave these answers:³

“Q. How many shots did you hear fired by your men?

A. I did not count the shots fired by my own men and I might say that I was surprised that they had fired as many as 108.

Q. Could I suggest to you that you were surprised to find that your men had fired 108 shots because of the shots you heard you assumed that many of them were fired by civilians, is that so?

A. No, it is not.

Q. What other explanation could there be for you, being in Rossville Street, being the officer in command of 103 men, those men having fired 108 shots, and your being surprised by the number of shots fired? What explanation is there for that?

A. Well, the explanation would be that as I commanded all these men I had a lot of things to do. I had to observe the positions of my platoons, I had to speak to my Commanding Officer and tell him what had happened. I also had to speak on the radio inside my vehicle and if you have got a radio headset on your head you can hear very little outside. There was also a vast amount of noise and shouting going on. If I were to shout as loud as I could in here and this was in front of the Rossville Flats I doubt if you, standing where you are, would hear me.”

¹ WT12.10; WT12.29

³ WT12.30

² WT12.23

172.9 Asked whether he had heard any shots from behind the rubble barricade which he could identify as coming from a pistol, Major Loden said “*No, I cannot say positively ‘Yes’ or ‘No’ to that.*”¹

¹ WT12.38

172.10 Major Loden said to the Widgery Inquiry that although the Rossville Flats had been pointed out to him as a place where fire might come from “*my appreciation was – and I based this on my experience in Belfast – that when a large body of troops appeared in armoured vehicles, any gunmen who might have been thinking of having a go would in fact not. So I was surprised when the shooting started; I must say.*”¹

¹ WT12.35

172.11 Major Loden agreed in his evidence to the Widgery Inquiry and to us that he had probably shouted “*Cease firing*”, and was sure that he had then shouted “*Don’t fire back for [the] moment*” and after a short pause “*Unless you identify a positive target*”.^{1,2}

¹ WT12.30-31; Day 346/58-59

² These words were recorded by an ITN film crew (Vid 3 05.55).

172.12 These commands were given after all the casualties had been sustained and at a time when soldiers were firing at a flat in Block 1 of the Rossville Flats, as we describe elsewhere in this report.¹ Major Loden denied the suggestion that he had ordered his men to stop firing because he thought that they were firing without having identified a target. There was this exchange in his oral evidence to the Widgery Inquiry:²

“Q. The instructions which you gave them, ‘Don’t fire back for a moment unless you identify a positive target’, that really is the same as the instruction on the yellow card, is it not? That is, that they must not fire unless they see an identifiable target?”

A. No, I do not think it is, actually, but go on.

Q. Might I suggest that if your version of these orders is correct, you just might as well have said to these men, ‘Keep on firing at identifiable targets’?

A. I will tell you exactly why I did not do that. There had been a period of about ten minutes when there had been a lot of fire directed at my soldiers and they had defended themselves. When I gave that order the attacks against them had diminished and, as far as I was concerned enough – not enough, that is not the right word – I did not want them to fire back any more even though attacks were still coming against them because I reckoned that the situation had stabilized and I wanted to get an ammunition count and I wanted to establish exactly what had happened. It is for that reason that I pulled the platoons commanders into me just after that time and also the sergeant to give the ammunition check. Shots did still come and men were still in danger but I did not want them to fire back.”

¹ Paragraphs 93.4–15; Chapter 123

² WT12.31

- 172.13 In the course of his oral evidence to this Inquiry, Major Loden was shown a film taken on the day by a film crew from ABC News which shows the rubble barricade.¹ There was then this exchange:²

"I think we have reached the position that there is certainly nobody clearly standing behind or on the barricade. The reason that I show you this photograph, this video clip is that it appears from it that the command vehicle, your command vehicle, was present in Rossville Street up until the time when there was nobody readily visible at, on or in the vicinity of the barricade; do you follow?

A. (Witness nodding)

Q. I see you nodding. It would appear, therefore, to be the position that for anybody who was either in the command vehicle or at or near to the command vehicle, looking towards the barricade, that person would have been able to see whatever happened at the barricade between the time when there were people clearly standing at, on, behind and around it until the time that we see in this photograph when there is nobody visible or if anybody, one person just visible; do you follow?

A. I follow yes, uh-huh.

Q. Do you know why it is that you appear to have seen nothing of what was going on at the barricade between the time when there were people plainly standing at it until the time when there was apparently no-one at it?

A. Well, the answer is: no, I mean I certainly cannot give you an explanation, except to say that I had a lot of other things to do.

Q. What were they?

A. Well, they were talking on the radio; they were looking to see what the other platoons were doing; there were things happening in the Rossville car park. Um, and really, I mean, I can only tell you that I do not have a recollection now of what was happening at the barricade or the situation you describe to me."

¹ Day 343/2-7; Vid 48 11.35

² Day 343/8-9

- 172.14 Major Loden told us that he thought he would have been in his command vehicle when he was doing these things, probably standing at the back with his head in the turret, talking on the radio handset.¹

¹ Day 343/9; Day 343/11-12

- 172.15** Asked if it would have been part of his duty, when he thought there was incoming fire, to scan for the sources of this fire, Major Loden said this:¹

“A. Um, well, I am not so sure about that because it is extremely difficult to see where the fire is coming from and my experience in the past has been that only if you are actually engaged yourself in the exchange of fire, that you would see the person who is firing at you and it is pretty obvious that the people who are firing at you are going to do their best to remain concealed.

So the answer is: it is a very overall impression of what is happening, but I am not, um, if you like, perhaps using a pair of binoculars to scan every nook and cranny, it was definitely an overall impression.

Does that answer the question?

Q. Yes. Do you recall seeing any civilian gunman?

A. No, and I think I said so at the Widgery Tribunal.”

¹ Day 344/60

- 172.16** Major Loden denied either that he had seen much more of what happened than he was prepared to admit, or that he had “*utterly*” abandoned command and control of his men.¹ Major Loden said to us that it was not possible to see what a soldier was targeting unless one was looking down the barrel of that soldier’s rifle. He agreed he had exercised no control over the firing, because “*At this point it was not my position to exercise control. The platoon commanders and the section commanders are the people who are controlling their men at that moment.*”²

¹ Day 347/51

² Day 346/41

- 172.17** In our view, after the soldiers had gone into the Bogside and disembarked, events moved so fast that at the time Major Loden had no idea what was actually going on, but assumed that his soldiers had come under attack from paramilitaries and were responding. It could be said that another officer in Major Loden’s position might have appreciated earlier that in view of the amount of Army gunfire something seemed to be going seriously wrong; paramilitaries were not known to take on troops in force, but rather to snipe individually from positions of cover. In consequence such an officer might have made greater efforts to control the situation. Major Loden was surprised by the amount of firing. However, although he did not initially appreciate that something was wrong and did not order a ceasefire or give any other instructions to his soldiers until after all the casualties had been sustained, it was not unreasonable for him initially to believe, as we consider he did,

that on this occasion, by his soldiers going into an area dominated by the IRA, they had for once encountered paramilitary resistance in strength, to which they were responding. We accept his evidence that in this belief, it was not for him to control his soldiers' firing, but to leave this to the platoon and section commanders. We also accept, for the reasons he gave, that he could not see the targets that his soldiers were engaging and thus could not tell from this whether or not the firing was unjustified.

- 172.18** In our view, at the time the casualties were being sustained, Major Loden neither realised nor should have realised that his soldiers were or might be firing unjustifiably at people who were not posing or about to pose a threat of causing death or serious injury. However, we consider that at the time when he did tell his soldiers not to fire back unless they had identified positive targets, he probably did realise that the firing that was taking place then was, or might be, unjustified. By this stage all the casualties had been sustained and there had been a pause in the firing.