Return to an Address of the Honourable the House of Commons
dated 15 June 2010 for the

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 VII

Sector 5: Events in the Area South of the Rossville Flats

Later Events in Sector 3

Gerald Donaghey and the Nail Bombs

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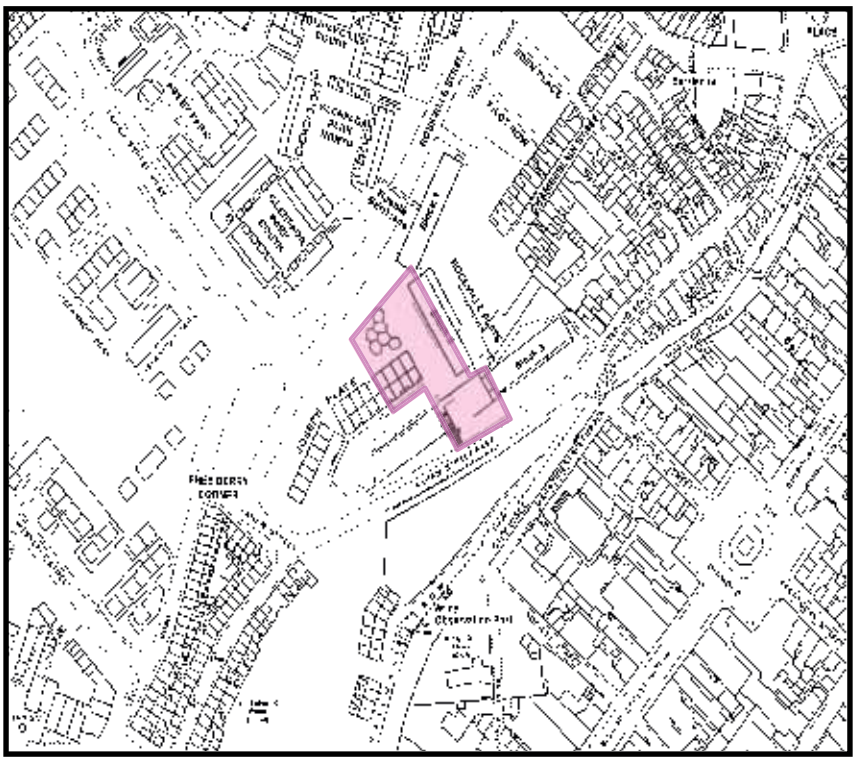
VOLUME VII

Sector 5: Events in the Area South of the Rossville Flats

Contents

Chapter 115: Introduction

115.1 The casualties in Sector 5 occurred in the pedestrianised area to the south and south-west of Blocks 1 and 2 of the Rossville Flats. The area covered by Sector 5 is highlighted on the map below, though as will be seen, this sector also covers firing by soldiers from the Rossville Street entrance to Glenfada Park North.



115.2 In this area Patrick Doherty and Bernard McGuigan were killed and Daniel McGowan and Patrick Campbell were wounded, all in our view by Army gunfire. These were the last of the civilian casualties in any of the sectors, though there is some overlap in time between the relevant events of Sector 5 and Sectors 2, 3 and 4; and some of the later events in Sector 3 (for example the collection of the bodies at the rubble barricade and the firing at 12 Garvan Place on the western side of Block 1 of the Rossville Flats) took place after these four men were hit by gunfire in Sector 5.

115.3 For reasons that we give in the course of our examination of the events of Sector 5, we consider that Patrick Campbell, Daniel McGowan and Patrick Doherty were shot in that order. Bernard McGuigan was shot at about the same time as these casualties. All were shot within a very short time of each other.

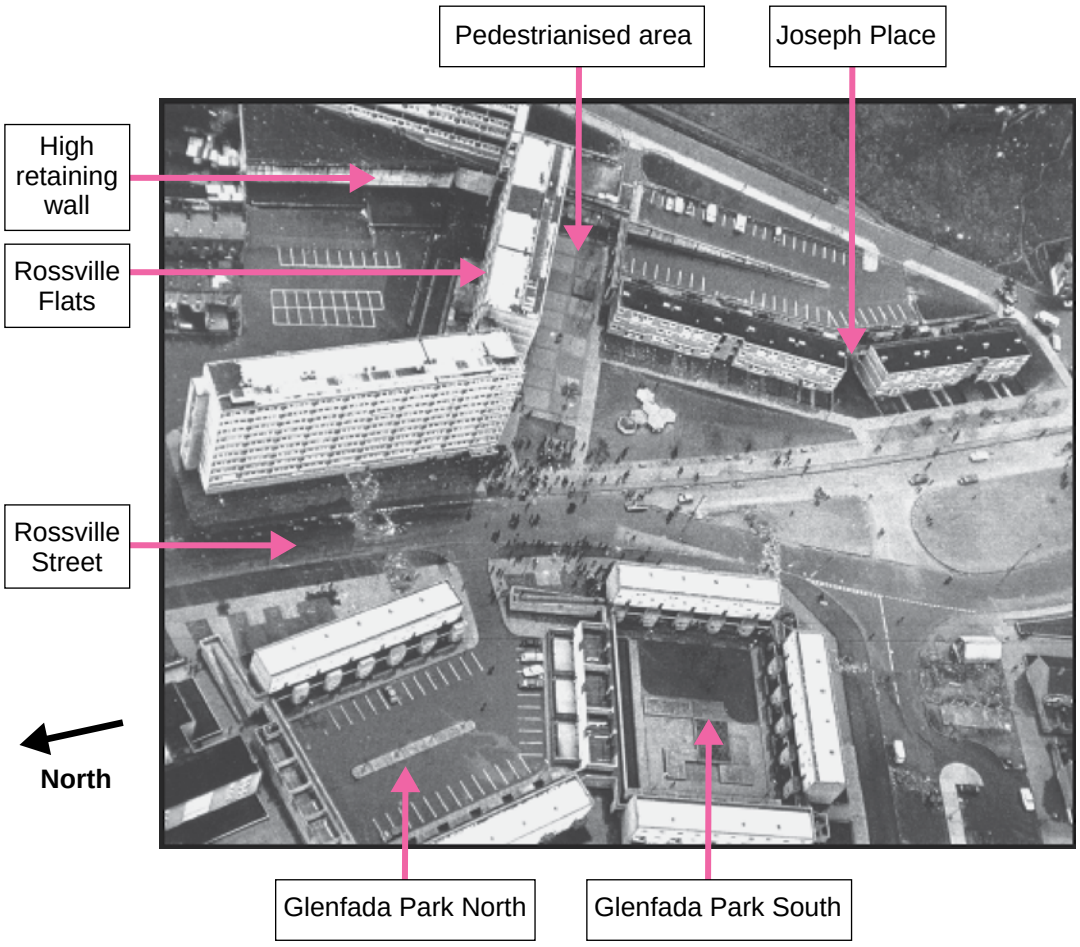
115.4 Both in 1972 and at this Inquiry, Lance Corporal F was the only soldier to admit firing shots in Sector 5. As we observe in the course of our consideration of the events of Sectors 3 and 4, in 1972 this admission only came at a late stage, after Lance Corporal F had given what in our view were significantly untruthful accounts of his shooting, which included neither firing at the rubble barricade in Rossville Street (which caused the death of Michael Kelly in Sector 3) nor firing in Sector 5. So far as the latter firing is concerned, Lance Corporal F eventually admitted and asserted that he had fired only two rounds in Sector 5. Whether he fired more and whether other soldiers also fired in Sector 5 are matters that we consider later in this part of the report.

Chapter 116: The layout of this part of the city

Contents

116.1 The general area of this part of Londonderry is marked on the aerial photograph below, which was not taken on Bloody Sunday. The three blocks of the Rossville Flats are shown in the top left of the photograph. Also visible is a high retaining wall, which formed the north-eastern edge of the car park of the Rossville Flats. This wall continued south-east beyond the gap between Blocks 2 and 3 of the Rossville Flats.

116.2 On the upper right-hand side of the picture are the two blocks of Joseph Place. Glenfada Park North and Glenfada Park South are shown in the bottom half of the photograph.



The south side of Block 2 of the Rossville Flats

116.3 There were ten storeys (including the ground floor) to Block 2 of the Rossville Flats. The front of Block 2 was on its south side. The ground level of that south side was occupied by a parade of six shops under a canopy. This parade can be seen in the photograph below, taken before Bloody Sunday.

116.4 It appears that at the time of Bloody Sunday, these six shops (running from left to right on the photograph above), were probably being used in the following way:[1]

- Shop 1 – vacant and boarded up, but previously used as a chemist;
- Shop 2 – Molly Barr's confectionery and tobacconist shop – identifiable in the photograph;
- Shop 3 – uncertain but possibly a chemist shop;
- Shop 4 – playschool or Chinese takeaway;
- Shop 5 – Quigley's grocers; and
- Shop 6 – Harley's fish and chip shop.

1 AM255.5; AB38.41; AM 324.9; AD5.9; X4.12.22; Day 100/12-14; E14.008

116.5 To the right of these shops was Doherty's bakery, which took up the remaining space on the ground floor of Block 2 and which was divided into two parts. The bakery itself occupied the space to the immediate east of the canopy. The serving area of the bakery (from where bread was sold to the public) was at the very eastern end of Block 2.[1]

1 Day 174/28-29

The gap between Blocks 1 and 2 of the Rossville Flats

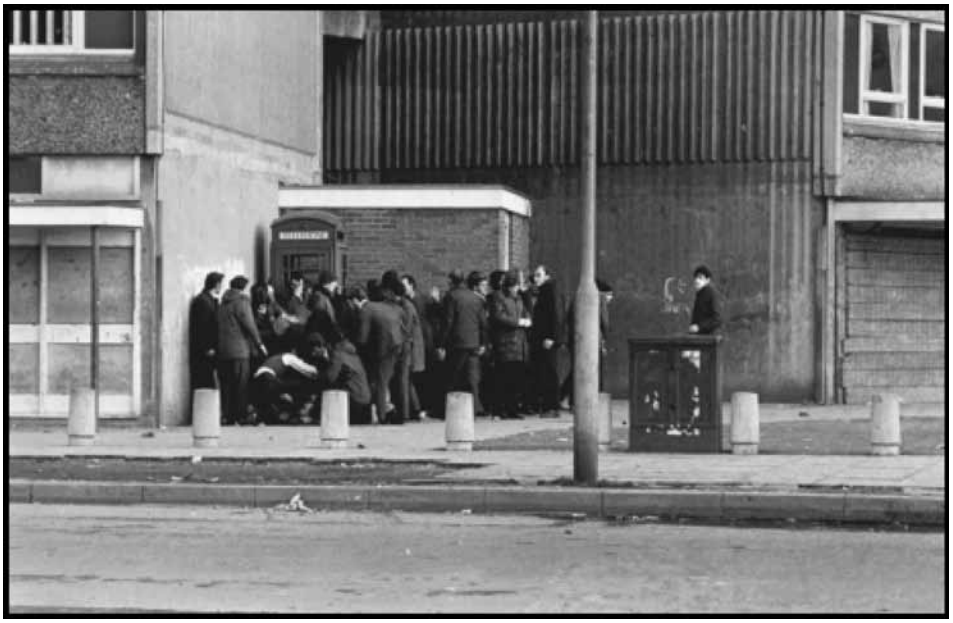
116.6 The Rossville Street end of the pedestrianised area is shown in the photograph below, which again was not taken on Bloody Sunday.

116.7 In the top right-hand corner of the photograph is the walkway that linked Blocks 1 and 2 of the Rossville Flats. It was possible to walk underneath the walkway at ground level and reach the Rossville Flats car park. The car park, with Chamberlain Street in the background, can be seen through the gap between the two blocks. In front of the gap, and partially blocking it, was a brick service building. To the left of this building, and standing against the southern end of Block 1, was a telephone box. The canopy over the Rossville Street entrance into Block 1 can be seen on the left in the photograph. The brick structure in the foreground is one of the decorative Threepenny Bits described in more detail below.

116.8 Both the brick service building and telephone box appear in the photograph below. This image is a version, enhanced for this Inquiry, of a photograph taken on Bloody Sunday by Robert White, an amateur photographer. At the time, Robert White was standing on the other side of Rossville Street at the junction between the north-east side of the eastern block of Glenfada Park South and the pram-ramp, which allowed access to the upper levels of Glenfada Park South.[1] As discussed later in this part of the report, this photograph was taken before any shots were fired in Sector 5. It shows a group gathered around the body of Hugh Gilmour, who was shot and killed in Sector 3. The photograph

shows the boarded-up shop at the western end of the parade of shops. An unpaved section of the pedestrianised area lies just behind the telephone junction box visible in the centre of the photograph.

[1] Day 137/83-84; AW11.5; AW11.30



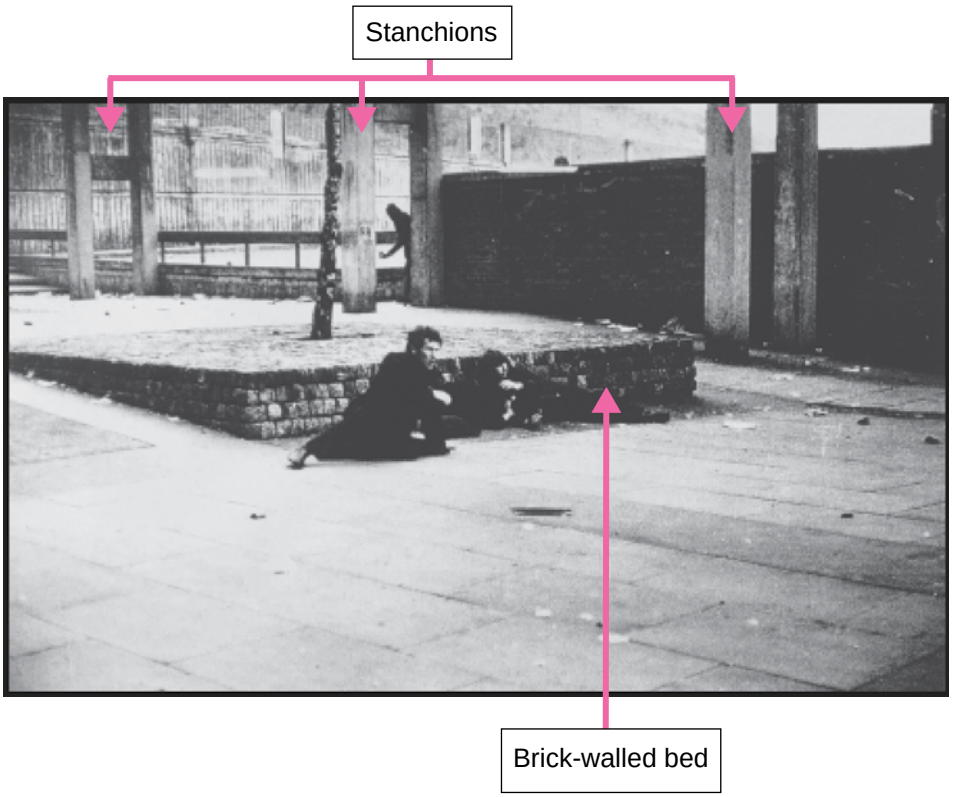
The pedestrianised area

116.9 The pedestrianised area lying to the south and south-west of Blocks 1 and 2 of the Rossville Flats stretched from Rossville Street on one side to the high retaining wall on the other. To the south of the area was Joseph Place. The ground level of the pedestrianised area rose slightly as it passed Joseph Place and approached the high retaining wall. The area was paved for the most part although, as noted above, a section to the south of Block 1 was unpaved at the time of Bloody Sunday.

116.10 Doherty's bakery (but not the serving area) is identified on the photograph below, which shows the pedestrianised area in more detail. The photograph was not taken on Bloody Sunday. Block 2 is on the right-hand side of the picture.

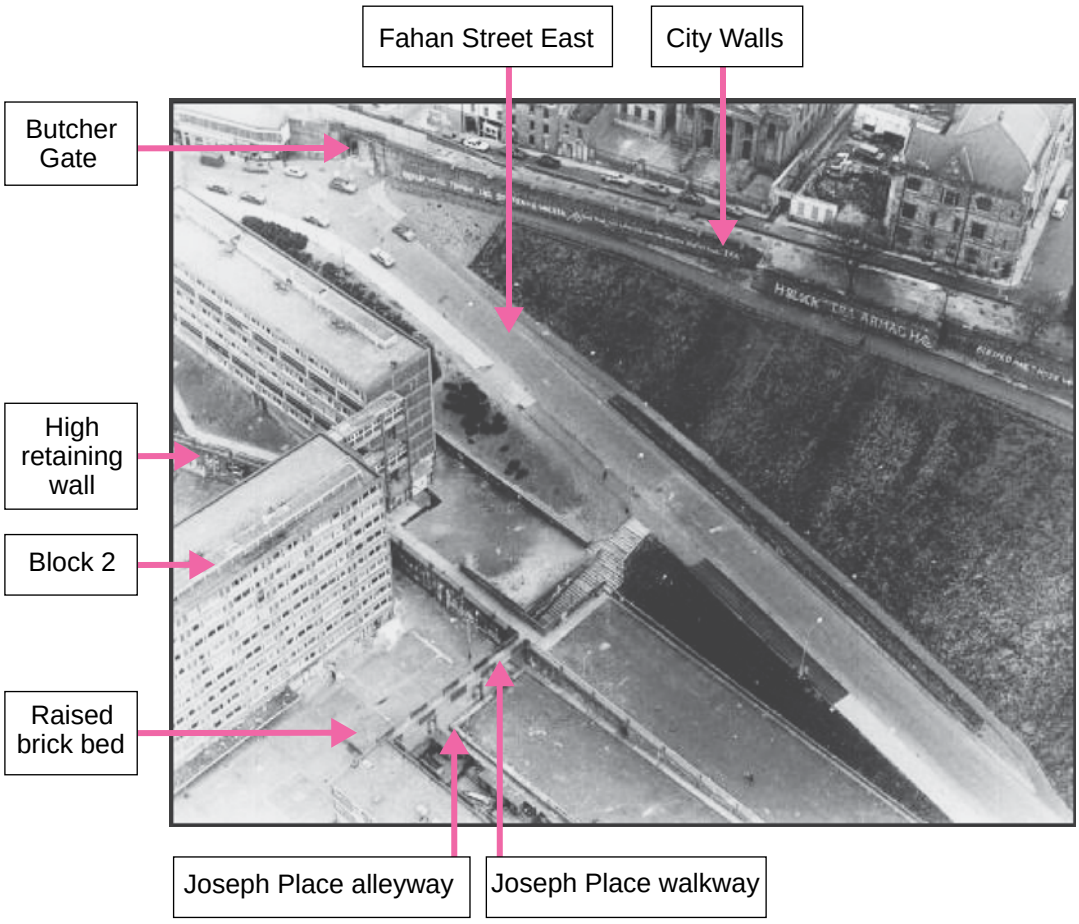
116.11 As can be seen, the paving used in the pedestrianised area was delineated into a series of large squares by the use of darker paving stones. Six brick-paved square beds ran the length of the pedestrianised area. Three of these can be seen in the photograph. At one time there was a tree in the centre of each bricked bed; by January 1972 some of the trees were no longer there.

116.12 The photograph below shows that one of these brick beds was raised at its western end to compensate for the slope in the ground. This photograph was taken on Bloody Sunday by Stanley Matchett, a photographer for the *Daily Mirror* newspaper.



116.13 The brick wall shown on the right of the photograph is the northern edge of one of the rear yards of Joseph Place. The three stanchions seen in the background support a walkway that led from the upper level of Joseph Place to Fahan Street East (the Joseph Place walkway). A man can be seen in the background of the picture, emerging from an alleyway that ran the length of the rear of Joseph Place (the Joseph Place alleyway). This alleyway is described in further detail below.

116.14 The relative position of the raised brick bed to the entrance to the Joseph Place alleyway is shown in the photograph below, which dates from 1982. Fahan Street East is also marked on this picture. It runs from Butcher Gate on the City Walls down to Rossville Street and St Columb's Wells.

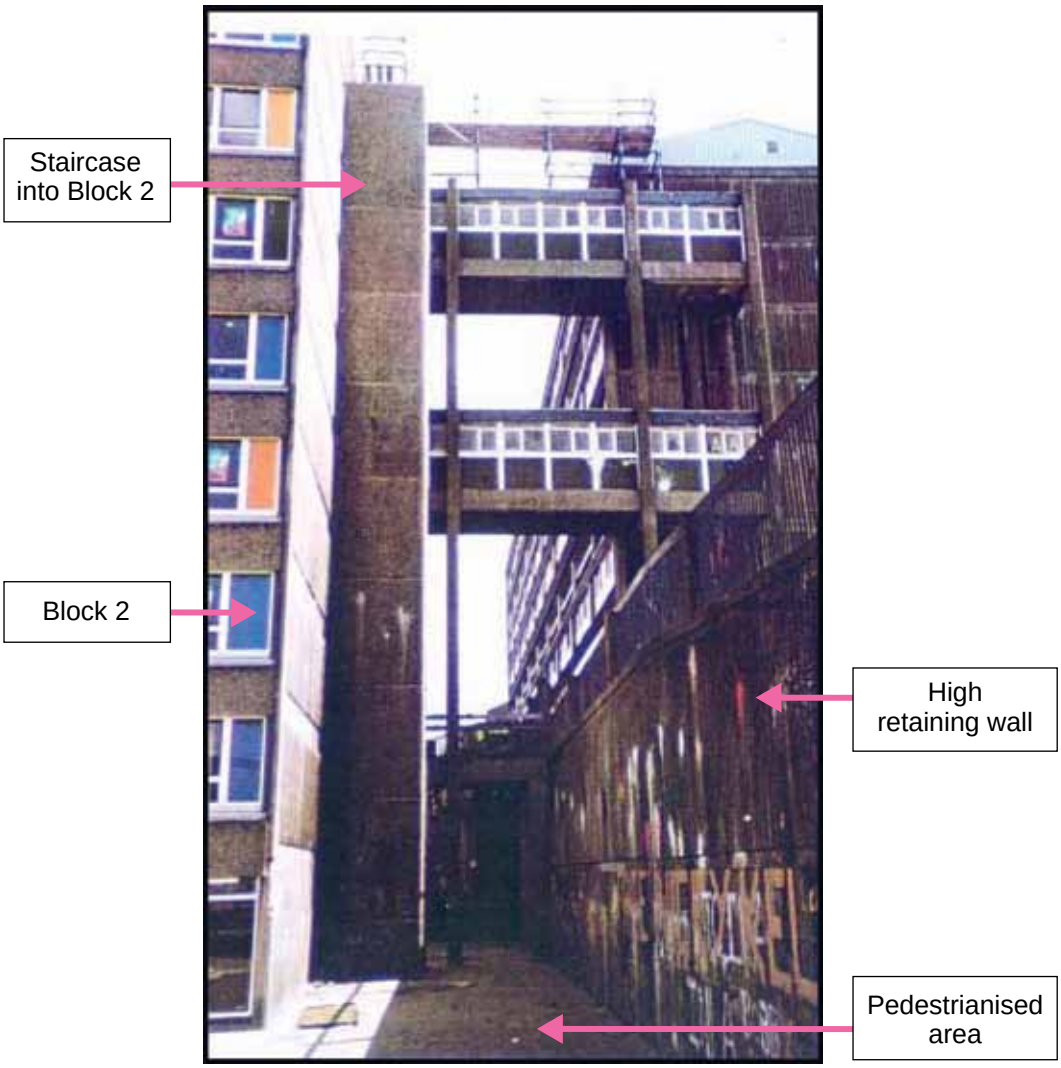


The gap between Blocks 2 and 3 of the Rossville Flats

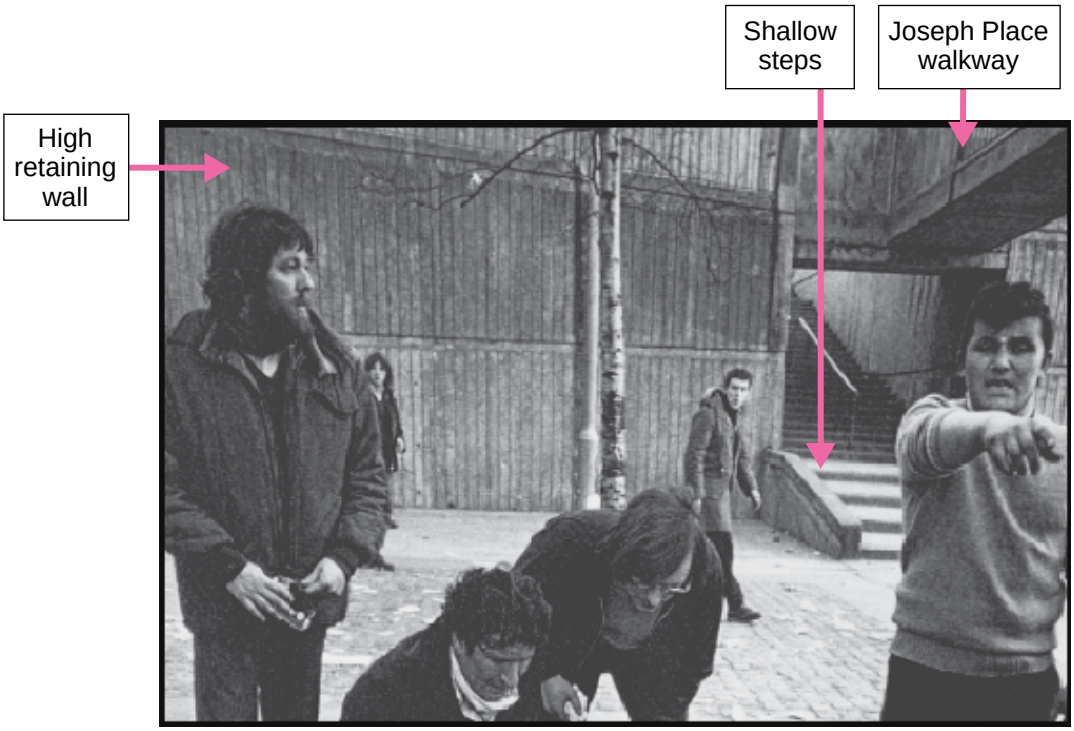
116.15 The high retaining wall is also marked on the photograph above. Its continuation beyond the gap between Blocks 2 and 3 formed the eastern boundary of the pedestrianised area. The photograph shows that the retaining wall was broken by a flight of steps leading up to Fahan Street East, after which it became the wall dividing the upper and lower car parks of Joseph Place. As will be seen in a subsequent photograph[1] this dividing wall diminished in height as it ran through these car parks.

[1] Paragraph 116.19

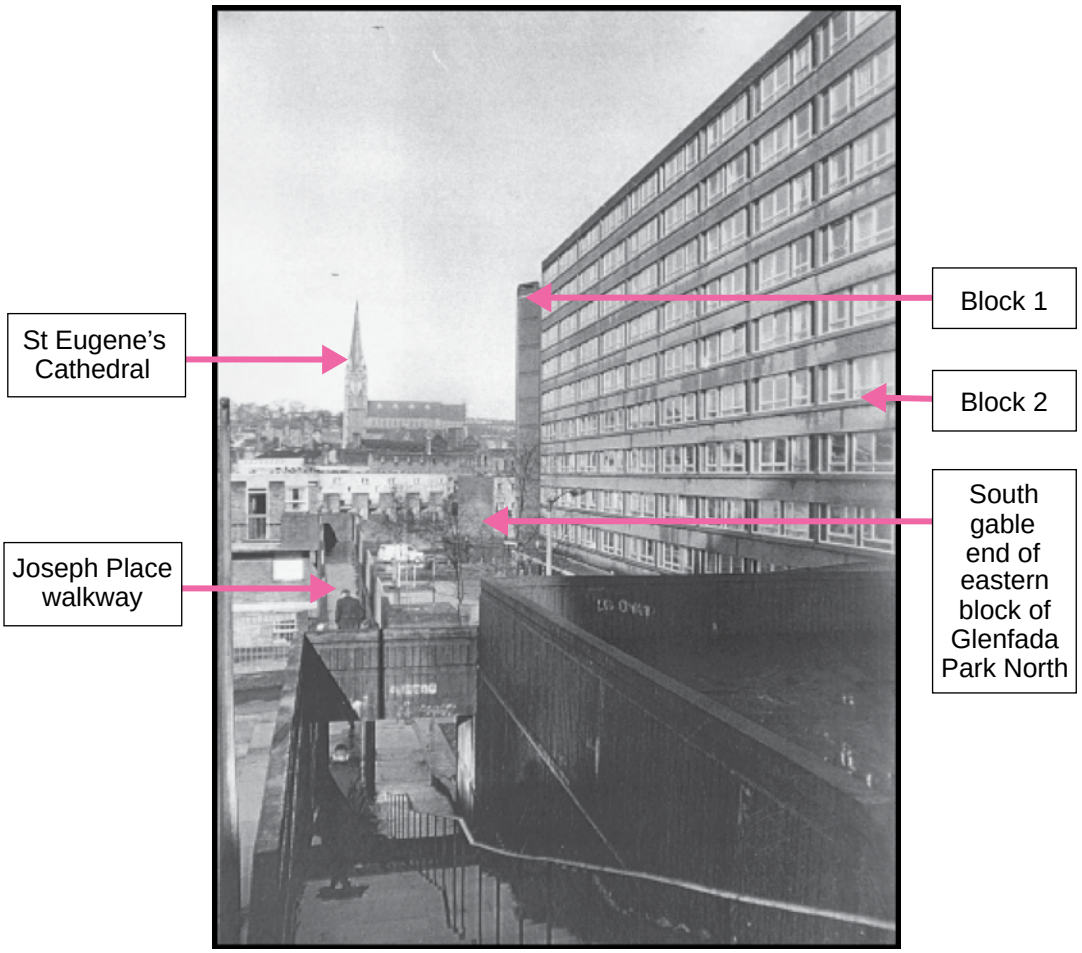
116.16 The photograph below was taken some time after Bloody Sunday. It shows the view from the pedestrianised area north-east through the gap between Blocks 2 and 3. Block 2 is on the left of the photograph. The high retaining wall is on the right of the photograph. Also visible is the exterior of a staircase, which allowed access from the gap between Blocks 2 and 3 into Block 2.



116.17 The flight of steps (the Fahan Street steps), which interrupted the high retaining wall, can be seen more clearly in the photograph below. This flight began with a set of shallow steps, marked on the photograph. Gilles Peress took this photograph on Bloody Sunday. The high retaining wall is seen in the background. Also visible is a tree centred in the most eastern of the brick beds in the pedestrianised area. Behind, and appearing adjacent to it in the photograph, is a lamp post.

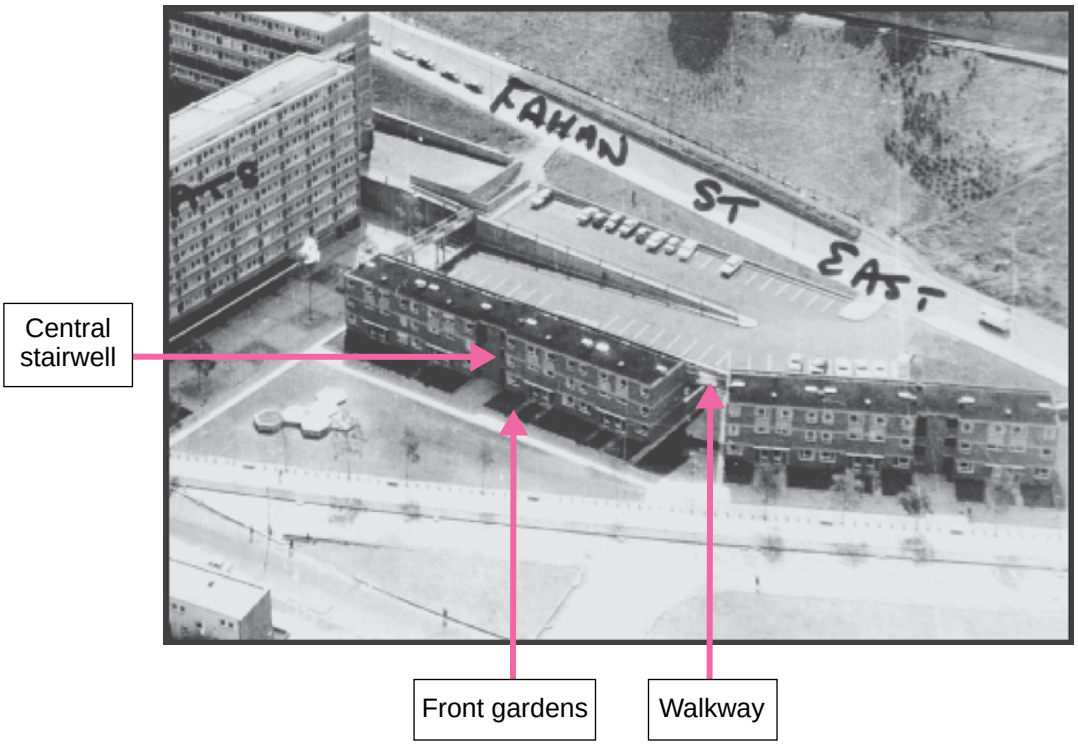


116.18 The view west from the top of the Fahan Street steps is shown in the photograph below. This photograph was not taken on Bloody Sunday. The photographer would have been standing on, or near to, the pavement of Fahan Street East and looking down into the Bogside. St Eugene's Cathedral is visible in the background of the picture. The south gable end of the eastern block of Glenfada Park North can also be identified on this photograph.



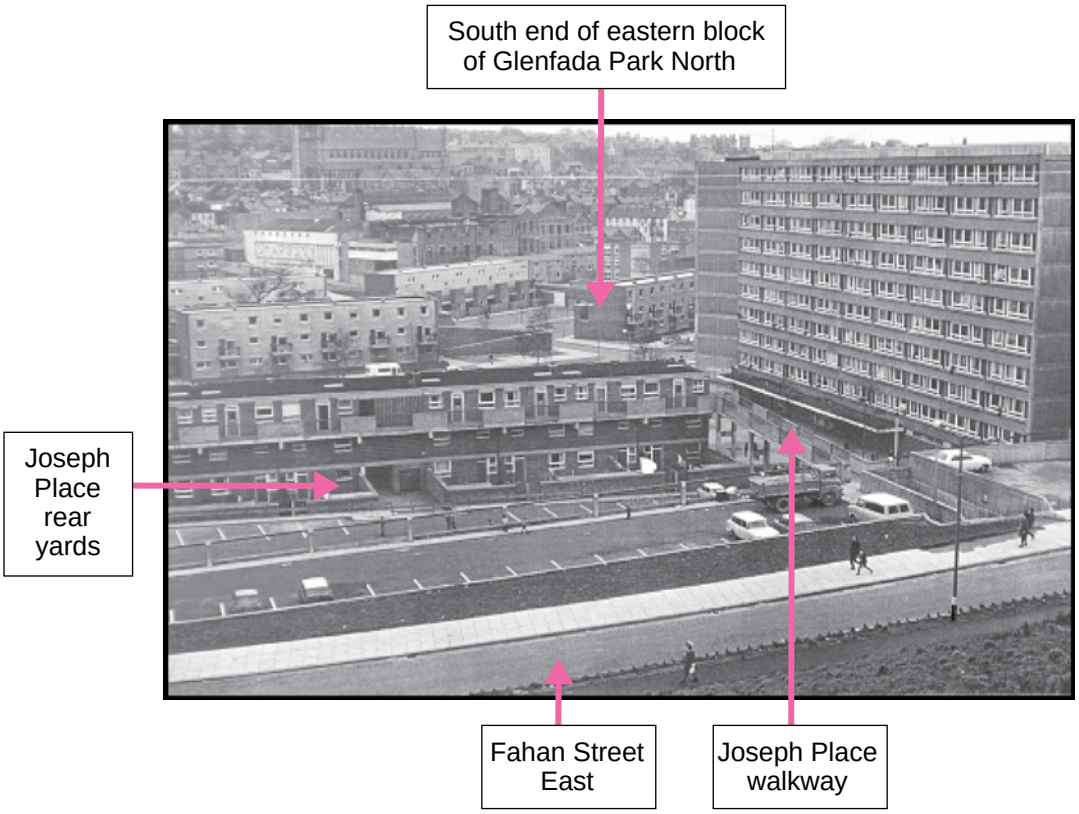
Joseph Place

116.19 The two residential blocks of Joseph Place were each three storeys high. The block nearest to the Rossville Flats was set back some 40 yards from Rossville Street at its north-east end but ran towards the street in a south-westerly direction. The second block of Joseph Place ran parallel to the road and closer to it. Each block had a central stairwell. A walkway connected the two blocks. The walkway between the two blocks is seen on the photograph below, which also shows the front gardens of the two Joseph Place blocks.

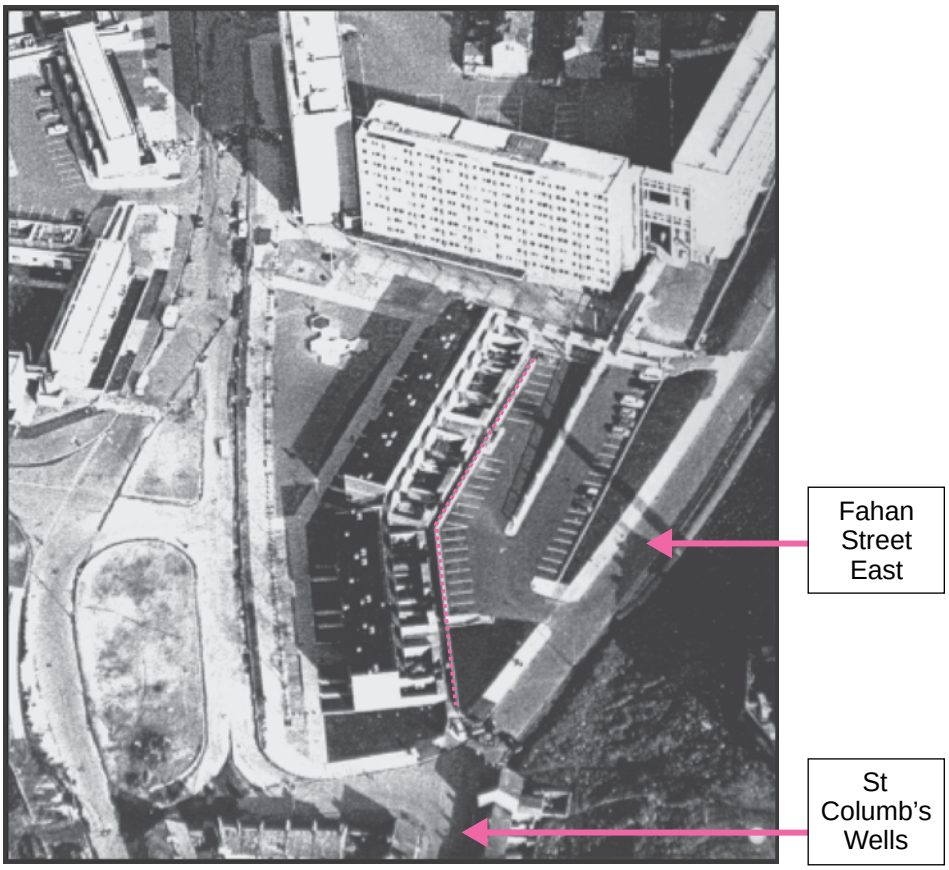


116.20 The next photograph was also taken by Stanley Matchett. It shows that low stone walls surrounded the front gardens of Joseph Place. The photograph was taken on Bloody Sunday and shows Alana Burke, who was injured by Sergeant O's Armoured Personnel Carrier (APC) in Sector 2 on that day, being carried to a waiting ambulance.

116.21 The photograph below, which was taken from the City Walls, shows the eastern side of the most northerly block of Joseph Place. The Joseph Place walkway, providing access from Fahan Street East to the upper level of Joseph Place, can be seen on the right-hand side. The upper and lower car parks of Joseph Place can also be seen, as can the south end of the eastern block of Glenfada Park North.



116.22 Some of the rear yards of the Joseph Place flats, surrounded by brick walls, are shown in this photograph. Access to and from these yards was via an alleyway (the Joseph Place alleyway), which ran the length of both blocks, starting at its northern end under the stanchions of the walkway and coming out at the end of the second block to give access to Fahan Street East. The route of the Joseph Place alleyway is marked with a dotted line on the photograph below. As the photograph shows it was a short distance from the southern end of the Joseph Place alleyway across Fahan Street East and into St Columb's Wells.

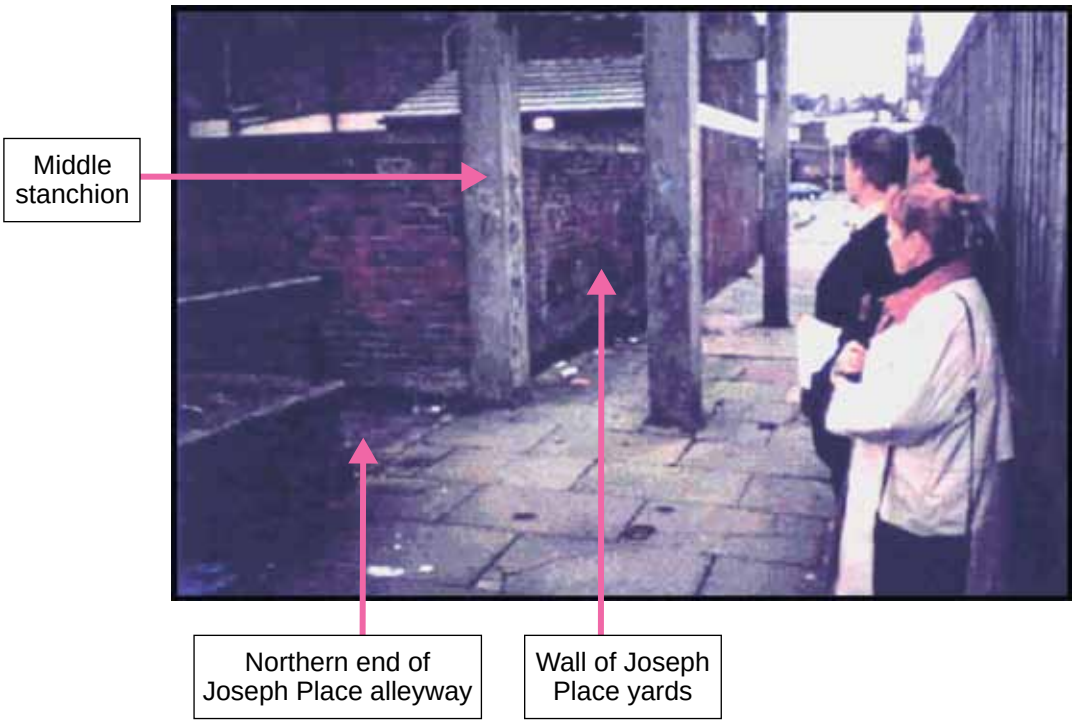


116.23 Although the Rossville Flats were demolished in the 1980s, Joseph Place still stood at the time of this Inquiry. As has been mentioned previously, three stanchions supported the walkway providing access from Fahan Street East to the upper level of Joseph Place. Two of these stanchions are shown in the following photograph, which was taken for the purpose of this Inquiry. The Fahan Street steps are seen in the background. The man shown standing next to what is the middle of the three stanchions is Daniel McGowan, who was shot and injured in Sector 5. Behind him is the entrance to the northern end of the Joseph Place alleyway.

116.24 This middle stanchion abutted directly onto the edge of the Joseph Place alleyway, as shown on the two photographs below. As discussed later in this report the first of these two photographs was taken on Bloody Sunday. The photograph shows Patrick Walsh crawling towards the upturned body of Patrick Doherty. It was taken by Fulvio Grimaldi, a freelance journalist and photographer.

116.25 The second photograph is attached to the written statement to this Inquiry of Mary Bonner,[1] whose brother, Hugh Gilmour, was shot and killed on Bloody Sunday. She can be seen, wearing a light-coloured coat, on the far right of the picture.

[1] AB38.1; AB38.8



The Threepenny Bits

116.26 Between Rossville Street and the northern block of Joseph Place was a triangular public area, decorated with six brick-built hexagons. These hexagons were known as the Threepenny Bits. They are seen in more detail on the photograph below, which was taken by Derrik Tucker Senior on Bloody Sunday, from the living room window of his home in Block 2 of the Rossville Flats.[1]

[1] WT7.8; WT7.18

Observation Posts on the City Walls

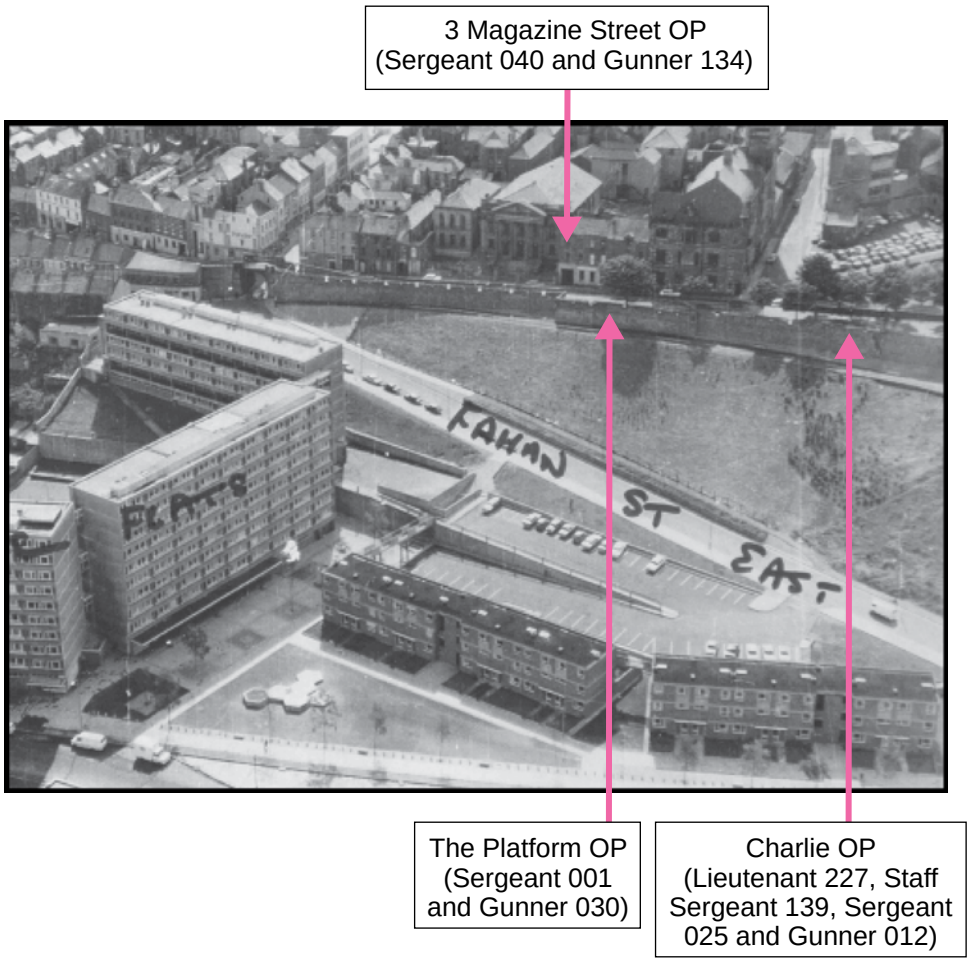
116.27 On Bloody Sunday there were a number of Army Observation Posts (OPs) on the City Walls, manned by members of 53 Battery, 22 Lt AD Regt. These provided a line of sight into Sector 5.

116.28 The soldiers on duty at these posts were:

- Sergeant 001 and Gunner 030 – positioned on what was called the Platform on the City Walls;
- Sergeant 040 and Gunner 134 – positioned in an attic room of a house at 3 Magazine Street located behind the Platform; and
- Lieutenant 227, Staff Sergeant 139, Sergeant 025 and Gunner 012 – positioned south of the Platform at what was called Charlie OP.

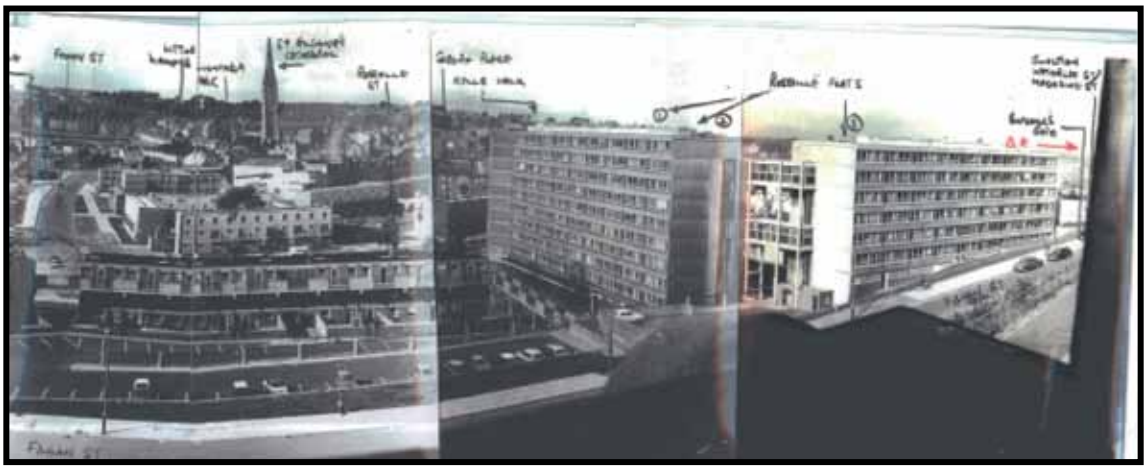
116.29 The locations of these OPs are marked on the photograph below.[1]

[1] Day 263/23-24; B1831.20

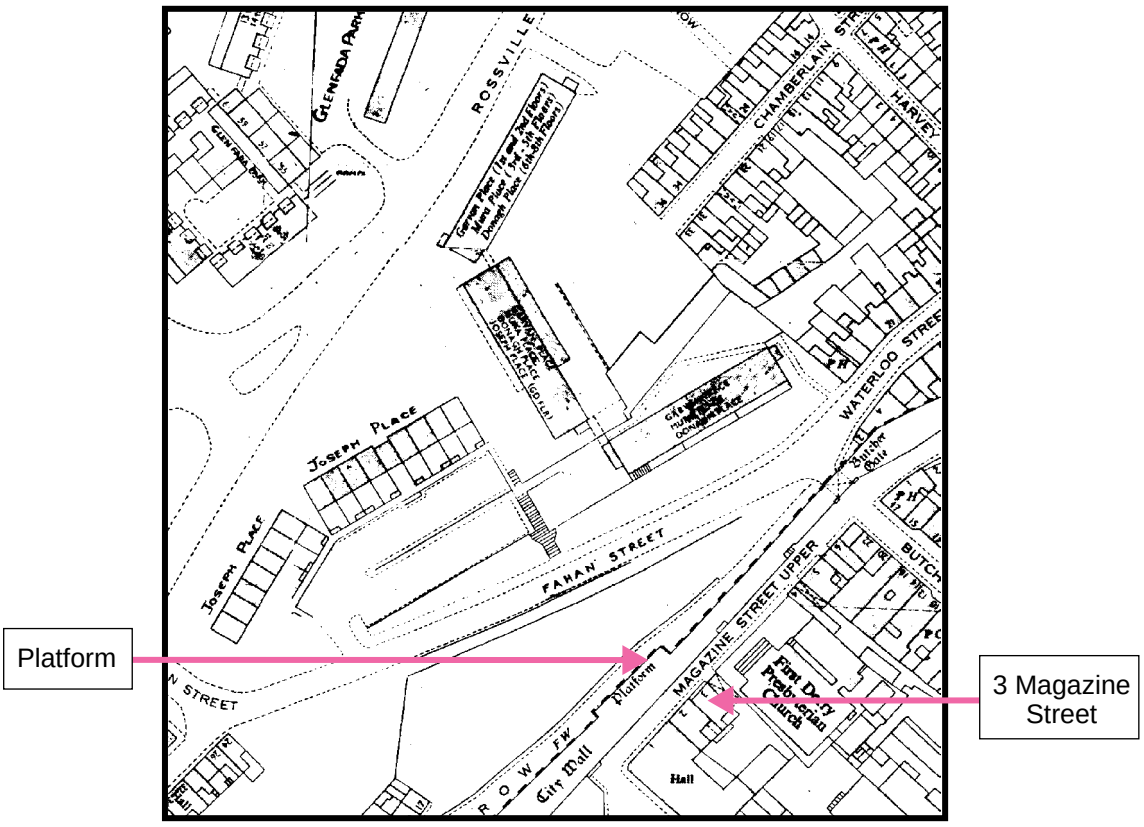


The view from the Platform and 3 Magazine Street

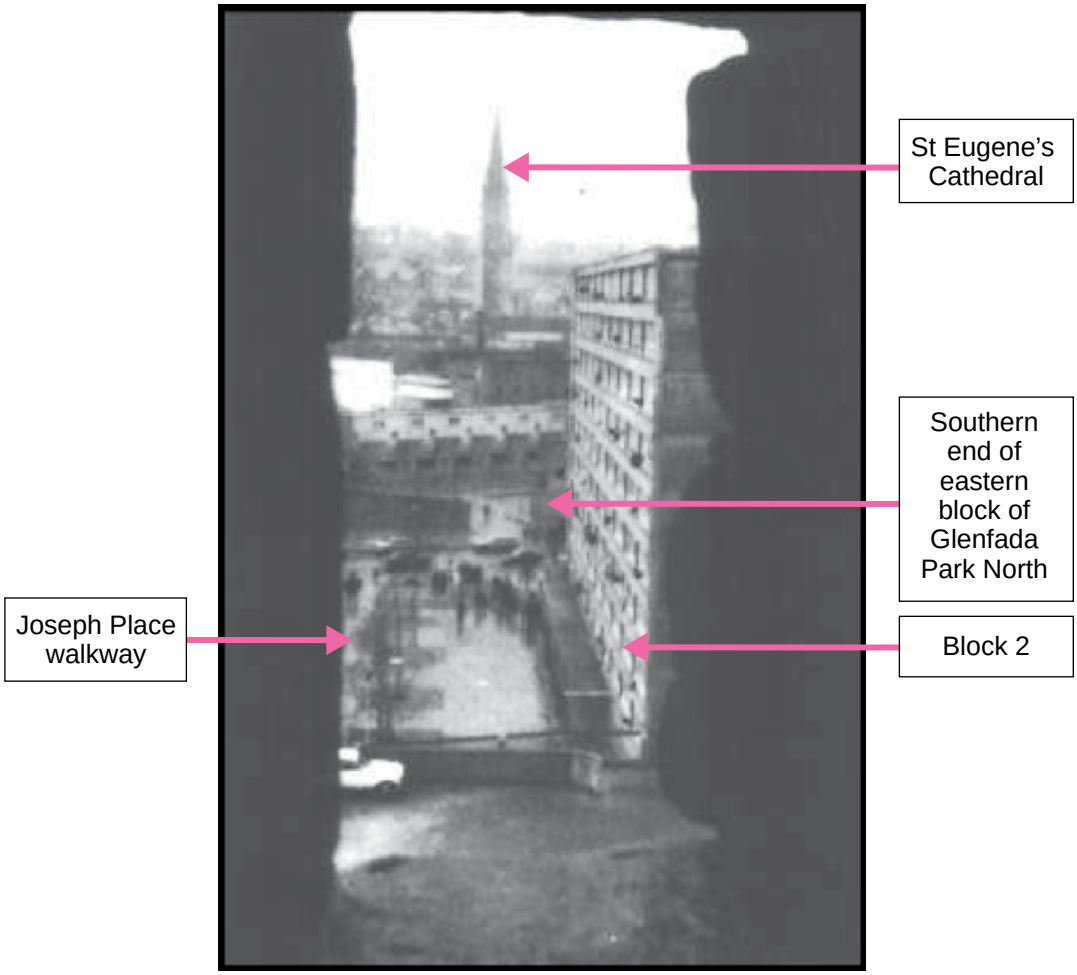
116.30 The picture below is a composite of a number of photographs taken from or near to the Platform. The composite was provided to the Inquiry by Colonel Roy Jackson, who in 1972 was the Commanding Officer of 1st Battalion, The Royal Anglian Regiment. While the images used in the composite were taken from slightly different angles, the composite gives a useful impression of the buildings and structures that would have been visible to the soldiers positioned on the Platform and at 3 Magazine Street on Bloody Sunday. These would have included the eastern side of the two Joseph Place blocks, the Joseph Place alleyway and the Joseph Place walkway. The south end of the eastern block of Glenfada Park North, the southern end of Block 1 of the Rossville Flats, and the south face of Block 2 would all have been in view. As we discuss in more detail below, a soldier positioned at the most northerly corner of the Platform would also have had a limited line of sight through the gap between Blocks 2 and 3 of the Rossville Flats and into the car park beyond.



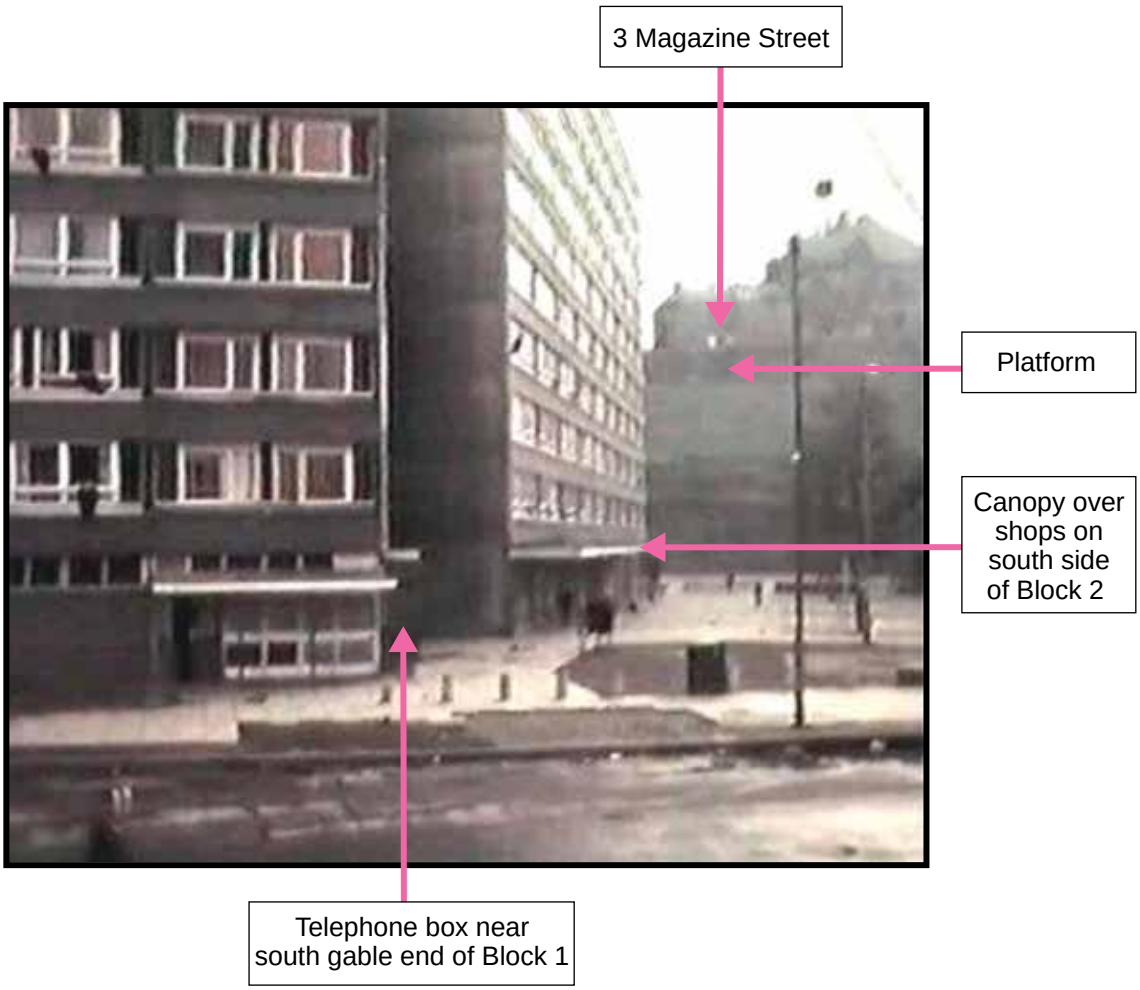
116.31 The Platform and 3 Magazine Street are marked on the map below. When considered with the photograph above, on which we have marked all three OPs, it can be seen that the entrance to 3 Magazine Street would have been almost immediately behind the Platform. This emphasises an important detail – soldiers positioned on the Platform and in 3 Magazine Street would have had an almost direct view into the area between the front (south side) of Block 2 of the Rossville Flats and Joseph Place.



116.32 The two photographs below illustrate the view into Sector 5 available to the soldiers positioned at the Platform and in 3 Magazine Street. The first gives a view through an aperture on the City Walls in the area of the Platform. It suggests that a soldier positioned at the most northerly corner of the Platform (and by extension one positioned in an attic room in 3 Magazine Street) would have had a line of sight west towards the southern end of the eastern block of Glenfada Park North. The view would have included the canopy on the south side of Block 2 of the Rossville Flats and some of the bricked paved beds, which, as we have already described, ran the length of the pedestrianised area. It also seems clear that the part of the pedestrianised area immediately beneath the high retaining wall, including the shallow set of steps, which formed the beginning of the Fahan Street steps, would have been out of sight for a soldier positioned on the Platform. This would also have been the case for a soldier positioned at the higher location (an attic) in 3 Magazine Street.



116.33 The second photograph is a still image taken from a video recording of footage filmed in the immediate aftermath of Bloody Sunday. Independent Television News supplied the recording to this Inquiry.The camera was positioned on the pram-ramp at the north-eastern end of Glenfada Park South and is looking east, along the pedestrianised area, towards the high retaining wall and, above it, the City Walls. The image gives an indication of the degree of elevation between ground level and the OPs on the Platform and in 3 Magazine Street.



116.34 As we have already noted, there is also a line of sight from the Platform into the car park of the Rossville Flats. The Platform is marked on the photograph below, which was taken a few years after Bloody Sunday. The image shows that a soldier positioned at the most northerly end of the Platform would have been able to see through the gap between Blocks 2 and 3 into the car park. However, it seems unlikely that the same soldier would have been able to see much, if anything, at ground level in the gap between Blocks 2 and 3 itself, or anything at ground level on the south side of the gap.

The view from Charlie Observation Post

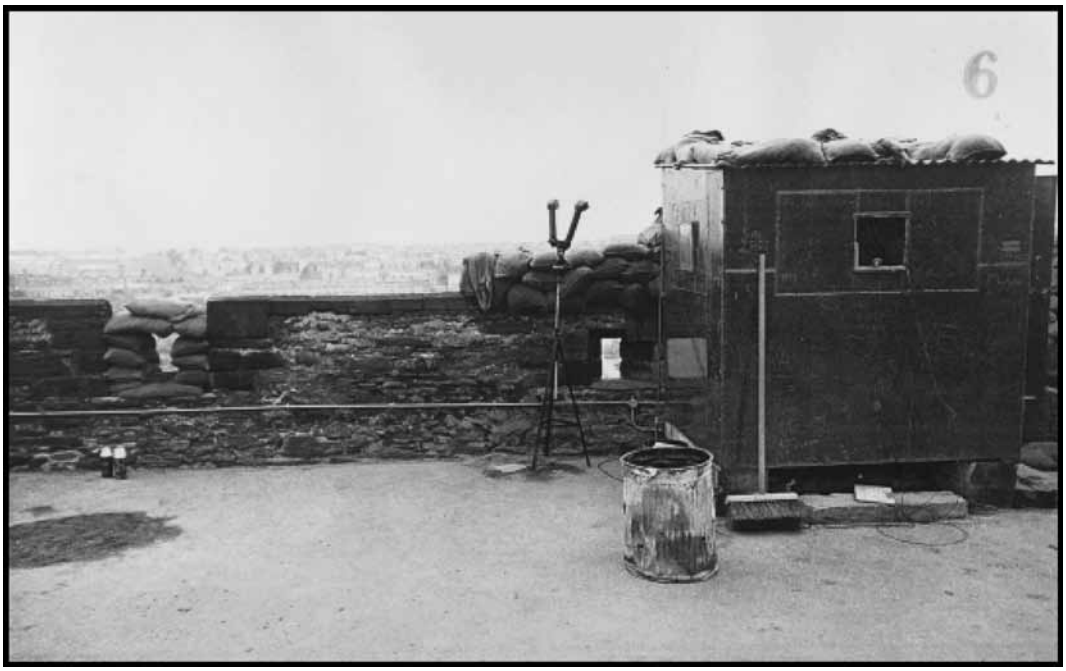
116.35 On 5th February 1972, Inspector Norman Nicholl of the Royal Ulster Constabulary took a set of five photographs, which were produced to the Widgery Inquiry.[1] The final photograph of this set has already been shown above[2] but it is helpful to show here, and in sequence, four of the photographs taken by Inspector Nicholl.

1 JN2.1

2 Paragraph 116.21

116.36 The first of these shows the two-man sangar (a temporary guard post) positioned at Charlie OP on Bloody Sunday. A pair of “donkey-ear” binoculars on a stand (providing a periscope view) can be seen to the left of the sangar and close to the wall. The soldiers positioned at Charlie OP on Bloody Sunday had access to a pair of these binoculars.[2]

1 B1539; Day 371/212



116.37 The remaining three photographs show that a soldier positioned at Charlie OP would, like his colleagues on the Platform and in 3 Magazine Street, have been able to see a number of the buildings and structures that we have already identified above, including Free Derry Corner, Glenfada Park South and Glenfada Park North, the Joseph Place alleyway, the Joseph Place walkway and Block 2 of the Rossville Flats. In particular, an observer at Charlie OP would have had a line of sight to the southern end of the eastern block of Glenfada Park North, the southern end of Block 1 of the Rossville Flats, and the canopy running over the shops located on the south side of Block 2 of the Rossville Flats. It is clear from the last of these three photographs that there would not have been a view from Charlie OP into the area around the bottom of the Fahan Street steps or the gap at ground level between Blocks 2 and 3 of the Rossville Flats.

Chapter 117: The movement of people through the gap between Blocks 2 and 3 of the Rossville Flats

Contents

Photographs taken by Gilles Peress in Sector 2

117.1 Earlier in this report[1] we considered what happened in Sector 2, the area of the Eden Place waste ground and the car park of the Rossville Flats, where there were casualties from Army gunfire. During the course of this gunfire, civilians moved from Sector 2 into Sector 5 through the gap between Blocks 2 and 3 of the Rossville Flats. They included Patrick Doherty, who we are sure was then shot and killed in Sector 5, and a number of others, some of whom gave important evidence about what happened in that sector.

[1] Chapters 22–66

117.2 In our consideration of the events of Sector 2, we referred to some of the evidence of Gilles Peress about the photographs that he took in that sector. As discussed more fully in that context, he had come along Chamberlain Street to the Rossville Flats end of that street and, having taken a photograph of the group surrounding Jackie Duddy, moved westwards behind the low wall running along the car park side of Block 2 of the Rossville Flats. However, by the time he got to about the western end of the wall, Jackie Duddy's body had been removed; and Gilles Peress moved back towards the retaining wall beneath Block 3. As he did so, he took six photographs from positions along the low wall.

117.3 Two of these photographs we have reproduced in the course of considering the events of Sector 2[1] but it is convenient to show here all six in the order in which they were taken, numbering them from 1 to 6.[2]

1 Paragraphs 55.293–295

2 In his statement for the Widgery Inquiry, Gilles Peress identified these six photographs by reference to a contact sheet on which they were numbered from 4 to 9 (M65.2; M65.28). By the time he came to give oral evidence to the Widgery Inquiry, enlargements of the photographs were available. However, they were numbered differently: from 2 to 7 (WT6.64).

Photographs 1–3

Photographs 4–6

117.4 The evidence Gilles Peress gave to the Widgery Inquiry was that there was ongoing gunfire as he took these photographs, directed towards the group of men he was photographing. He identified the direction of this gunfire as being from his "*back left side*"

and its source as two soldiers: one positioned at the northern end of Block 1 of the Rossville Flats and the other at the rear of 36 Chamberlain Street.[1] This was still his recollection when he came to give evidence to this Inquiry.[2]

1 M65.1.1; M65.2; M65.1.3; WT6.64-WT6.67 2 M65.21; Day 213/14-20

117.5 Gilles Peress said that he had moved closer to the group when he took the third photograph and closer still when he took the last three.[1]

1 M65.1.1; M65.2; M65.1.3; WT6.64-67

117.6 For reasons given in the course of our consideration of the events of Sector 2, we are sure that the man lying flat on his stomach on the ground in the first two of these photographs was Patrick McDaid, one of those wounded in Sector 2; and that the balding man shown crouched above him was Patrick Walsh, whose evidence is of importance in the present context. The man with a white handkerchief over his face in the third, fifth and sixth photographs was Patrick Doherty. As we describe below, soon after taking these photographs Gilles Peress moved through the gap between Blocks 2 and 3 of the Rossville Flats, and then photographed Patrick Doherty as this casualty lay shot in Sector 5.[1]

1 Day 213/65

117.7 Joe Nicholas, whose evidence is also of importance in the present context, identified himself as the person whose outstretched left leg can be seen just in front of the feet of the prone Patrick McDaid, in the second of the photographs shown above. He thought he was also shown in the preceding photograph. In his evidence to this Inquiry he was able to identify Patrick Doherty as the man on the left in the third and sixth photographs shown above.[1]

1 AN17.6; AN17.9; Day 78/19; Day 78/77

117.8 Kevin McDaid (the brother of Michael McDaid, who was shot and killed at the rubble barricade in Sector 3) identified himself as the man shown in the middle looking towards the photographer in the third of these photographs and thought he might be the man crouching immediately behind Patrick Walsh in the middle of the first photograph, though he was not certain about this. He too identified Patrick Doherty in the third of these photographs.[1] He told us that some people around him made a break for the passageway. "*For some reason, probably panic, I did not run all the way through the gap but instead I ran into the stairwell at the south eastern corner of Block 2…*"[2]

1 AM167.4; AM167.7; Day 100/94 2 AM167.4

117.9 We have not been able to identify the other people in the first photograph. As to the man shown on the right in the third, fifth and sixth photographs, it was thought for a time that this might have been someone called Pat Friel, but we have found no evidence to support that possibility. He might have been someone called Barry Quigley, as this name was mentioned by Joe Nicholas to Philip Jacobson of the *Sunday Times* Insight Team,[1] but Joe Nicholas could not help us on this.[2] There is a Northern Ireland Civil Rights Association (NICRA) statement from John McGowan, who observed events from his flat on the seventh floor of Block 2 of the Rossville Flats. He recorded that he saw an injured person make his way from the car park to the back entrance of Joseph Place; and that having seen Fr Daly and others carry Jackie Duddy off, he then returned to the south side of his living room to call down to a man he named as Barry Quigley to assist that injured man.[3] This evidence lends some support to the possibility that the person identified by Joe Nicholas was Barry Quigley, but we remain unsure about this identification.

1 AN17.19
2 AM467.4
3 Day 78/41-42; Day 78/81

117.10 The representatives of the majority of the represented soldiers submitted, in relation to these photographs:[1]

> "Furthermore, there is evidence of something suspicious, possibly a pistol, being moved surreptitiously towards the gap between Blocks 2 and 3…"

1 FS7.2221

117.11 We see nothing in these photographs to support this submission. Gilles Peress said nothing about seeing the movement of a weapon and was not asked about it during the course of his oral evidence to this Inquiry.

Whether Patrick Doherty was injured before moving into Sector 5

117.12 It appears from the written statement he provided to the Widgery Inquiry that Gilles Peress thought, at the time, that between the taking of the third and fifth of the photographs shown above, Patrick Doherty had been hit by a ricocheting bullet. These two images were identified as photographs 6 and 8 respectively in Gilles Peress's

statement to the Widgery Inquiry, namely the photographs numbered 3 and 5 above. In his evidence to the Widgery Inquiry, Gilles Peress recalled that, having taken the third photograph, he noticed that Patrick Doherty seemed to be having difficulty crawling.[1]

1 M65.2; WT6.66

117.13 In our view, Gilles Peress was mistaken in thinking at the time that Patrick Doherty had been hit in Sector 2, as he acknowledged in his evidence to us he could have been.[1] Joe Nicholas told Philip Jacobson that, just before he made a run for the gap between Blocks 2 and 3 of the Rossville Flats, he looked back, saw Patrick Doherty lying on his stomach, shouted, "'*Are you o.k.?*'" and "*doherty shouted 'Yeah, I'm fine' or summat similar*". Philip Jacobson noted "*nicholas is positive he [Patrick Doherty] was neither shot nor hurt in any other way at that point*".[2] Furthermore, as will be seen hereafter, the scientific evidence was to the effect that Patrick Doherty had not been hit by a ricochet.

1 Day 213/20-21 2 AN17.19

117.14 In his written statement to this Inquiry, Gilles Peress expressed the view that Patrick Doherty could not have been shot "*whilst he was crawling along the wall that runs parallel to Block 3 … he must have been shot after he had rounded the south eastern corner of Block 2*."[1] In his oral evidence he said "*to this day I do not know whether Patrick Doherty was wounded on this side of the alleyway [a reference to the gap], or indeed the other side of the alleyway. That said, given the gravity of the wounds, it seems more probable he would have been hit on the other side*."[2]

1 M65.21 2 Day 213/20

117.15 Apart from Gilles Peress, Bernard Gilmour and Tony Morrison were the only other civilians, so far as we are aware, who said they thought Patrick Doherty had been shot in Sector 2. Bernard Gilmour's brother, Hugh Gilmour, was shot and killed in Sector 3.

117.16 In his written statement to this Inquiry, Bernard Gilmour told us he recalled looking out from a bedroom window in his mother's flat in Block 2, onto the car park of the Rossville Flats. He noticed a group of men crawling along the high retaining wall towards the gap between Blocks 2 and 3, one of whom, he later learned, was Patrick Doherty. As he watched the men, Bernard Gilmour saw the person he believed to be Patrick Doherty hit by a shot but continue to crawl towards and through the gap between Blocks 2 and 3.[1] However, in the course of his oral evidence to us, it emerged that a recollection of the manner in which this group of men had reacted to gunfire (by changing from crawling towards to running for the gap) had led Bernard Gilmour to assume that one of their number had been shot. Indeed, Bernard Gilmour could not say with certainty whether the

person he had assumed was shot had been Patrick Doherty, or that anyone in the group of men he had observed had, in fact, been shot.[2] In this context, it is relevant to point out that Bernard Gilmour did not make any reference to seeing a group of men moving along the high retaining wall in the joint statement he, together with two members of his family, gave to NICRA in 1972.[3]

1 Day 87/195; AG38.5
2 Day 88/24-26; Day 88/32-33; Day 88/46
3 AG38.9

117.17 We have already considered the evidence of Tony Morrison in our discussion of the events in Sector 2. Both in his account to NICRA and in his written statement to this Inquiry, Tony Morrison described standing at the gable wall of 36 Chamberlain Street, from where he saw Michael Bridge shot and wounded in the car park of the Rossville Flats. In his written account to us, Tony Morrison went on to record his recollection of seeing Patrick Doherty shot while crawling past the gap between Blocks 2 and 3. There is no reference to this incident in Tony Morrison's NICRA statement.[1]

1 AM439.1; AM439.5; AM439.6

117.18 In our view, Tony Morrison was mistaken in his recollection of seeing Patrick Doherty shot. When he gave his oral evidence to this Inquiry, Tony Morrison explained that he did not know Patrick Doherty and that he had not actually seen him shot. Confusingly, Tony Morrison also gave an account of seeing Patrick Doherty's body in the gap between Blocks 2 and 3 and it then being moved to a point south of Block 2. His belief that he had seen someone shot near the gap between Blocks 2 and 3 seemed to be based on a recollection of seeing a man being dragged along by others. However, as Tony Morrison recognised, his description of that man's clothing did not accord with the available details for Patrick Doherty.[1]

1 Day 184/122-143; Day 184/153

117.19 We are sure that Patrick Doherty was not shot in Sector 2. On the basis of what Joe Nicholas told Philip Jacobson and for the reasons we give later in this part of the report, we have no doubt that Patrick Doherty was shot and mortally wounded in Sector 5.

The movement of Gilles Peress into Sector 5

117.20 Having taken the photographs shown above, Gilles Peress moved into Sector 5.

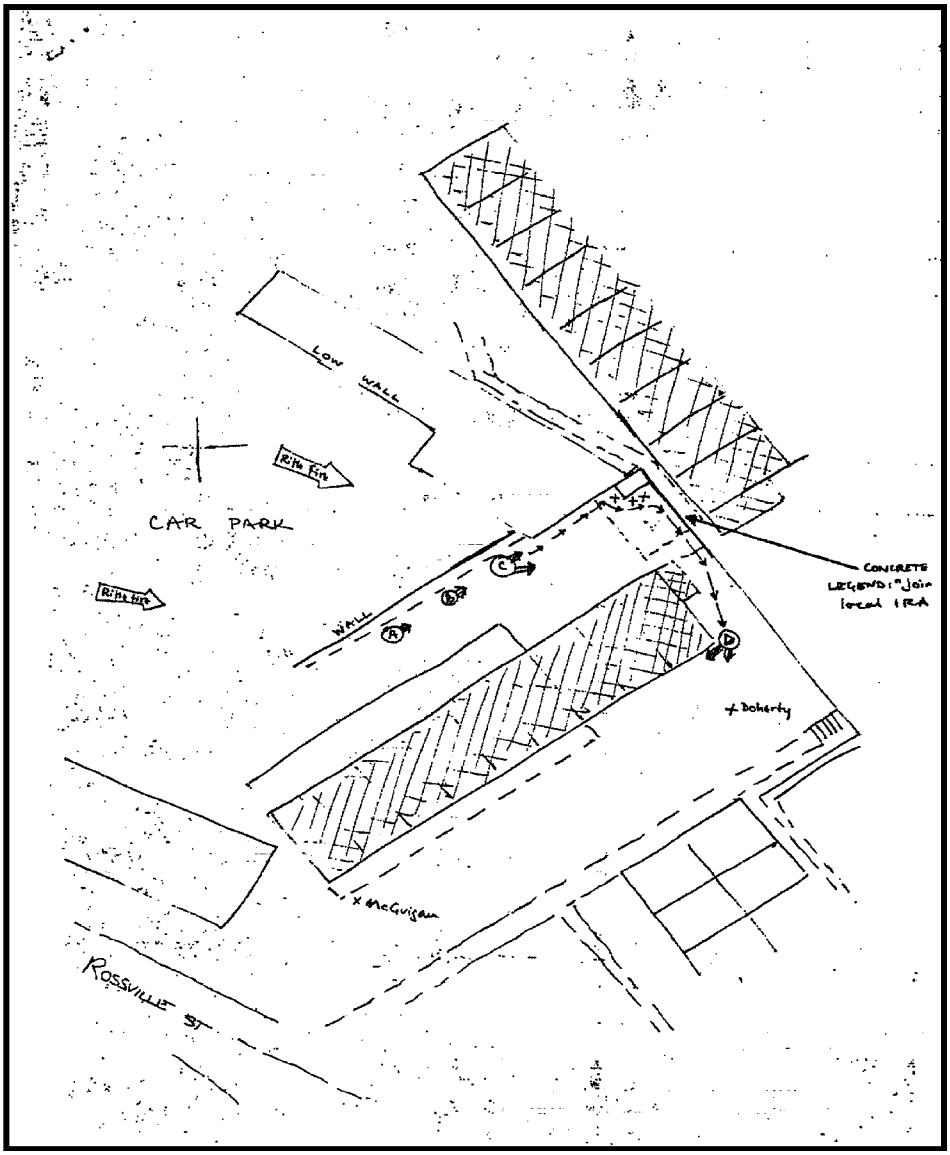
117.21 In his written statement for the Widgery Inquiry, Gilles Peress recorded that from the position where he had taken the last three of these photographs, "*I went to the wall and crawled along the same route as Doherty. I could not see him at this time.*" He continued:[1]

> "Shooting was still going on. I crawled under the colonnade and ran to the corner of the building, position 'D'. There I took pictures 10 and 11 of Mr Doherty. Then I took picture 12, in another direction along the building on my right. Then I took 13 and 14 of Mr Doherty. His hands are moving in No. 11 and I think he died as I took 13 and 14."

[1] M65.2

117.22 Position D is shown on a drawing that accompanied this statement and is at the south-eastern corner of Block 2 of the Rossville Flats. This drawing also shows the positions ("A", "B" and "C") from which Gilles Peress took the six photographs we have shown above.[1]

[1] M65.1.3



117.23 We return below to the photographs that Gilles Peress took after he had gone through the gap between Blocks 2 and 3 and to his evidence of what he saw in Sector 5. Here, it should be noted that in his written statement to this Inquiry,[1] Gilles Peress told us that he estimated that less than one minute had elapsed between taking the last of the six photographs discussed above and taking his first photograph in Sector 5, which was of Patrick Doherty lying shot on the ground. However, in his oral evidence to this Inquiry, Gilles Peress explained that he could only say that the time gap between the taking of these two photographs could have been between one and three minutes.[2] He also told us that he took his first photograph of Patrick Doherty "*seconds*" after getting through the gap to the point on its south-east corner, but that he did not see Patrick Doherty going through the passageway or being shot.[3]

1 M65.21
2 Day 213/59-63; Day 213/27-28
3 Day 213/36-37; Day 213/59-60

117.24 We now turn to some of the evidence of two of those who also moved through the gap between Blocks 2 and 3 of the Rossville Flats.

The evidence of Joe Nicholas and Patrick Walsh

Joe Nicholas

117.25 In 1972 Philip Jacobson interviewed Joe Nicholas.[1] The undated note of that interview records that having crawled along the bottom of the high retaining wall as shown in the photographs taken by Gilles Peress, Joe Nicholas decided to "*make a run for the passageway*", ie the gap between Blocks 2 and 3. As he did so "*he heard the crack of several shots very close to him. Those in the passageway told him the shots hit the wall immediately behind him.*" He told Philip Jacobson that he was "*a few minutes*" in the gap recovering his "*breath and nerves*" and that the next significant thing he recalled was seeing Patrick Doherty on the "*other side*", which in context must be a reference to the south side of Block 2 of the Rossville Flats.[2] In his oral evidence to this Inquiry, Joe Nicholas agreed that he had gone before Patrick Doherty, who must have passed him at some stage, but said he had no memory of him doing so.[3]

1 Day 78/40; Day 78/42
2 AN17.20
3 Day 78/83-84

117.26 We return to Joe Nicholas's evidence when considering the circumstances in which Patrick Doherty was shot, but we should note here that he recalled in his evidence to this Inquiry that after he had seen this casualty shot he went back through the gap between

Blocks 2 and 3 to where he had previously seen a photographer in the car park, and conveyed to him that he should come through the gap and photograph this casualty, which the photographer did.[1] Joe Nicholas told us that he recalled that when doing this "*I was not aware of firing at that particular point*".[2] Joe Nicholas had in 1972 identified Gilles Peress as the photographer he had seen in Sector 2.[3]

1 AN17.4; AN17.5; Day 78/30; Day 78/50
2 Day 78/51
3 AN17.19

117.27 Gilles Peress at no stage suggested that he went through the gap at the insistence of anyone. He was not asked whether anyone had asked him to go and photograph a casualty in Sector 5, and in his written statement to this Inquiry he told us that having seen men making their way through the gap between Blocks 2 and 3 "*I thought that if they managed to get through then I should follow them*", from which it would seem, on his evidence, that he decided to go through the gap on his own initiative.[1] To our minds, he did decide to move, as he put it, because "*the action … had moved*" and, as a photographer, he had to "*go and check it out*"[2] and thus we consider that Joe Nicholas was probably mistaken in his recollection that he went back and fetched a photographer.

1 M65.2; M65.21; Day 213/30-32
2 Day 213/32-33

Patrick Walsh

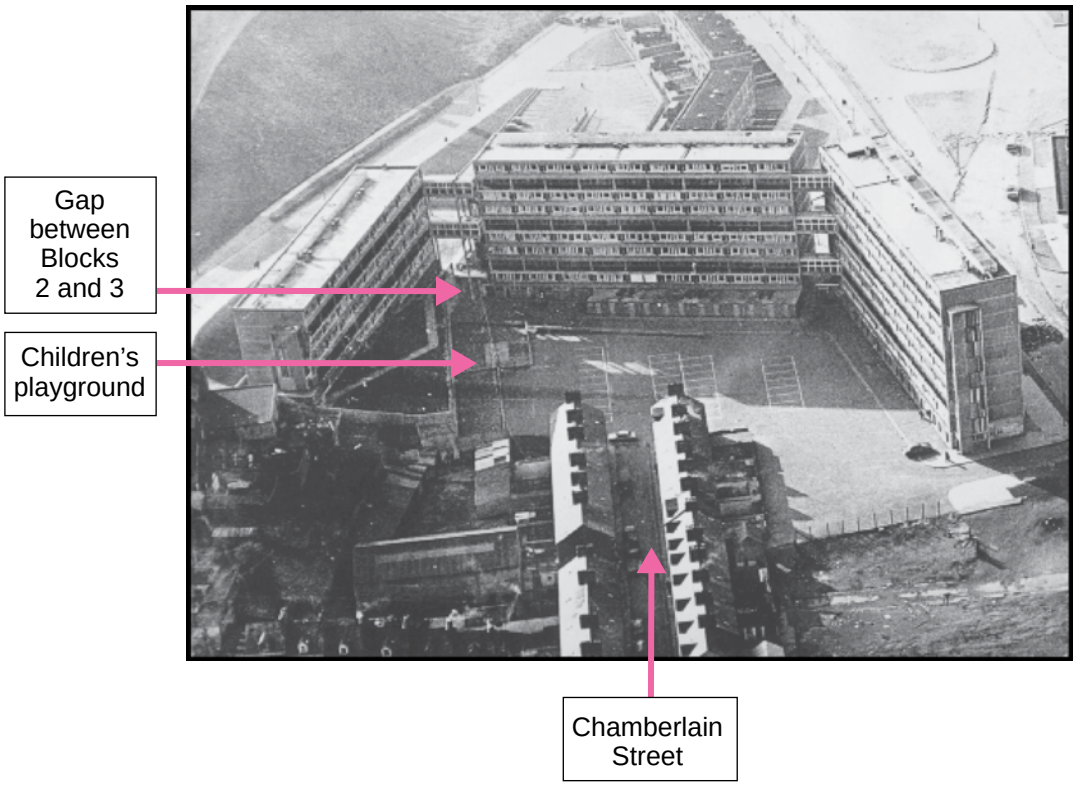
117.28 Philip Jacobson interviewed Patrick Walsh in 1972.[1] His notes are dated 13th April 1972. Patrick Walsh also gave written and oral evidence to this Inquiry.[2] He died in June 2005.

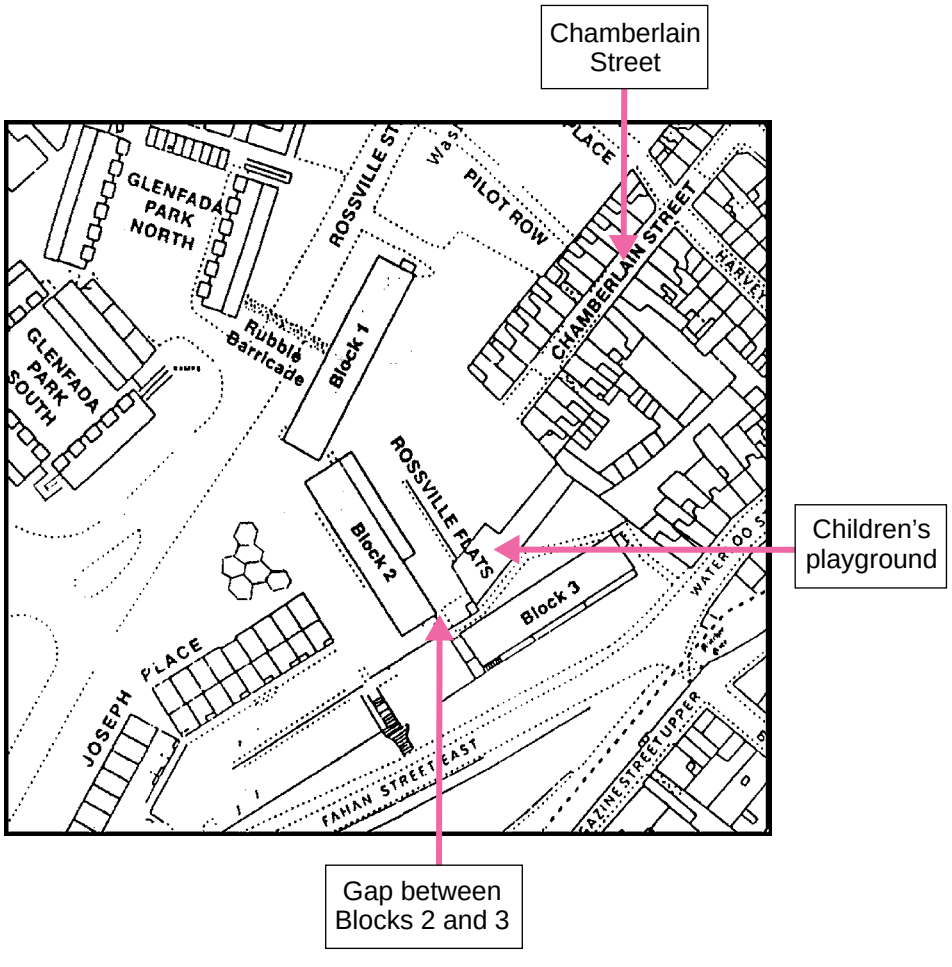
1 AW5.32
2 AW5.1-31; Day 171/1-64

117.29 According to the notes made by Philip Jacobson, Patrick Walsh had come along Chamberlain Street and sheltered with about 30 others "*against the wall by the playground*".[1]

1 AW5.33

117.30 The playground appears to be the area we have described as a recreation ground in Sector 2. We set out below a photograph and a map on which we have indicated this area.


Gap between Blocks 2 and 3
Children's playground
Chamberlain Street


Chamberlain Street
GLENFADA PARK NORTH
GLENFADA PARK SOUTH
ROSSVILLE ST
PILOT ROW
CHAMBERLAIN STREET
Rubble Barricade
Block 1
Block 2
Block 3
ROSSVILLE FLATS
JOSEPH PLACE
FAHAN STREET EAST
Children's playground
Gap between Blocks 2 and 3

117.31 It is apparent that where Patrick Walsh sheltered with others was in the area of the eastern corner of the wall at the southern end of the houses on the eastern side of Chamberlain Street. In his notes of his interview with Joe Nicholas, Philip Jacobson put him and Patrick McDaid as sheltering in the same area as Patrick Walsh and Patrick Doherty,[1] while in his written statement to this Inquiry, Joe Nicholas put himself close to the people sheltering in that corner. It appears that Patrick McDaid was also in that corner.[2]

1 AN17.9

2 AM172.10; AM172.34; AM172.37

117.32 According to Philip Jacobson's note, from this position Patrick Walsh saw Fr Daly huddled by a body and described the Army fire getting heavier. He then described seeing the man with a handgun (often called "Fr Daly's gunman"), whom we have discussed in the context of Sector 2. Philip Jacobson's note continued:[1]

> "walsh then decided to make a break for it. he thinks two or three had already gone ahead of him (pj; uncertain; could be that doherty, nicholas and quigley had made it to the stairs shown in gilles pix) he crawled along the wall to the stairs, where there were two others crouching down out of the firing line. there were bullets still hitting the wall, but welch [sic] doesnt know if they were aimed at them.
>
> walsh decided to run the next short bit from the stairs to the safety of the passage. at that point, he became aware of a girl's voice directing operations from the flats just above, he judged on the first floor. she was shouting down, 'stop, there's a soldier looking your way … o.k., he's turned his head, run … stop, he's turning back … o.k., run like hell' etc etc. as she gave the go-ahead, walsh was just getting into his stride when a youth cannoned into him and they both fell. on the ground walsh was just going to ask the boy what had happened when he said 'mister, i'm shot, i'm shot by my head.' walsh started running his hands over the boy, looking for the wound. the head was o.k. then he felt his back and found the rent in the jacket (pj; this is shown in gilles first shot; walsh has his hand on mcdaid's back.) 'i lifted the lad's jacket and shirt and saw a terrible wound in his back, it looked just as if you'd taken a butterknife and scooped a big piece of flesh away, there was just a big lump of the flesh gone.' it wasnt bleeding much, oozing more. the boy was, reasonably, terrified and begged walsh not to leave him. walsh then decided to make a dash upright; the girl shouted it was o.k. and he simply picked mcdaid up and ran with him supported into the alleyway. 'he didn't seem to weight [sic] any more than my little girl' walsh recalls.

> it was clear to him that mcdaid needed attention and from the alleyway he could see the back doors to joseph place were open and people were crouching there. with mcdaid on one arm, he waited until the girl upstairs shouted it was o.k. to move and they ran across to the alley behind joseph place. there another man helped him get the boy into the second house. (PJ; see mcdaid's own story)"

1 AW5.34-35

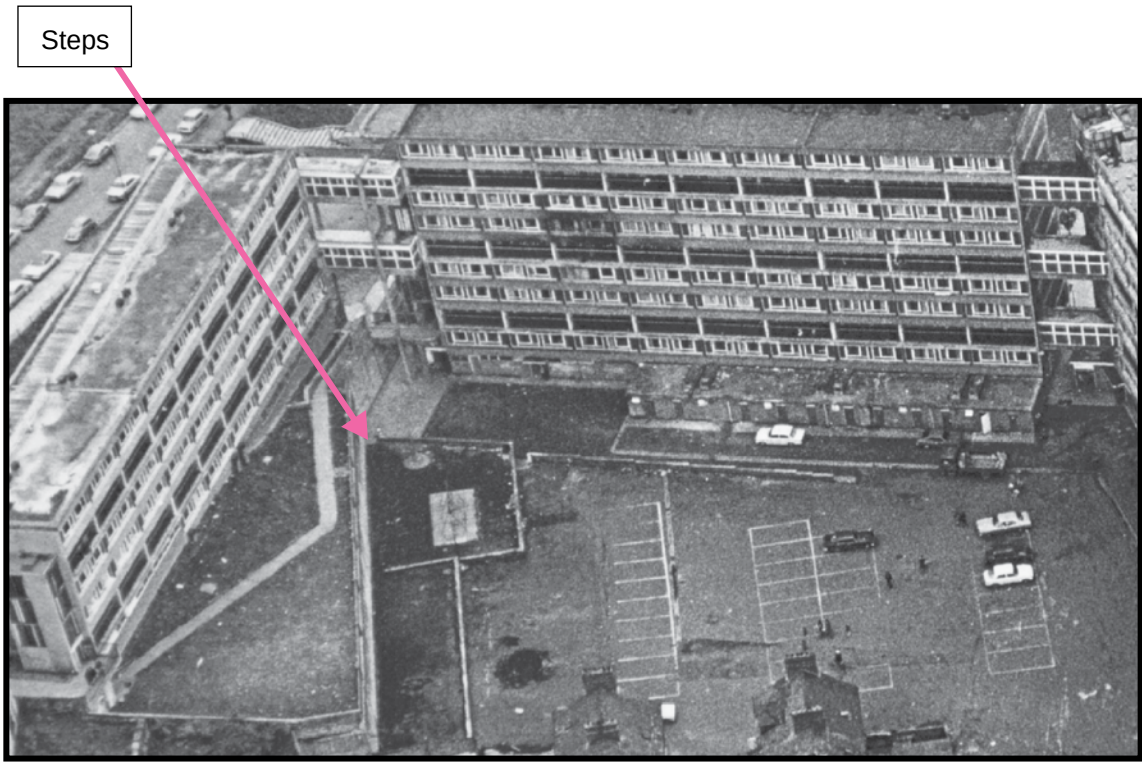
117.33 The injured man Patrick Walsh helped to safety was Patrick McDaid. We have dealt in the course of our consideration of the events of Sector 2[1] with the circumstances in which this casualty was wounded.

1 Paragraphs 55.262–310

117.34 Philip Jacobson's note continued with Patrick Walsh describing how he had then come out of the house in Joseph Place and seen Patrick Campbell, whom he knew, staggering about and shouting that he had been hit.[1] We return to this aspect of Patrick Walsh's evidence when considering the circumstances in which Patrick Campbell came to be injured in Sector 5.

1 AW5.36

117.35 In the course of recording what Patrick Walsh had told him, Philip Jacobson had put a note of his own in parentheses: "*pj; uncertain; could be that doherty, nicholas and quigley had made it to the stairs shown in gilles pix*." It is not entirely clear whether this note meant that Philip Jacobson was uncertain whether Patrick Walsh was correct in thinking that two or three had gone ahead of him, or whether these were Patrick Doherty, Joe Nicholas and Barry Quigley. The reference to "*gilles pix*" can only be a reference to photographs taken by Gilles Peress. As to "*stairs*", this must be a reference to the shallow set of steps which allowed access to the children's playground from the gap between Blocks 2 and 3. The steps themselves are not in fact visible in Gilles Peress's photographs, but the leg of someone on the steps is visible in the first photograph and two figures on the steps in the second. The steps can just be seen in the following photograph, which was not taken on Bloody Sunday.



117.36 According to Philip Jacobson's note, Patrick Walsh decided to move to the most easterly set of steps, which led down to the gap between Blocks 2 and 3. Philip Jacobson's interview with Joe Nicholas places him in the same location as Patrick Walsh and suggests that Joe Nicholas ran to the same steps with Barry Quigley and Patrick Doherty.[1] However, Joe Nicholas's written statement to this Inquiry does not suggest he moved in a group: his recollection is that he walked along the wall while others crawled.[2] Philip Jacobson seems to suggest that Joe Nicholas's group was the one described by Patrick McDaid in his 1972 accounts.[3] Patrick McDaid's written statement to this Inquiry contains a similar recollection.[4]

1 AN17.9
2 AN17.4; Day 78/17-18
3 AM172.10; AM172.34
4 AM172.3; Day 92/111-115

The order in which people moved through the gap between Blocks 2 and 3 of the Rossville Flats

117.37 From Gilles Peress's six photographs it is possible to attempt to establish the order in which those we have been able to identify moved into the gap between Blocks 2 and 3 of the Rossville Flats.

117.38 Patrick Walsh and Patrick McDaid can be seen in the first and second photographs under the letters “IRA” painted on the high retaining wall, with the others behind and nearer to the steps. In the third photograph those words can also be seen, but instead of Patrick Walsh and Patrick McDaid, it is Patrick Doherty who is under these letters. To the right appear Kevin McDaid and the man we have been unable to identify. In the fifth and sixth photographs Patrick Doherty and the unidentified man again appear, having moved slightly further along, towards the passageway, but Kevin McDaid is no longer in sight.

117.39 Since there is nothing to suggest that Patrick Walsh and Patrick McDaid moved back (ie towards Chamberlain Street) between the taking of the second and third photographs, it seems likely that these two moved towards and went through the gap before Patrick Doherty. As noted above, it seems that Joe Nicholas also did so. Since Kevin McDaid appears in the third but not the fifth or sixth photograph, it appears that he too went before Patrick Doherty. We do not know what happened to the unidentified man, though if it was Barry Quigley he appears to have moved through the gap at some stage.

117.40 On this basis Patrick Doherty was the last or one of the last of those seen in the photographs crouched below the high retaining wall who sought to escape through the gap between Blocks 2 and 3 of the Rossville Flats.

117.41 This conclusion seems to us to be reinforced by the NICRA statement made by Hugh Sheerin and the notes of an interview conducted with Hugh Sheerin conducted by Philip Jacobson of the *Sunday Times* Insight Team.

117.42 In his NICRA statement, Hugh Sheerin described seeing, from the wall at the southern end of the eastern row of houses of Chamberlain Street, three men in the group with him who decided, when there was a lull in the firing, to make their way towards the gap between Blocks 2 and 3:[1]

> “I presumed these three to be safe as I saw them disappear down the alleyway. I took the same course of action and proceeded along the wall and into the alleyway. At the bottom of the alleyway, I noticed the last of these three men who had gone before me, lying shot on the ground. He was lying directly in front of the shopping area of the flats (Rossville).”

1 AS10.1-2

117.43 Hugh Sheerin's NICRA statement does not identify by name any of the men he saw shot. However, according to Philip Jacobson's notes,[1] Hugh Sheerin did identify the person he saw lying shot on the south side of Block 2 as Patrick Doherty. The notes contain additional details, which it is relevant to mention here. They record that it was "*several minutes*" after seeing Michael Bridge shot and carried to 33 Chamberlain Street that Patrick Doherty and two others decided to try and crawl over to the gap between Blocks 2 and 3 of the Rossville Flats. The notes identify Patrick Walsh and Patrick Doherty as being two of the three men seen by Hugh Sheerin making their way towards the gap between Blocks 2 and 3. They also record that there was more shooting just before these men reached the gap.

1 AS18.3-4

117.44 We have no doubt that the person Hugh Sheerin saw lying shot on the south side of Block 2 was Patrick Doherty.

117.45 By the time Patrick Doherty went through the gap between Blocks 2 and 3, Jackie Duddy had been taken from the car park, Margaret Deery and Michael Bridge had been taken to 33 Chamberlain Street, and Michael Bradley, Pius McCarron and Patrick McDaid had been assisted through the gap between Blocks 2 and 3 of the Rossville Flats.

117.46 We should note at this point that the journalist and photographer Fulvio Grimaldi and his companion Susan North also went through the gap between Blocks 2 and 3, probably shortly after Gilles Peress. As will be seen, Fulvio Grimaldi then took photographs in Sector 5.

The general situation in Sector 5 immediately before the firing into that sector

117.47 As we have already noted, three of those wounded in Sector 2, namely Michael Bradley, Pius McCarron and Patrick McDaid, were assisted through the passageway between Blocks 2 and 3 of the Rossville Flats and across to Joseph Place. None of those who assisted these casualties mentioned that they came under fire as they left the passageway and made their way to the Joseph Place maisonettes, as opposed to hearing firing while they were still in Sector 2. According to his NICRA statement,[1] Patrick Clarke came across Pius McCarron in the gap between Blocks 2 and 3 of the Rossville Flats and with another started to carry him to one of the nearby houses, "*and while doing*

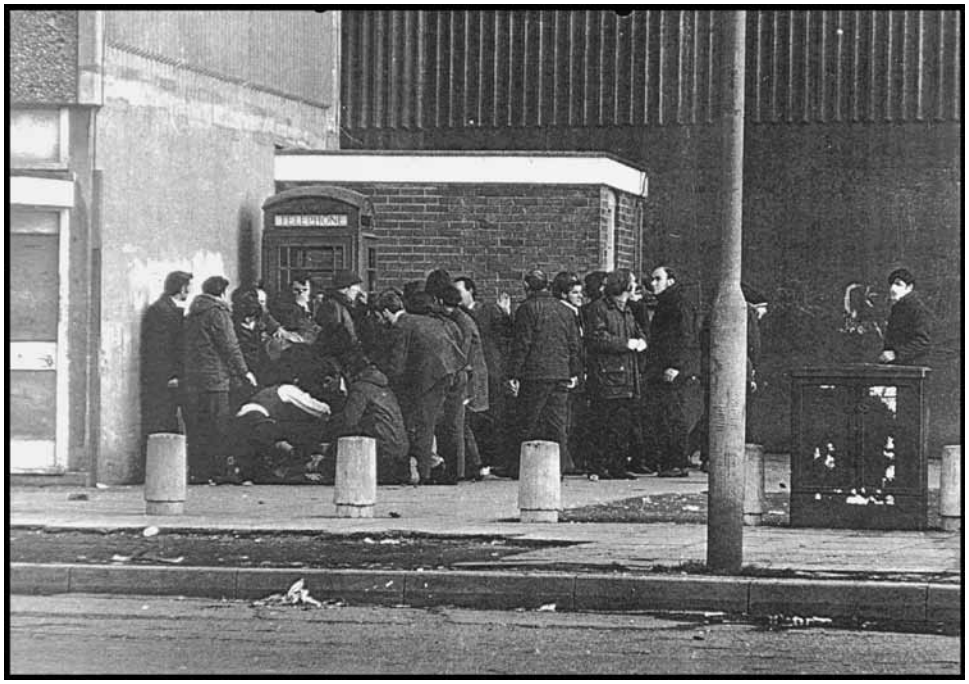
so some shots were also fired at us, hitting the wall above our heads". In view of the absence of other evidence of firing in Sector 5 at this time, we consider that these shots were fired in Sector 2.

1 AC64.1

117.48 There were a number of people sheltering in the maisonettes of Joseph Place and in the Joseph Place alleyway. By this time there had been firing in the Rossville Flats car park, in Rossville Street and in Glenfada Park North, which is no doubt why people were sheltering where they were.

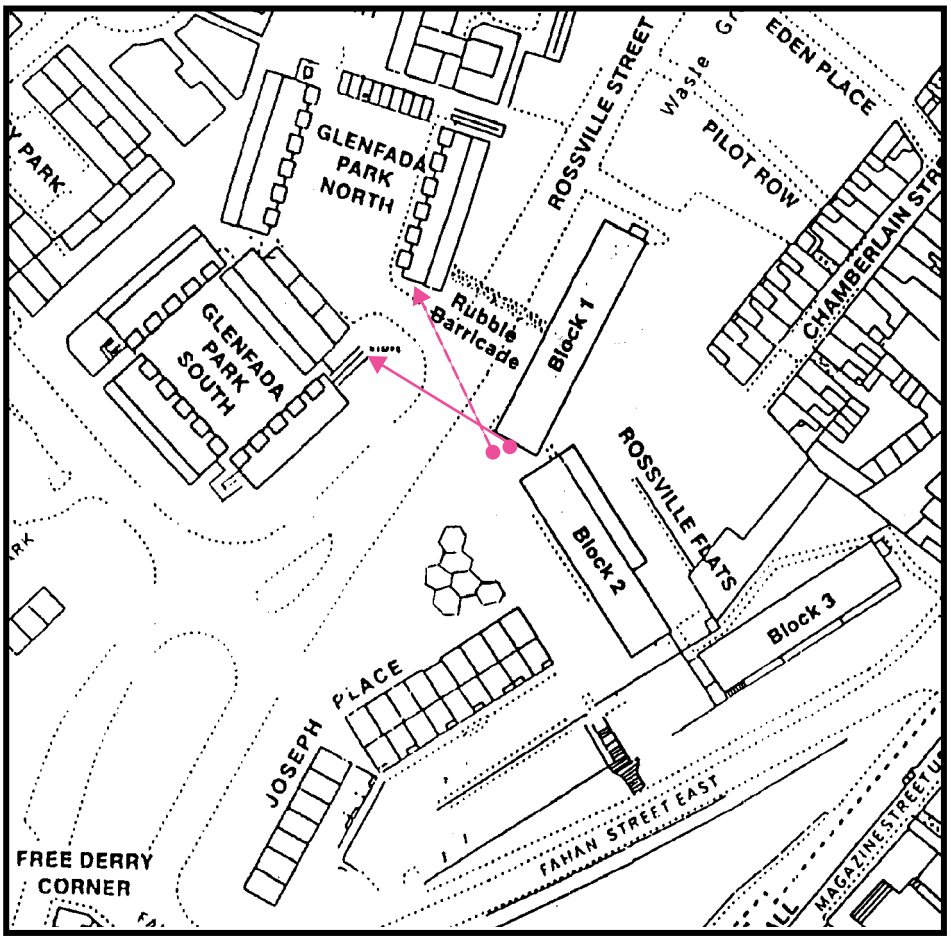
117.49 As we have described in the course of considering the events of Sector 3, at the other (western) end of Block 2 of the Rossville Flats, a group of people was sheltering behind the southern end of Block 1. In discussing the layout of Sector 5, we referred to a photograph taken by Robert White. It is useful to show the same photograph again, as it illustrates the scene at the southern end of Block 1 before any shooting began in Sector 5. Robert White took this photograph from the bottom of the pram-ramp at the north-eastern end of Glenfada Park South.[1]

1 AW11.5



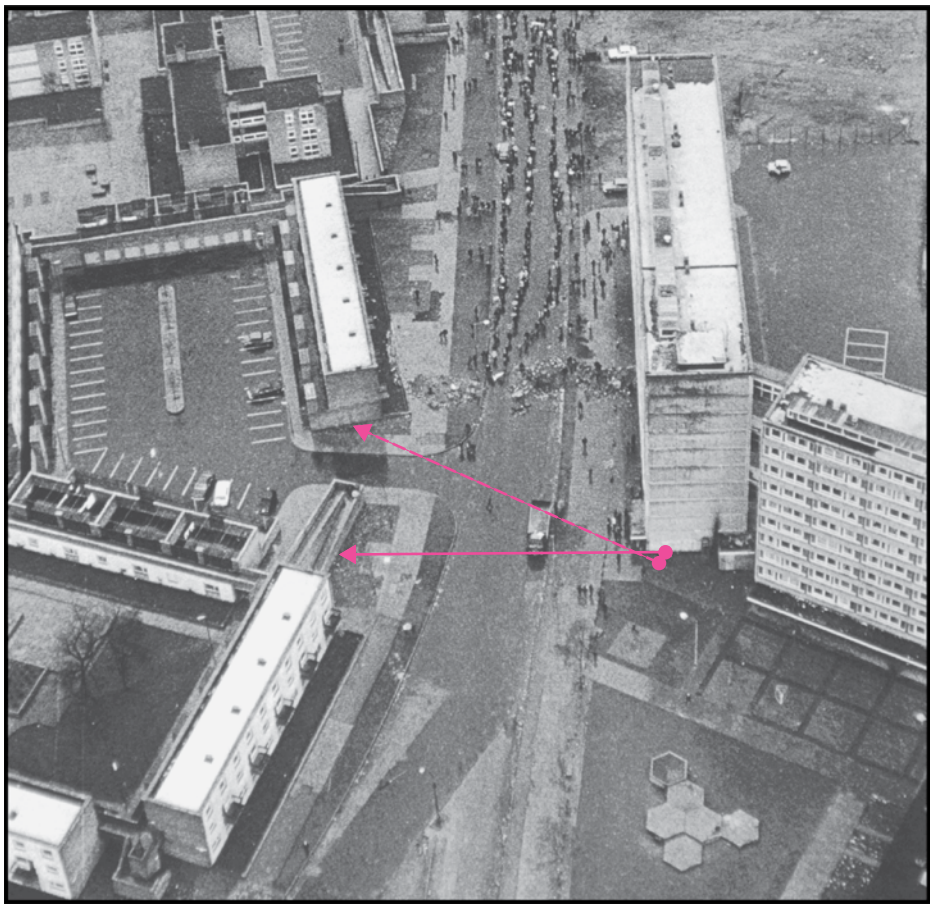
117.50 On the ground to the left of this photograph and surrounded by people lay Hugh Gilmour, who, as we have described earlier, was mortally wounded in Sector 3. Bernard McGuigan, who was shot dead in Sector 5 not long after this photograph was taken, is the figure with his back to the camera immediately behind the third bollard from the left. It is possible, but far from certain, that Daniel McGowan, who was wounded in Sector 5, was among the people around Hugh Gilmour. Patrick Campbell, the other person to be wounded in Sector 5, was in the vicinity of the southern end of Block 1 at this time. There is no evidence to suggest that when this photograph was taken, any firing had broken out in Sector 5 or that any soldier or soldiers had appeared in the entrance to Glenfada Park North, on the other side of Rossville Street. Most of the people appear to be looking at where Hugh Gilmour was lying, while others are looking in various directions.

117.51 The position of those sheltering at the southern end of Block 1 would have affected their view across Rossville Street towards the entrance into Glenfada Park North. This can be demonstrated by means of the map and photograph below. As can be seen, the view of someone standing up against the wall of Block 1 would have been limited to the southern side of the entrance into Glenfada Park North. That person would have not been able to see the southern end of the eastern block of Glenfada Park North. To do so, they would have had to stand at, and look around, the south-western corner of Block 1 or move away from the wall of Block 1. The map and photograph both demonstrate that a person standing a few feet south-west of Block 1 would have had a view of the southern end of the eastern block of Glenfada Park North.



Sightline of person standing next to Block 1

Sightline of person standing a few feet south-west of the end of Block 1



Sightline of person standing next to Block 1

Sightline of person standing a few feet south-west of the end of Block 1

117.52 As we describe below, people were observing events in Sector 5 from Block 2 of the Rossville Flats, as well as from other locations.

117.53 As we have discussed in the context of considering the events of Sector 4, a number of people had also taken shelter at or in the area of the southern end of the eastern block of Glenfada Park North, on the other side of Rossville Street. At some stage after Robert White had taken the photograph shown above, of people at the south end of Block 1 of the Rossville Flats, soldiers from Anti-Tank Platoon of Support Company appeared at the entrance to Glenfada Park North. Most of the people sheltering at or in the area of the southern end of the eastern block of Glenfada Park North were then arrested. We have dealt with these arrests in the course of considering the events of Sector 4.[1]

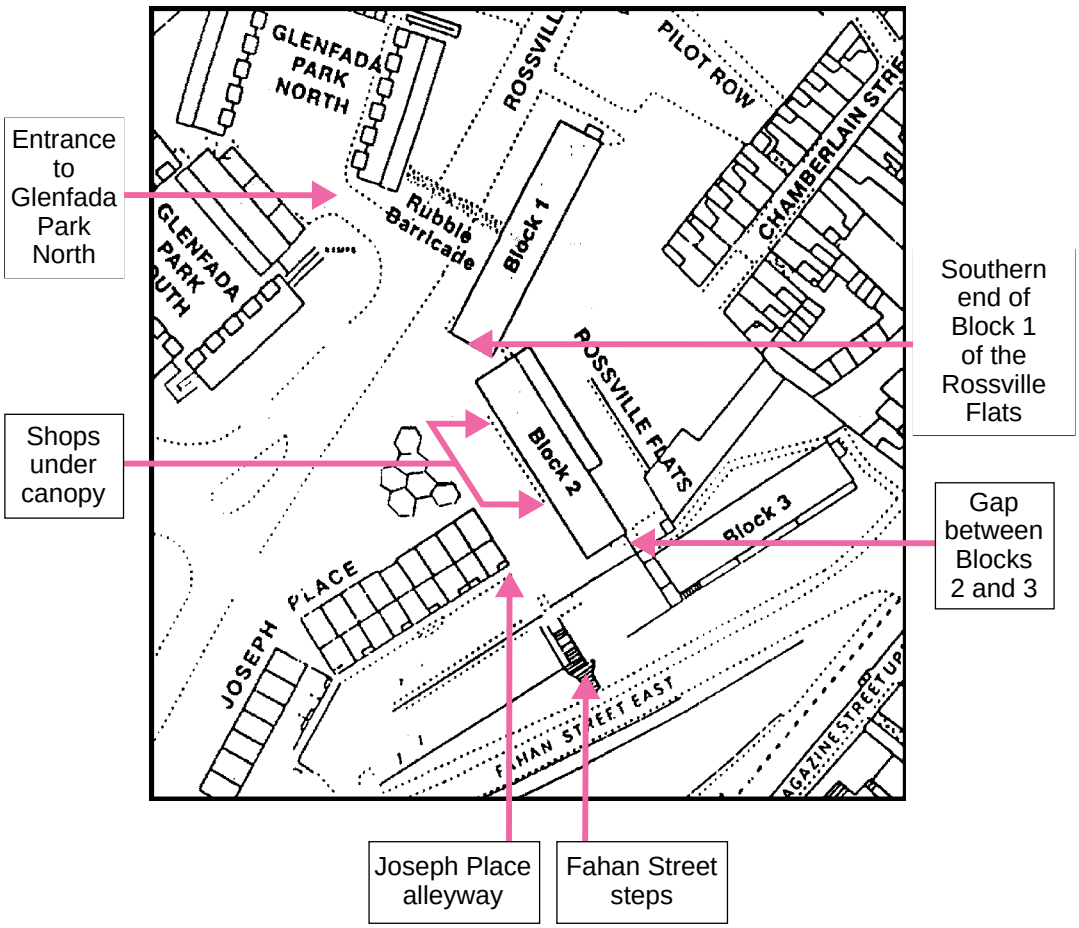
[1] Chapter 113

117.54 We have no doubt that it was at about this time that firing broke out in Sector 5.

Chapter 118: The casualties in Sector 5

Contents

118.1 We now turn to the casualties in Sector 5 and deal first with the wounding of Patrick Campbell and Daniel McGowan. It is useful at this point to set out a map on which we have marked the significant features of Sector 5.



Patrick Campbell

118.2 Patrick Campbell was shot and wounded in the back when he was in the area between the front (south) of Block 2 of the Rossville Flats and Joseph Place.

Biographical details

118.3 Patrick Campbell was 53 years old at the time of Bloody Sunday. He was employed as a casual docker by Pinkertons, a firm of shipping merchants. Patrick Campbell lived in Carrickreagh Gardens in the Creggan with his wife and nine children. He was unable to return to work after being wounded on Bloody Sunday. Patrick Campbell died in the mid-1980s.[1]

1 N8; Day 48/43-44; AC14.13; AC14.14; AC14.19

Prior movements

118.4 According to his own accounts in 1972,[1] Patrick Campbell had been on the civil rights march from its start. He made his way down William Street to its junction with Rossville Street. The presence of CS gas in that area led Patrick Campbell to move south along Rossville Street. He was already on the south side of the rubble barricade when the vehicles of Support Company entered the Bogside.

1 ED27.7; AC19.1

Medical and scientific evidence

118.5 Shortly after he was wounded, Patrick Campbell was given first aid treatment by William (Owen) McGoldrick in a house in St Columb's Wells. In his Northern Ireland Civil Rights Association (NICRA) statement dated 2nd February 1972, William McGoldrick described Patrick Campbell as having a wound "*about 2½ inches on the left hand side of his back*".[1,2] In his written statement to this Inquiry, he recalled pulling up Patrick Campbell's shirt and seeing "*a hole near his left kidney, on the left hand side of his back about 2½ inches in from his side. It was a black hole, with a blue ring around it*."[3]

1 AM252.4

2 In his NICRA statement William McGoldrick stated that he did not get the patient's name, other than he was called Paddy. However, from this and the description of the wound we have no doubt it was Patrick Campbell.

3 AM252.2

118.6 Patrick Campbell underwent surgery at Altnagelvin Hospital on the evening of 30th January 1972.[1] The operation note recorded the measurements of the entry wound as 1x1½in.[2]

1 D1011

2 D1012

118.7 In a letter dated 7th February 1972 to Detective Sergeant Cudmore of the Royal Ulster Constabulary (RUC), Mr HM Bennett, the consultant surgeon who operated on Patrick Campbell, recorded:[1]

> "This patient was admitted about 4.45 pm on 30th January, 1972.
>
> He had an entry wound in the left buttock and X-ray showed the bullet to be lying either in the abdominal wall or inside the abdomen.
>
> He was passing blood in his urine and had some abdominal pain.
>
> He was not severely shocked.
>
> Later that evening I operated upon him performing a laparotomy i.e. opening the abdomen.
>
> Free blood fluid was found in the peritoneal cavity and also free faecal material.
>
> The sigmoid colon was found to be perforated at the antimesenteric border. This part of the bowel was mobilised and brought out in the left iliac fossa as a colostomy.
>
> There was also a wound of the posterior intraperitoneal part of the bladder wall with free leakage of blood and urine.
>
> I also found a wound of the left ureter though whether this was a product of the actual bullet or of the difficult surgery in mobilising the sigmoid colon, rectum and bladder, I am not quite certain.
>
> The bladder wall was sutured (there was already a self-attaining catheter in position) and, when the wound in the left ureter was noted it proved impossible to repair. The ureter was therefore divided and the proximal part transplanted into the bladder wall through the above wound.
>
> The actual bullet was not found despite a thorough search but may well be localised later.
>
> This patient has sustained a serious injury and is likely to be in hospital for a considerable time. It is much too early to say whether or not he will have any permanent disability."

1 ED27.4

118.8 As Mr Bennett's letter records, the bullet that struck Patrick Campbell was not found during the course of the operation. The medical records relating to Patrick Campbell obtained by this Inquiry included 49 X-rays. These were reviewed by Dr Richard Shepherd, an expert on pathology retained by this Inquiry. He reported:[1]

> "A slightly distorted but apparently intact bullet with appearances consistent with a 7.62 rifle bullet is seen in x rays of the pelvis from 30th January 1972 to 9th February 1972. x rays of the pelvis taken after 9th February 1972 do not show the bullet."

1 E18.2.2; E18.1.45; E18.1.24; E10.11

118.9 It will be noted that the bullet did not appear on later X-rays taken of Patrick Campbell. He did undergo a second operation on 6th March 1972. The relevant medical records do not suggest that the bullet was recovered during that second operation.[1] Indeed, it seems from the evidence of Patrick Campbell's son, John Campbell, that the bullet was never recovered.[2] However, the evidence of Dr Shepherd set out above suggests that the bullet that struck Patrick Campbell was fired from an Army rifle.

1 D1013

2 AC14.12-13

Accounts given by Patrick Campbell

118.10 Patrick Campbell did not give a statement or evidence to the Widgery Inquiry. This is likely to have been because of the serious nature of his injuries and the fact that he was not discharged from hospital until 18th March 1972, following his second operation.[1]

1 D1013

118.11 The two most detailed accounts he gave were to Detective Sergeant Cudmore of the RUC on 7th February 1972[1] and to the *Sunday Times* Insight Team on 1st March 1972.[2] Before going to the content of those interviews we note that there is available on film a short interview with a journalist from RTE. This probably took place on 1st February 1972, when a number of journalists attended Altnagelvin Hospital to interview some of the wounded. In that interview Patrick Campbell stated that he had been shot in the back as he was "*running away to get home after the shooting started*".[3]

1 ED27.7

2 AC19.1

3 X1.25.20

118.12 The statement taken by Detective Sergeant Cudmore recorded that Patrick Campbell had been on the march from its beginning. Having explained his decision to move south along Rossville Street to avoid the CS gas that had been used in the area of William Street and Rossville Street, Patrick Campbell described reaching the rubble barricade (identified as "*the wee barricade*") in Rossville Street. The statement continued:[1]

> "I stood for some time beyond the wee barricade which is outside the Rossville High Flats looking down towards William Street, where they were throwing the gas. The Army tanks then came into Rossville Street and the soldiers jumped out and at this I turned and ran towards the gable end of the High Rossville Flats. I stood there for a few minutes and I then ran across the waste ground towards Free Derry Corner. I then felt like a thud in my lower back and fell onto my knees. I put my hand to my hip and I saw there was blood on it. I then put my hand up and called that I was shot. Some men then came and took me into a house near Free Derry Corner, and I was kept waiting there for a car to take me to Hospital."

[1] ED27.7

118.13 Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team interviewed Patrick Campbell on 1st March 1972. The one-page note of that interview records that Patrick Campbell had been on the march "*from the creggan*" and had got "*a bad whiff of gas*" at the corner of William Street and Rossville Street. He had then moved south down Rossville Street to cross "*the barricade outside the flats and stood there*". As he looked back along Rossville Street he saw the Army vehicles coming in. The note continued:[1]

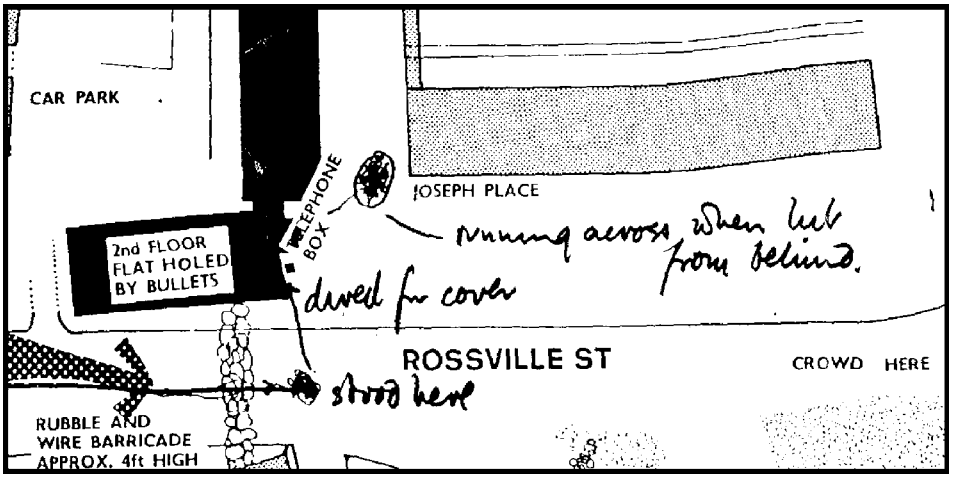
> "I saw soldiers jumping out and when the shooting began i made a dive for cover behind a small gable near the telephone box. from there I could see soldiers milling about in glenfadda park. I then made a dash for joseph place and was shot in the back…"

[1] AC19.1

118.14 We set out below the relevant part of a map attached to the *Sunday Times* note showing the route taken by Patrick Campbell, and based, no doubt, on the information recorded in the note.[1] While we were impressed with the evidence of Peter Pringle and Philip Jacobson, it should be remembered that their maps did not purport to be precise and

were necessarily based on what their informant told them. In some cases journalists were dependent on additional sources of information, in particular statements given at the time or later.

1 AC19.3



118.15 The reference in the note to "*soldiers milling about in glenfadda park*" indicates that Patrick Campbell made his "*dash for joseph place*" after seeing soldiers in Glenfada Park North. The note recorded nothing more about those soldiers.

118.16 From his position near the south end of Block 1 of the Rossville Flats, Patrick Campbell could see into some of the entrance and some of the southern part of Glenfada Park North. As we have described in our consideration of the events of Sector 4,[1] there was a stage when soldiers of Anti-Tank Platoon moved south in Glenfada Park North into the area of the entrance.

1 Chapter 113

Where and when Patrick Campbell was shot

118.17 It is convenient to deal with the evidence, apart from his own account, of where and when Patrick Campbell was shot, together with the evidence relating to Daniel McGowan, as a number of witnesses gave accounts of seeing two men shot, without sometimes distinguishing between these two. Accordingly we return to these matters when dealing with the wounding of Daniel McGowan.

What Patrick Campbell was doing when he was shot

118.18 We have no reason to doubt Patrick Campbell's account that he was shot when running away. The medical and scientific evidence establishes that he was shot in the back. There is nothing to suggest, and no-one has suggested, that he was or had been doing anything that justified him being shot or which could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury.

Where Patrick Campbell was taken

118.19 There is some evidence that having been pulled into the Joseph Place alleyway, Patrick Campbell was then carried into the rear of one of the Joseph Place maisonettes. In April 1972, Patrick Walsh told Philip Jacobson of the *Sunday Times* Insight Team that he knew Patrick Campbell and saw him being "*taken into one of the houses*".[1] In his accounts to the Widgery Inquiry and the Londonderry Coroner, Derrik Tucker Senior recalled seeing two men, who appeared to be wounded, being carried from the Joseph Place alleyway into two different maisonettes. In our view it is likely that one of these men was Patrick Campbell.[2]

1 AW5.36

2 AT16.17.1; WT7.10; AT16.20

118.20 Jean Marie McGeehan made a NICRA statement dated 4th February 1972.[1] She lived at 36 Garvan Place in Block 2 of the Rossville Flats and was looking out of her window in the front room, which overlooked the alleyway. In her NICRA statement, Jean Marie McGeehan described the first man she saw fall at the head of the Joseph Place alleyway being dragged into the alleyway, and then into the back yard of either the first or the second maisonette in Joseph Place. We return to Jean Marie McGeehan's evidence later.

1 AM228.10

118.21 William McDermott did not give oral evidence to this Inquiry. However, in his written statement, he recalled seeing a man he named as Patsy Campbell being carried by two men along the Joseph Place alleyway. At the time, William McDermott was sheltering in the gap between the two blocks of Joseph Place. He thought Patrick Campbell had been taken into the back entrance of one of the Joseph Place maisonettes.[1]

1 AM189.5

118.22 While there may be some uncertainty as to whether Patrick Campbell was first assisted into the rear yard of a Joseph Place maisonette, we are satisfied that he was carried to the southern end of the Joseph Place alleyway and then across into St Columb's Wells.

Anthony Harkin described in his evidence to this Inquiry how he helped people (including a number of injured individuals) across the space between the Joseph Place alleyway and St Columb's Wells. He recalled in particular "*an old man of between 40 to 45*" who may have been hit in the back or hip.[1] In the course of his oral evidence to this Inquiry Anthony Harkin told us, when shown a photograph, that Patrick Campbell resembled the man he had seen carried.[2] In our view that man was Patrick Campbell. Anthony Harkin also recalled somebody (in the group of wounded people he saw) being carried into a house in St Columb's Wells.[3]

1 AH11.6
2 Day 177/41-42
3 Day 177/38-42

118.23 Although Anthony Harkin did not refer to seeing a man who had been shot in the back or hip in his NICRA statement, it is notable that Kieran O'Connor told the *Sunday Times* of someone called Tony Harkin directing the "*transportation of bodies*" between the alleyway and St Columb's Wells.[1] One further feature of Anthony Harkin's evidence is that it indicates that Patrick Campbell was probably not carried from the Joseph Place alleyway into St Columb's Wells until events in Sector 5 had reached a late stage.

1 AH11.19; AO75.2

118.24 We have evidence from Neil Campbell and Martin McShane which indicates that Patrick Campbell was placed on the ground on reaching St Columb's Wells.[1] That is at odds with the current recollection of William (Owen) McGoldrick who, as already mentioned, provided medical assistance to Patrick Campbell. William McGoldrick was standing near the mouth of St Columb's Wells when he saw a group carrying the injured Patrick Campbell. He followed the group into a house in St Columb's Wells where he tended to Patrick Campbell.[2] From there, Patrick Campbell was then transferred to the back seat of a waiting car. Noel Doherty recalled seeing someone, who seemed to be injured in the hip, being put into a car. In our view he saw Patrick Campbell.[3] John Leppard seems to have been one of those who helped carry Patrick Campbell to the car.[4]

1 AC16.3; Day 37/91-92; AM384.3; AM384.4
2 AM252.2
3 AD91.7
4 AL9.3; Day 177/153-154

118.25 The owner of that car was Bernard (Barney) McMonagle. According to his written statement to this Inquiry, having finished his shift at the Du Pont Plant, he had driven his silver Mark II Ford Cortina to the Bogside with the intention of taking some photographs. He estimated that he reached St Columb's Wells at about 4.20pm, where he was flagged down.[1] He had given the following account to the RUC in 1972:[2]

> "Today I was going up to my mothers house at […] St. Columbs Walk. It would have been about 4.15 p.m. I parked the car at the top of St. Columbs Walk and I saw a crowd down along the Lecky Road. I walked down to St. Columbs Wells to see what was happening. I heard some of the crowd talking about people being shot. Several fellows approached me and two of them asked me if I had my car with me, they obviously knew I had a car. The fellows told me that a man had been shot and asked me to bring him to the Hospital. I went and got my car and made my way up Hollywell Street and eventually got to Foyle Road. Mrs. Doherty came in the back of the car with the injured man. I had passed a Military road check earlier at Fergusons Lane at about 4.10 p.m., when I was coming from my work. I went towards this check point and got out and approached the Officer in Charge. I told him what had happened, he then came to the car and saw the wounded man. He then brought me along to this centre."

1 AM366.1

2 ED27.5

118.26 As described by Bernard (Barney) McMonagle in his RUC statement, Kathleen Doherty, a neighbour of Patrick Campbell, accompanied him in the car.[1] The car was stopped at Barrier 24 (located at the junction of Ferguson Street and Foyle Road), which was manned by members of 11 Platoon, C Company, 1 R ANGLIAN. From there the car was escorted to the Regimental Aid Post at Craigavon Bridge.[2] The car arrived at the Regimental Aid Post at about 1630 hours. This was at the same time as the arrival of the cars containing Joe Friel and Gerald Donaghey, which (as described elsewhere in this report[3]) had been stopped at Barrier 20. Having been examined by Captain 138 (the Medical Officer of 1 R ANGLIAN), Patrick Campbell (along with Joe Friel) was taken to Altnagelvin Hospital in a military ambulance.[4] Contemporary medical records show that he was admitted to the Accident and Emergency Department at Altnagelvin at about 4.45pm on 30th January 1972.[5]

1 ED27.6; AM366.2

2 G114C.743.8; G114C.743.10; G114C.743.11

3 Chapter 130

4 ED27.2; JM41.6; B1844

5 D0999; ED27.4

Daniel McGowan

118.27 Daniel McGowan was shot and wounded in the right leg when he was in the area between the front (south) of Block 2 of the Rossville Flats and Joseph Place.

Biographical details

118.28 Daniel McGowan was 37 years old in 1972. He died on 28th January 2004. A married man, Daniel McGowan lived with his wife Teresa and family in Lonemoor Gardens in the Creggan. At the time of Bloody Sunday, Teresa McGowan was expecting the couple's ninth child, born in June 1972. In January 1972, Daniel McGowan was employed at the Du Pont Plant as a maintenance serviceman. He had been with the company for 13 years.[1]

1 AM255.1; AM255.5; AM255.23; AM255.30-32

118.29 Daniel McGowan was unable to return to his employment following Bloody Sunday. He was released by Du Pont in 1972. Left with discomfort in his shortened right leg, Daniel McGowan did not work again.[1] In his first written statement to this Inquiry, Daniel McGowan described the impact that Bloody Sunday had had on him:[2]

> "My life fell apart after Bloody Sunday. I had worked throughout my adult life until Bloody Sunday … My personality also changed as a result of the events of Bloody Sunday. I became very strict with my children, particularly my sons, and started drinking heavily. I was strict with my children simply because I feared for them; I did not want them to get into any sort of trouble … Whilst I agree with the aims of the civil rights movement I do not condone paramilitary activity. I do not believe in violence and my being shot has not changed that."

1 AM255.14; L232; L263

2 AM255.4

Prior movements

118.30 As will be seen below, Daniel McGowan gave a number of inconsistent accounts of what he had been doing before he was shot.

Medical and scientific evidence

118.31 As stated above Daniel McGowan was shot in the right leg. According to a letter dated 7th February 1972 from Mr Fenton, an Orthopaedic Consultant at Altnagelvin Hospital, to Detective Sergeant Cudmore:[1]

> "Mr. McGowan had gun shot wound right leg. Wounds were small – entrance wound about ¾" on front of shin. Exit wound on lateral on outer side of leg about 1½". The tibia was fractured – comminuted fractures being present. No bullet or fragments of metal were found."

1 ED29.3

118.32 Daniel McGowan was discharged from hospital on 20th March 1972.[1] He continued to attend as an outpatient for some years after Bloody Sunday.[2] On 10th May 1972, he was seen by Mr Fenton in the Outpatient Fracture Clinic. The resulting entry in the hospital records provides a summary of the treatment given to Daniel McGowan in the immediate aftermath of Bloody Sunday:[3]

> "This young man was admitted on the 31st January 1972 [this was an error for 30th January 1972[4]] with a gunshot wound to his right leg. There was a small entry wound about halfway down the medial side of the right calf, and there was an exit wound over the lateral side of the leg. The tibia was fractured at two levels with some comminution. The fibula was also fractured. The wounds were treated by surgical toilet and were left open. He was taken to theatre again two weeks later and had the wounds sutured. Traction was applied through a Steinman's pin which was inserted through the lower part of his tibia. Traction was continued for six weeks. A new P.O.P was applied and he has been using crutches since. He was x-rayed out of plaster on the 26th April The position was good and the wounds were nicely healed. The plaster appears to be intact to-day. See in three weeks time and perhaps he should have the plaster removed then and the fracture tested."

1 D0855
2 D0848
3 D0847
4 D0845

The accounts given by Daniel McGowan

118.33 While still in hospital Daniel McGowan was spoken to by the RUC and made a statement for the purposes of the Widgery Inquiry. During that time, and in the years after Bloody Sunday, he also gave interviews to a number of journalists. He made two written statements to this Inquiry, but ill health prevented him from giving oral evidence. The various accounts given by Daniel McGowan contain inconsistencies both as to his whereabouts on Bloody Sunday and the events he witnessed.

118.34 Detective Sergeant Cudmore of the RUC interviewed Daniel McGowan on 3rd February 1972. He was not then prepared to make a statement but did answer a number of questions put to him. The questions and answers were noted. They included the following:[1]

> "(1) Were you injured on Sunday, 30th January, 1972 by gunshot?
>
> (A) Yes.
>
> (2) Where were you when this occurred?
>
> (A) Next to Free Derry Corner at my brother-in-law's, Joseph McCollagan, […] Londonderry.
>
> (3) How did you receive your injuries?
>
> (A) I don't know how, I was hit, I just fell, I didn't see what happened.
>
> (4) What were you doing in the area at the time?
>
> (A) I was just down at my brother-in-law's, I wasn't attending the meeting.
>
> (5) Who was with you at the time?
>
> (A) My brother-in-law, Joe and other fellows I know to see, but whose names I don't know.
>
> (6) Do you wish to make a written statement, regarding the incident?
>
> (A) I will make a statement later after I have got advice from my cousin in England."

[1] ED29.4

118.35 In his report of this interview, Detective Sergeant Cudmore recorded that Daniel McGowan had "*… told the Ambulance Man that he received his injuries playing football*".[1] The ambulance which conveyed Daniel McGowan to Altnagelvin Hospital was manned by Ronald Moore and John Rutherford. In statements in 1972 to the RUC both said that Daniel McGowan had told them that he had got his injury (recorded in the statements as a broken leg) while playing football.[2]

1 ED29.2

2 ED36.11; ED36.9

118.36 Daniel McGowan did make a written statement dated 28th February 1972, which was submitted to the Widgery Inquiry. In this statement he described leaving his brother-in-law's house at St Columb's Wells and walking down the rear of the Joseph Place houses towards the Rossville Flats. He then gave the following account:[1]

> "I had proceeded about 20 yards along the rear of these houses when I heard what I thought was either a rubber bullet or gas gun being fired. I proceeded on and was about 15 yards from the northern end of the houses at Joseph's Place when I heard a large volley of shots. I got to the end of the houses and went out into the forecourt facing the row of shops at Joseph Place. I looked down to my left in the direction of Rossville Street and I noticed a young man lying on the ground near the telephone kiosk at the gable wall of the flats on Rossville Street. I also noticed a young girl who was in a hysterical state just outside the chemist's shop at the western end of the row of shops. I also noticed two soldiers on their knees in firing positions at Glenfada Park. Then I noticed a man whom I now know as Patrick Campbell staggering in a drunken fashion about 20 yards from me just above the butcher's shop at Joseph Place. He shouted to me 'I'm shot son, I'm shot'. I ran over and caught him by the arm and helped him along towards the rear of the houses on Joseph's Place. Just as I had pushed him round the corner of the rear of the houses my right leg folded underneath me and I realised then that I was shot. I went unconscious for a very short while. When I came to, I dragged myself round the corner of the houses and proceeded along for about 15 yards. While I was doing so I heard another burst of gunfire but I can't say where it came from. Two men came and dragged me along by the arms and put me into a car at St Columb's Wells. I was eventually taken home and subsequently taken to Altangelvin [sic] Hospital in an ambulance. At no time during the period I have described was I not [sic] armed with a gun, a nail bomb, a stone or any other implement."

1 AM255.10

118.37 On the basis of this account it seems that Daniel McGowan had heard "*a large volley of shots*" as he was making his way north along the Joseph Place alleyway; and that on emerging from the alleyway he had seen the body of a young man on the ground near the telephone kiosk and a young girl just outside the chemist's shop at the western end of the rows of shops, whom he described as in a hysterical state. In our view the young man was Hugh Gilmour and the young girl Geraldine Richmond, though whether Daniel McGowan saw them from the position he described is, as will be seen, in doubt.

118.38 In this account Daniel McGowan also described seeing two soldiers kneeling in "*firing positions at Glenfada Park*". He did not say that he had seen or heard these soldiers fire any shots. He had then encountered an already wounded Patrick Campbell and helped him towards "*the rear of the houses on Joseph's Place*", which must be a reference to the Joseph Place alleyway. Just as he pushed Patrick Campbell into the alleyway, Daniel McGowan felt his right leg give way underneath him. He lost consciousness briefly but on recovering managed to drag himself into, and along, the Joseph Place alleyway.

118.39 Two days later Philip Jacobson of the *Sunday Times* Insight Team interviewed Daniel McGowan at Altnagelvin Hospital. The notes of that interview echo the written statement Daniel McGowan had made on 28th February 1972, in that they record Daniel McGowan as saying "*I was not on the march at all*". Daniel McGowan went on to give Philip Jacobson a similar account to that contained in this statement. He told Philip Jacobson that he had been at the home of his brother-in-law, Joseph McColgan, which he identified as "*the first house to the left of free derry corner if you face the wall*". It appears, according to Philip Jacobson's notes, that he left that house at a time when the crowd had already begun to gather for the meeting at Free Derry Corner but before any shooting began. He then made his way north by walking along the Joseph Place alleyway. The notes continued:[1]

> "about half way along it i heard what i thought were either high velocity shots or rubber bullets, i don't really know the difference. then i heard four or five single shots, sort of high pitched cracking noises, and a short burst of what sounded like automatic fire. i ran along to the end of the path and looking down to my left (map) i could see a few people standing near a body by the telephone box at the side of the big flats. there was a girl screaming hysterically, she just never stopped. i moved down to go and help her and about half way across (map) this chap who i now know to be patrick campbell came staggering towards me from the direction of the phone box. i thought he must be well drunk, he was all over the place and moaning. but he said to me 'help son, i'm shot, i'm hit' or something. i got hold of him from one side like, with my arm sort of round him: i was on his right hand side as we headed back towards the alley i had just come from. i was getting ready to go round to the other side, he was quite a weight you know and my arm was getting tired. just as i was about to change, my leg suddenly buckled under me and i fell. i recall pushing campbell away towards the alley and seeing him stagger towards it. i think i must have blacked out then for a few seconds."

[1] AM255.11

118.40 According to this note, Daniel McGowan collapsed close to the Joseph Place alleyway. On recovering consciousness, he crawled towards the alleyway, where two men he identified as Willy Murray and Tom Hipsley came to his assistance.[1]

[1] AM255.12

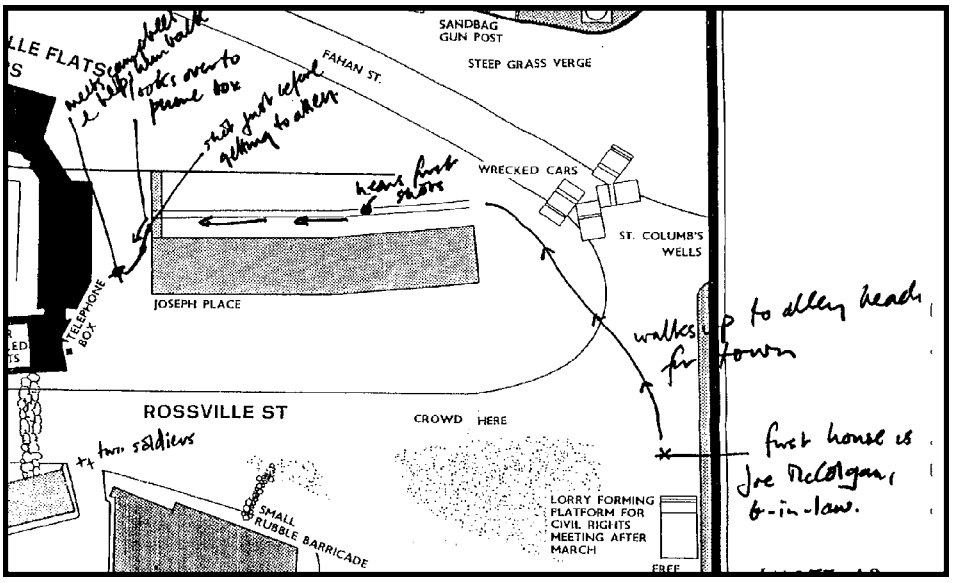
118.41 At the end of this note Philip Jacobson commented, it appears on the basis of what Daniel McGowan had told him about being shot when he was on the right-hand side of Patrick Campbell and heading towards the alleyway, that because the entry wound was on the inside of the right leg it was "*virtually impossible*" that he was shot from the entrance to Glenfada Park North, but that "*a strange ricochet*" from this direction might have wounded him.[1]

[1] AM255.12

118.42 We set out below the relevant part of a map attached to the *Sunday Times* note, which was doubtless prepared from the account Daniel McGowan had given to Philip Jacobson, though it is possible that it was also based on what Philip Jacobson had been told by others.[1] If the position of the two soldiers was taken from information provided by Daniel McGowan, it would seem that they were present at the time Patrick Campbell was shot.[2]

[1] AM255.13

[2] AM255.13



118.43 While still in hospital Daniel McGowan was also interviewed by Fulvio Grimaldi and Susan North. According to the account of this interview, which appears in Fulvio Grimaldi's book *Blood in the Street*, published in February 1972, Daniel McGowan left his brother-in-law when he heard shooting in order to find his 14-year-old son:

> "Ran down to see where he was and I seen people running all over the place. A man came by … he was hit in the back. His name is Campbell. He's up in Ward 8 at the moment. And I tried to give help to Mr Campbell, to get him out of the road. And I was hit in the leg, I fell … and two people dragged me away and took me in a taxi, or a car, I didn't know what it was."

118.44 According to this account Daniel McGowan was hit "*three, four*" minutes after the shooting began and thought he had been shot from the City Walls; and the two people who dragged him away said that the shots had come from there. He seems to have told Fulvio Grimaldi and Susan North that he had not been on the march.

118.45 The statement given by Daniel McGowan for the Widgery Inquiry and the interviews with Philip Jacobson and Fulvio Grimaldi are broadly consistent. They all describe Daniel McGowan as leaving his brother-in-law's house and moving along the back of Joseph Place (that is along the Joseph Place alleyway) to the area to the south of Block 2 of the Rossville Flats. There he encountered Patrick Campbell, who had already been shot, and helped him back to the Joseph Place alleyway. In the course of doing so, Daniel McGowan was shot himself.

118.46 The *Irish Times* newspaper of 30th January 1985 published an article by Martin Cowley entitled "Horror of 'Bloody Sunday' recalled", and based on interviews with three of those who were wounded on Bloody Sunday: Michael Bradley, Damien Donaghey and Daniel McGowan. According to this article:[1]

> "Danny McGowan was making his way through the forecourt of the flats after hearing some shots. As he ran he heard another couple of shots. 'Somebody said: 'Jesus, there's a young fellow shot.' It was young Gilmour.'
>
> The soldiers started firing indiscriminately through an opening between the blocks of flats. 'In the panic I ran. Pat Campbell said 'I'm shot' and so I got a hold of him. Two young fellows caught a hold of him. As I turned around, somebody shouted my name. I don't know who it was. That's when I was hit.'
>
> … Badly wounded he dragged himself over to the cover of a low wall. Two youths came and helped him into a car and he was eventually taken to hospital by ambulance.
>
> On that day, he recalls, a body lying by a telephone box and at one stage a body on the ground beside him."

1 L232

118.47 It is not clear what was meant by "*the forecourt of the flats*", which could perhaps be a reference to the area to the south of Block 2 of the Rossville Flats, though in the account given by Michael Bradley in the same article, the same description is given of what was undoubtedly the car park on the north side of the Rossville Flats.

118.48 In 1991 Daniel McGowan gave an interview to John Goddard of Praxis Films Ltd, who was collecting material for a television documentary. In the note of this interview, John Goddard (who now has no memory of conducting it[1]) recorded that Daniel McGowan was: "*Confused on much of the detail of exactly where he was when, but clear on what he saw and the shootings. Very emotional about it all*." The account Daniel McGowan gave was, according to the note:[2]

> "Ran up Chamberlain Street and across to gap between blocks 3 and 2.
>
> Goes through, shots raining through the flats doorway from Chamberlain street direction. Sees Bradley shot near him. Looks back as he is going through.
>
> Sees gunman with revolver edging along gable end and loosing off 'few shots' around the gable end. 'It slowed the paras advance, meant lots more people got to safety, probably saved even more deaths. The Paras were already shooting heavily by now.'
>
> Edges down back of block 2 trying to get home, to gable end of block 1.
>
> Gilmour is laid by phone box, says a prayer over him. Huddled in crowd by gable end of Block 1. McGuigan also been shot.
>
> Shooting eases after good five minutes at least, He crawls up to top of area behind back of block 2 of Rossville street flats, near Block 3, and is bent over, pulling injured man (Patsy Campbell) to cover when Danny is shot from behind.
>
> As falls sees soldier laid on wall by Glenfada Park top, and his impression as they locked eyes is that he is the one who had shot him.
>
> Pulled behind Joseph Place wall by two men, saved my life. Bullets raining down on us.
>
> He is laid off by Dupont while he is in hospital, never worked since. Walks with a stick. Thinks about it all the time. Family man, with kids (many with good jobs), grand-kids."

1 Day 234/3

2 AM255.14

118.49 The *Derry Journal* published an interview with Daniel McGowan's wife on 28th January 1992. In this article Teresa McGowan, who did not give evidence to this Inquiry, is recorded as saying that her husband had decided to join the march at Southway in the Creggan on the spur of the moment, as he was on his way home. The article contains no further details of the route Daniel McGowan then took. Asked to recall her husband's memory of the day, Teresa McGowan is quoted as saying:[1]

> "He saw Paddy Campbell who was staggering around as if he didn't know where he was. He went to try and help him and as he was dragging him to safety, he looked over his shoulder and saw Paddy Doherty who was a good friend of his, crawling along the ground, having also been shot. Danny heard further shooting and then realised that he had been hit in the leg. He turned round again and saw Paddy Doherty lying dead."

1 L263

118.50 In his written statement to this Inquiry, dated 1st July 1998,[1] Daniel McGowan told us that he was visiting his brother-in-law, who lived in St Columb's Wells, but left to listen to the speeches at Free Derry Corner. He told us that he saw his son Danny in the area of Free Derry Corner and told him to go home; and that then having decided to visit a friend (Brendan Meenan) who lived in Chamberlain Street, he walked north. Having reached the southern end of Block 1 of the Rossville Flats he told us that he saw Hugh Gilmour fall close by.[2]

1 AM255.1

2 AM255.1

118.51 Daniel McGowan told us that he was one of the men shown bending over the body of Hugh Gilmour, in the photograph taken by Robert White of the group behind the southern end of Block 1 of the Rossville Flats, which we have shown above.[1] On an enlarged portion of Robert White's photograph we indicate below the figure Daniel McGowan identified as himself.

1 AM255.2; AM255.6

118.52 Daniel McGowan's recollection, as set out in his first written statement to this Inquiry, was that ongoing shooting caused people to scatter in various directions. He recalled that some ran towards Free Derry Corner. He remained with others "*pressed up*" against the wall of the southern end of Block 1. However, he then noticed Patrick Campbell who was walking "*like a man who had a few bottles in him*" in the direction of Joseph Place. Daniel McGowan placed Patrick Campbell when he first saw him towards the western end of Block 2. The manner in which Daniel McGowan described Patrick Campbell moving seems to us to suggest that the latter had already been wounded by this time. However, Daniel McGowan only realised that Patrick Campbell had been shot when the latter told him. His "*impression was that he [Patrick Campbell] had been shot in the Market [the Rossville Flats car park] before emerging through the gap between Blocks 1 and 2 of the Rossville Flats*".[1]

1 AM255.2; AM255.9

118.53 According to this statement, Daniel McGowan then helped Patrick Campbell to the Joseph Place alleyway, which was crowded with people. There he handed him over to the care of others in the alleyway. Daniel McGowan then turned to make his way up the Fahan Street steps and was on the very first step when he was shot. He told us in his written statement:[1]

> "I believe I had turned slightly to my right, facing west, when the bullet struck my right leg and lifted me up in the air. The bullet entered from the outside of my right lower leg and exited on the inside of the leg, slightly further down my leg."

1 AM255.2

118.54 It would seem therefore that, on this account, Daniel McGowan had just reached the set of shallow steps that form the beginning of the Fahan Street steps. His recollection was that there was a "*lot of shooting going on*" as he moved towards these steps. Indeed, he described feeling a bullet pass and strike a wall behind him. Daniel McGowan told us that after he was wounded he crawled towards the Joseph Place alleyway, assisted by two young men. His assumption was that the shot that struck him had been fired from the City Walls.[1]

1 AM255.2; AM255.3

118.55 Attached to this statement were two photographs reproduced below. Daniel McGowan told us that the first shows approximately where he was standing when he was shot, while the second shows the hole left by the bullet Daniel McGowan told us he recalled passing him. He described the wall as being south of the houses in Joseph Place.[1]

1 AM255.7

118.56 The first photograph shows Daniel McGowan standing near to the bottom of the Fahan Street steps.

118.57 The photograph below shows more clearly the hole in the wall marked in the photograph shown above. The photograph shows Daniel McGowan (on the left) and Michael Bradley. The wall is that on the eastern side of the northernmost yard of the Joseph Place maisonettes.

118.58 In August 1998, shortly after giving his first written statement to this Inquiry, Don Mullan interviewed Daniel McGowan on tape. While we were not provided with a copy of the tape, a transcript of that interview was supplied to this Inquiry. He told Don Mullan that he was at the bottom of the steps leading up to Fahan Street when he was shot. The transcript then recorded the following exchange:[1]

> "Don: You were at the bottom of the steps and you told me before too, you were running up and you saw a soldier on the wall aiming down and that caused you to retreat – is that right?
>
> Danny: Aye
>
> Don: But it was when you got to the bottom of the steps then that you were hit – you were shot – is that correct?
>
> Danny: That's right."

1 AM255.20

118.59 It is not clear what Daniel McGowan meant by "*running up*", but on this account it appears to have been before he was shot. This detail (of seeing a soldier on the City Walls) did not appear in his previous written statement to this Inquiry.

118.60 In the course of this interview, Daniel McGowan also told Don Mullan that the bullet, which hit him in the leg, also took off the top half of the small finger of his right hand. He recalled being treated for the wound to his hand while in hospital.[1] In fact there is no record of an injury to a finger in Daniel McGowan's medical records.[2] In our view Daniel McGowan's recollection on this point was mistaken.

1 AM255.18; AM255.19

2 D0845-D0876

118.61 In 1999, Daniel McGowan and his wife were interviewed together by Jimmy McGovern and Stephen Gargan.[1] The Inquiry was provided both with a tape recording and a transcript of this interview. The account in this interview of the circumstances in which Daniel McGowan came to be shot is generally consistent with what he told this Inquiry.[2]

1 M95.2

2 AM255.23-28

118.62 Daniel McGowan made a supplementary statement to this Inquiry dated 12th September 2000,[1] as the result of being asked about the interview he had given to John Goddard of Praxis Films Ltd. One of the questions he addressed was why in his first statement to this Inquiry, given over two years earlier, he had said nothing about seeing a gunman. His answer was that this was simply because he was not asked, when giving that first statement, whether he had seen a gunman. He also stated that some of the matters noted by John Goddard were inaccurate:

> "(a) I did not run 'up Chamberlain Street and across to the gap between blocks 2 & 3.' As I said in my statement to Eversheds, I made my may [sic] from Free Derry Corner towards Blocks 1 & 2 of the Rossville Flats.
>
> (b) It was through the gap between Blocks 1 & 2 that I saw a man with a handgun at the gable end of Chamberlain Street. I did not see the gunman fire any shots. I only saw him holding the gun.
>
> (c) I have a vague memory of seeing who I now know to be Barney McGuigan lying in the same area as Hugh Gilmore at some stage before I was shot.
>
> (d) The document is wrong about the position I was standing in when I was shot and I prefer to rely on my statement to this Inquiry in relation to this."

1 AM255.16

118.63 The reference to "*my statement to Eversheds*" is a reference to Daniel McGowan's first written statement to this Inquiry, taken by the solicitors Eversheds.

Assessments of the accounts given by Daniel McGowan

118.64 As will have been observed, there are a number of inconsistencies in the accounts that Daniel McGowan gave over the years. His assertions to the RUC that he had been injured at his brother-in-law's house and to the ambulance men that he had been injured playing football were undoubtedly false. In view of what he told his wife, it seems to us that he probably had taken part in the march, so that his denials that he had done so are equally false. However, it is understandable that in 1972 he should have tried to distance himself from the events of Bloody Sunday, as he ran the risk of six months' mandatory imprisonment and the consequent loss of his job for taking part in the march.

118.65 As we have already noted, his 1972 statement for the Widgery Inquiry, and his interviews with the *Sunday Times* and Fulvio Grimaldi, are all to the same effect; namely that having left his brother-in-law's house, he made his way along the Joseph Place alleyway and reached the area to the south of Block 2 of the Rossville Flats, where he saw and assisted Patrick Campbell towards the Joseph Place alleyway, when he was shot himself.

118.66 His later accounts, however, are markedly different. According to the article in the *Irish Times*, he was running in a panic when he encountered Patrick Campbell, though the article does not make clear from where he had come.

118.67 According to John Goddard's note, Daniel McGowan came along Chamberlain Street and across to and through the gap between Blocks 2 and 3 of the Rossville Flats. He appears on this account to have then moved along Block 2 to the southern end of Block 1, where he saw Hugh Gilmour on the ground and said a prayer over him; and huddled in the crowd by the south gable end of Block 1. The note records "*McGuigan also been shot*",[1] which could mean that Daniel McGowan had said that he had seen this casualty shot, or merely that Bernard McGuigan had been shot in the same area. The note records that Daniel McGowan then got to the area behind Block 2, near Block 3, and was bent over assisting Patrick Campbell when he was shot, his impression being that it was by a "*soldier laid on wall by Glenfada Park top*".

1 AM255.14

118.68 As noted above, in his supplementary statement to this Inquiry Daniel McGowan told us that John Goddard's note was inaccurate in recording him as saying that he had run through the gap between Blocks 2 and 3 and in describing the position in which he had been when shot, but we have no other grounds for supposing that John Goddard did not accurately record what Daniel McGowan had told him. In our view this was probably an accurate note of what Daniel McGowan told John Goddard. Whether Daniel McGowan's account was itself accurate is a different question.

118.69 In his first written statement to this Inquiry Daniel McGowan, so far as we are aware for the first time, gave an account of being at the southern end wall of Block 1. There he saw Hugh Gilmour fall. He then helped Patrick Campbell to the safety of the Joseph Place alleyway. Daniel McGowan was shot as he started making his way up the steps to Fahan Street East. He gave similar accounts later to Jimmy McGovern and Stephen Gargan.

118.70 Also in his first written statement to this Inquiry, Daniel McGowan described turning to face west immediately before he was shot; and that the bullet entered the outside of his right leg and exited on the inside. In fact, the bullet entered the inside of his right leg and exited on the outside, as can be seen from the medical and scientific evidence reviewed above.

118.71 We have already observed that Daniel McGowan was probably on the march, but given his varying accounts we remain uncertain as to how he reached the area immediately to the south of the Rossville Flats. One common feature of Daniel McGowan's 1972 accounts and his first statement to this Inquiry is the reference to visiting his brother-in-law's house on Bloody Sunday. Different addresses were recorded for this house in the various accounts, but in our view nothing turns on this, as it is clear that Daniel McGowan was referring to a house immediately adjacent to Free Derry Corner. However, we remain unpersuaded that Daniel McGowan did visit his brother-in-law's house on Bloody Sunday, since Bridget McColgan (the wife of Joseph McColgan, Daniel McGowan's brother-in-law) told Paul Mahon in 1998 that her husband had been out that day and made no mention of Daniel McGowan visiting the house.[1]

[1] X4.22.1-2

118.72 We do not have evidence from any other witness identifying Daniel McGowan as one of those gathered at the southern end of Block 1 of the Rossville Flats and so his identification of himself in Robert White's photograph stands unsupported.

118.73 Although, as will be seen from the evidence of others whose accounts we consider below, there is no doubt that Daniel McGowan was shot in the area south of the eastern end of Block 2 of the Rossville Flats, we have come to the conclusion that it would be unwise to rely on any of the accounts Daniel McGowan himself gave either of how he got to that area or of the precise circumstances in which he was shot.

118.74 We should make clear, however, that in our view Daniel McGowan was in no way seeking to mislead this Inquiry in what he told us, but was recounting what he had come to believe had happened. This may have resulted in part from what he afterwards was told by others. He may have become confused by the fact that he had originally, for good reason, given accounts designed to distance himself from any involvement in the march or other events of Bloody Sunday. He had sustained a grievous injury, which adversely affected the whole of the rest of his life. We have no doubt that the memory of what had happened to him constantly preyed on his mind. As his wife put it, quoted in the *Derry Journal* in 1992, "*It changed him completely. It seemed to destroy him. He had a different personality and he's had indifferent health ever since.*"[1]

1 L263

118.75 Daniel McGowan may have taken part in what he believed to be an illegal civil rights march. Apart from this there is nothing to suggest that he was engaged in any form of illegal activity at any stage. Nor have we found anything to suggest that when he was shot Daniel McGowan was doing anything that could have justified him being shot or which could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury.

Where Patrick Campbell and Daniel McGowan were shot

118.76 As we observed when considering the circumstances in which Patrick Campbell was shot, it is convenient to deal together with the other evidence that appears to relate to the shooting of Patrick Campbell and Daniel McGowan.

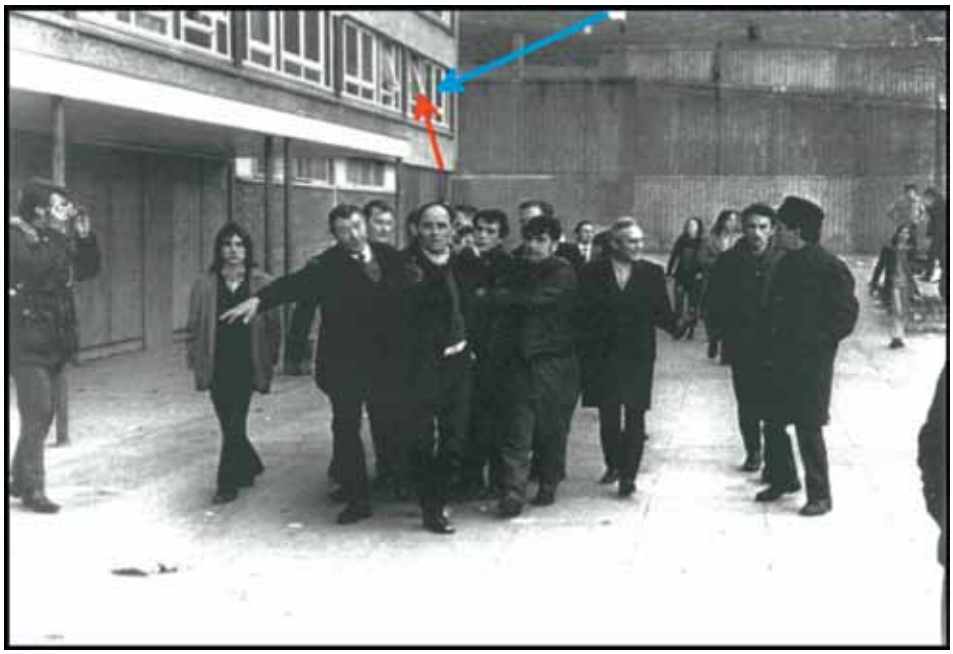
Jean Marie McGeehan

118.77 Earlier we referred to the evidence of Jean Marie McGeehan. We there mentioned the statement she made to NICRA. On 30th January 1972 Jean Marie McGeehan (whose maiden name was McGowan) was 12 years of age. She lived in the family home at

36 Garvan Place, which was on the first floor of Block 2 of the Rossville Flats and the nearest flat on that level to Block 3. In the course of her oral evidence[1] she identified the flat on the following photograph (which was taken on Bloody Sunday), the red arrow indicating the kitchen and the blue arrow the living room of the flat.[2]

1 Day 171/67

2 AM228.13

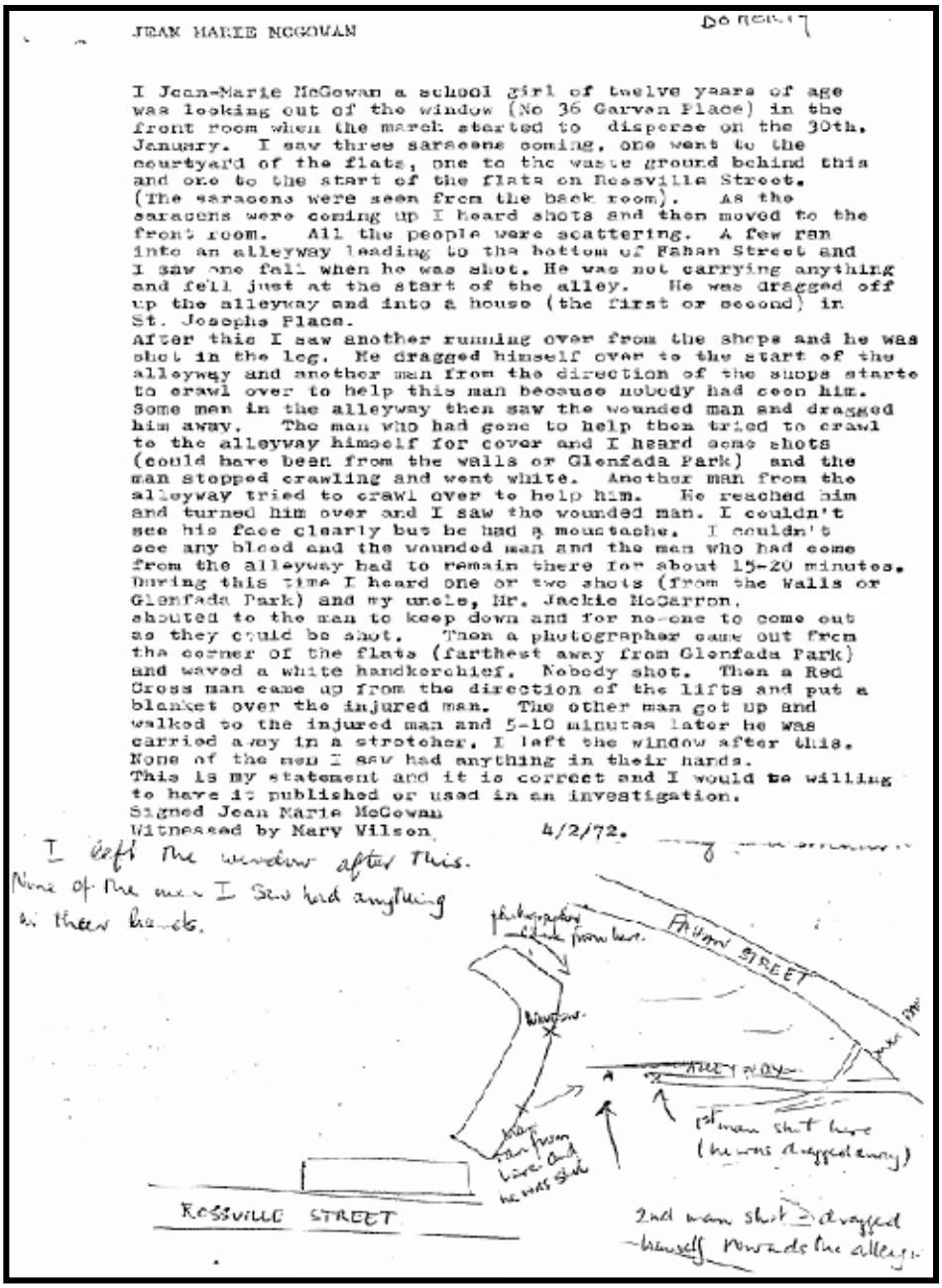


118.78 Jean Marie McGeehan made a NICRA statement dated 4th February 1972.[1] It was taken by her schoolteacher Mary Wilson, who was also probably responsible for the sketch that appeared on the handwritten version of the statement.[2] That sketch, together with its handwritten annotations, was reproduced on the typed version of the statement, which we set out below in its original typed form.[3]

1 AM228.11; AM228.12

2 Day 171/71; Day 171/78

3 AM228.10



JEAN MARIE MCGOWAN

I Jean-Marie McGowan a school girl of twelve years of age was looking out of the window (No 36 Garvan Place) in the front room when the march started to disperse on the 30th. January. I saw three saracens coming, one went to the courtyard of the flats, one to the waste ground behind this and one to the start of the flats on Rossville Street. (The saracens were seen from the back room). As the saracens were coming up I heard shots and then moved to the front room. All the people were scattering. A few ran into an alleyway leading to the bottom of Fahan Street and I saw one fall when he was shot. He was not carrying anything and fell just at the start of the alley. He was dragged off up the alleyway and into a house (the first or second) in St. Josephs Place.
After this I saw another running over from the shops and he was shot in the leg. He dragged himself over to the start of the alleyway and another man from the direction of the shops starts to crawl over to help this man because nobody had seen him. Some men in the alleyway then saw the wounded man and dragged him away. The man who had gone to help then tried to crawl to the alleyway himself for cover and I heard some shots (could have been from the walls or Glenfada Park) and the man stopped crawling and went white. Another man from the alleyway tried to crawl over to help him. He reached him and turned him over and I saw the wounded man. I couldn't see his face clearly but he had a moustache. I couldn't see any blood and the wounded man and the man who had come from the alleyway had to remain there for about 15-20 minutes. During this time I heard one or two shots (from the Walls or Glenfada Park) and my uncle, Mr. Jackie McGarron, shouted to the man to keep down and for no-one to come out as they could be shot. Then a photographer came out from the corner of the flats (farthest away from Glenfada Park) and waved a white handkerchief. Nobody shot. Then a Red Cross man came up from the direction of the lifts and put a blanket over the injured man. The other man got up and walked to the injured man and 5-10 minutes later he was carried away in a stretcher. I left the window after this. None of the men I saw had anything in their hands.
This is my statement and it is correct and I would be willing to have it published or used in an investigation.
Signed Jean Marie McGowan
Witnessed by Mary Wilson 4/2/72.

I left the window after this.
None of the men I saw had anything in their hands.

118.79 According to this account, the first man Jean Marie McGeehan saw fell just at the opening of the Joseph Place alleyway, while the second man, running across from the shops (ie the shops running along the ground floor of Block 2) was shot in the leg and was dragged into the alleyway. The statement refers to a man who had started crawling to the aid of the second man, to which we return when considering the circumstances of the shooting of Patrick Doherty.

118.80 Jean Marie McGeehan gave written and oral evidence to this Inquiry.

118.81 In her written evidence to this Inquiry,[1] Jean Marie McGeehan, having described what she recalled seeing while looking from the bedroom of the flat, which was on the northern side of Block 2, told us that she moved to the living room which overlooked Joseph Place, where she saw a number of people hiding in the alleyway behind the Joseph Place houses. She then gave this account:[2]

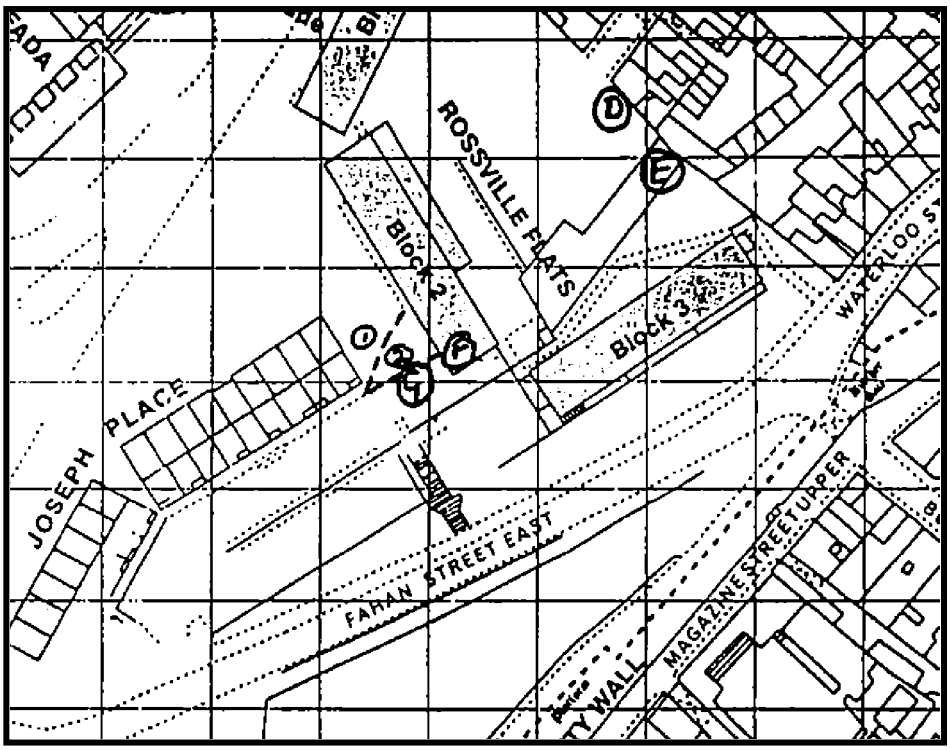
> "14. As I looked out of the living room window I could also see down to the paved area in between Block 2 of the Rossville Flats and Joseph Place (grid reference J18). Because of the angle I was looking down at, I could only see clearly about 5 feet out from the wall of Block 2. I remember three men in particular in that area.
>
> 15. The first man I saw was heading from Block 2 of the Rossville Flats towards the alleyway at the back of Joseph Place. The route he took is shown marked on the attached map. I saw him as I looked to the right towards Rossville Street. I saw him fall. I do not know whether he was shot or whether he just stumbled but he got up quickly and was helped to the alleyway by people who were taking cover there. This was a few minutes after I had arrived at the front of the flats. I cannot remember what he looked like at all and I do not know who he was. I cannot give any more details about the people that helped him to the alleyway.
>
> 16. The second man I saw was running directly below the window I was looking out of towards the alleyway at the back of Joseph Place. The route he took is also shown marked on the attached map. He seemed to crumple and fall down on to the ground as though one of his legs had gone from under him. He got up by himself; there was no one around to help him. He continued towards the alleyway as quickly as he could. He was in a bent over position although he was not on his hands and knees. I got the impression from the way he was staggering that he was in pain. I assumed that he had been shot in the leg but I do not know which leg it was. Just as he got to the alleyway someone helped him to get behind Joseph Place. I cannot now recall any detail about the appearance of the man. At that time there was a lot going on in the flat: I was being told to keep away from the window and keep my head down. I kept looking out every now and again. I think I stayed in the living room and did not go back to the bedroom."

1 AM228.1

2 AM228.3

118.82 On the map attached to this statement Jean Marie McGeehan marked two lines, one from the shops to her right as she looked out of the window; and one from immediately beneath her window, both leading to the alleyway behind Joseph Place.[1]

1 AM228.9. On this map the letters D and E are where Jean Marie McGeehan told us she saw people sheltering; letter F showed the position of her flat; and the figures 1 and 2 the respective positions of the two men she described in her account quoted above. The letter G refers to a third man, to whom we refer below when considering the shooting of Patrick Doherty.



118.83 In her oral evidence to this Inquiry, Jean Marie McGeehan told us that her recollection of the first man that she saw was that it was a man rather than a young boy, who she thought stumbled and then "*maybe to his knees and back up again*".[1] She could not remember how soon after seeing the first man she had seen the second, but so far as she recalled he too was a man rather than a boy and he was on his own, though there were still people in the Joseph Place alleyway. Jean Marie McGeehan told us that this man could have fallen a little further from the alleyway than the first man.[2]

1 Day 171/68-69

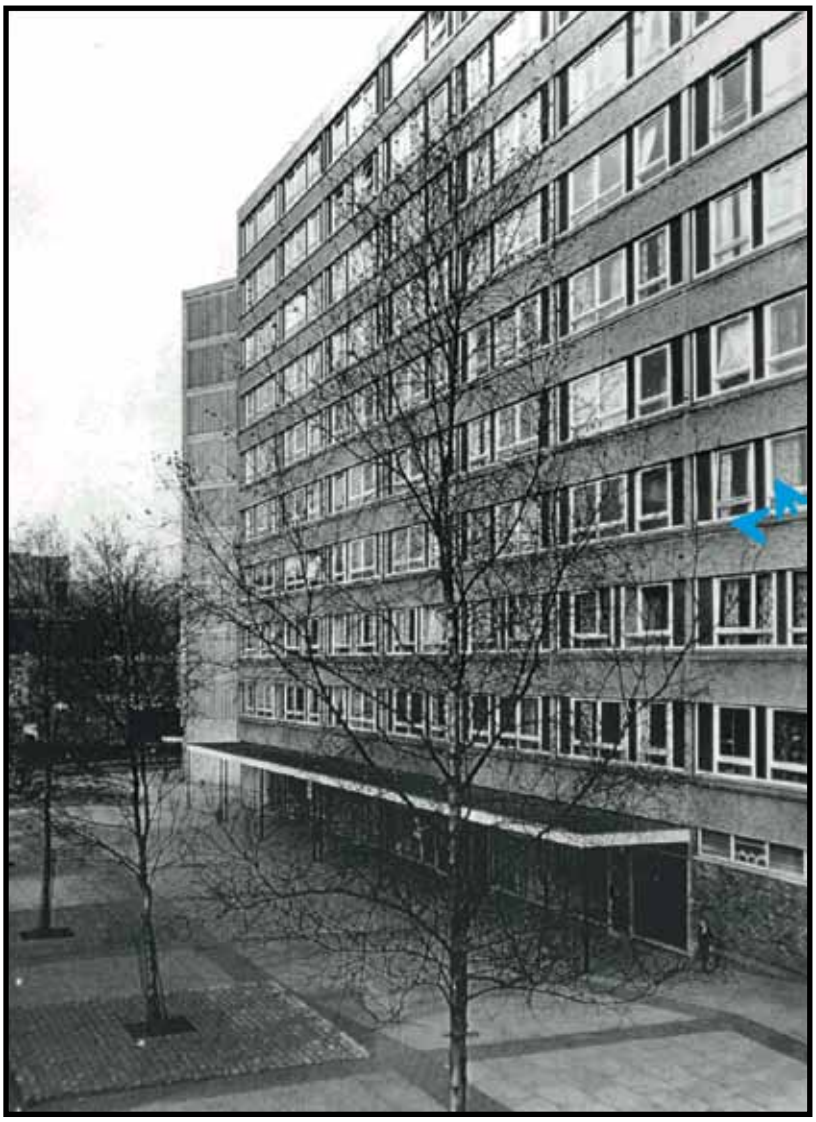
2 Day 171/79

Derrik Tucker Junior

118.84 Derrik Tucker Junior was also 12 years of age on Bloody Sunday. He lived at 31 Garvan Place in Block 2 of the Rossville Flats. It was from this flat that his father (Derrik Tucker Senior) took the photographs on the car park side of the Rossville Flats immediately before and as the soldiers came into the Bogside, which we have shown and considered earlier in this report.[1] The southern side of the flat was identified by Derrik Tucker Junior's brother Martin on the following photographs, the second showing with arrows the windows of the kitchen (on the left), and the living room.[2]

1 Paragraphs 20.184–188; 24.28–29

2 AT17.8; AT17.20



118.85 In his NICRA statement dated 1st February 1972,[1] Derrik Tucker Junior described seeing from the flat the Army vehicles come into the Bogside and much of what then occurred in Sector 2, including seeing Fr Daly walking with the group carrying Jackie Duddy. It seems that then he must have gone to the other side of the flat, for this statement continued:

> "Meanwhile as this was going on the rest of the crowd had run round to the shops on the ground floor of the flats, within seconds they had to flee as more paratroopers appeared from Glenfada Park. Most of the youths ran behind the maisonettes through a small alleyway. Again they were fired upon by the troops in the Observation Post on the Derry Walls. As the last three youths entered the alleyway the first two fell with shots in the legs but crawled on in. The last one was crawling in and a shot rang out and he fell. He lay still but there was no sign of a wound. A man of between forty or fifty, slightly bald crawled out and asked for his hand. There was no response so he pulled him in by the head but he had to retreat into the alleyway as more shots rang out. Some other men came out to try and see where he was wounded but they too had to retreat. After the shooting ended the men carried him down to the ambulance. He was dead.
>
> As men were being carted into the ambulance, soldiers fired even though the white hankerchief [sic] was being waved by Father Mulvey. This is my statement."

[1] AT15.20

118.86 In his written statement to this Inquiry[1] Derrik Tucker Junior told us that he and other members of his family had indeed moved, "*as the courtyard cleared of people*", from watching events in the car park to the other side of the flat. On being shown his NICRA statement, he told us that there were details in it that he no longer recalled, but that he believed it to be an accurate account of what he saw.

[1] AT15.4

118.87 In his oral evidence to this Inquiry Derrik Tucker Junior indicated that he now had no recollection of seeing the two men shot in the legs that he had described in his NICRA statement.[1] Much of his evidence was concerned with his recollection of the third man, who we are sure was Patrick Doherty and to whom we return below. However, he told us that he could not have actually seen soldiers arrive in Glenfada Park from his position but inferred that this had happened from the fact that people moved from the shops side of the Rossville Flats to the Joseph Place alleyway.[2] He then gave the following evidence:[3]

> "Q. From your [NICRA] statement it would appear, as it says, if I could just read it out:
>
> 'As the last three youths entered the alleyway, the first two fell with shots in the leg, but crawled on in. The last one was crawling in and a shot rang out and he fell.'
>
> Would it be correct to say that when shots rang out a number of people behaved in different ways; some people would have thrown themselves to the ground without being shot?

A. Yes.

Q. Other people may have stood up in bewilderment and others carried on?

A. Yes.

Q. Would it therefore be correct to say again, when you say they fell with shots to the leg, that is not something you were actually able to see, but something you assumed?

A. Yes.

Q. We also have a description from a Mr Daniel McGowan, who had helped a man called Patrick Campbell across the area of open ground that you describe, and just as he was getting into the alleyway he himself was shot, that he pushed Mr Campbell into the alleyway and that he himself fell, went unconscious, but eventually dragged himself into the alleyway; would that be consistent with what you saw?

A. It sounds very much so.

Q. In fact, would it also be correct to say that at that time you had assumed that these individuals were being shot at from behind, in other words from behind them, from the direction of Rossville Street?

A. Yes.

Q. Certainly at that time you did not assume that the shooting was being fired at them from the walls?

A. No.

Q. If they had been being shot at from the walls, it would have been exceptionally foolish for them to make their way in that direction?

A. Yes.

Q. Also in relation to those people who you did see fall, did you see them carrying anything by way of weapons?

A. Absolutely not.

Q. Or did you see anything that they were doing which would have given rise to soldiers shooting at them?

A. Absolutely not."

1 Day 99/26

2 Day 99/33-34

3 Day 99/34-36

118.88 As Derrik Tucker Junior himself accepted, it seems that he had little if any recollection of seeing the first two men fall.

Martin Tucker

118.89 Derrik Tucker Junior's brother Martin (17 years old at the time) also made a NICRA statement[1] in which, after describing what he had seen from the north side of 31 Garvan Place, he recorded that he went to the living room window (on the south side) where he saw people running in all directions looking for shelter. "*I saw a small group of men who tried to run to laneway behind maisonettes. As they were doing so I heard some shots and I saw one, maybe two fall. They were shot on the legs but were dragged to safety*." He then described someone trying to crawl "*across the same area*", who had crawled a few yards when "*a few shots rang out, he groaned and his legs shot out*". We have no doubt that this man was Patrick Doherty, to whom we return below.

1 AT17.15

118.90 Martin Tucker gave written and oral evidence to this Inquiry. In his written account he told us:[1]

> "31. The kitchen window was open and I looked out. I could see that people were hiding in the alleyway which ran behind Joseph Place (on the south east side). I could see that some people were still running towards Free Derry Corner and some were also running west across the open area just north of Free Derry Corner. There were shots just everywhere at this stage.
>
> 32. I saw two men running close together along the front of Block 2 of the Rossville Flats, by the shops (from north west to south east). I thought they were running to the alleyway behind Joseph Place. I did not see them carrying anything. They were shot before they got there, at the point marked 'J' on the map. I thought they were only shot in the leg. It was so strange. It was almost like watching a movie. They managed to get to safety. I think they got into the alleyway behind Joseph Place or into a house. (I think a couple of people helped them). The men were in their thirties maybe. They were not old men but they were not teenagers. I do not remember anything about what they were wearing.

> 33. I could not see where the men were shot from, however, I remember commenting at the time that, from the sound of the shots, the soldiers must have been well down south on Rossville Street, maybe as far as Glenfada Park South. Soldiers had never come past the Rubble Barricade before. Since that day, I have heard talk about firing from the City Walls. That did not even occur to me at the time. I thought the shooting was coming from the direction of Rossville Street and Glenfada Park South."

1 AT17.5

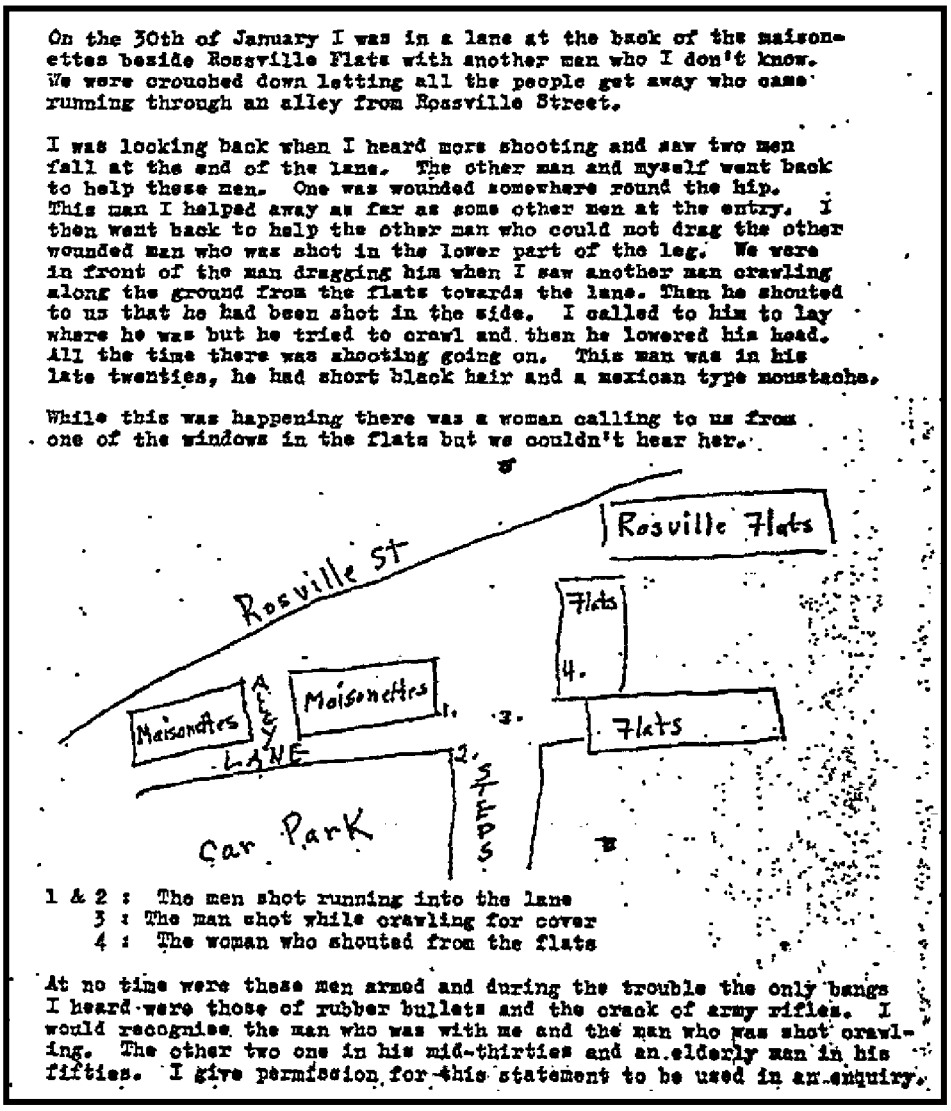
118.91 The point marked "J" to which Martin Tucker referred was close to the garden wall of the northernmost of the Joseph Place maisonettes, a few feet to the west of the entrance to the Joseph Place alleyway.[1] However, in his oral evidence to this Inquiry, Martin Tucker said that he thought that the men were nearer Rossville Street, just before they reached Joseph Place.[2] He told us that when he first saw them, the two men were close together and already in the open. He agreed with the suggestion that one of the men may have been assisting the other,[3] though the impression we formed was that he had not actually seen this, but only the two men very close together. Shown photographs taken of Patrick Campbell and Daniel McGowan at the time (the former being 50 and the latter 37), Martin Tucker told us that they were of the age of the men he had described.[4] He was certain he had seen the two men heading towards the alleyway behind Joseph Place before he saw Patrick Doherty shot.[5]

1 AT17.16
2 Day 98/108-109
3 Day 98/119-120
4 Day 98/121
5 Day 98/121-122. To have been dragged to safety suggests that the men Martin Tucker saw shot were close to the opening of the alleyway. This is consistent with the evidence of Edmund Melaugh (AM398.19) and Patrick Walsh (AW5.36).

Edmund Melaugh

118.92 Edmund Melaugh was 19 years old in 1972. He gave a Keville interview[1] and a NICRA statement.[2] In the former he described being in a little lane behind the small flats in Rossville Street (ie the alleyway behind Joseph Place) and seeing two men shot, "*one was shot in the ankle and the other was shot up in about the hip*".[3] His NICRA statement was in the following terms:

1 AM398.23
2 AM398.19
3 There is a transcription error in the Inquiry Keville transcript: "in the arm" should read "in about the hip" (Day 170/95).



On the 30th of January I was in a lane at the back of the maisonettes beside Rossville Flats with another man who I don't know. We were crouched down letting all the people get away who came running through an alley from Rossville Street.

I was looking back when I heard more shooting and saw two men fall at the end of the lane. The other man and myself went back to help these men. One was wounded somewhere round the hip. This man I helped away as far as some other men at the entry. I then went back to help the other man who could not drag the other wounded man who was shot in the lower part of the leg. We were in front of the man dragging him when I saw another man crawling along the ground from the flats towards the lane. Then he shouted to us that he had been shot in the side. I called to him to lay where he was but he tried to crawl and then he lowered his head. All the time there was shooting going on. This man was in his late twenties, he had short black hair and a mexican type moustache.

While this was happening there was a woman calling to us from one of the windows in the flats but we couldn't hear her.

1 & 2 : The men shot running into the lane
3 : The man shot while crawling for cover
4 : The woman who shouted from the flats

At no time were these men armed and during the trouble the only bangs I heard were those of rubber bullets and the crack of army rifles. I would recognise the man who was with me and the man who was shot crawling. The other two one in his mid-thirties and an elderly man in his fifties. I give permission for this statement to be used in an enquiry.

118.93 Edmund Melaugh gave written and oral evidence to this Inquiry.

118.94 In his written statement,[1] Edmund Melaugh told us that on seeing soldiers in Glenfada Park North (and one firing "*towards the hexagonal flowerbed and south gable end of Block 1*"), he ran from that gable end along the length of Block 2, keeping close to the shops. According to this statement, when he had almost reached the end of Block 2, he then crossed over into the Joseph Place alleyway. There were other people already sheltering in the alleyway. Edmund Melaugh stated that he also noticed people ahead of him running south along the alleyway. He moved some 20 yards south along the alleyway before stopping. His recollection was that he then heard someone call out that he was shot, turned round and saw two wounded people at the entrance to the alleyway. He told us that he and another man (whom he did not know) returned to the entrance to the

alleyway. Crouching down, they leant out and dragged the two men into the alleyway, one after the other. Edmund Melaugh's recollection was that one was in his 30s and one in his 50s; and that one was shot in the ankle. Although he assumed that these two men had been shot by the soldiers he had seen in Glenfada Park North, Edmund Melaugh confirmed that he had not actually seen either of them shot.[2]

1 AM398.8

2 AM398.11; AM398.12; AM398.18

118.95 In his oral evidence to this Inquiry, Edmund Melaugh told us that he recalled that the two men were very close to the entrance to the alleyway and very close together when he first saw them.[1] On being shown his NICRA statement he said that he now had no recollection of seeing either of the men fall.[2]

1 Day 170/121-122

2 Day 170/123

Edward Dillon

118.96 Edward Dillon made a NICRA statement[1] in which he described going to the steps that led into a passageway into Fahan Street:

> "A man came behind me and cried out he had been shot. I went back to see how badly he was shot. He was shot in the right leg below the knee. The leg appeared broken to me and was bleeding badly.
>
> From the wound and the position we were in the shooting might have come from Old City Walls.
>
> Another young lad came and we dragged the wounded man along in the shelter of a low wall."

1 AD45.6

118.97 It is likely that the reference to "steps" is to those leading into Fahan Street.

118.98 In his written statement to this Inquiry,[1] Edward Dillon told us that he did not know who the man was, but found out later that it was Daniel McGowan. We have no doubt that it was.

1 AD45.2

118.99 It seems very likely that Edward Dillon was the man who helped Edmund Melaugh assist Daniel McGowan. Edward Dillon did not, either in his NICRA statement or in his written statement to this Inquiry, describe seeing another wounded man who might have been

Patrick Campbell. During the course of his oral evidence, he was referred to a passage in the statement made by Daniel McGowan to the Widgery Inquiry, where the latter described his assisting Patrick Campbell. That did not assist the recollection of Edward Dillon.[1] However, the possibility exists that Edward Dillon was at the Fahan Street steps and went back to the alleyway to assist Daniel McGowan, and thus did not see Patrick Campbell.[2]

1 Day 174/56-57

2 AD46.6; Day 174/73-75; Day 174/56

Patrick Walsh

118.100 We have already referred above to the account of Patrick Walsh as recorded by Philip Jacobson of the *Sunday Times* Insight Team. Patrick Walsh helped Patrick McDaid through the passageway between Blocks 2 and 3 of the Rossville Flats to the alleyway behind Joseph Place and then into a house in Joseph Place.[1] The notes made by Philip Jacobson go on to describe what Patrick Walsh witnessed when he left that house in Joseph Place and returned to the alleyway:[2]

> "after this walsh came out again and the first thing he saw was paddy cambell staggering towards the entrancx [sic] of the alleyway groaning and cluthching [sic] his back. he knew campbell from work, and campbell shouted to him 'paddy, i'm hit … i'm hurt bad.' campbell fell forward into the mouth of the alleyway and was taken into one of the houses (pj; see his rather disjointed story; we know that daniel mcgowan, q.v., had pushed campbell forward as he, mcgowan, was hit in the leg.) walsh then saw two men rush from the alleyway and pick up a man who was crawling towards it; they got one arm each and sort of dragged him along on his back. the man seemed to be hit in the leg, where walsh could see blood. this was mcgowan; see his story for names of his rescuers etc). see also edmond melaugh"

1 AW5.35

2 AW5.36

118.101 These notes then turn to Patrick Walsh seeing Patrick Doherty lying on his face; we return to this part of Patrick Walsh's account below.

Assessment of the evidence of where Patrick Campbell and Daniel McGowan were shot

118.102 As is to be expected, the accounts of those witnessing fast-moving and horrific events differ in detail, but in our view it is likely that Patrick Campbell was shot before Daniel McGowan. In her 1972 account Jean Marie McGeehan described a man (in our view

Patrick Campbell) falling at the entrance to the Joseph Place alleyway, though this may not have been where he was shot, since Patrick Walsh described how Patrick Campbell had staggered towards him shouting that he had been hit before collapsing at the entrance to the alleyway.

118.103 We formed the view from Martin Tucker's evidence to this Inquiry that he now had no clear recollection of where the two men he told us he saw shot were when this happened. His 1972 account was to the effect that he saw "*one, maybe two*"[1] fall as they tried to run to the alleyway behind Joseph Place, but he did not record where they fell.

[1] AT17.15

118.104 That Patrick Campbell was shot before he got to the Joseph Place alleyway is consistent with the *Sunday Times* map attached to the note of his account to that newspaper, which shows Patrick Campbell shot as he came about level with Joseph Place, though in our view this does not establish that he was necessarily that far from the Joseph Place alleyway. In our view Patrick Campbell was shot as he ran for the Joseph Place alleyway and before he got there; though precisely how far he was from the alleyway we are unable to determine from the available evidence.

118.105 With his leg broken it seems to us that Daniel McGowan probably fell when and where he was shot. According to Patrick Walsh, Daniel McGowan started crawling towards the alleyway before being helped in. This is consistent with the account given by Jean Marie McGeehan in 1972, who described seeing a man running from the shops who was shot in the leg, but who then dragged himself over to the alleyway. She put the position where this man was shot roughly halfway between the south side of Block 2 and the alleyway entrance, a position that would be close to the Fahan Street steps, where Edmund Melaugh also put the man he described as shot in the lower part of the leg. It thus seems to us that Daniel McGowan was probably shot when he was close to the Fahan Street steps.

118.106 Although Daniel McGowan always asserted that he assisted the wounded Patrick Campbell, his accounts varied between him being shot himself as he was actually holding Patrick Campbell and shot after he had helped Patrick Campbell to the Joseph Place alleyway and then moved to the Fahan Street steps. Philip Jacobson's note to the effect that Daniel McGowan had pushed Patrick Campbell as the former was shot seems to be based on what he was told by Daniel McGowan. The only other 1972 evidence is that of Joe Nicholas, whose NICRA statement[1] refers to a man he thought was Michael Bridge, shot in the leg while trying to go to the aid of Patrick Doherty. This may have been Daniel

McGowan going to the aid of Patrick Campbell, as Philip Jacobson noted was the case in the course of his interview with Joe Nicholas, but it is not clear whether this was something that Joe Nicholas told Philip Jacobson, or what the latter inferred must have been the case.[2] However, Jean Marie McGeehan's account does not suggest that Daniel McGowan was or had been assisting Patrick Campbell. Neither Derrik Tucker Junior nor his brother Martin said anything at the time about this; and could only tell us, in effect, that Daniel McGowan may have assisted Patrick Campbell. We are thus left in doubt as to whether Daniel McGowan did assist Patrick Campbell, though if he did so, then in view of his injury, this must have been before he was himself shot.

1 AN17.1

2 AN17.20

When Patrick Campbell and Daniel McGowan were shot

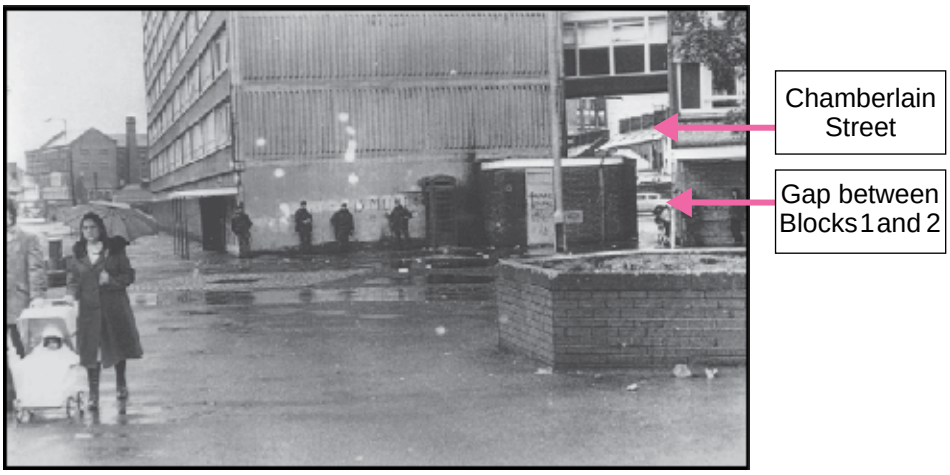
118.107 As we have already noted, Patrick Campbell began to run from the southern end of Block 1 of the Rossville Flats after seeing soldiers in the area of Glenfada Park North; and he was shot before he had reached the Joseph Place alleyway. As to Daniel McGowan, the evidence as a whole leads us to conclude that he was shot very soon, probably only a matter of seconds, after Patrick Campbell.

The source of the shots that injured Patrick Campbell and Daniel McGowan

118.108 We have no doubt that an Army bullet hit Patrick Campbell. It was suggested on behalf of the family of Patrick Campbell that he might have been wounded by a shot fired by Private S in Sector 2, which passed through the gap between Blocks 1 and 2 of the Rossville Flats.[1]

1 FS1.2682

118.109 In our view this was not the case, even on the assumption that Private S fired in the direction of the gap between Blocks 1 and 2, a matter we consider in the context of Sector 2. Although there is a line of sight from the back wall at the southern end of Chamberlain Street through the gap between Blocks 1 and 2, that line would extend in a south-westerly direction and the gap is very small, as can be seen from the following photograph.



118.110 Patrick Campbell was running in a south-easterly, not a south-westerly direction. He was shot in the back. Furthermore, as we have described above, he was in our view well past the gap between Blocks 1 and 2 and not far from the Joseph Place alleyway when he was shot.

118.111 As we describe more fully later in this part of the report, there were soldiers present and firing from the area of the entrance to Glenfada Park North. Since Patrick Campbell was shot in the back while running to the south-east, he could not have been shot from the City Walls. We have no doubt that a soldier shot him from Glenfada Park North, the only other place where soldiers were in a position to shoot him. We consider below the question of the identity of that soldier.

118.112 As will have been noted, Daniel McGowan stated on a number of occasions that he had been shot from the City Walls, as did some of the witnesses to whom we have referred. In our view this was not the case. Elsewhere in this report[1] we consider the question of firing from the City Walls and for the reasons that we give conclude that there was no firing from there into any of the sectors, despite the evidence of a number of civilians who believed that there had been such firing. In these circumstances we are of the view that Daniel McGowan was mistaken in his evidence on this matter. He might have heard a bullet pass him, but not one that then hit the eastern wall of Joseph Place. If there was a bullet strike on the wall identified by Daniel McGowan, it was not in our view one from a bullet fired from the City Walls on Bloody Sunday.

[1] Chapter 167

118.113 We have no doubt that Daniel McGowan too was shot by a soldier firing from the area of the entrance to Glenfada Park North. No soldier in Sector 2 could have been in a position to shoot Daniel McGowan through the passageway between Blocks 2 and 3 of the Rossville Flats. The accounts of Jean Marie McGeehan, Derrik Tucker Junior, Martin Tucker, Edmund Melaugh and Joe Nicholas, to which we have referred above, all indicate to us that the shot was one of those that came from the direction of Glenfada Park North. We return later to the question of the identity of the soldier who wounded Daniel McGowan.

Where Daniel McGowan was taken

118.114 Although, as we have noted above, the 1972 accounts of Derrik Tucker Senior suggest that both Patrick Campbell and Daniel McGowan may have been carried into the rear of a Joseph Place maisonette,[1] the consistent evidence of Daniel McGowan himself was that he was carried from the Joseph Place alleyway to St Columb's Wells and there put immediately into a car.[2] Daniel McGowan and his wife told Jimmy McGovern and Stephen Gargan that he had been accompanied in the car by Billy Long and Jackie Morrison.[3]

1 AT16.17.1; WT7.10; AT16.20
2 AM255.5; AM255.12; AM255.3; AM255.5
3 AM255.25

118.115 The intention had been to take Daniel McGowan to Altnagelvin Hospital, but the presence of an Army roadblock on Bishop Street resulted in him being taken to his home.[1] A neighbour, John Radcliffe, then called an ambulance.[2] The ambulance arrived at the McGowan home at 5.24pm and reached Altnagelvin at 5.40pm.[3] Walter Duffy, a neighbour, and Daniel McGowan's brother accompanied him to Altnagelvin Hospital.[4] Daniel McGowan was admitted to the Accident and Emergency Department at 5.45pm.[5]

1 AM255.5; AM255.3
2 AR1.8; Day 220/68-70
3 ED29.6; D500.26-27
4 L263; AM255.3
5 D0845

Patrick Doherty

118.116 Patrick Doherty was shot in the right buttock and mortally wounded when he was in the area between the front (south) of Block 2 of the Rossville Flats and Joseph Place.

Biographical details

118.117 Patrick Doherty was 32 years old. He lived in Hamilton Street in the Brandywell with his wife Eileen and six children. Patrick Doherty worked as a plumber's mate at the Du Pont Plant in Maydown, where he was known as "Skelper". In the six months before his death, Patrick Doherty had become increasingly involved in the civil rights campaign and had joined the local civil rights association. He had attended a number of protests against internment, including the demonstration at Magilligan Strand on 22nd January 1972.[1]

1 AG49.12; AG49.13; AG49.37; N10; N12; N14

Prior movements

118.118 Patrick Doherty acted as a steward on the march on Bloody Sunday. He accompanied his wife to the assembly point at Bishop's Field and left her there with her sisters, with instructions to stay at the rear of the march.[1] In an interview with Joanne O'Brien,[2] Eileen Doherty (now Green) recalled that her husband had tied a white handkerchief around his arm, to identify himself as a steward.[3]

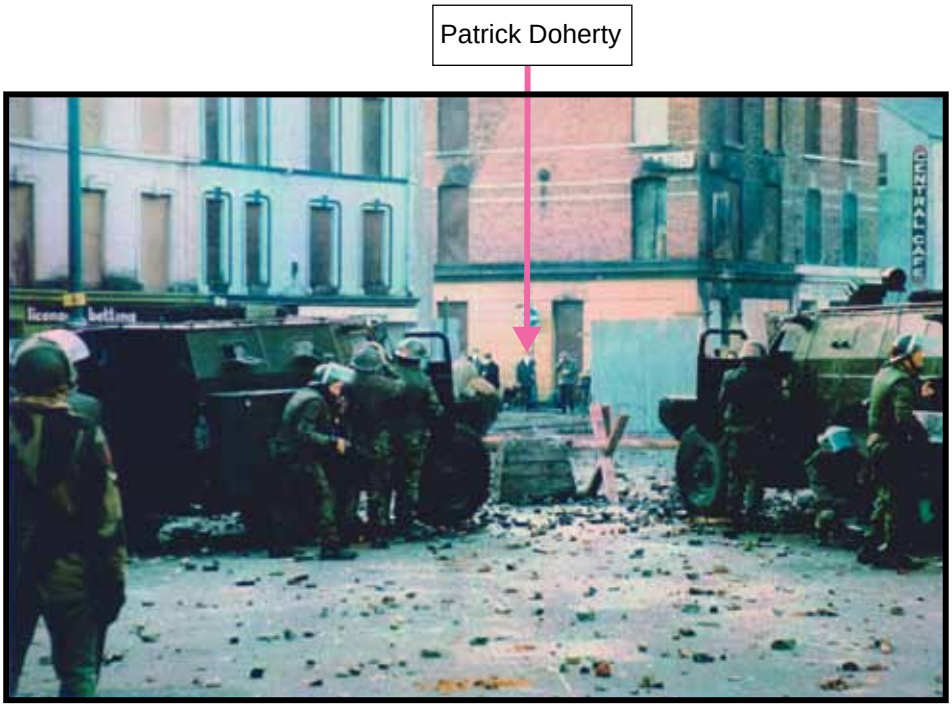
1 AG49.7; N12; N13

2 Joanne O'Brien is a photojournalist, and author of *A Matter of Minutes – The Enduring Legacy of Bloody Sunday*, Dublin: Wolfhound Press, 2002.

3 AG49.45

118.119 Willie Healey was on the march. In his evidence to this Inquiry he recalled meeting Patrick Doherty as the march progressed down William Street. He told us that by the time he reached Barrier 14, he had become separated from Patrick Doherty.[1] There are photographs that show that Patrick Doherty was at Barrier 14. He is identifiable by his moustache and open three-quarter length grey and black car coat. Patrick Doherty appears among the stewards who tried to keep a crowd from approaching the barrier. Other photographs indicate that he remained in the area of Barrier 14 as rioting broke out there and even after the water cannon was used. In one photograph (reproduced below), Patrick Doherty had placed his white handkerchief around his mouth.

1 Day 78/88



118.120 George McKinney, a brother of William McKinney who was killed on Bloody Sunday, worked at the Du Pont Plant and so knew Patrick Doherty by sight. He was one of a number of those watching events at Barrier 14. With others he retreated down Chamberlain Street after the water cannon was used. George McKinney told us that as he was retreating he saw Patrick Doherty pushed up against a wall near the junction of High Street and Chamberlain Street. At the time, Patrick Doherty's handkerchief was "*underneath his chin*".[1] Noel Breslin told us, in his written statement to this Inquiry, that as he was making his way down Chamberlain Street, he had seen Patrick Doherty and Bernard McGuigan outside the 720 Bar on the corner of Harvey Street and Chamberlain Street.[2]

1 AM301.2; AM301.7; Day 106/150-153

2 AB116.6

118.121 As we have discussed above,[1] Patrick Doherty appeared in three photographs, taken by Gilles Peress, of a group of men making their way along the high retaining wall towards the gap between Blocks 2 and 3. By this stage these men had reached the south-eastern corner of the car park of the Rossville Flats.

1 Paragraphs 117.2–11

118.122 We have also referred earlier[1] to the accounts given by Hugh Sheerin in his NICRA statement and in his interview with Philip Jacobson of the *Sunday Times* Insight Team.[2] According to these, Hugh Sheerin took shelter behind the wall at the children's

playground, ie at the eastern end of the wall at the southern end of the eastern row of the Chamberlain Street houses. There were about 18 to 20 people sheltering there, including Patrick Walsh and Joe Nicholas.

1 Paragraphs 117.42–43 2 AS10.1; AS10.3-4

118.123 On the basis of the evidence to which we have referred above and when discussing the movement of people through the gap between Blocks 2 and 3 of the Rossville Flats, we are sure that Patrick Doherty had come south along Chamberlain Street, taken shelter as Hugh Sheerin described, and then, during a lull in the firing and after all the casualties in Sector 2 had been sustained, made his way towards the gap between Blocks 2 and 3 of the Rossville Flats.

Medical and scientific evidence

118.124 In their closing submissions, Counsel to the Inquiry prepared a summary of the medical and scientific evidence relating to Patrick Doherty.[1] We have considered this summary and found it to be an accurate account, and so it forms the basis of the following part of this report.

1 CS7.58-CS7.62; CS7.67

118.125 Dr Derek Carson, then Deputy State Pathologist for Northern Ireland, carried out an autopsy on Patrick Doherty's body at Altnagelvin Hospital at 10.00pm on the evening of 31st January 1972.[1] In summary the autopsy report records that death was due to a single gunshot wound to the trunk. The bullet entered the right buttock and exited the body on the left side of the chest. The track of the bullet ran from back to front upwards at an angle of 45º to the horizontal plane and from left to right at an angle of about 33º to the coronal (central) plane.

1 D0395

118.126 In his autopsy report Dr Carson recorded the internal damage caused by the bullet:[1]

> "The bullet had entered the right buttock and penetrated the right ilio-sacral joint, entering the abdominal cavity. It had then lacerated the aorta and the inferior vena cava, the two main blood vessels in the abdomen, and torn the colon and the bowel attachments. Then it had lacerated the diaphragm and entered the left chest cavity, lacerating the lower outer part of the left lung before fracturing the 8th and 9th left ribs and leaving the body through the left side of the chest, well below and somewhat in front of the armpit."

1 D400

118.127 The only other injury recorded by Dr Carson was a 1cm abrasion on the left side of the forehead.[1] There were autopsy photographs that we have decided not to show in this report and which provide no additional relevant information.

1 D0396; D400; E2.056

118.128 Dr Carson expressed the following view in the autopsy report:[1]

> "It is virtually impossible for the deceased to have sustained the wound whilst standing erect at ground level. He must have either been standing at a height, when the bullet would have come from below, behind him and to his right, or bending forwards or lying at ground level, when the bullet would have come from behind and to his right on a more or less horizontal plane."

1 D400

118.129 Dr Carson told this Inquiry that in his view, of the three possibilities as to the position of Patrick Doherty when he was shot – bending forwards, standing upright, or lying at ground level – the first was the most likely.[1]

1 Day 206/97-98

118.130 The 1972 documentation contains a record of the clothing worn by Patrick Doherty on Bloody Sunday.[1] The clothing was preserved and there are photographs of it, taken in May 1999.[2] Among the items worn by Patrick Doherty were:

- a three-quarter length grey and black tweed car coat;
- a black leather jacket;
- a long-sleeved blue pullover, buttoned up to the neck;
- an orange short-sleeved T-shirt;
- a pair of brown trousers with a black leather belt; and
- a pair of white underpants.

1 D0396; D0386

2 F6.1-F6.31

118.131 Mr Kevin O'Callaghan and Dr Shepherd, the experts retained by this Inquiry, considered all the available documents and examined Patrick Doherty's clothing for their first report to the Inquiry.[1]

1 E2.0056

118.132 These experts noted a ragged but circular entry hole about 7mm in diameter in the rear of the waistband of the trousers directly above the right back pocket.[1] The bullet had clipped the leather belt leaving a clearly visible bullet wipe[2] around the lower part of the hole. The bullet then passed through the T-shirt and underpants. There were no entry holes in the car coat, the black leather jacket or the blue pullover worn by Patrick Doherty, but exit holes were identified in these three garments and the T-shirt.

1 E2.0056-E2.0057

2 Bullet wipe is the residue collected by the bullet as it passes through the barrel of the gun and wiped off as the bullet passes through the first object or surface it meets.(ED18.1.46; Day 230/13-14).

118.133 The opinion of Mr O'Callaghan and Dr Shepherd was that "*the pattern of the damage to the clothing and the pattern of the injury to the body are all consistent with Patrick DOHERTY being shot from behind while bending forward on all fours*".[1] Mr O'Callaghan and Dr Shepherd also ruled out the possibility that the injury to Patrick Doherty could have been the result of a ricochet.[2]

1 E2.0057

2 E18.1.46

118.134 Subsequently, Dr Shepherd refined his opinion in light of two reports, dated 8th December and 22nd December 2003 respectively, from Dr Vincent Di Maio, a forensic scientist instructed by those representing the majority of represented soldiers. These representatives had asked Dr Di Maio to give his opinion as to the possible position of the person who shot Patrick Doherty based on the pathological evidence and allowing for two assumptions, namely that Patrick Doherty had been on his hands and knees; and that he was shot by a weapon fired parallel to, or nearly parallel to, the horizontal plane.[1]

1 E29.1-E29.9

118.135 Dr Di Maio expressed the following view:[1]

> "The best that one can do is state that the shooter has to be behind and to the right of the victim and give a rough estimate of the angle based on 'eyeballing' the photos. Based on this, I would say that it is approximately between the 3 and 6 o'clock positions, or 45 degrees to the horizontal. This is in fact the number given in the autopsy."

1 E29.8

118.136 The Inquiry asked Dr Shepherd to consider the reports of Dr Di Maio. In an additional report dated 11th February 2004, Dr Shepherd commented that there was no significant difference between the opinion of Dr Di Maio and that expressed by himself and Mr O'Callaghan, ie that Patrick Doherty was "*shot from behind while bending forward or on all fours*". He continued: "*Dr DiMaio has defined more closely the words 'from behind' and I would happily accept this refinement of our opinion and agree the shooter was most probably behind and within the 90º arc from 3 o'clock to 6 o'clock.*"[1]

1 E29.11

118.137 The bullet that struck Patrick Doherty was not recovered. In the autopsy report Dr Carson recorded:[1]

> "The features of the wound, and in particular the penetration of bone, indicated that the bullet must have been fired from a weapon of medium to high velocity. The missile had passed completely through the body so that it was not possible to determine its calibre. There was nothing to suggest that the weapon had been discharged at close range."

1 D0400

118.138 In his oral evidence to the Widgery Inquiry, Dr Carson agreed that the bullet that struck Patrick Doherty seemed to have been a high velocity round.[1]

1 WT8.69

118.139 Since the bullet was not recovered it is understandable that Mr O'Callaghan and Dr Shepherd were unable to determine the nature of the weapon that caused the injury to Patrick Doherty.[1] However, on the basis of the evidence that we consider below, we have no doubt that Patrick Doherty was mortally injured by a bullet fired by a soldier.

1 E19.4; Day 230/52-54

118.140 The experts gave their views as to how long Patrick Doherty could have survived after being shot and whether he would have been capable of movement. The main reasons for exploring these matters were whether Patrick Doherty could have been capable of moving from Sector 2 to Sector 5, had he been shot in Sector 2, whether he could have moved a significant distance after he had been shot and before he was photographed by Gilles Peress, and whether the expert evidence supported the views of some civilian witnesses that Patrick Doherty did not die immediately after he was shot. Since from other evidence we are sure that Patrick Doherty was not shot in Sector 2, the question of whether he could have moved from Sector 2 to Sector 5 after being shot is in our view no longer of relevance.

118.141 Dr Shepherd commented:[1]

> "The assessment of survival times from the pathology alone is very difficult. The damage to the aorta and the IVC [inferior vena cava] present … would normally be expected to result in such severe internal bleeding that death would follow extremely rapidly.
>
> However, humans have a remarkable capacity for survival and if evidence of life was detected, especially by a medical practitioner, even 30 minutes after receipt of the injury it would not be surprising and while rapid cessation of movement would be expected it is possible that an individual may crawl some distance after receipt of an injury of this sort."

1 E2.0062

118.142 The evidence of Dr Carson was that "*Rapid inter-abdominal bleeding from the damaged aorta and inferior vena cava would have caused death very quickly*".[1] He told the Widgery Inquiry that in his view death would have followed within two or three minutes.[2]

1 D0400

2 WT8.69

118.143 In the course of Dr Carson's evidence to the Widgery Inquiry there was the following exchange:[1]

> "Q. During the two or three minutes that you say Mr Doherty must have lived after being shot he presumably would have been able to move, would he?
>
> A. Not necessarily through all of that two or three minutes. He might well have been able to move for the first 30 seconds to one minute perhaps.
>
> Q. Do you think he might have been able to crawl a distance of perhaps 20 to 30 yards?
>
> A. Twenty to thirty yards is rather far, but he might just have been able to manage that."

1 WT8.70-71

118.144 It appears from this evidence that Dr Shepherd regarded Patrick Doherty as possibly living longer after being shot than the time estimated by Dr Carson. However, both expressed the view that it was possible that Patrick Doherty could have moved after being shot. For this reason we take the view that it would be wrong to assume that Patrick Doherty was necessarily shot at the place where he was photographed by Gilles Peress and Fulvio Grimaldi.

Where Patrick Doherty was shot

118.145 There is a substantial body of evidence that Patrick Doherty was shot after he had emerged from the gap between Blocks 2 and 3 of the Rossville Flats and as he was crawling towards the Joseph Place alleyway. We have no doubt that Patrick Doherty was shot at some point in the area between the south side of Block 2 of the Rossville Flats and Joseph Place, and as he was making for the Joseph Place alleyway, though there were differences in the evidence over exactly what route he followed after emerging from the gap; where precisely he was in relation to Block 2 and the Joseph Place alleyway when he was shot; and the orientation of his body when the bullet struck him. We consider these matters below.

118.146 We found of particular assistance the accounts of the following witnesses, given in 1972.

Joe Nicholas

118.147 In his NICRA statement,[1] Joe Nicholas described seeing Patrick Doherty shot as he "*was crawling across the courtyard in front of the flats towards the alleyway at Joseph Place. He was two thirds of the way across when he was shot on the right side of the chest*." According to the note made by Philip Jacobson of the *Sunday Times* Insight Team:[2]

> "in the passageway, nicholas recovered his breath and nerves for a few minutes. the next significant point he recalls is that he saw doherty on the other side, now crawling towards the alleyway behind joseph place. 'I shouted to get up and run, there was no point crawling as he was right out on his own, I then heard a burst of three or four shots and saw them striking the wall directly behind the crawling man. Then, as i watched, one shot hit him; i saw his coat jump and sort of puff out; he jerked once and stopped dead; his head lifted a couple of times and then he seemed to stop moving. i knew he was badly hurt.'"

1 AN17.1

2 AN17.20

118.148 As we have described earlier, the passageway where Joe Nicholas was recovering his breath and nerves was the gap between Blocks 2 and 3 of the Rossville Flats. In his NICRA statement Joe Nicholas described the man he saw as shot in the chest. Patrick Doherty was not shot in the chest, but the bullet exited there and in our view Joe Nicholas understandably but mistakenly concluded (from seeing Patrick Doherty's clothes move) that this was where the bullet had struck.

Jean Marie McGeehan

118.149 We have already referred to the evidence of Jean Marie McGeehan when considering where Patrick Campbell and Daniel McGowan were shot. In her NICRA statement (set out in full above),[1] she described seeing (from her home in Block 2 of the Rossville Flats) a man crawling from the direction of the shops (she thought to go to the aid of the man she described being shot in the leg) who then tried to crawl to the Joseph Place alleyway when she heard some shots and the man stopped crawling "*and went white*". She then described another man who crawled out from the alleyway and turned over this man. From the description she then gave and from the fact, as appears below, that the man who came from the alleyway was Patrick Walsh, we have no doubt that the man who stopped crawling and went white was Patrick Doherty.

1 Paragraph 118.78; AM228.10. Jean Marie McGeehan gave a similar account in her written evidence to this Inquiry (AM228.3-4).

Derrik Tucker Junior

118.150 We have set out above[1] the relevant part from the NICRA statement of Derrik Tucker Junior[2] in which he described seeing, from his home in Block 2 of the Rossville Flats, the last of three youths, who was crawling into the Joseph Place alleyway when:

> "… a shot rang out and he fell. He lay still but there was no sign of a wound. A man of between forty or fifty, slightly bald crawled out and asked for his hand. There was no response so he pulled him in by the head but he had to retreat into the alleyway as more shots rang out. Some other men came out to try and see where he was wounded but they too had to retreat."

1 Paragraph 118.85

2 AT15.20

118.151 Again as appears below, the slightly bald man was Patrick Walsh and the person he attempted to pull to cover was Patrick Doherty.

Martin Tucker

118.152 We have also set out above[1] some of the NICRA statement made by Martin Tucker, the older brother of Derrik Tucker Junior, who was watching from the same place.[2] It is convenient here to set out in full the relevant part of that statement:

> "Now I went to the living room window. Outside I saw people running in all directions looking for shelter. I saw a small group of men who tried to run to laneway behind maisonettes. As they were doing so I heard some shots and I saw one, maybe two fall. They were shot on the legs but were dragged to safety. Then I saw a man trying to crawl across the same area. He was wearing a grey checked coat with fur collar, and had black hair and a moustache. He crawled a few yards when a few shots rang out, he groaned and his legs shot out. He lay still. Then a few men who had already got to the safety of the lane way attempted to come out and drag him to safety, as soon as they appeared the army fired at them. They tried a few times but without success."

1 Paragraph 118.89

2 AT17.15

118.153 In view of the description he gave, we are sure that Martin Tucker witnessed the shooting of Patrick Doherty, as this casualty was trying to crawl across the area south of Block 2 of the Rossville Flats.

Derrik Tucker Senior

118.154 We have referred in the course of considering the events of Sector 2 to Martin Tucker's father, Derrik Tucker Senior, who also made a NICRA statement and gave evidence to the Widgery Inquiry. After describing what he had seen from the northern side of 31 Garvan Place in Block 2 of the Rossville Flats, he gave this account:[1]

> "I then proceeded into the living room of my home. From there, I could see into the Fahan St. Carpark, the maisonettes and Joseph Place. The first thing that struck me there was that everyone was lying down. I saw two men lying in the alleyway which connects the shops with the back of the maisonettes. These two men appeared to be shot in the leg. At this stage a man started to crawl from right beneath my window across to the alleway [sic]. He reached halfway, when a shot rang out, and his right leg kicked out and he lay still. This man, I now know to be Patrick Doherty. From the alleyway another man crawled out to meet him. Another shot rang out, didn't seem to hit anyone and the second man stopped crawling and lay still. After about five minutes he started crawling again, reached the first man and tried to pull him into the alleyway. He then turned him over onto his back and appeared to try to revive him."

1 AT16.1-2

118.155 In his oral evidence to the Widgery Inquiry, Derrik Tucker Senior explained that the maisonettes were those in Joseph Place. He told that Inquiry that after seeing the two men who appeared to be shot "*I then noticed a man directly beneath the window started to crawl out towards the alleyway itself when a further shot rang out. He gave a kick with his right leg, and then lay still*." He said that he later learned that the man was Patrick Doherty.[1]

1 WT7.10

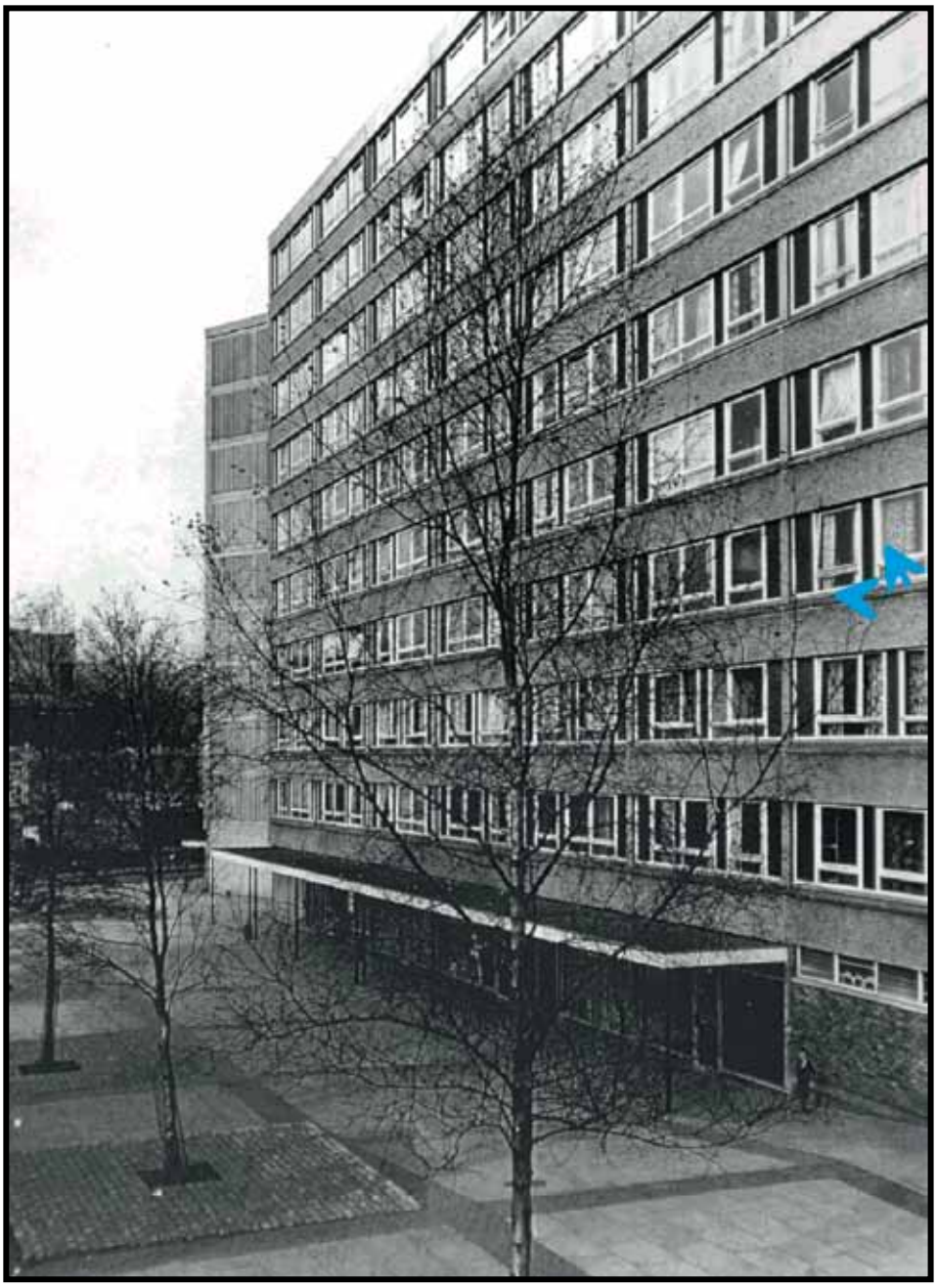
118.156 Lord Widgery asked Derrik Tucker Senior to show him on a photograph where Patrick Doherty lay when he fell. Derrik Tucker Senior did so, but the transcript only records him saying that it was "*there*". However, Lord Widgery then summarised what this witness had shown him:[1]

> "The position that he describes is mid-way between the rear edge of Rossville Flats and the wall which runs from Joseph Place back towards the car park. There is an open area between Rossville Flats and Joseph Place. He puts Mr. Doherty central in that area as between the Flats and Joseph Place, but one-eighth of the way up from the eastern end of that open area."

1 WT7.10-11

118.157 We have earlier in this report identified on photographs Derrik Tucker Senior's flat, but it is convenient to show these photographs again here.[1]

1 AT17.8; AT17.20



118.158 Derrik Tucker Senior sent by post a written statement to the Widgery Inquiry, which contains an account consistent with his oral evidence to that Inquiry.[1] He also made a deposition for the coroner's inquest in August 1973, in which he again gave consistent evidence. Derrik Tucker Senior is dead and gave no evidence to this Inquiry.

1 AT16.170-171

Edmund Melaugh

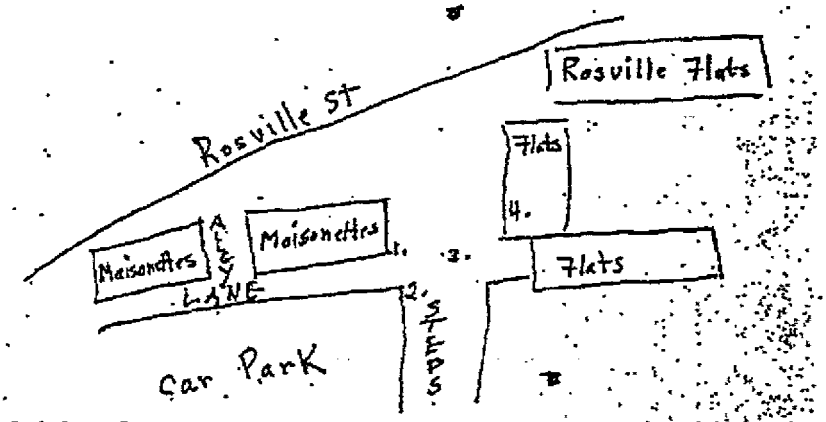
118.159 We have already referred to Edmund Melaugh's NICRA statement when discussing where Patrick Campbell and Daniel McGowan were shot, but it is convenient to set this statement out again here in its original typed form.[1]

[1] AM398.19

On the 30th of January I was in a lane at the back of the maisonettes beside Rossville Flats with another man who I don't know. We were crouched down letting all the people get away who came running through an alley from Rossville Street.

I was looking back when I heard more shooting and saw two men fall at the end of the lane. The other man and myself went back to help these men. One was wounded somewhere round the hip. This man I helped away as far as some other men at the entry. I then went back to help the other man who could not drag the other wounded man who was shot in the lower part of the leg. We were in front of the man dragging him when I saw another man crawling along the ground from the flats towards the lane. Then he shouted to us that he had been shot in the side. I called to him to lay where he was but he tried to crawl and then he lowered his head. All the time there was shooting going on. This man was in his late twenties, he had short black hair and a mexican type moustache.

While this was happening there was a woman calling to us from one of the windows in the flats but we couldn't hear her.



1 & 2 : The men shot running into the lane
3 : The man shot while crawling for cover
4 : The woman who shouted from the flats

At no time were these men armed and during the trouble the only bangs I heard were those of rubber bullets and the crack of army rifles. I would recognise the man who was with me and the man who was shot crawling. The other two one in his mid-thirties and an elderly man in his fifties. I give permission for this statement to be used in an enquiry.

118.160 We have no doubt that the man "*with short black hair and a mexican type moustache*" was Patrick Doherty. As can be seen from the drawing in this statement, the "*lane*" is the Joseph Place alleyway. It will be noted that Edmund Melaugh marked on his drawing a position for Patrick Doherty, which appears to be very similar to that given by Derrik

Tucker Senior. In his Keville interview, Edmund Melaugh described the man as about ten yards out from his (Edmund Melaugh's) position, which it seems to us was at the northern end of the Joseph Place alleyway.[1]

1 AM398.23

Edward Dillon

118.161 We have already referred to Edward Dillon's NICRA statement when considering where Patrick Campbell and Daniel McGowan were shot.[1] In this statement Edward Dillon, after describing helping someone we have no doubt was Daniel McGowan, continued:

> "Shooting was still going on. A man was lying sheltering at the square at the bottom of the steps. He offered to help. On crawling a yard or two he called out that he had been shot. He was shot on the left side of the body. I tried to get to him but the shooting was too heavy."

1 AD45.6

118.162 In our view this man was Patrick Doherty.

Patrick Walsh

118.163 Patrick Walsh was the man described by some of the witnesses to whom we have referred, who went out to Patrick Doherty. We have already referred to the account he gave Philip Jacobson of the *Sunday Times*, of coming out of the Joseph Place alleyway to see Patrick Campbell and Daniel McGowan. The notes of this interview continue:[1]

> "then walsh saw the body of a man lying on his face just about halfway across the space between the passageway and where he was. he thought the man was still alive, there were slight movements and he was graoning [sic] from time to time. walsh shouted 'are you allright mate' but got no answer: he crawled out to him and turned the man onto his back. 'do you know, i just didnt recognise him as paddy doherty. i knew paddy well enough, i used to see him waiting for his lift to work and around town, you know, but i hadn't seen him for quite a long time, over a year or more i suppose, and he had grown his moustache you know. anyway, i just didnt know at the time that it was him.' at that point there was more shooting and bullets hit the wall by the steps. the girl shouted down to be careful and walsh crawled back to the alleyway.

> walsh was sure that the man was still alive; he waited until the shooting stopped again and then crawled out again. 'i could see he was going, his face was a terrible colour, it was almost yellow, i've never seen a man die until then, but that was the colour of death.' doherty was still just alive, groaning softly; 'I started to say a rosary but i just couldnt finish, i had to turn away, it took me very bad'. he saw no wound on doherty, nor any blood; he began feeling for Doherty's heart under his clothing. 'I found it all right, it must have been hanging out of him with a whole lot more.' sickened and sad, walsh crawled back to his alleway [sic]. he recalls seeing other people opposite, in the passageway, waving and shouting, and he thinks one young man stepped out towards doherty but had to go to ground when shooting began again (this was probably when the ambulances arrived). the next thing he recalls is kneeling by the body and realising it was paddy doherty; 'i think somebody recognised him and said, 'god, thats paddy doherty from hamilton street, he's got five youngsters' and i knew it was him then.' Gilles later pix tell us that paddy was with doherty all the time until he went into the ambulance. he is in one of the shots by gilligan carrying doherty's body; he looks badly shocked."

[1] AW5.36-37

118.164 What is particularly important to note from this account is that Patrick Walsh, when he first approached Patrick Doherty, turned this casualty onto his back. We are sure that this is what Patrick Walsh did.

The evidence of Gilles Peress

118.165 We have earlier[1] considered the evidence of Gilles Peress, and photographs he took in Sector 2 of a group of men, including Patrick Doherty, moving along the bottom of the high retaining wall beneath Block 3 of the Rossville Flats.

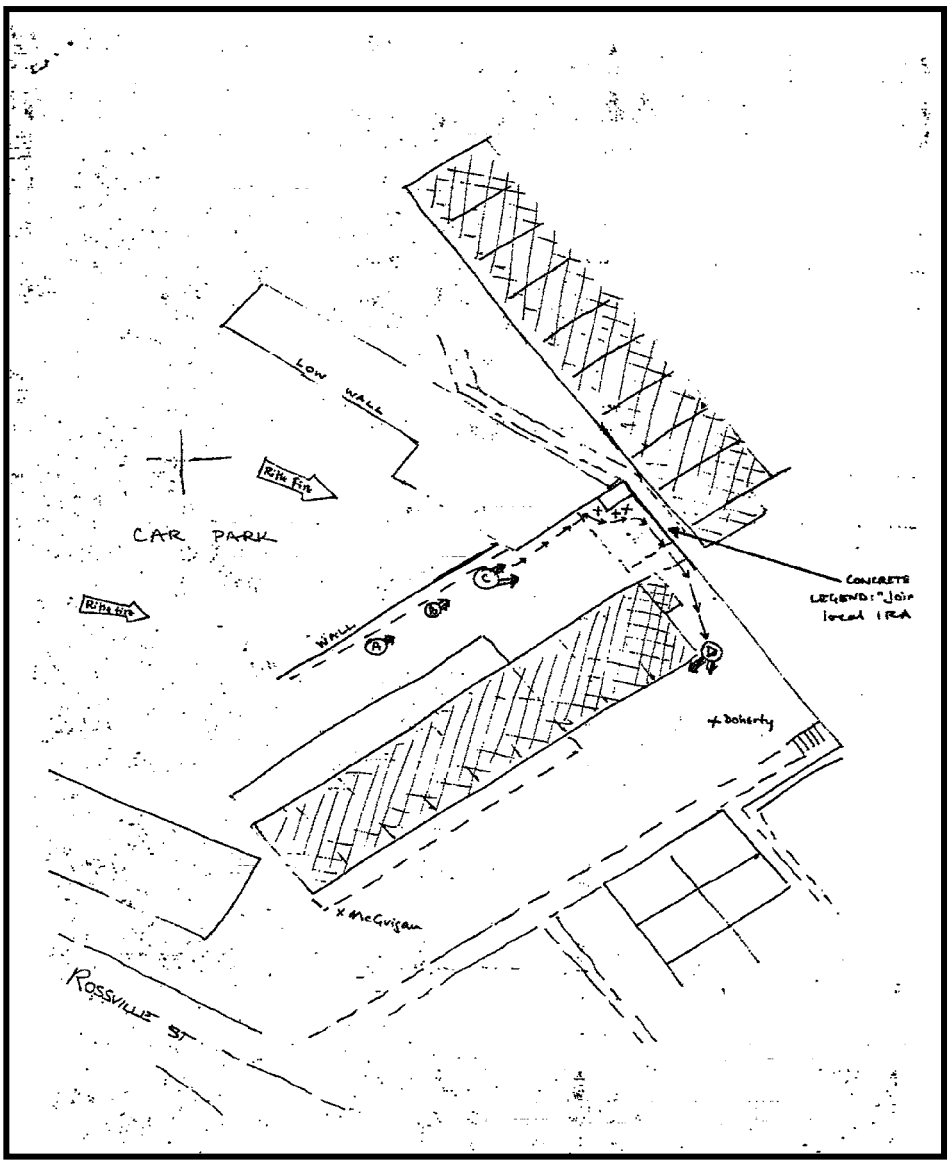
[1] Paragraphs 117.2–14

118.166 According to his account, after taking these photographs Gilles Peress moved south through the gap between Blocks 2 and 3 of the Rossville Flats, and "*seconds*"[1] after reaching the south-east corner of the gap between Blocks 2 and 3 took two photographs of Patrick Doherty.

[1] Day 213/36-37

118.167 We have already shown the drawing accompanying the written statement of Gilles Peress to the Widgery Inquiry, when considering the photographs he took in Sector 2, but it is convenient to show it again here, as it shows in graphic form both the place where Gilles Peress recalled he took two photographs of Patrick Doherty (the position marked “D”) and where he recalled Patrick Doherty was at the time.[1]

1 M65.1.3



118.168 The following are the first two photographs Gilles Peress took of Patrick Doherty in Sector 5.

118.169 These photographs show Patrick Doherty with Patrick Walsh close by him. Patrick Doherty is lying on his back, so these photographs must have been taken after Patrick Walsh had turned Patrick Doherty over.

118.170 In his written statement to the Widgery Inquiry,[1] Gilles Peress recorded that after he had taken these two photographs "*Then I took picture 12, in another direction along the building on my right. Then I took 13 and 14 of Mr Doherty. His hands are moving in No. 11 and I think he died as I took 13 and 14.*"

[1] M65.2

118.171 We set out below the three photographs Gilles Peress numbered 12, 13 and 14. The order in which he took these photographs is confirmed by his contact sheets.

118.172 The first of these three photographs shows a figure lying by a tree, to the west of where Patrick Doherty was lying. We do not know who this was. Gilles Peress may have taken the photograph thinking initially that this was or may have been another casualty, but we are sure that it was only someone uninjured and taking cover. Had this person been a casualty, we have no doubt that Gilles Peress would have taken further photographs and mentioned this person as a casualty in his evidence.

118.173 The last two of the photographs of Patrick Doherty show Patrick Walsh closer to him than he appears in the first two. Accordingly, and on the basis of Patrick Walsh's account to the *Sunday Times*, since in all four Patrick Doherty is on his back, it seems to us that they show Patrick Walsh coming out to Patrick Doherty for the second time.

Fulvio Grimaldi

118.174 Fulvio Grimaldi arrived at the south-eastern corner of Block 2 of the Rossville Flats shortly after Gilles Peress, having moved with a group of people who had been sheltering at the southern wall at the end of the eastern houses in Chamberlain Street, came through the gap between Blocks 2 and 3. From the south-eastern corner Fulvio Grimaldi took two photographs of Patrick Doherty.

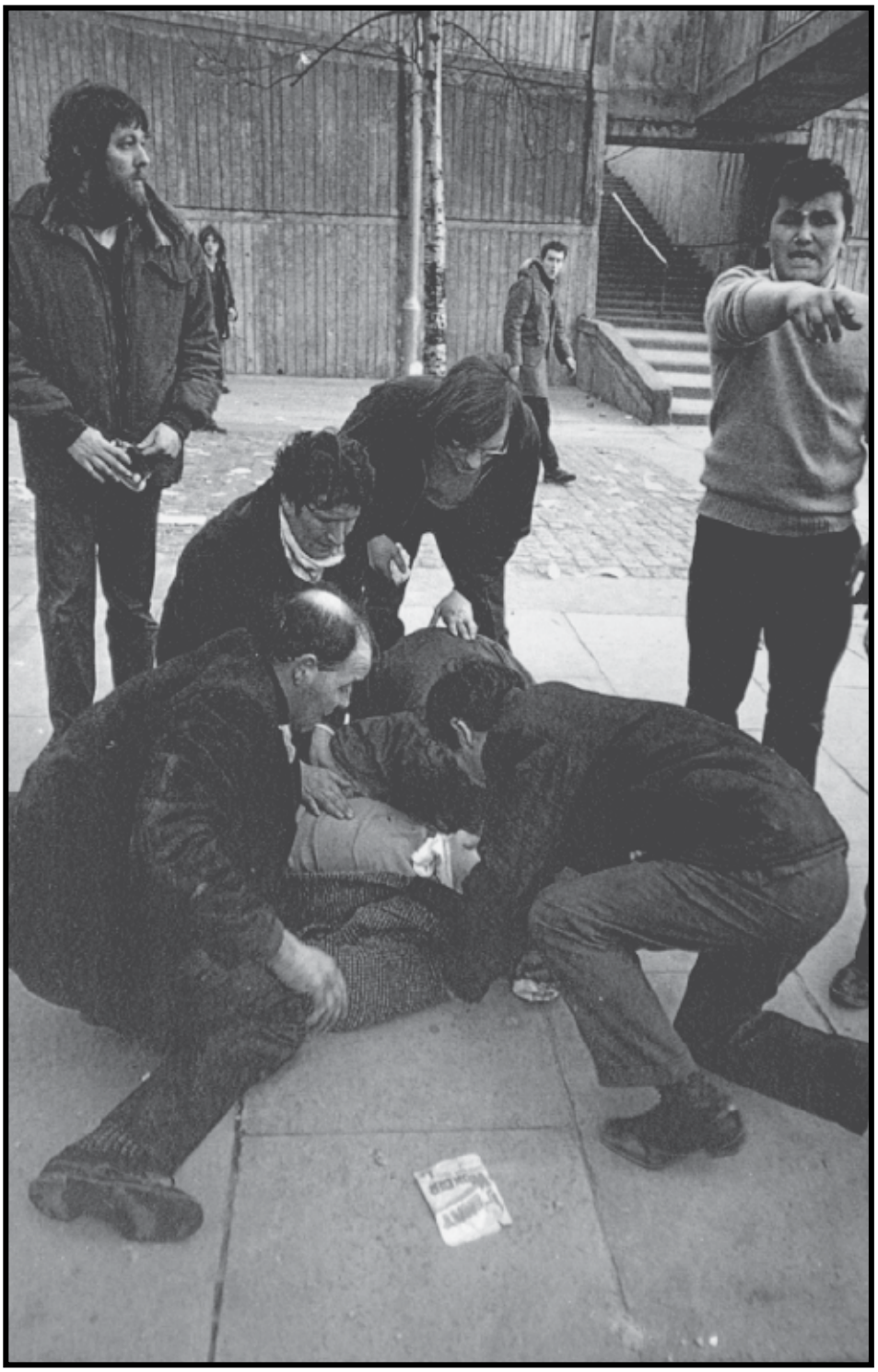
118.175 A comparison between the photographs taken by Gilles Peress and those taken by Fulvio Grimaldi would seem to indicate that both sets were taken at about the same time. Unlike Gilles Peress, there are no contact sheets from Fulvio Grimaldi showing the order in

which the photographs were taken. However, comparing them with the order in which Gilles Peress took his photographs, it appears likely that Fulvio Grimaldi's photographs were taken in the following order.

Where and in what direction Patrick Doherty was lying when photographed

118.176 It is possible from an examination of the photographs shown above, together with two of the further photographs taken by Gilles Peress a little later, when people (including Patrick Walsh) were grouped round Patrick Doherty, to determine where and in what direction he was lying when he was photographed.

118.177 The two later photographs by Gilles Peress are shown below.



118.178 The stanchion shown on the extreme left on the first of the Grimaldi photographs abuts onto the Joseph Place alleyway, as can be seen from the description earlier in this report[1] of the layout of this part of the city. The same stanchion is partially visible in the first of the two later photographs taken by Gilles Peress. From this it appears that Patrick Doherty's

head is more or less in line with the Joseph Place alleyway. The second of the two later photographs taken by Gilles Peress shows that Patrick Doherty's head was in line with the last of the trees sited in a brick bed and the lamp post behind.

[1] Paragraphs 116.23–24

118.179 The photograph below was taken by Gilles Peress later still, after he had photographed Bernard McGuigan at the other end of Block 2 and after an Order of Malta Ambulance Corps volunteer had reached Patrick Doherty.

118.180 In this photograph the stanchion of the Joseph Place walkway closest to the alleyway can be seen in the background.

118.181 From these photographs it can be seen that Patrick Doherty's body lay with his feet pointing roughly towards the gap between Blocks 2 and 3 of the Rossville Flats; it further appears that the body had not been moved during the period in which all the photographs of Patrick Doherty on the ground were taken, and that he remained lying on the same paved square. On this basis it is possible to indicate on another photograph where Patrick Doherty lay in relation to the Joseph Place alleyway and Block 2 of the Rossville Flats.

From where Patrick Doherty was shot

118.182 It is important to note that the analysis of the photographs shows the position of Patrick Doherty when he was photographed. By the stage the first of the photographs had been taken Patrick Walsh had turned Patrick Doherty on his back, had retreated to the Joseph Place alleyway and had come out again. Thus for this reason and because (as noted above) the medical evidence did not exclude the possibility that Patrick Doherty moved after he had been shot, the photographs do not necessarily show where Patrick Doherty was when he was shot or the orientation of his body at that time.

118.183 This led during this Inquiry to an extensive questioning of numerous civilian witnesses, in an attempt to determine these matters.

118.184 The representatives of the majority of represented soldiers submitted that an analysis of the evidence:[1]

> "... overwhelmingly suggests that when Mr. Doherty emerged from the gap between Blocks 2 and 3, he headed for the alleyway behind Joseph Place. He is most likely to have taken a direct route and would have been travelling due west. In other words, his buttocks would have been pointing east.
>
> Apart from a few witnesses who suggested that Mr. Doherty began crawling towards the alleyway behind Joseph Place from a point nearer to Rossville Street, there is no evidence to suggest that Mr. Doherty's buttocks were pointing towards Glenfada Park North at any stage."

1 FS7.2349

118.185 Those representing his family, on the other hand, submitted that Patrick Doherty, on emerging from the gap between Blocks 2 and 3 of the Rossville Flats, turned to his right and went some way along Block 2 in a westerly direction, before turning to crawl across to the Joseph Place alleyway. Thus he could have been shot in the buttock from Glenfada Park North.[1]

1 FS6.9; FS6.56; FS6.68

118.186 It will be borne in mind that the witnesses in question were being asked, decades after the event, to describe the movements of Patrick Doherty in the moments before he was shot, and the orientation of his body in relation to Block 2 of the Rossville Flats and the Joseph Place alleyway when the bullet hit him. In these circumstances we do not find it surprising that witnesses gave differing accounts of these matters. It also seems to us that it is necessary to use some caution before accepting as accurate their recollection of matters of such detail.

118.187 However, it seems to us that in the medical and scientific evidence relating to Patrick Doherty lies the key to determining this matter.

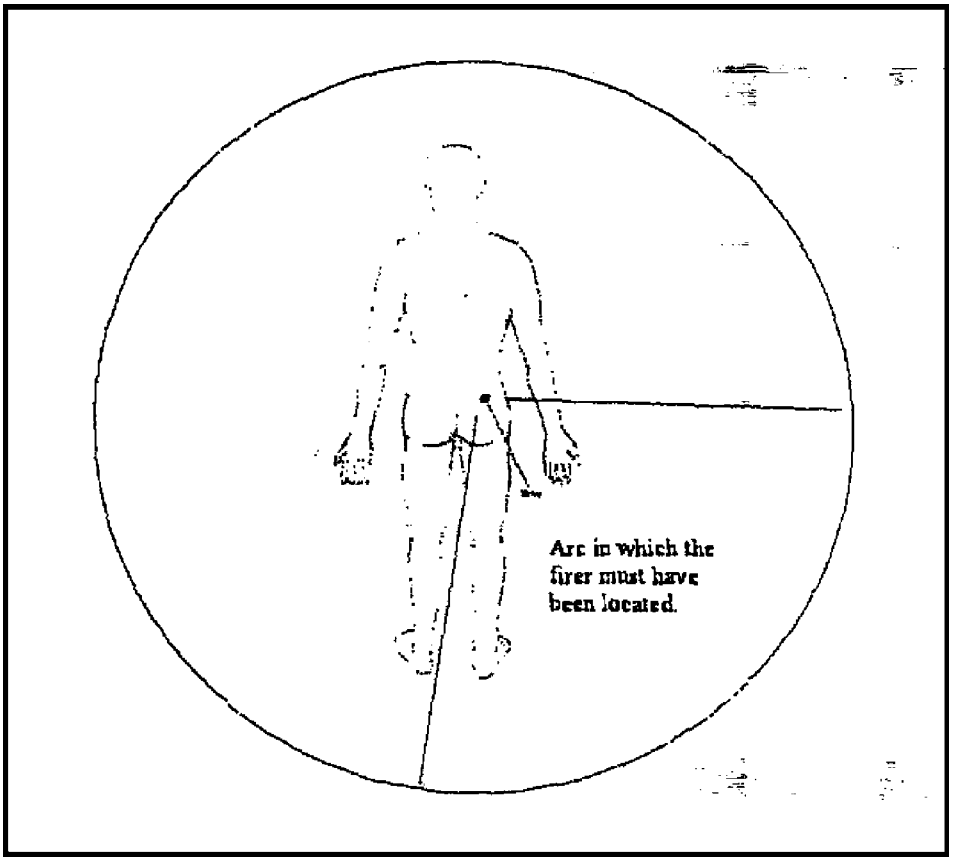
118.188 In their submissions the representatives of the majority of represented soldiers drew attention to Dr Di Maio's opinion that if Patrick Doherty was on his hands and knees at the time he was shot, then the source of the shot:[1]

> "(1) Had to be behind and to the right of Mr. Doherty in the 90º arc depicted in the diagram below; and,
>
> (2) Was most probably at 45º to Mr. Doherty's spine."

1 FS7.2347-8

118.189 The following is the diagram to which these representatives referred. This diagram was based on the diagrams attached to the first report of Dr Shepherd and Mr O'Callaghan, showing the entry and exit wounds of Patrick Doherty.[1]

1 E2.0081

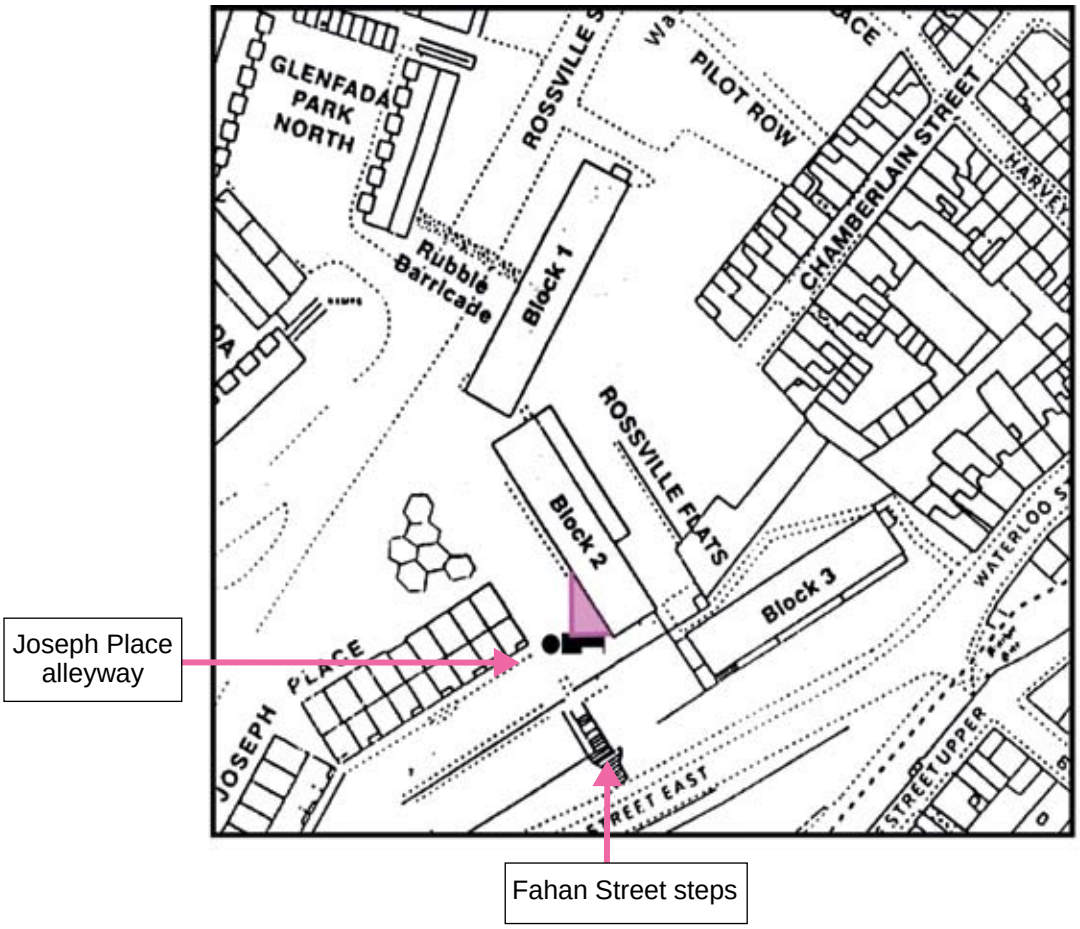


118.190 Dr Shepherd agreed with this aspect of Dr Di Maio's opinion:[1]

> "There appears to be no significant difference between this opinion and the opinion we expressed in our report (E2.0057):
>
> 'In our opinion the pattern of damage to the clothing and the pattern of the injury to the body are all consistent with Patrick DOHERTY being shot from behind while bending forward on all fours'
>
> Dr DiMaio has defined more closely the words 'from behind' and I would happily accept this refinement of our opinion and agree the shooter was most probably behind and within the 90º arc from 3 o'clock to 6 o'clock."

[1] E29.11

118.191 If, as the representatives of the majority of represented soldiers submitted, Patrick Doherty was moving from the gap between Blocks 2 and 3 of the Rossville Flats towards the Joseph Place alleyway when he was shot, with his buttocks facing due east, then the firer must have been somewhere along the south side of Block 2 of the Rossville Flats. This is on the basis that Patrick Doherty had gone some way across towards Joseph Place (which seems probable, in order to allow him to come into the view of those watching from Block 2), but even assuming Patrick Doherty had only started going towards Joseph Place, the firer must have been somewhere between the gap between Blocks 2 and 3 and along Block 2, as can be seen from the following drawing. To our minds the proposition that there was a firer in any such position is unsustainable: there is no evidence from any source that suggests that this could possibly have been the case. It is noteworthy that the representatives of the majority of represented soldiers, while submitting that Patrick Doherty could not have been shot from Glenfada Park North, do not make any suggestions as to where, on their analysis, the firer could or must have been.



118.192 Although Edward Dillon[1] and Muriel Barr[2] appeared to believe that Patrick Doherty had been shot from the City Walls, we have found no evidence that suggests to us that this was what happened or might have happened. As we discuss in more detail elsewhere in this report,[3] many people believed that there was shooting from the Walls, but for the reasons that we give, we are satisfied that on Bloody Sunday there was no shooting from the Walls into the area of any of the sectors.

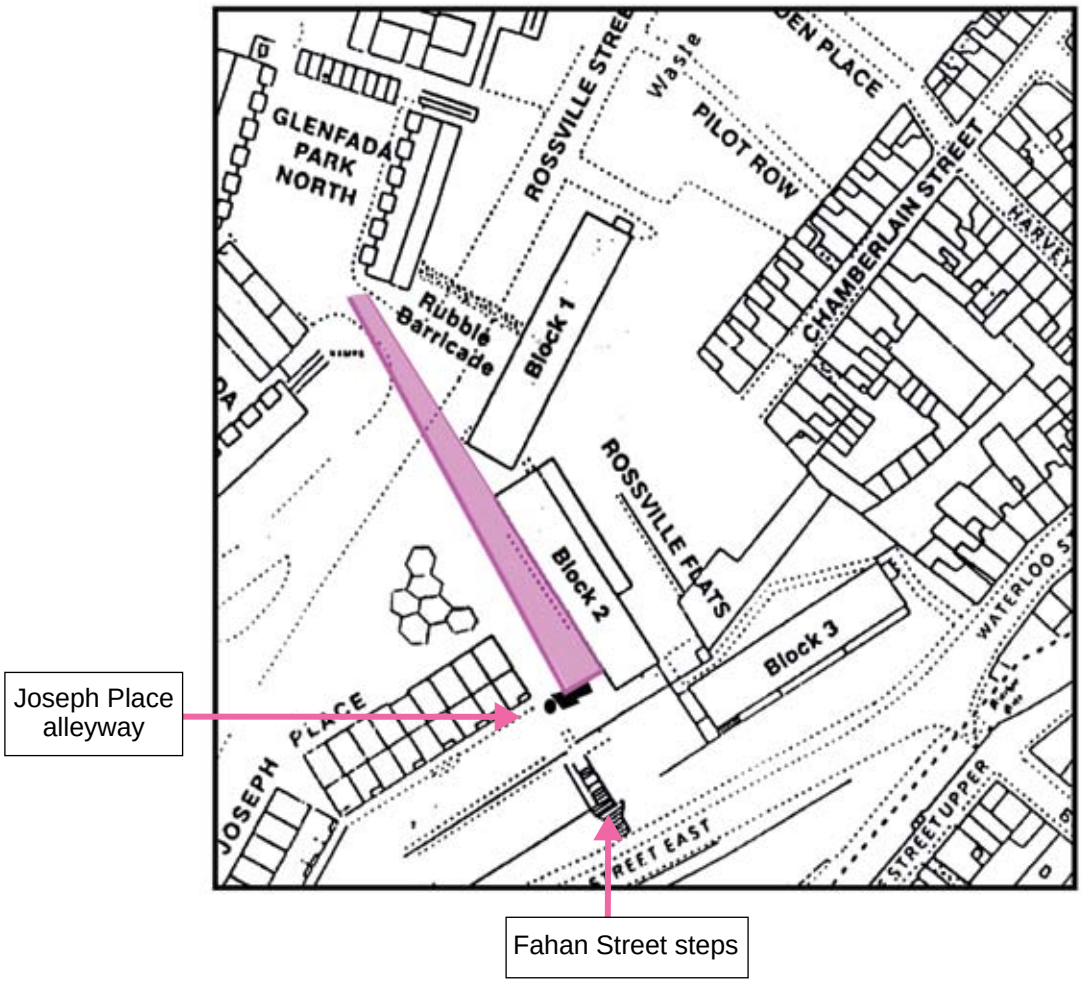
1 AD45.2-3; Day 174/59-67
2 AB18.12-3; Day 388/10-13; Day 388/16-20
3 Chapter 167

118.193 We have no doubt that Patrick Doherty must have been shot from the only place from where it is known that there was firing into the area between Block 2 and Joseph Place, and the only place other than the City Walls where there were soldiers who were in a position to fire into this area, namely Glenfada Park North.

118.194 It is possible that Patrick Doherty was making his way in a more or less direct line from the passageway between Blocks 2 and 3 to the Joseph Place alleyway, as the representatives of the majority of represented soldiers submitted (though this was not the

view of many witnesses), but we consider that he must at some stage have turned towards the south, perhaps, as Jean Marie McGeehan suggested, to go to the aid of Daniel McGowan, who had been shot, in our view, somewhere near the Fahan Street steps. As will be seen from the drawing below, he would not have had to have turned far to his left for the arc of fire to extend beyond Block 2 to the entrance to Glenfada Park North.

118.195 The position in which he was photographed is explicable on the basis that he made a last attempt to reach the Joseph Place alleyway, or was moved when turned on his back by Patrick Walsh, or by a combination of both these things.



118.196 Before leaving the questions of where Patrick Doherty was shot, and from where he was shot, we should record that there is no doubt that Patrick Walsh exhibited great courage in going out to try to help him.

118.197 We consider below the question of the identity of the soldier who shot Patrick Doherty.

What Patrick Doherty was doing when he was shot

118.198 The evidence we have considered above shows in our view that Patrick Doherty was in a crawling posture when he was shot though we do not know whether or not he was moving at that moment. We have found nothing to suggest that he was doing anything that justified him being shot or which could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury. We should note at this point that Dr John Martin, Principal Scientific Officer at the Department of Industrial and Forensic Science in Belfast, concluded that the absence of significant numbers of lead particles on Patrick Doherty's hand swabs and clothing indicated that he had not been using a firearm.

Where Patrick Doherty was taken

118.199 We have already shown above[1] three of the photographs taken by Gilles Peress of people (including Patrick Walsh) around Patrick Doherty after the firing in Sector 5 had finished. Gerry McBride identified himself as the man in the first of these photographs, saying the Act of Contrition in Patrick Doherty's ear.[2] Frank Duddy identified himself as the man with glasses leaning over Patrick Doherty in the second of these photographs.[3] On the left of the third photograph can be seen an officer of the Order of Malta Ambulance Corps. He was Leo Day, who can be seen more clearly in a subsequent photograph taken by Gilles Peress, reproduced below.

1 Paragraphs 118.177 and 118.179

2 AM46.11; Day 79/108-110

3 AD144.7; Day 89/86

118.200 Fr Thomas O'Gara also attended Patrick Doherty, while he was still lying between Block 2 of the Rossville Flats and Joseph Place.[1]

1 H19.6

118.201 Patrick Doherty was carried from where he lay along the south side of Block 2 of the Rossville Flats, as shown in the following photograph.

118.202 He was put into an ambulance that had arrived in Rossville Street and stopped to the south of the rubble barricade at about 4.28pm, as shown in the following photographs.[1]

[1] ED33.7; D500.26-27

118.203 The same ambulance also took Michael Bradley and Patrick McDaid (Sector 2 casualties) as well as Alexander Nash and Hugh Gilmour (Sector 3 casualties). This ambulance arrived at Altnagelvin Hospital at about 4.45pm.[1]

1 D500.27

118.204 We return later, after considering the circumstances of the shooting of Bernard McGuigan, to the question of the number of shots fired in Sector 5, when considering which soldier or soldiers were responsible for the three casualties discussed above.

Bernard McGuigan

118.205 Bernard McGuigan was killed instantly by a rifle shot that hit the side of his head behind his left ear, when he was a few yards south of the south end of Block 1 of the Rossville Flats.

Biographical details

118.206 Bernard (known as Barney) McGuigan was 41 years old in 1972. Married with six children, he lived in Iniscarn Crescent in the Creggan. Bernard McGuigan was a painter and decorator by trade. His last employment had been as a maintenance foreman with Monarch Electrics until its factory was closed down. He had been unemployed for the two years before his death, but had undertaken painting and decorating work and become

more active in his local community. He was the treasurer of the Bligh's Lane Tenants Association. Interested in youth welfare, he was seeking to establish a community centre which would provide a focus for local children and so keep them out of trouble.[1]

1 N45; N46; AM271.3; AM271.1

Prior movements

118.207 Bernard McGuigan took part in the civil rights march. In her written statement to this Inquiry, his widow, Bridget McGuigan, recalled that on Sunday 30th January, the family had attended Mass at the local church. Bernard McGuigan had then gone to the funeral of a family friend before returning home for Sunday lunch. He left the house at about 2.30pm to attend the march.[1]

1 AM271.1

118.208 In an interview with James (Jimmy) McGovern, Charles McGuigan, the oldest son of Bernard McGuigan, described Liam Lynch as his father's "*life time friend*".[1] Liam Lynch told this Inquiry that he had known, and been a close friend of, Bernard McGuigan since the age of 17. He described meeting Bernard McGuigan on the march at a time when it had reached Lone Moor Road. According to Liam Lynch, Bernard McGuigan had not attended a march before because he had a brother-in-law serving in the Royal Air Force and so "*did not want to get mixed up in such matters*".[2]

1 AM269.24 2 AL26.1

118.209 According to Liam Lynch, they were among the first half of the marchers and reached the junction of William Street and Chamberlain Street. From there, they could see, but did not participate in, the rioting which occurred at Barrier 14 and which is considered in detail elsewhere in this report.[1] Bernard McGuigan and Liam Lynch were still in the same location when the Army used the water cannon. On hearing someone shout out "*The troops are coming*", Liam Lynch ran down Chamberlain Street. It was at this point that he lost contact with Bernard McGuigan. Liam Lynch made his way into the Eden Place waste ground and hid behind the shops to the south of William Street.[2]

1 Chapter 15 2 AL26.1-AL26.2; AL26.4; Day 145/2-4

118.210 Liam Lynch told us that from that position he saw four or five Army vehicles arrive from the direction of William Street and stop in Eden Place. Feeling trapped he ran south towards Free Derry Corner, until he reached the rubble barricade across Rossville Street. While standing near the Rossville Street entrance to Glenfada Park North, Liam Lynch met Bernard McGuigan again. He also recalled seeing a man he later identified as Kevin

McElhinney, standing on the rubble barricade. Liam Lynch spoke to Bernard McGuigan for a few minutes. He recalled that at this stage "*things had gone quite quiet*". He then saw a man he believed to be Michael McDaid being arrested by two soldiers. After that, Liam Lynch saw three or four soldiers positioned near Kells Walk and other soldiers in Eden Place. He heard the sound of live shots being fired and recalled then telling Bernard McGuigan, "*Let's get out of here*". Liam Lynch then took shelter behind a low wall in the area of the south gable end of the eastern Block of Glenfada Park North. He thought Bernard McGuigan had followed him but did not see the latter again.[1]

1 AL26.2-AL26.4; Day 145/5-6; Day 145/11-12

118.211 The account given by Liam Lynch and summarised above stands in contrast to the evidence given to this Inquiry by another witness. John Gabriel McGee recalled meeting Bernard McGuigan on the march as it reached Lone Moor Road and that they were together on the march for much of the time. However, neither Liam Lynch nor John Gabriel McGee made reference to each other in their respective statements to this Inquiry. Like Liam Lynch, John Gabriel McGee recalled moving down William Street towards Barrier 14 and stopping on the opposite side of William Street from its junction with Chamberlain Street. In his written statement to this Inquiry, John Gabriel McGee described seeing rioting at Barrier 14 and noticing a water cannon behind the barrier. His evidence was that he and Bernard McGuigan moved into Chamberlain Street before the water cannon was used.[1]

1 AM224.1; AM224.2; AM224.6; Day 156/101-103

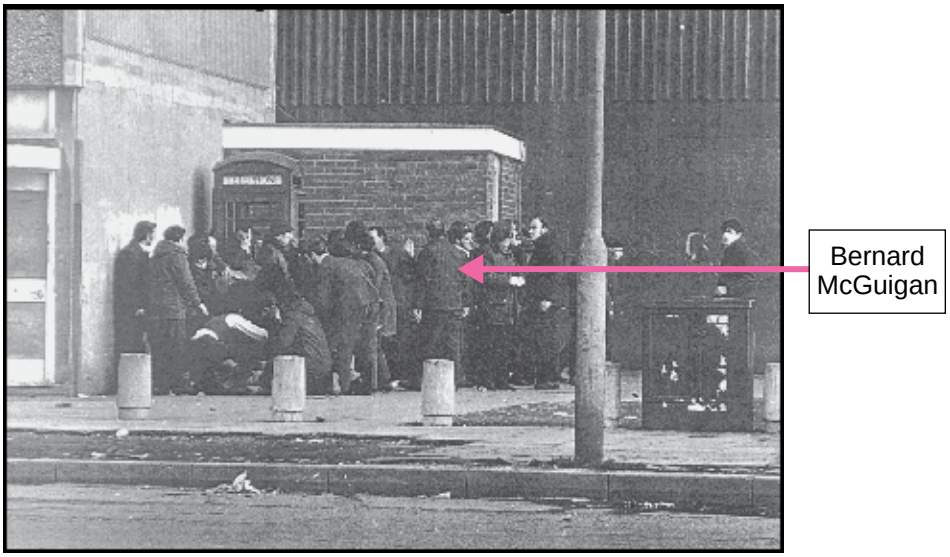
118.212 According to John Gabriel McGee, as Chamberlain Street was crowded with people, he suggested to Bernard McGuigan that they use High Street to leave the area. They then turned south into Waterloo Street walking towards Fahan Street East. They decided to access Block 3 of the Rossville Flats using a staircase at its northern end. Both men then walked along the first floor walkway of Block 3, crossed over into Block 2 and walked west inside Block 2 before finally emerging into the gap between Blocks 1 and 2 of the Rossville Flats. They stood together at the southern end wall of Block 1 for about five minutes before John Gabriel McGee decided to return north to the junction of William Street and Rossville Street (Aggro Corner). At this stage, according to the recollection of John Gabriel McGee, soldiers had yet to enter the Bogside.[1]

1 AM224.2; AM224.3; AM224.6; Day 156/102-103

118.213 The evidence of John Gabriel McGee puts Bernard McGuigan as having reached the southern end of Block 1 at a much earlier stage than Liam Lynch recalled. Whichever is the more accurate recollection, there is no evidence to suggest that once he had reached that

area Bernard McGuigan did other than stay there up to the time when he was shot. We have in earlier parts of this report shown the photograph taken by Robert White of the group at the south end of Block 1, which he took after Hugh Gilmour had been shot, and shortly before soldiers had appeared in the south-eastern corner of Glenfada Park North. We show this photograph again, with an arrow pointing towards Bernard McGuigan.[1]

1 E4.008



Medical and scientific evidence

118.214 Dr Thomas Marshall, then the State Pathologist for Northern Ireland, conducted an autopsy of the body of Bernard McGuigan at Altnagelvin Hospital on 31st January 1972 at 8.45pm.[1] His opinion on the autopsy findings, recorded in an undated report, was in the following terms:[2]

> "This man was healthy. There was no natural disease to accelerate death.
>
> Death was due to a bullet wound of the head. The bullet had entered the left side of the head about three inches behind the left ear and had made its exit through the right orbit having produced extensive fractures of the skull and laceration of the lower parts of the brain. Death would have been immediate.
>
> The character of the injuries indicates that the bullet was travelling with high velocity.
>
> The report of the Forensic Science Laboratory shows that at the time of his death there was no alcohol in the body."

1 D0428-D0430

2 D0431

118.215 The Inquiry's experts, Dr Shepherd and Mr O'Callaghan, in their report on the Pathology and Ballistic Evidence to which we have referred earlier, observed in relation to Bernard McGuigan:[1]

> "Assuming the Normal Anatomical Position the track is from behind and forward, from left to right. However, the greater mobility of the head means that these angles must be treated with greater care than normal as this mobility means that the head may not have been facing the same direction as the other parts of the body when he was shot. However, it is clear that Bernard McGUIGAN could not have been facing the rifle that fired the shot."

1 E2.0048

118.216 The Normal Anatomical Position is a concept used by pathologists to describe wounds on the basis that the casualty was standing vertically with hands by the sides.[1]

1 Day 229/103

118.217 For the reasons that we give below, we are of the view that the bullet that struck Bernard McGuigan fragmented during its passage through the skull, leaving some 42 fragments within the cranial cavity.[1]

1 E2.0046-47

118.218 Dr Shepherd and Mr O'Callaghan had "*no doubt that these opacities are bullet fragments. Their radio-opacity is much greater than that of the bone and the bone fragments also present in the X-ray. The similarity to the dental fillings visible on the X-ray is striking.*"[1]

1 E2.0047

118.219 Although in his written evidence to this Inquiry Dr Marshall expressed the view that the fragments within the cranial cavity were most likely bone fragments,[1] in his oral evidence to this Inquiry he accepted that the white dots and specks shown on the X-rays could be metal fragments.[2] Dr Raymond McClean, who was one of a number of local doctors present at the post-mortems conducted at Altnagelvin Hospital, noted in a schedule to a report that he prepared in 1972 for Cardinal Conway, that the X-rays showed "*several fragmented pieces of metal (about forty in number) throughout the interior of the skull space*".[3]

1 D0545
2 Day 207/90-95
3 AM105.104

118.220 We accept the opinion of Dr Shepherd and Mr O'Callaghan that there were bullet fragments within the cranial cavity.

118.221 Dr Shepherd and Mr O'Callaghan concluded that the injury to Bernard McGuigan could not have been caused by a bullet that had remained intact and stable. Their further conclusion, having considered various possibilities as to the nature of the bullet, was: "*we will never be certain as to the nature of the bullet that struck and killed Mr. McGuigan*".[1]

1 E19.3; Day 229/50-57; Day 230/36-40; Day 230/56-58; Day 230/90-92

118.222 These experts offered four possibilities:[1]

> "1. The wound was caused by an L2A2 bullet which had been weakened by an impact with an intermediate target prior to striking the left side of Bernard McGuigan's head. However, the entry wound is typical of a 'clean' entry over the skull, there are no surrounding or adjacent injuries that that [sic] would indicate that the bullet was unstable or fragmenting prior to contact with Bernard McGUIGAN.
>
> 2. A stable but sub-standard L2A2 bullet which fragmented caused the wound.
>
> 3. A stable L2A2 bullet which had been deliberately weakened to enhance the potential for fragmentation caused the wound.
>
> 4. Some other type or calibre of ammunition caused the wound.
>
> The failure to identify and recover the metal fragments from the head has precluded any realistic chance of determining the type of bullet used."

1 E2.0047

118.223 The British Army self-loading rifle (SLR) was given the military designation L1A1.[1] The standard 7.62mm ammunition in use at the time of Bloody Sunday was given the military designation L2A2. The weapon carried by most 1 PARA soldiers on Bloody Sunday was the L1A1 rifle using the L2A2 round, in other words a 7.62mm SLR firing a high velocity bullet.[2]

1 E13.024; F24.3

2 E13.024

118.224 Dr Marshall considered that Bernard McGuigan had been hit by a high velocity bullet.[1] Those acting on behalf of Bernard McGuigan's family submit that he was killed by an L2A2 round.[2] The representatives of the majority of represented soldiers agree.[3] There is no evidence to suggest that Bernard McGuigan was or might have been shot by anyone other than a soldier. In these circumstances, though the expert evidence does not establish the nature of the round, we are sure that it was an L2A2 bullet fired by an SLR that hit Bernard McGuigan, without first hitting some intermediate object.

1 D0431; Day 207/125-128

2 FS2.113

3 FR7.852

118.225 Dr Shepherd and Mr O'Callaghan answered the following questions (put to them in writing during the course of the Inquiry by the representatives of the majority of the represented soldiers) in the following way:[1]

> "1. If the bullet had been deliberately weakened to enhance the potential for fragmentation on impact, would its flight have not been destabilized such that the resulting entry wound would not have been the 'clean' wound described?
>
> **No. For instance filing away the 'point' of an L2A2 bullet to expose its lead core would increase the potential for fragmentation but would not *destabilize* the bullet so as to result in other than a 'clean' entry wound.**
>
> 2. Would Dr Shepherd and Mr O'Callaghan accept that: The skull X-rays show that Bernard McGuigan had a relatively thick and dense cranial vault with almost no unossified diploic space in the region of the entry wound which lay close to the skull base where the cranial vault is buttressed by the petromastoid complex [report of Dr Nelson, 22nd November 2001]
>
> **We accept the description of the skull by Dr Nelson and that the entry wound is 'close to' but not actually in the skull base.**
>
> 3. Would Dr Shepherd and Mr O'Callaghan accept that it is possible that the round could have fragmented on impact with the skull without any deliberate tampering?
>
> **Yes, depending on the type of bullet that struck Mr. McGuigan. We do not however, believe that this would be the case with an L2A2 bullet that was structurally sound and stable at the point of impact.**"

1 E19.1

118.226 In the light of these views and our conclusion that Bernard McGuigan was killed by an L2A2 bullet, there are two possibilities, namely that the bullet was stable but substandard, or that it had been deliberately modified so as to increase the chances of fragmentation on impact. In our view the former of these possibilities is the more likely. Elsewhere in this report[1] we consider whether soldiers used such modified rounds on Bloody Sunday and for the reasons we give there conclude that this was not the case. We also bear in mind that the L2A2 bullet fired from an SLR was of a size and velocity to do immense damage to the human body without being tampered with in any way.[2]

1 Chapter 166

2 B1377.009; B1752.014

Where Bernard McGuigan was shot

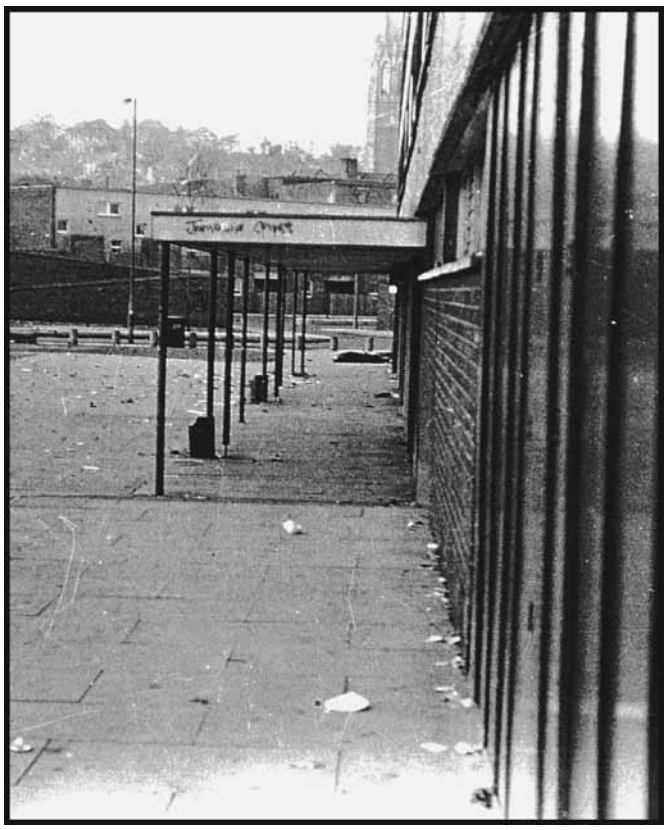
118.227 Dr Shepherd expressed the view that it was very likely "*that Bernard McGuigan fell where he received his injury or within a few paces of that site*".[1] Since he was killed instantaneously by a shot to his head, we are sure that this was the case.

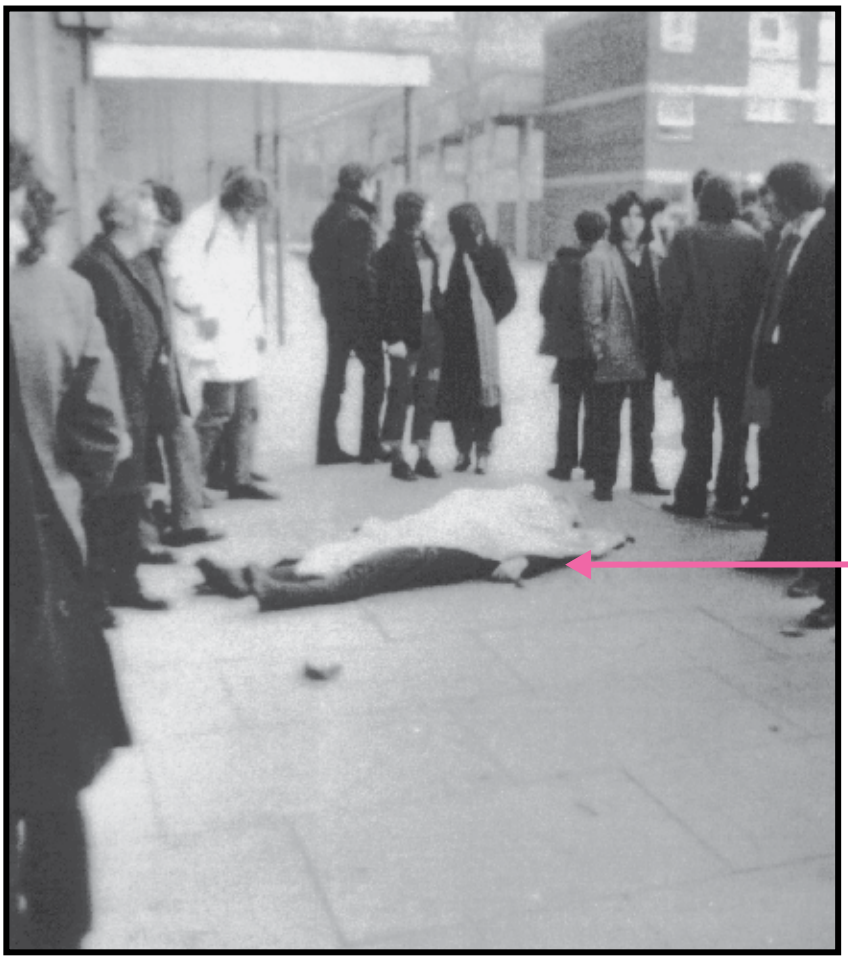
[1] E18.1.3

118.228 There is no doubt that Bernard McGuigan was shot as he moved away from the south gable end of Block 1 of the Rossville Flats. It is possible, since he must have fallen at or very close to where he was shot, to work out from the photographs taken of his body where it lay, and thus to establish to a reasonably accurate degree where he was when he was fatally injured.

118.229 The photograph below was taken by Gilles Peress and shows that Bernard McGuigan fell on the paving south of the southern end of Block 1 of the Rossville Flats. The upper half of his body was angled slightly to the south-east. The unpaved section of the pedestrianised area can be seen in the upper half of the picture.

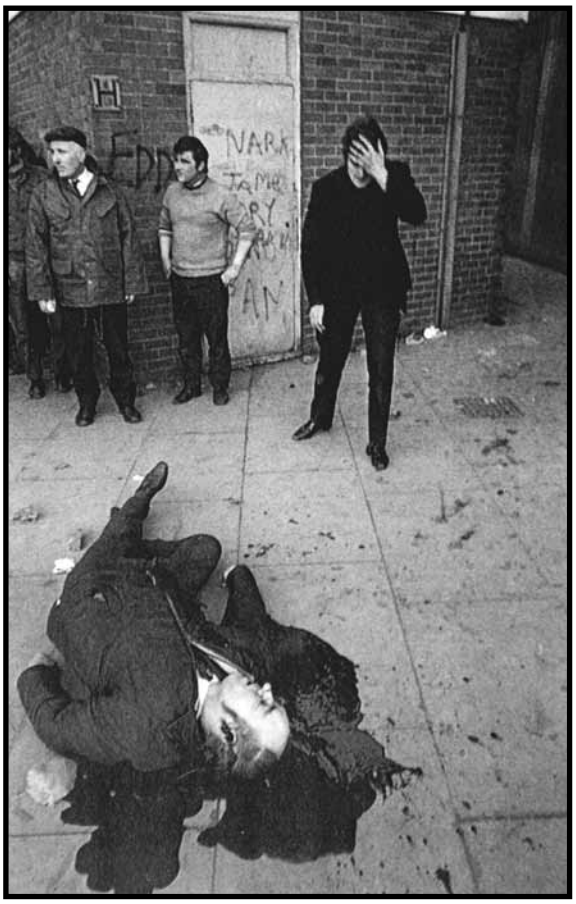
118.230 The following two photographs taken of Bernard McGuigan's body show that he fell in line with the western edge of the canopy over the shops at the front of Block 2 of the Rossville Flats. The first photograph was taken by Fulvio Grimaldi at a time when he was positioned at the gap between Blocks 2 and 3 and looking westwards towards the entrance from Rossville Street into Glenfada Park North. The second photograph was taken by Stanley Matchett looking eastwards. The most northerly block of Joseph Place can be seen in the background. This latter photograph was taken at a time after the shooting in Sector 5; the body of Bernard McGuigan had been covered with a blanket and his shoes removed.





118.231 The four photographs that follow show that, when he was shot, Bernard McGuigan fell to the east of the south-eastern edge of the telephone box and to the west of the western edge of the brick service building. The first of these photographs was also taken by Gilles Peress. As in the photograph shown at paragraph 118.229 above, the right leg of Bernard McGuigan is at an angle indicating that he had not been moved. The person with his hand to his head is Fr Thomas O'Gara.[1]

[1] Day 153/7; H19.6



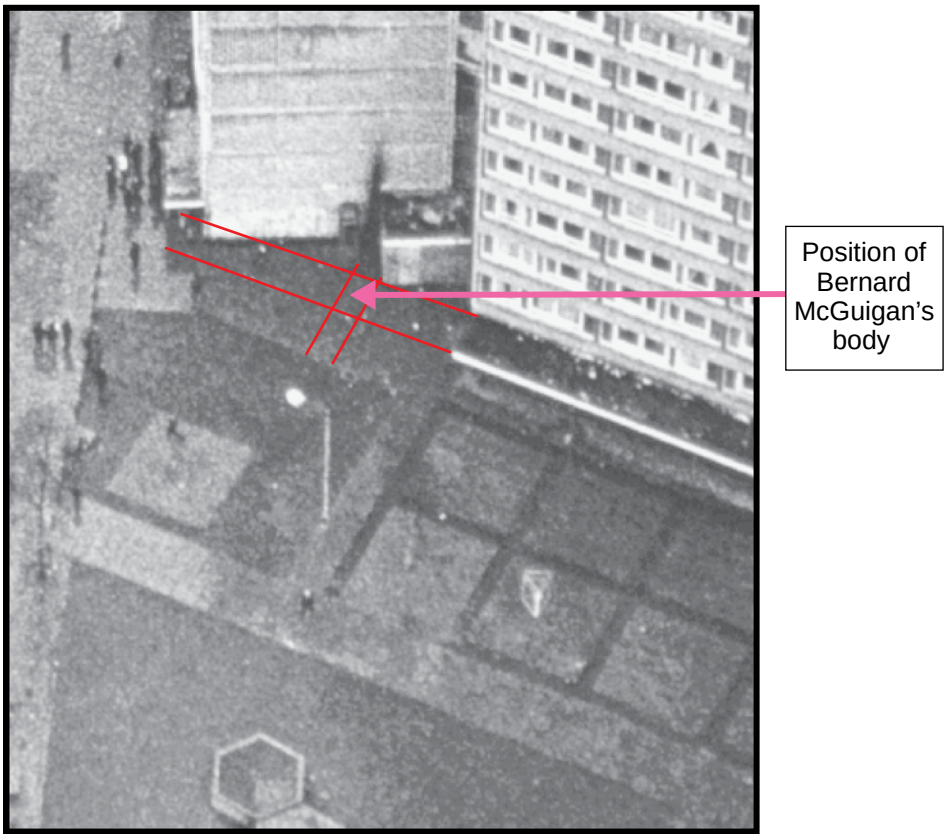
118.232 By the time Fulvio Grimaldi took the photograph reproduced below, Bernard McGuigan's face had been covered with a scarf and Patrick Clarke was using his own sheepskin coat to cover him.[1] The western edge of the brick service building and the telephone box are both visible in the background of this picture.

1 AC64.7; AC64.15; Day 74/116

118.233 The man with a camera around his neck seen on the left-hand side of the photograph above is Eamon Melaugh. He then took the photograph reproduced below. Patrick Clarke can still be seen, kneeling on the right of Bernard McGuigan, who had, by now, been covered with the sheepskin coat. This photograph more clearly shows the position of Bernard McGuigan's legs relative to the western edge of the brick service building. It will be noted that, by this time, Bernard McGuigan's right leg had been straightened, presumably as a prelude to removing his shoes, which can still be seen. Apart from that, the position of Bernard McGuigan's body had not changed from that seen in the earlier photographs taken by Gilles Peress.

118.234 The final image to be considered here is taken from a contact print provided by Stanley Matchett. By the time this photograph was taken, the sheepskin jacket put over Bernard McGuigan had been removed and replaced with a blanket. Despite its poor quality, the image is useful in showing the position of Bernard McGuigan's body relative to the east side of the telephone box visible in the background; and the gap between Blocks 1 and 2 of the Rossville Flats.

118.235 On the basis of the foregoing material, we consider that the approximate position where Bernard McGuigan fell was in the area between the grid lines marked on the image below. This shows that Bernard McGuigan fell south of the southern end of Block 1 of the Rossville Flats and to the west of the gap between Blocks 1 and 2.



118.236 There was a suggestion that Bernard McGuigan might have been hit by a round fired through the gap between Blocks 1 and 2 of the Rossville Flats.[1] In our view the position where he fell in relation to the buildings and the fact that the bullet had not struck anything else before hitting Bernard McGuigan makes it very unlikely indeed that this could have been the case. We should note at this point that there was some evidence of bullet damage to a galvanised steel casing on the western end of Block 2 of the Rossville Flats, about 5 feet above ground level. It was suggested that the bullet had been fired from the Embassy Ballroom Observation Post (OP). In our view, for the reasons given elsewhere in this report,[2] there was no firing from that OP on Bloody Sunday. The shot damage and evidence of shots hitting the Threepenny Bits were in our view likely to be the result of firing in Sector 2.[3]

1 Day 428/69; Day 39/8-9

2 Paragraphs 151.48–56

3 AG51.3-4; AM461.1; Day 119/99; Day 119/106-107; Day 52/92-93; AD160.13; Day 80/143; AM39.3; Day 143/48; Day 143/107; Day 301/99

When Bernard McGuigan was shot

118.237 As we have already observed, it seems that the journalist and photographer Fulvio Grimaldi moved through the gap between Blocks 2 and 3 of the Rossville Flats into Sector 5 shortly after Gilles Peress had done so; and took two photographs of Patrick Doherty with Patrick Walsh at about the same time as the photographs of the same scene taken by Gilles Peress.

118.238 In his written statement for the Widgery Inquiry, Fulvio Grimaldi recorded going through the gap, which he described as "*the passageway towards Joseph Place*":[1]

> "The other side of the building I saw a body I now know to be Doherty's. Further down, in front of the telephone box, I saw out of the corner of my eye a man spin round and fall. I now know this was Barney McGuigan. I then took photographs. Doherty was dying. I saw no blood. I photographed McGuigan. I then saw a body (Hugh Gilmore) at the corner (photo)."

1 M34.2

118.239 In his oral evidence to the Widgery Inquiry, Fulvio Grimaldi said that:[1]

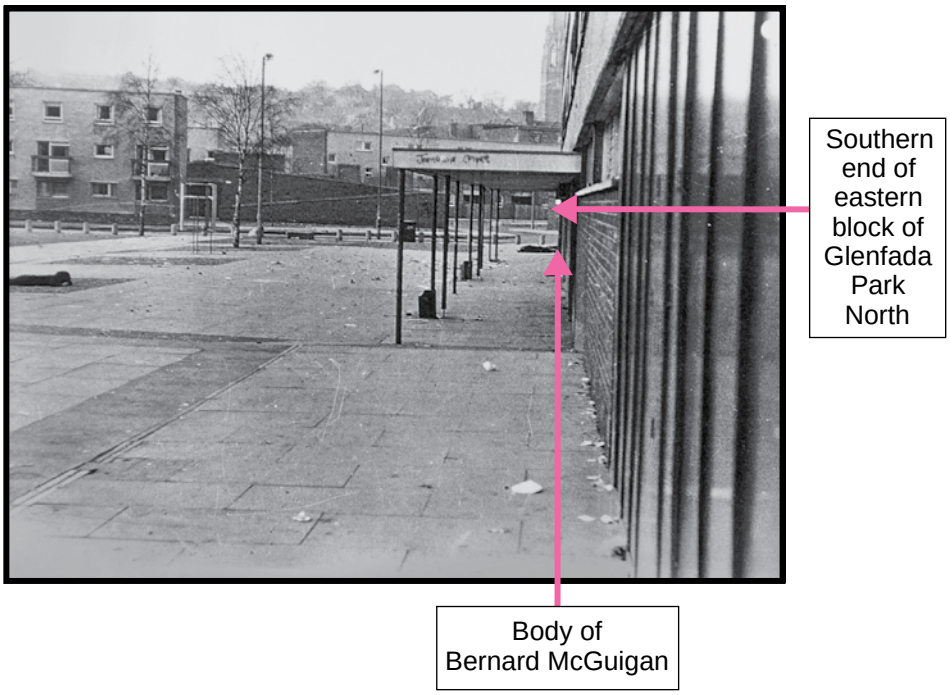
> "I photographed Doherty as he was dying and I photographed McGuigan as I had seen him dying. At the moment I photographed McGuigan the first time there was no Saracen down in Rossville Street, there was no military presence to be seen. Later I photographed him again and then there were Saracens there. I went further down along the front of the shops and I photographed a young man called, I believe, Gilmour, who was dead. As I stood in this place for a couple of minutes a girl was going hysterical. I photographed her."

1 WT7.59

118.240 Later he said that the first thing that he saw when he got through the passageway "*was Doherty dying and then McGuigan standing and falling*".[1]

1 WT7.61

118.241 In the course of considering the shooting of Patrick Doherty we showed above the photographs that Fulvio Grimaldi took of Patrick Doherty with Patrick Walsh. When considering where Bernard McGuigan fell, we have also shown the photograph that Fulvio Grimaldi took of Bernard McGuigan from what would appear to be the same or about the same position. It is helpful to show that last photograph again.



118.242 As we observed earlier, Bernard McGuigan is the figure lying on the ground beyond the far end of the canopy over the shops on the south side of Block 2 of the Rossville Flats. Further beyond Bernard McGuigan's body can be seen the entrance to Glenfada Park North and part of the south gable wall of its eastern block. The photograph shows no soldiers or civilians in that area.

118.243 It is not possible from his 1972 evidence or an analysis of the photographs[1] to tell with any certainty whether Fulvio Grimaldi took this photograph before, or after, or between the photographs he had taken of Patrick Doherty, though it could perhaps be inferred from his evidence quoted above that he had taken this photograph after taking those of Patrick Doherty.

1 We do not have Fulvio Grimaldi's contact sheets.

118.244 Peter Pringle of the *Sunday Times* Insight Team interviewed Fulvio Grimaldi shortly after Bloody Sunday. He recorded him as saying: "*A crowd of us waving handkerchiefs then ran up the steps between the flats and out onto the Joseph Place side. I saw another six or seven bodies lying on the ground there, but it appeared that only three were dead.*" Peter Pringle added a note: "*Now known to be Doherty, McGuigan and Gilmour*".[1] There is nothing in what Peter Pringle recorded to suggest that Fulvio Grimaldi had actually seen Bernard McGuigan shot.

1 M34.25

118.245 In his book *Blood in the Street*, co-written with Susan North and published in March 1972, Fulvio Grimaldi gave this account:

> "It is silence again. Only bang-kchhhh, bang-kchhhh, somewhere, not too near. When I register the necessity to go, to see what has happened to that body, there aren't three bodies yet. Only one, near us. But before I can move, a man (1) emerges from the rows along the flats, tentatively, towards the same object. His head sticks out, eagerly, to find life, please, life, in the huddle of untidy clothes, in the widening puddle of blood. His hand waves, pleading for truce. Then his head swings to the side, like under a forceful fist blow. Swings back, but slacker, and the movement is picked up by the whole figure. A spin, arms flying wide out, a stop for balance, crumbling and gliding out, on the back. Parallel to the first body."

118.246 In the footnote to this passage Fulvio Grimaldi named Bernard McGuigan.

118.247 In his written evidence to this Inquiry, Fulvio Grimaldi told us that on reaching the south side of the gap between Blocks 2 and 3 he saw Patrick Doherty lying on his back on the ground. He then took two photographs of Patrick Walsh moving towards Patrick Doherty. It was after taking these photographs that he saw Bernard McGuigan. He gave this account:[1]

> "I then saw a man, to my right, moving towards the body. He moved out diagonally from the area of the shops at the bottom of Block 2 of the Rossville Flats. I think he took three to four steps diagonally towards Doherty. He was walking carefully and after a couple of steps I saw he was hesitant. His head jerked back, his face whipped round to the left, his body spun around and he collapsed. He was looking towards the body of Patrick Doherty when he was shot. The man fell in the position parallel to Patrick Doherty, also on his back. His right eye had been shot out and there was a hole where his eye should have been. I have since found out that the man's name was Barney McGuigan. I was not aware of hearing the actual shot that hit him. There was shooting generally going on in this area at the time."

[1] M34.63

118.248 In his oral evidence to this Inquiry, having been shown all three of his photographs and taken to the part of his written statement in which he described the shooting of Bernard McGuigan, Fulvio Grimaldi was asked to look again at his photograph showing Bernard McGuigan lying at the far end beyond the canopy over the shops. He then gave the following answers:[1]

> "Q. If we go back to EP26.18: is this a photograph taken after Barney McGuigan fell?
>
> A. No, I would say not because I do not see Barney McGuigan here.
>
> Q. There is what looks like a body lying on the ground where I have pointed the yellow arrow; do you think that is him?
>
> A. I would not know, it could be Hugh Gilmore.
>
> Q. It is not for me to give evidence, but I do not think so because Hugh Gilmore was at the corner of block 1, which is I think hidden from the line of sight as taken by this photograph?
>
> A. In that case it probably is Barney McGuigan.
>
> Q. Are you conscious of having taken a photograph of Barney McGuigan from this spot?
>
> A. Yes, because it was more or less at the same – very few seconds after I noticed, coming round, Patrick Doherty on the ground, the man crawling towards him, pumping air into him and then I noticed this movement and the collapse and the fall of this man, Barney McGuigan."

1 Day 131/57-60

118.249 Fulvio Grimaldi agreed that he was not quite sure of the sequence as to when exactly Patrick Walsh got towards Patrick Doherty, whether it was before or after Bernard McGuigan was shot.[1] He was also unable to help on the order in which he took the photographs of Patrick Doherty and Bernard McGuigan,[2] though a little later in his evidence he recognised the possibility that, having seen Bernard McGuigan shot, he then photographed Patrick Doherty. This took "*two or three minutes*" after which he then took the photograph of Bernard McGuigan lying at the other end of the canopy of Block 2.[3]

1 Day 131/62
2 Day 131/133-134
3 Day 131/185-186

118.250 We consider that Fulvio Grimaldi did not actually see Bernard McGuigan shot.

118.251 We have no evidence from anyone else who was at the eastern end of Block 2 of the Rossville Flats, ie in the same area as Fulvio Grimaldi, or at the entrance to the Joseph Place alleyway, who recalled seeing Bernard McGuigan shot. Susan North was with Fulvio Grimaldi and told us that she was standing behind and to his right when he took the first of his photographs of Patrick Walsh and Patrick Doherty, but did not describe seeing Bernard McGuigan shot.[1] This of course does not demonstrate that Fulvio Grimaldi did not see Bernard McGuigan shot, but it does mean that there is no evidence from those in the same area to support his account.

1 M35.7

118.252 We have already referred to the evidence given by Joe Nicholas concerning the shooting of Patrick Doherty. He said nothing in his NICRA statement[1] about seeing Bernard McGuigan, but this was probably because he did not see this casualty before he was shot. Earlier we set out some of the note of the interview conducted by Philip Jacobson of the *Sunday Times* Insight Team with Joe Nicholas. According to that note, Joe Nicholas told him that, after seeing Patrick Doherty hit and stop moving:[2]

> "nicholas chanced a glance out shortly after walsh was hit; looking down to his right he saw the awful sight of mcguigan lying in a huge pool of blood. beyond him and in the centre of glenfadda nicholas saw two paras. one was kneeling, the other sort of squatting, both with rifles at their shoulders. both were aiming directly up the gap, making doherty right in their line of possible fire."

1 AN17.1

2 AN17.20

118.253 It is clear from the context that the reference to Walsh must be an error for Doherty.

118.254 On the basis of this account, it would appear that it was soon after Joe Nicholas had seen Patrick Doherty being hit that he saw Bernard McGuigan lying on the ground. There is the further point that Joe Nicholas, in his account to the *Sunday Times*, said that he had seen two soldiers "*in the centre of glenfadda*" beyond the body of Bernard McGuigan. Fulvio Grimaldi did not suggest in any of his accounts that he had seen any soldiers in Glenfada Park North when he first saw Bernard McGuigan and indicated to us that he had not done so. His photograph of the body of Bernard McGuigan shows no soldiers.[1]

1 Day 131/61

118.255 Columba McLaughlin took shelter in a flat in the northernmost house of the eastern block of Glenfada Park South.[1] He made a NICRA statement dated 2nd February 1972, in which he gave the following account:[2]

> "I moved in the direction of the first house in Glenfada Park, collected my wife on the way and went into the house of Mrs. Mackey, a friend of my wife and myself. My wife and I entered the front room which faces the multi-story flats' entrance. On looking out the window I saw a number of people, of some seven to ten, sheltering in the corner beside the telephone kiosk. There was a body lying on the ground with two people trying to attend to him. Two people were sheltering behind a tree and a lamppost. I ducked down beneath the window-sill, realising that the shooting was coming from the William St. end of Rossville Street. A few seconds later there was a lull in the shooting – I looked out of the window and saw three bodies. Two were in the vicinity of the telephone kiosk. One of these, the nearer of the two, was a young person hit in the region of the chest. The second person was an elderly man with receding hair lying on his back with his head facing towards Derry Walls. The third person was lying on his stomach opposite Harley's Fish and Chip Shop in the centre of an open space. … None of these three people moved and I could see a would-be rescuer crawling towards the third body. When he reached the body, the person lying moved his head as if in response to some question. The rescuer then tried to drag the body away. During this period sporadic shooting was continuing. To me this was quite clearly high velocity gun fire. The injured man jerked and the rescuer retreated. I moved under cover again beneath the window-sill. I waited there till the shooting died down. When I next looked up, about 30 seconds later, people were starting to move towards the bodies, waving white handkerchiefs and holding their hands in the air."

1 AM324.4; AM324.11

2 AM324.1

118.256 On this account, it would appear that Columba McLaughlin saw Bernard McGuigan lying on the ground at the same time as he saw Hugh Gilmour and Patrick Doherty; with Patrick Walsh going to Patrick Doherty while sporadic high velocity fire was continuing. However, Columba McLaughlin seems to have thought that Patrick Doherty was hit while Patrick Walsh was with him. This in our view did not happen. It is in conflict with Patrick

Walsh's 1972 accounts and the evidence of, among others, Derrik Tucker Junior,[1] Derrik Tucker Senior,[2] Patricia Tucker,[3] Charles McLaughlin,[4] Peter McLaughlin,[5] William Harley[6] and Patrick McCrudden.[7]

1 AT15.20; AT15.10; Day 99/18-19
2 AT16.1-2
3 AJ2.2; AJ2.4-5
4 AM322.4; Day 90/115-116; Day 90/127
5 AM352.10; AM352.4; Day 174/22-24
6 AH36.12-13; X4.12.55-58; AH36.4; Day 77/21-22
7 AM153.18-19

118.257 Again, according to Columba McLaughlin's account, Patrick Doherty was on his stomach when Columba McLaughlin saw Patrick Walsh approaching him. If this is correct, it would indicate that what Columba McLaughlin witnessed was Patrick Walsh going out to Patrick Doherty the first time, before he had turned Patrick Doherty on his back; and that Bernard McGuigan had been shot by then. On this basis, the "*sporadic shooting*" that Columba McLaughlin stated he then heard would seem to correspond with the gunfire that caused Patrick Walsh to retreat.

118.258 Columba McLaughlin made a written statement to this Inquiry,[1] but did not give oral evidence. In this statement he told us that he had seen Bernard McGuigan shot, but in view of his NICRA statement this was in our view a false memory. Had he actually witnessed this event, he would in our view have recorded this in his NICRA statement. We should note at this point that James Mackey was sheltering in the same flat, but his NICRA statements make no mention of seeing anyone shot, and we take the same view of his evidence to us that he saw Bernard McGuigan shot.[2]

1 AM324.3
2 AM11.1-2; AM11.4

118.259 As we have already observed in our consideration of the shooting of Patrick Doherty, Philip Jacobson of the *Sunday Times* Insight Team noted Patrick Walsh as saying that he had gone out and turned Patrick Doherty onto his back and then had gone back to the alleyway when more shooting broke out.[1] He then waited until the shooting had stopped, before crawling out again. He did not suggest that there was shooting while he went out the second time, or while he was at the body on this second occasion. The photographs taken by Gilles Peress and Fulvio Grimaldi are of the second time Patrick Walsh came out, as can be seen from the fact that Patrick Doherty is on his back. In our view Gilles Peress preceded Fulvio Grimaldi into Sector 5; the former took his photographs very soon after arriving at the south-east corner of the gap between Blocks 2 and 3 of the Rossville Flats; and Fulvio Grimaldi seems to have taken his photographs at about the same time. On the basis that Patrick Walsh would have told Philip Jacobson of the *Sunday Times*

had there been shooting when he came out the second time, it would again seem more likely that Bernard McGuigan was shot at an earlier stage, in other words before Gilles Peress or Fulvio Grimaldi had got to Sector 5.

[1] AW5.36

118.260 It is the case that Gilles Peress described to us hearing shots he thought were from Rossville Street (rather than from the Rossville Flats car park) when he was photographing Patrick Walsh and Patrick Doherty, and though he emphasised that it was difficult to tell in what direction the rounds were going, he got the impression they were coming in his general direction.[1] There is nothing in his 1972 accounts to that effect. He merely recorded that shooting was going on as he went through the gap between Blocks 2 and 3 and that the shooting had stopped "*one minute or two*" before he went west along Block 2 and photographed Bernard McGuigan, as will be seen hereafter.[2]

[1] M65.21; Day 213/30-40

[2] M65.2; WT6.67

Assessment of the evidence about when Bernard McGuigan was shot

118.261 In our view the evidence discussed above shows that Bernard McGuigan was shot at about the same time as Patrick Doherty; and not at the stage when Fulvio Grimaldi arrived on the scene. We have come to the conclusion, therefore, that Fulvio Grimaldi did not see Bernard McGuigan shot, and though he may, from talking to those who had witnessed this event, have come to believe that he had himself witnessed this incident, it is also possible that he pretended that he had in order to add dramatic detail to his account. As to Gilles Peress's recollection of firing when he was photographing Patrick Doherty, it seems to us that this was probably a false memory.

What Bernard McGuigan was doing when he was shot

118.262 There is no doubt that Bernard McGuigan was shot as he moved out from the group of people who were sheltering behind the south gable wall of Block 1 of the Rossville Flats. It is also certain (and no-one has suggested otherwise) that he was doing nothing that could have justified him being shot, or which could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury.

118.263 A large number of witnesses described Bernard McGuigan waving or holding a handkerchief as he moved out (Hugh Barbour,[1] Eugene Bradley,[2] Sean Canney,[3] Frank Carlin,[4] Ivan Cooper,[5] Gerard Deane,[6] Thomas Doherty aka Daly,[7] Malachy Duddy,[8] Mickey English,[9] James Flood,[10] Anthony Harkin,[11] John Hutton,[12] Mike Lyons,[13] Thomas McAdams,[14] Geraldine McBride,[15] Thomas McDaid,[16] Michael McCloskey,[17] Barney McFadden,[18] James McGee,[19] Patrick McGlinchey,[20] Frankie Mellon,[21] Evelyn Morrison,[22] Angela Quinn,[23] James Rowe[24] and Carol Anne Turner[25]).

1 AB10.5; AB10.12
2 AB113.3; Day 169/175
3 AC24.7
4 AC33.2-3; AC33.7-8
5 KC12.23
6 AD17.3
7 AD183.1-2
8 AD151.3
9 AE5.7; AE5.1
10 AF23.5
11 AH11.5
12 AH105.4; AH105.9
13 AM476.27; AM476.6
14 AM36.5
15 AM45.23; AM45.28; AM45.31; AM45.43; AM45.5; AM45.60
16 Day 185/63; AM176.1
17 AM118.1; AM118.3
18 AM210.2
19 AM222.2
20 AM247.7
21 AM399.11; AM399.16; AM399.18-19; O10.6
22 AM476.36
23 AM476.43
24 AR29.3; Day 91/153; Day 91/168
25 AM476.50

118.264 Bridget McGuigan, Bernard McGuigan's widow, told the Widgery Inquiry that he had with him a piece of orange towelling she had soaked in vinegar and given to him before he left to join the march in case he was caught by CS gas.[1]

1 AM271.3-4; WT7.80

118.265 From an enlarged section of the photograph[1] (reproduced below) taken by Robert White of the group at the south end of Block 1 of the Rossville Flats, which we have shown above, it can be seen that Bernard McGuigan had a piece of cloth in his left hand. In our view this was probably the cloth that his wife had given him.

1 E14.008

118.266 In our view the same cloth can be seen on the left side of Bernard McGuigan's body in a number of photographs taken after he was shot. Extracts from three of these photographs are shown below. Geraldine McBride, one of those at the gable end, appears to have identified this piece of towelling as the handkerchief Bernard McGuigan was holding.[1] A "*folded piece of yellow towelling*" was recorded as accompanying Bernard McGuigan's body when it reached the mortuary at Altnagelvin Hospital.[2]

1 AM45.47; AM45.49

2 D0428

118.267 Neither the autopsy report[1] nor the Department of Industrial and Forensic Science file[2] recorded the presence of a white handkerchief among Bernard McGuigan's effects.

1 D0428

2 D408; D410

118.268 Although several witnesses spoke of Bernard McGuigan waving a handkerchief, in some cases a white handkerchief, the likelihood is that what they saw was the piece of towelling. The fact that many (though not all) witnesses saw him waving something

suggests that he was trying to attract attention, possibly for personal safety reasons as he moved or, more generally, to alert soldiers to the presence of civilians at the gable end of Block 1 of the Rossville Flats.

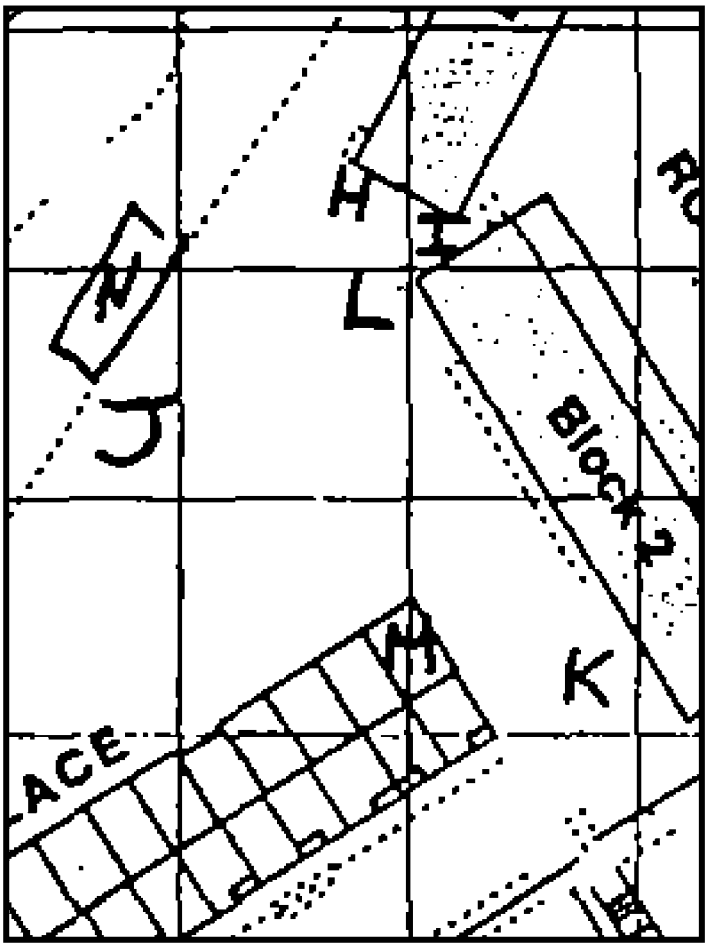
118.269 Some witnesses thought that Bernard McGuigan moved out in order to go to the aid of those shot at the rubble barricade on Rossville Street; some that it was to go to the aid of an injured man lying to the south-east between Block 2 and Joseph Place; some that it was to try to stop the shooting; and some that he was simply trying to move to a place of greater safety.

118.270 We are sure that Bernard McGuigan was not trying to go to the rubble barricade. Some of those who thought he was (Frank Carlin,[1] James Flood,[2] Robert Gillespie,[3] Mike Lyons,[4] Evelyn Morrison,[5] Tony Quigley,[6] James Rowe[7] and Carole Ann Turner[8]) gave estimates of how far he got before he was shot, which range from taking only a couple of steps and facing up Rossville Street (Frank Carlin),[9] to walking about 20 paces to the barricade (Carole Ann Turner).[10] Since in our view Bernard McGuigan was shot very close to where he was photographed on the ground, after moving southwards from the southern end of Block 1 of the Rossville Flats, we consider it unlikely that he could have been on his way to Rossville Street; and that the witnesses who thought otherwise were mistaken.

1 AC33.2; AC33.7-8
2 AF23.5; Day 172/115-117
3 AG35.4
4 AM476.27; AM476.5-7
5 AM476.36
6 AQ7.3; Day 185/114-118
7 AR29.2-3; Day 91/151-155; Day 91/163-164; Day 91/168-169
8 AM476.50-51
9 AC33.2; AC33.7-8
10 AM476.50-51

118.271 Paul McLaughlin, a volunteer in the Order of Malta Ambulance Corps, attended to Hugh Gilmour at the south gable end of Block 1 of the Rossville Flats. The gunfire "*became so intense that it was not possible to stay with him any longer*".[1] He then sheltered by the telephone box. He said that he became aware of a wounded man lying somewhere to the south-east between the area of the shops at the bottom of Block 2 and Joseph Place;[2] and that "*from memory I think he would have been quite close to the gable end of Joseph Place*".[3] He later found out that the man was called Paddy Doherty, though he was out of his line of vision.[4] Nevertheless he felt able to mark with the letter K the appropriate position of the man on the map attached to his written statement to this Inquiry (shown below).[5]

1 Day 176/12
2 AM350.15
3 Day 176/22; Day 176/19-20
4 AM350.15
5 AM350.10



118.272 Paul McLaughlin also recalled seeing Bernard McGuigan walk out from the southern end of Block 1. Although he did not hear anyone call for help, Paul McLaughlin assumed that Bernard McGuigan was going to help the wounded man, because he was moving in that direction. He had taken no more than five steps when he fell.[1] When questioned, Paul McLaughlin was sure that his assumption derived from Bernard McGuigan's movements, not from what he heard after Bloody Sunday.[2] At the same time, in his oral evidence he repeated a point he had made in his written statement to this Inquiry, namely that he was unsure of the order of the two events, that is becoming aware of a wounded man and seeing Bernard McGuigan walk out from the end of Block 1.[3]

1 Day 176/21-22

2 Day 176/30-31

3 AM350.15; Day 176/20

118.273 In her typed but undated NICRA statement,[1] Geraldine McBride (née Richmond) recorded that she helped to carry Hugh Gilmour, who had been shot, to the telephone box. She continued:

> "The man McGuigan was there at this time. Another man was lying at Fahan Street steps. I could hear him squealing but nobody could get to him because of the shooting. Mr. McGuigan said he was going to try to reach him because he didn't want him to die alone. He took two steps forward and was then shot in the head."

1 AM45.23

118.274 In her written statement to the Widgery Inquiry, Geraldine McBride gave this account:[1]

> "6. There were about half a dozen people beside the telephone box taking cover. A man took me from Mr Gilmore's body along towards the box. At this time we could hear the cries of wounded at the other end of the shops (the centre block of Rossville flats). There was firing down Rossville Street and also between the two buildings from the waste ground in front of Chamberlain Street. This kept us pinned where we were.
>
> 7. A man was shouting out that he did not want to die. We wanted to go to him but could not because of the gunfire. Mr Barney McGuigan said 'I'm not going to let him die by himself. If I take my white hankie they'll not shoot me'. We tried to dissuade him but he took out his handkerchief and moved out from the wall a few paces waving it in front of him. We shouted to him to come back because the shooting did not stop. Then he was hit, just about 4 paces out from the wall. He fell and he was dead as he hit the ground. He was hit in the back of the head."

1 AM45.24-25

118.275 In her oral evidence to the Widgery Inquiry, Geraldine McBride said that she attended to Hugh Gilmour who had been shot, and that after it was apparent that he was dead, Bernard McGuigan took her to where the telephone box was. The shooting continued and she heard a man calling out "*I don't want to die myself*". She could not tell who or where he was. Bernard McGuigan then said "*I can't stand this no longer*" and moved out from the telephone box waving a white handkerchief. He took about four paces and was shot.[1]

1 WT6.51-52; WT6.54-55; WT6.61-62

118.276 In her deposition to the Coroner dated 21st August 1973, Geraldine McBride's account of the death of Bernard McGuigan was consistent with her earlier statements and evidence, save that (unlike her NICRA statement) she did not mention seeing a man lying at the Fahan Street steps.[1]

1 AM45.31

118.277 In her written statement to this Inquiry, Geraldine McBride told us that while she was part of a crowd huddled together at the gable end of Block 1 she heard a man's voice calling "*'I don't want to die alone – somebody help me'*". She continued:[1]

> "I think the calling was coming from the Fahan Street East and Fahan steps area. I think from what I heard later that the man was Patrick Doherty."

1 AM45.5

118.278 It will be noted that, apart from her NICRA statement, Geraldine McBride did not mention in her statements and evidence that she saw a man lying at the foot of the steps.

118.279 In our view Geraldine McBride was probably mistaken in thinking (from what she had heard later) that Bernard McGuigan was seeking to go to the aid of Patrick Doherty. With one exception, none of those who were much closer to Patrick Doherty gave an account in 1972 of him calling out in this way, though Charles McLaughlin,[1] Peter McLaughlin,[2] Edmund Melaugh[3] and Edward Dillon[4] did recall Patrick Doherty call out that he had been shot. The exception is Donna Harkin, who told us that, while she was in an hysterical state, she heard Patrick Doherty calling out that he did not want to be alone and that he needed help,[5] but she made no mention of this in her NICRA statement.[6] According to what Donna Harkin told us, Patrick Doherty was calling out at the same time Patrick Walsh was crawling out to him, but Patrick Walsh told us that he never heard Patrick Doherty say anything, nor is there anything to suggest the contrary in his 1972 account to the *Sunday Times*.[7] In our view, had Donna Harkin heard Patrick Doherty calling out in such a piteous way, this would have been something that she would have been likely to have recorded in her NICRA statement.

1 AM322.12; AM322.4; Day 90/115
2 AM352.9; AM352.4
3 AM398.19; AM398.22; AM398.23; AM398.12
4 AD45.6; AD45.2
5 AH13.6
6 AH13.13
7 Day 171/56; AW5.36-37

118.280 In our view what Geraldine McBride probably heard was someone else calling out. There were a number of people in the area, who we have no doubt were terrified at what had been happening; so it is possible that Bernard McGuigan was seeking to go to the aid of someone other than Patrick Doherty.

118.281 Frankie Mellon, both in 1972 and in his written statement to this Inquiry, recorded that Bernard McGuigan was trying to tell the Army not to shoot.[1] In an interview with Praxis Films Ltd he recalled that Bernard McGuigan "*started screaming at the soldiers, don't shoot, don't shoot we're unarmed*".[2]

1 AM399.11; AM399.16; AM399.18 2 O10.6

118.282 In his oral evidence to this Inquiry, Frankie Mellon said that the soldiers at whom Bernard McGuigan was shouting were "*the soldiers on the Rossville Street side, this side towards the Free Derry Corner of the barricade, specifically that side ... he was directing his attention towards that group of soldiers and that is where he was directing his conversation*".[1]

1 Day 151/190-191

118.283 Neither Frankie Mellon nor Bernard Gallagher (the latter who heard "*someone suggest going out with a white flag*"[1]) suggested that Bernard McGuigan was moving in the direction of the soldiers.

1 AG3.4

118.284 There is some evidence to the effect that Bernard McGuigan's intention was to get away or seek better cover. For instance Sean McGee, in his Keville interview, recorded that Bernard McGuigan said he was going *to* "*make a run for it*" and "*he just got a couple of steps and they blew his head off*".[1] John Davies, who was at the gable wall, told us he heard Bernard McGuigan say "*I'm getting out of here*" or words to that effect.[2]

1 AM226.1-3; AM226.6 2 AD8.2-3

118.285 In these circumstances, though we are sure that Bernard McGuigan was not attempting to go towards or into Rossville Street, and was waving the piece of towelling in an attempt to demonstrate, as we are sure was the case, that he (and perhaps also those huddled at the south end of Block 1 of the Rossville Flats) was posing no risk to anyone, it is not entirely clear why he moved out from the south end of Block 1 of the Rossville Flats. On our assessment of the evidence, we are of the view that Bernard McGuigan was unlikely

to be simply trying to get away, and more likely to have been moving out in an attempt to go to the aid of someone, though probably not Patrick Doherty; or, or as well, to try and get soldiers to stop shooting.

From where Bernard McGuigan was shot

118.286 The civilian witnesses gave significantly varying and inconsistent accounts both of the direction Bernard McGuigan was facing when he was shot and of the position from which they believed or had the impression that the soldier who killed him had fired. Their accounts varied between those who thought he had been shot from the City Walls, from further north along Rossville Street, from the other side of the gap between Blocks 1 and 2 of the Rossville Flats and from the other side of Rossville Street.

118.287 These witnesses included Eugene Bradley,[1] Frank Carlin,[2] Ivan Cooper,[3] Gerard Deane,[4] Malachy Duddy,[5] James Flood,[6] Anthony Harkin,[7] Barry Liddy,[8] James Mackey,[9] Daniel McBrearty,[10] Thomas McDaid,[11] Sean McDaid,[12] Columba McLaughlin,[13] Frankie Mellon,[14] Hugh Barbour,[15] Patrick McGlinchey,[16] John Davies,[17] Bernard Gallagher,[18] Michael McCloskey,[19] Patrick McCloskey,[20] John Anthony (Sean) McDermott,[21] Sean McGee,[22] Paul McLaughlin,[23] Noel Millar,[24] Joseph Moore,[25] Michael Rooney,[26] Patrick Boyle,[27] Kathleen Brown,[28] Joseph Doherty,[29] Susan Doherty,[30] Robert Gillespie,[31] John Hutton[32] and Noel McLoone.[33] We have referred above to the accounts of Geraldine McBride.[34]

1 AB113.3; Day 169/174-176
2 AC33.2-3; AC33.7; AC33.8
3 KC12.22-KC12.23; Day 419/52-54; Day 419/62; KC12.41; KC12.49
4 AD17.20; AD17.3; AD17.8
5 AD151.3; Day 81/135-140; Day 81/145-150
6 AF23.5; Day 172/118-120
7 AH11.5; Day 177/31-36
8 AL13.8; AL13.4; X4.49.45-X4.45.54; X4.45.138-145
9 AM11.4
10 AM478.2
11 AM176.1; Day 185/61-66
12 AM174.3-AM174.4; Day 172/47-51; Day 174/59-61
13 AM324.4-AM324.5
14 AM399.11; O10.9; Day 156/158
15 AB10.4-AB10.5; Day 88/71-75; Day 88/85
16 Day 388/80-81; AM247.6-AM247.7
17 AD8.3; Day 172/27-31; Day 172/35-37; Day 172/42-43
18 AG3.4; AG3.10
19 AM118.1; AM118.2-AM118.3
20 AM119.1
21 AM4.11; Day 144/78-79; AM4.4-AM4.5; Day 144/61-62
22 AM226.6-AM226.7; AM226.1-3
23 AM350.15-AM350.16; Day 176/20-25
24 AM477.1-AM477.2; Day 183/53-58; Day 183/60-63; Day 183/83-85
25 AM413.14; AM413.10; AM413.15; AM413/4-AM413.5; Day 89/137-140
26 AR28.3-AR28.4; Day 174/101-110
27 AB52.1
28 AB94.2-AB94.3; AB94.5; Day 144/97-111; AB94.10; Day 144/111-115
29 AD76.7-AD76.8; AD76.10; WT8.11-WT8.14; AD76.23; AD76.2-AD76.4; Day 138/149-161; Day 138/162-170; Day 138/175-178
30 AD105.3-AD105.4; AD105.8; Day 170/20-32
31 AG35.4; AG35.11
32 AH105.8-AH105.9; AH105.2-AH105.3; AH105.10; Day 185/29-44; Day 185/46-56
33 AM359.3-AM359.4; Day 175/144-150; AM359.14; AM359.24; AM359.25
34 AM45.23; AM45.24-AM45.25; WT6.51; WT6.57; WT6.62; X1.12.11; V12.025.12; AM45.28; AM45.31-AM45.32

118.288 As we have remarked elsewhere in this report, we do not find surprising the fact that these accounts are varying and inconsistent. It is often the case that people witnessing the same event (particularly one of a horrifying and fast-moving nature) give sharply differing versions of what happened. In some cases people come genuinely but mistakenly to believe that they had witnessed something, whereas in truth this belief has come from information provided by others. In other cases, witnesses have seen something and then have sought to work out for themselves what must have happened. For example, Paul McLaughlin, a volunteer in the Order of Malta Ambulance Corps, who was with the group at the south gable end of Block 1 of the Rossville Flats and who had been tending Hugh Gilmour, told us that:[1]

> "I had always assumed that Bernard McGuigan was shot in the front of the head. Because of the direction in which he was facing and walking, I had calculated that he must have been shot from the area of the City Walls, above the steps which lead onto the different levels at the back of Joseph Place. I have now been informed that he was shot in the back of the head and that the bullet exited through his eye. If this is the case, then I would guess that Bernard McGuigan was shot from the west side of Rossville Street, although it would be impossible to say exactly where from."

1 AM350.16

118.289 In our view, based on where Bernard McGuigan fell and the fact that in view of his injury he must have fallen very close to where he was hit, he could not have been shot from further north along Rossville Street, nor by someone firing through the gap between Blocks 1 and 2 of the Rossville Flats. Although people believed at the time that there had been firing from the City Walls into the area of Sector 5, we are of the view, for reasons we give elsewhere in this report,[1] that there was no such firing. Those who thought otherwise had either (like Paul McLaughlin) drawn this conclusion from erroneously believing that Bernard McGuigan had been shot in the front of his head as he was moving in the direction of the City Walls or, knowing that (as usual) there were soldiers on the City Walls but not appreciating their additional presence in the Bogside, had erroneously assumed that the firing must have come from the City Walls.

1 Chapter 167

118.290 As we have described when considering the events of Sector 4, there were soldiers in Glenfada Park North. There is evidence, which we consider below, that there was firing by soldiers from the entrance to Glenfada Park North. There were no soldiers further south of this entrance. Since Bernard McGuigan fell close to where he had been shot,

we consider that the bullet that hit him must have come from the direction of the entrance into Glenfada Park North, in other words from the same direction as the shots that hit the other casualties in Sector 5.

Where Bernard McGuigan was taken

118.291 Earlier,[1] when discussing the position of Bernard McGuigan's body after he was shot, we referred to a photograph showing Bernard McGuigan, in which Fr Thomas O'Gara could also be identified. That photograph was taken by Gilles Peress who subsequently took further photographs of Fr O'Gara giving the last rites to Bernard McGuigan. In some of these images a man can be seen on the edge of the picture holding a sheepskin jacket. Although his face is not visible this person must be Patrick Clarke, to whose evidence we also referred when considering the final position of Bernard McGuigan. Patrick Clarke recalled straightening Bernard McGuigan's legs and removing his shoes. As we have already noted, Patrick Clarke then used his own sheepskin coat to cover the body of Bernard McGuigan. His recollection was of then speaking to a woman at a window in Block 2 of the Rossville Flats who offered to throw a blanket down to Patrick Clarke. While Patrick Clarke was having this conversation, someone covered Bernard McGuigan's face with a college scarf.[2] We have no evidence as to who was responsible for this, but as has already been seen that scarf is visible in a number of photographs taken of his body.

1 Paragraph 118.231

2 AC64.7; Day 74/115-117

118.292 In his NICRA statement,[1] Patrick Clarke went on to describe two ladies approaching him with blankets, which were used to cover Hugh Gilmour and Bernard McGuigan. When asked about this during his oral evidence to this Inquiry, Patrick Clarke explained that the blanket thrown down from Block 2 had become stuck on the canopy over the Block 2 shops. He suggested that that had caused the woman concerned to leave her flat with another blanket and "*possibly another lady as well joined her*".[2] In this recollection, Patrick Clarke may be in error as it is likely that the two women he mentioned in his NICRA statement were Ursula Clifford and her aunt Bridgid Sharkey who lived in a flat in Glenfada Park South.[3] We have already shown above[4] a photograph of the body of Bernard McGuigan covered with a blanket, which left only his shoeless feet visible.

1 AC64.2

2 Day 74/117-118

3 AC68.10; AC68.4-5; Day 165/82; Day 165/92-105

4 Paragraph 118.234

118.293 The ambulance which conveyed the body of Bernard McGuigan to Altnagelvin Hospital was driven by John Rafferty with Samuel Hughes as the ambulance attendant. In a statement given to the RUC, Samuel Hughes recorded that ambulance control received an emergency call at 4.39pm that "*an ambulance was required at Glenfada Park*".[1] This is consistent with a manuscript entry on a log of ambulance emergency calls which shows that an ambulance registration number 7689 EZ was called at 4.38pm to deal with "*Riot injuries Glenfada Pk*", left Altnagelvin Hospital at 4.39pm, reached the scene of the emergency at 4.51pm and arrived back at Altnagelvin Hospital at 5.15pm carrying "*2 DOA 2 injured*".[2]

1 ED39.6

2 D500.26-D500.27

118.294 In his RUC statement, Samuel Hughes described how he and John Rafferty had driven to Rossville Street and stopped near the Rossville Street entrance into Block 1 of the Rossville Flats. He saw a body covered by a blanket and was told that this was Bernard McGuigan. Bystanders assisted Samuel Hughes in placing the body of Bernard McGuigan onto a stretcher and then into the ambulance. Samuel Hughes also told the RUC that an injured man, an injured woman and the body of a dead man were also placed in the ambulance. From the context, it is clear that this is a reference to Patrick Brolly, Alana Burke and Kevin McElhinney respectively.[1] It seems that two civilian helpers also travelled in the ambulance, one of whom may have been a man with red hair and the other a woman.[2] That the ambulance reached Altnagelvin Hospital at 5.15pm is supported by an entry in the Accident and Emergency notes relating to Alana Burke, which record that as her time of arrival.[3] On arrival John Rafferty took the bodies of Bernard McGuigan and Kevin McElhinney to the mortuary.[4]

1 ED39.7

2 ED39.8; AB90.2; AB101.2

3 D0948

4 ED39.9

Chapter 119: The shooting from Glenfada Park North

Contents

119.1 We now turn to consider evidence of shooting from Glenfada Park North, in order to see whether it is possible to identify who shot the casualties in Sector 5.

Joseph Doherty

119.2 Joseph Doherty gave a Northern Ireland Civil Rights Association (NICRA) statement.[1] He described helping Pius McCarron to a house, which, as we have described in our consideration of the events of Sector 2, was in Joseph Place. This account continued:

> "I sat in the hall of this house and watched through the letterbox near the door. I saw 10 to 15 people huddled against the wall of the block of flats facing Rossville St. I looked down Rossville St. as far as I could see from the letter box and I saw soldiers at the first row of maisonettes in Rossville St. taking firing position at the low wall in front of the maisonettes. In the passageway which leads to the courtyard of maisonettes in Rossville St. about 4 men were sheltering, one young man came out to the rubble which used to be a barricade and bent down to pick up a stone. The soldiers I had watched shot him, he fell, a man ran out to drag him in and he also was shot and fell on top of the youth. The passageway cleared. I then saw two soldiers at the passageway. This brought them into sight of the people huddling at the High Flats. I saw one soldier taking aim at Barney McGuigan who was walking over to shelter at the flat gable, and firing, Barney fell. He was only about 6 feet from the people sheltering at the gable but they could not get out to pull him in. At the very edge of the gable a youth was lying stretched out. After about 10 minutes a Saracen came up Rossville St, passed the rubble, backed back, the doors were opened and the two bodies at the rubble were put inside. The Saracen turned round and went back down Rossville St. although they could see the two bodies lying at the flats and a photographer was then calling them over to the bodies. I also saw the soldier at the passageway firing two other shots in the direction of the forecourt and shops at the flats. Shortly after this I could see the soldiers pulling back and calling one another back. Then I opened the door and came out and went to Barney McGuigan, he was lying in a pool of blood…"

[1] AD76.7

119.3 This part of Joseph Doherty's NICRA statement indicates that he was able to see from his position the low wall at the southern end of Kells Walk ("*the low wall in front of the maisonettes*"), the entrance from Rossville Street into Glenfada Park North ("*the passageway which leads to the courtyard of maisonettes in Rossville St.*"), and, from his references to Bernard McGuigan and the people sheltering at the gable, the south end of Block 1 of the Rossville Flats.

119.4 Joseph Doherty gave written and oral evidence to the Widgery Inquiry.

119.5 In his written statement for the Widgery Inquiry, Joseph Doherty described seeing two soldiers in an opening, which in our view was the opening from Rossville Street into Glenfada Park North:[1]

> "One moved out of sight, the other stayed by the gable wall at the opening.
>
> 6. Then I looked towards the phone box and saw about ten people huddled against the wall. One lad at the very edge by Rossville Street was lying on the ground. I saw a man walk from between Joseph Place and the Flats. He was holding nothing I could see. He was just walking normally. When he was about 6 feet away from the phone box I saw the soldier in the opening take aim and fire at him. The man fell. He lay still.
>
> 7. I do not know how long he lay but I watched all the time. The people at the gable wall did not move. They were taking cover. I saw the same soldier fire another 2 rounds past where the man was lying. I could not see what he was shooting at. After a time I saw the soldier leave his position with some other soldiers and go into Glenfada Park."

[1] AD76.10

119.6 We have no doubt that the "*lad at the very edge by Rossville Street*" was Hugh Gilmour.

119.7 In his oral evidence Joseph Doherty told the Widgery Inquiry that the soldier who fired was in the alleyway, which in our view was the opening from Rossville Street into Glenfada Park North:[1]

> "Mr. HILL: Yes. (To the witness) When you saw the soldier at Glenfada Park shooting you are satisfied that it was as a result of that shot that Mr. McGuigan fell dead?
>
> A. Yes, I am satisfied in my own mind.
>
> Q. That soldier was firing from the alleyway near the gable of Glenfada Park?
>
> A. That is correct.
>
> Q. Did he stay there?
>
> A. He did, yes, for a time.
>
> Q. Did he subsequently fire another two rounds roughly in the direction of Mr. McGuigan?
>
> A. Yes.

Q. Could you see what he was firing at at that time?

A. No, I could not.

Q. Could you see whether those were live shots?

A. They were.

Q. Could you hear any noise or see anything which would have justified those other two shots?

A. No, I could not see anything at all.

Q. When you saw Mr. McGuigan fall was he on his own?

A. He was, yes."

[1] AD76.14-15

119.8 Mr Hill, the questioner, was junior counsel for the next of kin of 12 of the deceased and for the injured.

119.9 On the basis of these 1972 accounts, therefore, Joseph Doherty saw a soldier at the entrance to Glenfada Park North fire three shots, the first of which hit Bernard McGuigan, while the second two were fired in roughly the same direction, which would mean, as Joseph Doherty agreed in the course of his evidence to us, that these two shots were fired in the direction of the area in which he afterwards saw Patrick Doherty's body.[1]

[1] Day 138/178

119.10 The address of the maisonette in Joseph Place where Joseph Doherty sheltered is not given in any of the accounts he gave in 1972 and 1973. During his oral evidence to the Widgery Inquiry he was asked to indicate his location, very likely by using the model available to that inquiry. However, the transcript only records that it was "*Either the last or the second-to-the-last house*", without making clear to which of the two blocks of Joseph Place Joseph Doherty was referring.[1] In his evidence to this Inquiry, Joseph Doherty told us that he had been looking from one of the last two most southerly houses in the northern block of Joseph Place.[2]

[1] WT8.11

[2] Day 138/144-145; Day 138/172-173

119.11 Joseph Doherty also told us that the soldier he saw fire was situated at the corner of the south gable wall of the eastern block of Glenfada Park South.[1] He said that this soldier was in company with another soldier who moved back into Glenfada Park South. The remaining soldier dropped to one knee, took aim, and fired one shot at Bernard

McGuigan, who fell to the ground. The soldier then fired "*at least 2 other shots, possibly more, in the same direction*". These shots were also aimed shots. The second soldier then came "*back up to*" the firing soldier and "*called him back*". They both moved out of Joseph Doherty's sight.[2]

[1] AD76.4; Day 138/161-162; Day 138/170

[2] AD76.4; AD76.6; Day 138/151-160; Day 138/161-162; Day 138/177

119.12 Although Joseph Doherty expressed himself as certain that his current recollection of the position of the firing soldier was to be preferred over the account he had given in 1972,[1] he did concede that his recollection might be wrong.[2]

[1] Day 138/170

[2] Day 138/177

119.13 In our view Joseph Doherty's memory was playing tricks on him; and his 1972 accounts of where the firing soldier was are to be preferred to the evidence he gave to this Inquiry. We are sure, from the evidence as a whole, that there were no soldiers at the southern end of Glenfada Park South at any stage. In this connection we should note that we do not accept the evidence of Simon Winchester, the *Guardian* newspaper journalist, who said that he saw, from the top of the Fahan Street steps, an Army marksman on the corner of Rossville Street and Fahan Street fire two shots in his direction.[1] In our view, while Simon Winchester may have seen a soldier fire two shots, he too placed him in the wrong position.

[1] M83.19-20; WT3.16; WT3.24; WT3.27-28; L45; M83.45; M83.5-6; Day 116/55-60

119.14 Apart from where he thought the firing soldier was, Joseph Doherty's evidence to us was impressive and consistent with his 1972 accounts.

People at the southern end of the eastern block of Glenfada Park North

119.15 Earlier in this report[1] we have described how a number of people took refuge behind the wall (often called the gable end) at the southern end of the eastern block of Glenfada Park North and were arrested there by soldiers coming through Glenfada Park North, who then escorted them northwards along the western side of that courtyard.

[1] Chapter 113

119.16 Although some two dozen people were arrested at this wall or in its immediate area, only four have given an account of witnessing firing from the entrance to Glenfada Park North. In our view this must have been because most of these people had been moved away by soldiers into the western side of Glenfada Park North before this firing occurred.

Fr Denis Bradley

119.17 We have already referred in this report to some of the evidence given by Denis Bradley, who was formerly a priest. He attended Michael Kelly and administered the last rites to him after this casualty had been carried from the rubble barricade to near the wall at the southern end of the eastern block of Glenfada Park North; and saw him being lifted in order to be carried across Glenfada Park North. He made attempts to go to the bodies he saw on the rubble barricade, but could not do so because of the gunfire. He then sheltered at the wall. In his written statement for the Widgery Inquiry[1] he gave this account:[2]

> "About fifteen people had taken shelter along with myself at this gable end of Glenfada Park. One of these people, a young man, became almost hysterical and I went to comfort him. While I was with him I became aware that gun fire was now coming from two directions. It continued to come from the direction of Rossville Street and also from the lower end of Glenfada Park, which is beside Colmcille [sic] Court. A few minutes later a British soldier arrived at the corner of the gable nearest the parking area in Glenfada Park. He was followed by four or five other British soldiers. One of the soldiers ordered myself and the other people who were against the gable to move in the direction of William Street, along Glenfada Park, with our hands on our heads. Before I could do as this soldier had told me another soldier grabbed me and pushed me off the pavement along the perimeter of Glenfada Park. When I recovered my balance I found myself beside another soldier who fired between four and seven shots from his rifle, which he was holding at hip level. The gun was aimed slightly above the horizontal in the direction of Free Derry Corner. I grabbed his arm and asked him to stop firing, but he shrugged me off. It was then I noticed three people lying face downwards at the south west end of parking area of Glenfada Park. I made to go towards these people, but was grabbed by a soldier and pushed in the direction of William Street."

1 H1.40

2 H1.42

119.18 Fr Bradley gave oral evidence to the Widgery Inquiry. In the course of this evidence, after again describing how he had tried to comfort an hysterical young boy at the wall, he gave the following answers:[1]

> "Q. Having done that, was there any shooting?
>
> A. I then became aware that shooting was coming from the direction of William Street, except this time as well as coming from along the direction of Rossville Street it was also coming up along Glenfada Park.
>
> Q. Did anyone else arrive at the scene?
>
> A. I am sure it was no more than a minute after I became aware of this fact that shooting was coming from this other side a soldier arrived at the corner. When he arrived I think he was quite surprised, by the look of his face, to see that we were there at all. He turned his gun and said something – I do not remember the words but something about 'Get your hands in the air' and he ordered us with a gun to get out of that area and to head towards William Street. As the first people began to go into the Glenfada Park area and head towards William Street a few other soldiers came up at this stage. One of them grabbed me by the arm or by the collar and kind of pulled me and tugged me and I lost my balance and fell and stumbled off the footpath, the footpath which runs round the perimeter of the parking area. When I kind of regained my balance I was standing beside another soldier and he had a gun which was about hip level or slightly above hip level. He fired something between four and eight shots.
>
> Q. Just before you go any further, once again can you point out exactly where the soldier was?
>
> A. In the parking area there is a footpath runs right around down along there and there is also a footpath comes right out on to Rossville Street. He stood at the end of that footpath more or less facing across that ramp.
>
> Q. Facing in what direction?
>
> A. Derry Free Corner generally.
>
> Q. In what direction were you facing at that time?
>
> A. I was also facing towards Derry Free Corner."

[1] WT4.37

119.19 A little later he gave this evidence:[1]

> "Q. When the soldier fired four to eight shots in the direction of Free Derry Corner (or Derry Free Corner) you are not able to tell me whether there was still a crowd of people down at the corner or not?
>
> A. No.
>
> Mr. MOONEY: How was he holding his rifle when he fired these shots?
>
> A. He was holding it about hip high or slightly above hip high.
>
> Q. Did you form the impression that he was firing at anyone in particular?
>
> A. No.
>
> Q. Did you say anything to him?
>
> A. I asked him to stop firing.
>
> Q. What reaction did that produce?
>
> A. He just shrugged me off."

1 WT4.38

119.20 Mr Mooney appeared on behalf of the priests who gave evidence to the Widgery Inquiry.

119.21 Fr Bradley also told the Widgery Inquiry that at that point he became aware of three people lying face down in Glenfada Park North and made to go towards them, but was stopped by a soldier who pulled him along Glenfada Park in the direction of William Street.[1]

1 WT4.39

119.22 Fr Bradley told the Widgery Inquiry that the soldier was pointing the gun slightly above the horizontal.[1]

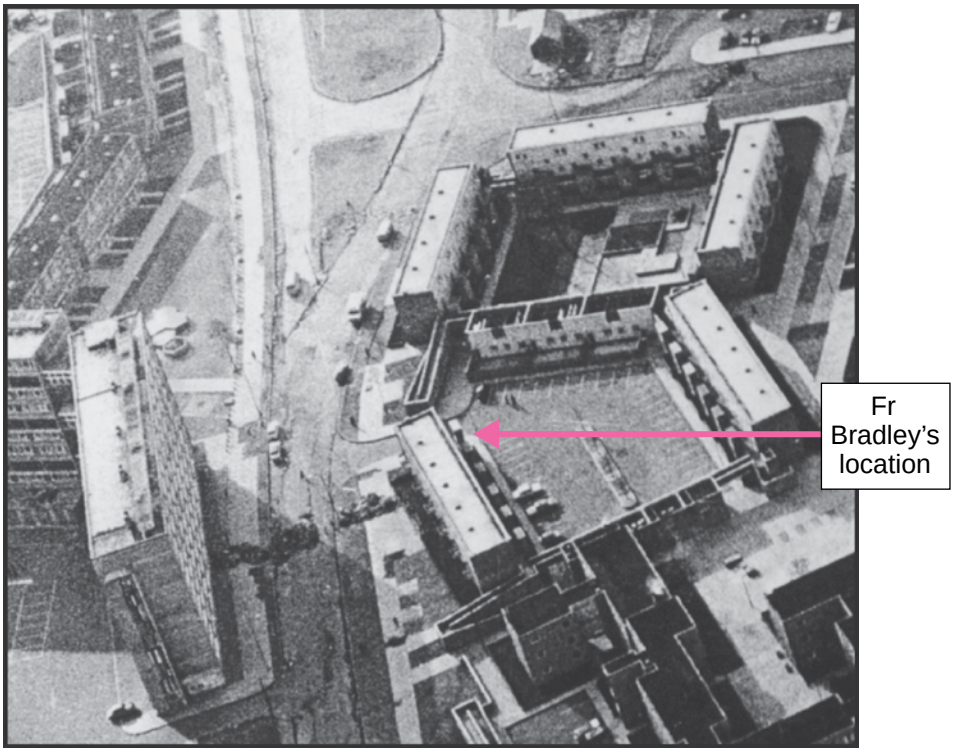
1 WT4.41

119.23 During the course of his evidence, Fr Bradley was asked again about the position of the soldier he said had been firing. This was in the context of counsel for the Ministry of Defence seeking to demonstrate that the soldier Fr Bradley had described could not have been firing at Free Derry Corner, as this was obstructed by buildings. Fr Bradley had in

fact never suggested that the soldier had fired at Free Derry Corner, but only in that direction. He explained, with reference to a photograph, that the soldier was standing at "*the extreme end of the footpath which also goes round that corner*" and on that corner.[1]

[1] WT4.45

119.24 The relevant portion of the photograph to which Fr Bradley was referred is set out below in an expanded form. Since Fr Bradley was being moved from the southern end of the east block of Glenfada Park North to the western side of that block, and was close to the soldier who fired, it seems on his account that he and the soldier must have been in or near to the position marked with an arrow below, namely where the pavement on the west side of the east block starts to turn eastwards.



119.25 Fr Bradley gave a long taped interview to Peter Pringle of the *Sunday Times* Insight Team.[1] He said this about the incident under discussion:[2]

> "As I said the shooting had all been coming from this direction here. At some stage those of us who were against this gable wall became aware that there was also shooting coming in this direction. And slightly, I would say no more than a minute after we became aware of that a soldier stepped round this corner here. He came to the end of the corner. He saw us was obviously surprised by our presence there. I would think that it is hard to know the exact number of people who were present against that gable end but I think it would be in the region of 20 may be a few less. He was, as I said, obviously surprised by our presence there, pointed a gun at us and told us, I don't exactly remember his words, but it was something about get your hands above your head and stay still, you know. After him came two or three other soldiers and one of them – the people began to leave this gable end and head down. They were ordered down the footpath down through [Glenfada] Park towards William Street towards the direction of William Street. Before I moved very much one of the other soldiers who had arrived, grabbed me by the shoulder. Kind of pulled me out and pushed me slightly until I kind of just fell off the footpath here. And at that stage I found myself standing beside another soldier who had just moved up and he fired about six – can't be precise about the number of shots – but I could put it down to between 4 and 8 shots in the direction of Derry free corner roug[h]ly. In that direction. I do remember … I have a mental picture of a few people beyond a ramp which comes down about 10 yards beyond that gable. I have a mental picture of two or three people running towards safety up this direction some place. But I have also a mental picture that the gun was aimed in such a way that he was almost firing from the side from the hip or whatever you call it. But the gun was aimed in such a way that it seemed just to be above head level. I didn't see anyone fall from those shots. I don't think he took particular aim, I think he fired them one after the other but I don't think he actually fired in such a way that he hit anyone. I remember grabbing his arm and asking him to stop shooting, or saying something to that effect to him. I don't remember exactly the words. But he kind of shrugged me off with his arm. Then it was at that stage that I noticed there were three people lying in [Glenfada] Park."

[1] H1.25 [2] H1.32

119.26 Fr Bradley gave interviews to Peter Taylor, Praxis Films Ltd and Jimmy McGovern[1] but added nothing in these interviews to his previous evidence on the incident in question.

[1] H1.66; H1.65; H1.74; H1.80

119.27 In his written evidence to this Inquiry, Fr Bradley gave the following account of what happened when soldiers came round to the southern end of the eastern block of Glenfada Park North where he and others were sheltering:[1]

> "30. The next memory I have is of soldiers, Paratroopers, coming round to the gable end wall at the corner of Glenfada Park North from a northerly direction. They came round the gable end at I14. The first soldier round was surprised to see us, or that was my first impression. He raised his gun, pointed it at me and shouted to us to move on into the car park of Glenfada Park North. I didn't think I was going to be shot. He said something like 'get your hands up' or 'get your hands in the air'. A couple of other soldiers came into view then. I was shocked to see the soldier. I have no recollection of having heard or identified shots specifically in Glenfada Park North at that point. I went towards the soldier to speak to him. He said to me 'hands up'. My next memory is of people being moved up into Glenfada Park North and I was still trying to speak to the soldier. One of them said 'get your fucking hands up'. I hadn't seen Paratroopers before. They were different looking, bigger, tougher and taller, more physical and aggressive. They didn't talk to you like other soldiers. Their blackened faces struck me as odd as it was daytime. I had seen soldiers with blackened faces but only during night operations. I wouldn't use the words 'out of control' but I realised then that I was in the middle of a war for the first time despite being used to the presence of soldiers before.
>
> 31. I remember at around this point another soldier starting firing from the hip or waist in a southerly direction from the entrance to the Glenfada Park North car park at the east. I remember being horrified. He was certainly not kneeling or with his gun up to his eye line and seemed to be firing from the side, probably two handed, but I am not sure about that. I remember grabbing on to him, he pushed me and I slipped off the pavement and fell or stumbled to the ground. I was to his right as he shot. I told him to stop shooting. I remember a pram ramp south of where I was standing at the gable wall which led down from Glenfada Park South onto the street and that there were people there over towards that ramp. I didn't think he was firing at them specifically but I remember thinking I wouldn't have wanted to be there.

32. My impression is that Lord Widgery interpreted what I said about this soldier to mean that he was firing at Free Derry Corner. He was certainly firing in a southerly direction and that is what I meant. I don't think he was firing at Free Derry Corner, but generally in a southerly direction. My memory is not of him shooting across the road to the front of the Rossville Flats (in the direction of the television [sic] kiosk), but to the south. He might have shot across the road to the front of the flats but I don't think he did. Again the Widgery Inquiry seemed to be leading me to say that this soldier's shots, which were between 6 and 8 in number, might have been those that killed, for example, Barney McGuigan. Whilst not impossible, my impression of the manner of firing is that that is highly unlikely. The soldier was moving around and swaggering, but the general body position was not in that direction. My fear was for the people I could see either on the ramp or through the ramp. The soldier was just shooting, not particularly at anyone. The angle of fire seemed to me slightly over people's heads. I didn't think the soldier had lost his head. I didn't think he was going to shoot me. He didn't say anything to me. One of the other soldiers told me to 'get along'."

[1] H1.12

119.28 In his oral evidence to this Inquiry, Fr Bradley, having described where the soldiers had come from, gave this account:[1]

"Q. From the north, coming south –

A. Coming southwards and when the first two, perhaps three soldiers got there, they discovered – it seemed to me they were surprised that they were there, but that was only a very quick, instinctual reaction on my behalf.

They turned their guns on us, again instinctively, and I remember – I do have very clear memories of this, this is the part of that day that sticks most vividly in my memory, that I did not feel that I was going to be shot by those particular soldiers even though there were dead bodies around me because I think that they were surprised that we were standing there and were taking refuge or cover in that particular spot.

But as I began to move with, remember, two to three – sorry, 20 people or 15 people out in this direction here to be led down back where the soldiers had come, I became aware of a soldier who had moved slightly forward by two or three feet or four feet on to the – towards the end of this particular pavement and that particular soldier was firing from the hip in a southerly, as I would describe it towards – in the Free Derry Corner direction, but not necessarily at Free Derry."

[1] Day 140/136-137

119.29 Fr Bradley was asked to mark, on a saved view taken from the virtual reality model used in this Inquiry, the position of the soldier he had seen fire.[1]

1 Day 140/133-138; H1.78

119.30 Counsel to the Inquiry summarised the significance of the arrows as follows:[1,2]

> "Q. The arrows show – the mauve arrow is where the people have been, the turquoise arrow is the route the soldiers came down, the green arrow is where the people were being taken by the soldiers back up into Glenfada Park North, the light blue arrow is approximately where the soldier was and the dark blue arrow is the direction into which he moved; is that right?"

1 Day 140/137

2 The representatives of the majority of represented soldiers submitted that this evidence was confusing, (FS7.2242.29-32) but we do not find it so. The confusion seems to have arisen because the electronic version these representatives were examining did not display the various colours properly.

119.31 Fr Bradley answered:[1]

> "A. That is roughly correct. There is an assumption, by the way, because I could not have seen and did not see where the soldiers came from, but they came from that direction. I am not saying they came up that particular street."

1 Day 140/138

119.32 As to the direction in which the soldier fired, Fr Bradley recalled that it was in the general direction of the pram-ramp at the north-eastern end of Glenfada Park South,[1] behind or within which people had taken cover, but he added this:

> "A. I mean within the walk itself. It was in that direction that the soldier was firing, but he was – remember this – he was spraying bullets, he was not particularly aiming bullets. So the range of spray could have been quite wide.
>
> I did not actually think he was firing at the people in that walk, in that pram walk, but that was roughly the direction, but it could have been also in the spray further to the left as well, in other words, if my memory is any good at this stage, it could have been starting there and spraying right round to there (marked with a blue arrow).
>
> Q. It appeared to you to be in the direction of the pram ramp or slightly to the east of the pram ramp?
>
> A. Yes, and my fear might have been, although I do not think my memory is that these people were being fired at by this particular soldier. I think that it was much more indiscriminate than that."

1 Day 140/140-141

119.33 The blue arrow to which Fr Bradley referred was preserved on the following view, again taken from the virtual reality model, which shows the north face of the Glenfada Park South pram-ramp.[1]

1 H1.79

Summary of Fr Bradley's evidence

119.34 As will have been seen, Fr Bradley's accounts of being close to a soldier who fired from the south-western corner of the east block of Glenfada Park North have remained consistent throughout. It would appear from his evidence that this soldier was probably not the first to arrive at the gable end. It also appears that this soldier fired between four and eight shots in a southerly or south-easterly direction; these were not aimed shots fired from the shoulder but indiscriminately from about the hip and at a slight elevation. Fr Bradley was in our view an impressive witness. It is for this reason that we have set out considerable portions of his accounts. On the basis of those accounts, the shots that he saw this soldier fire did not cause any of the casualties in Sector 5. Fr Bradley did not in our view witness any of the firing into Sector 5. To our minds this must have been because that firing occurred after he was moved away by the soldiers arresting the group at the gable end. Had there been firing into Sector 5 from the entrance to Glenfada Park North before Fr Bradley was moved away, Fr Bradley could not have failed to notice this, since he would have been only a few feet from the firer.

119.35 We return later in this report to the question of the identity of the soldier Fr Bradley saw firing. Although these shots did not result, so far as we know, in any casualties, they were in our view fired in contravention of the provisions of the Yellow Card, and with complete disregard of the risk of causing death or injury.

George Irwin

119.36 George Irwin made a NICRA statement,[1] but died before this Inquiry was established. He described being behind the gable wall with Fr Bradley and then gave this account:

> "The Army then came round our wall, at our backs, from the Glenfada Car Park. Three soldiers told us to move into the car park where we saw [?] another five or so soldiers. I and Fr. Bradley were possibly the last of the line and as I moved into the car park past the first soldier who came from the car park, a tall soldier her[e] fired at least three shots from the hip. From the direction that the gun was pointing, I think he had three possible targets – the fallen man behind the small barricade, the fallen youth by the Flats or the door of the Flats. At no time did I see or hear nail or petrol bombs being thrown."

1 AI4.1

119.37 Although George Irwin referred to targets at "*the small barricade*" and at or near Block 1 of the Rossville Flats, we consider that he was probably referring to the same soldier as Fr Bradley. It will be noted that, like Fr Bradley, the soldier he saw firing was not the first soldier to arrive where the people were sheltering at the gable end. In view of the evidence of Fr Bradley, if George Irwin was referring to the same soldier, as in our view he was, he was either mistaken in thinking that this soldier was firing at the targets he suggested or he witnessed shots that Fr Bradley did not see. In view of Fr Bradley's detailed and convincing evidence and the fact that both of them were together, it seems to us that the former is likely to be the case.

Barry Liddy

119.38 Barry Liddy was also arrested at the south end of the eastern block of Glenfada Park North. He died in 1998 before he could give any evidence to this Inquiry. In the early hours of 31st January 1972, following his release from Fort George, Barry Liddy gave a Keville interview, which was terminated to allow him to be taken to hospital.[1] An unsigned and undated NICRA statement was prepared from that recorded interview.[2] In that

account, Barry Liddy described being arrested at the gable end and referred to trying "*to protect Fr Bradley*" as the arrestees were conveyed away. He made no mention, however, of seeing any soldier fire at or near the gable end.

1 X2.32.33-35; D1105
2 AL13.1

119.39 In a signed handwritten statement,[1] the date of which is uncertain but which was probably some time in early 1972 and after the Keville interview, Barry Liddy recorded that:[2]

> "A Paratrooper then came round the corner of Glenfada Park firing his rifle as he came holding it under his arm. It was at this time that a man came out from the corner of the High Flats with his arms raised and he was shot down. This man was the late Mr B McGuigan."

1 AL13.3
2 AL13.4; AL13.8

119.40 It is not clear from this account whether Barry Liddy was saying that it was this soldier who shot Bernard McGuigan. In a videotaped interview conducted in April 1998, Barry Liddy told Paul Mahon that he had seen Bernard McGuigan shot. He appeared to suggest that this occurred just before a paratrooper (a Sergeant carrying a weapon similar to a sten gun) arrived at the gable end.[1] It was Barry Liddy's belief that Bernard McGuigan was shot from the City Walls.[2] However, he told Paul Mahon that he did not see any of the soldiers who arrived at the gable end fire shots across Rossville Street, or indeed anywhere else.[3] We take the view that it would be unwise to rely on Barry Liddy's account of seeing Bernard McGuigan shot. No-one else at the southern end of the east block of Glenfada Park North described seeing this incident. As will have been noted, elsewhere in this report we have found some of the accounts given by Barry Liddy to be unreliable.

1 X4.49.45-54; X4.49.138-145
2 X4.49.48
3 X4.49.65; X4.49.141

Seamus (James) Liddy

119.41 Seamus Liddy was Barry Liddy's brother. He too is dead and gave no evidence to this Inquiry. As we have described in the course of dealing with the events of Sector 4,[1] he was arrested at the gable end. According to a note made by Peter Pringle of the *Sunday Times* Insight Team, Seamus Liddy told him that "*a soldier came round the corner with a sten gun, which he was firing*". Peter Pringle put a question mark against this and noted that, "*He says this man was a corporal and he knows his name because it was the same soldier who arrested him and accused him of stone throwing*".[2] In our view, for the

reasons given when describing in the context of Sector 4 the arrests at the gable end, this soldier was Corporal E. However, neither Corporal E nor any other soldier in Glenfada Park North was armed with and fired a Sten gun.

1 Chapter 113 2 AL12.5-6

119.42 As will have been noted, both Barry Liddy and his brother Seamus have stated that they saw a soldier (respectively a Sergeant and a Corporal) at the gable end. However, Barry Liddy had recorded in his handwritten statement that a soldier had come round the corner firing a rifle, but later said that while he saw a Sergeant with a Sten gun, he did not see any soldier firing; while his brother Seamus told the *Sunday Times* that he had seen a Corporal coming round the corner firing a Sten gun.

119.43 The evidence of the Liddy brothers is in our view also inconsistent with that of Fr Bradley and George Irwin. According to Fr Bradley's accounts, he witnessed a single soldier firing after other soldiers had arrested those sheltering at the gable end and began to move them through Glenfada Park North and into Columbcille Court. George Irwin recorded that he and Fr Bradley were possibly the last of those being moved from the gable end. It may be that the Liddy brothers heard a soldier firing his rifle repeatedly and indiscriminately (as Fr Bradley described) and came to believe that they had seen a soldier firing an automatic weapon, but to our minds they were likely to have been mistaken in that belief, as they were probably in Glenfada Park North on their way to Columbcille Court when the firing took place and not in a position to see a firing soldier come "*round the corner*".

Simon Winchester

119.44 In our view Simon Winchester probably saw the soldier that Fr Bradley described firing. He told the Widgery Inquiry that he saw, from the Fahan Street steps, a soldier, positioned just in front of Glenfada Park:[1]

> "A. And he fired a number of shots in the direction generally of Joseph Place Flats. I would say he fired 4, 5 or 6 shots.
>
> Q. How could you tell he was actually firing?
>
> A. I could see his arm jerking and I heard the bangs which were more or less coincident with his arm jerking.

Q. Did you see where those shots struck?

A. No, I didn't. But at this point I did see two people fall to the ground and not move.

Q. Did they fall whilst those shots were being fired by that soldier, or before or afterwards?

A. It was about the same time. There was other shooting going on at the same time, but I do not believe that soldier could have shot those two people.

Q. Why did you not believe that?

A. He was firing in a different direction.

Q. He appeared to be firing in a different direction when these two people fell?

A. Yes.

Q. You indicated towards the gap between the two Joseph Place blocks?

A. Yes.

Q. Whereas the two men fell in the courtyard in front of the south block of Rossville flats and between the north wall of Joseph Place?

A. Yes.

Q. Men or women?

A. They were both men as far as I could see. The one that was nearest me was definitely a man, and I thought the further one was a man.

Q. Can you give any information as to how old they were?

A. Certainly the one nearest me was about 18, dressed in blue denim top and blue jeans. The other one I couldn't say, certainly he was dressed in some sort of brown overcoat. He might have been older, I can't say for certain.

Q. Did they move after they fell? A. No. I saw them later on and they were still there.

Q. When you saw them fall were they carrying any objects?

A. I couldn't see any objects.

Q. Was there any object lying beside them? I mean something in the sense of a weapon or nail bomb?

A. No. I had a fairly good look at the one nearest me and he appeared to have nothing on his person, and there were no people around him.

Q. You were situated on Fahan Street somewhere at the top of the steps when this took place?

A. Yes."

1 WT3.15

Agnes Doherty

119.45 Agnes Doherty, then aged 62, made a NICRA statement,[1] in which she recorded watching from a window of 26 Joseph Place. This was on the upper level of the most northerly block of Joseph Place, and the third maisonette along from the northern end of that block.[2] According to her account, "*One soldier at the corner at the corner of Glenfada was firing for all he was worth*". This may have been the soldier that Fr Bradley saw firing, though since, as will be seen below, we are sure that another soldier fired from the same area, this is not certain.

1 AD49.1

2 F8.1

Corporal INQ 1826

119.46 Earlier in this report[1] we set out the order in which the vehicles carrying members of Support Company travelled into the Bogside. One of these vehicles was a Ferret scout car commanded by Corporal INQ 1826. In his written statement to this Inquiry, Corporal INQ 1826 described hearing a burst of between five to eight single shots after members of Support Company had deployed from the vehicles. He marked the position from which these shots were fired on the map attached to his statement, placing it in the south-west corner of the eastern block of Glenfada Park North. Corporal INQ 1826 recorded in his written statement that "*The position marked … on the map could be correct, but I cannot be positive after all this time*". He told us that he assumed that a civilian gunman fired the shots, because he believed members of Support Company had moved no further south down Rossville Street than the northern end of the eastern block of Glenfada Park North. The statement continued: "*The weapon had not been prepared for firing as there was a lot of smoke. I could not see a person, but could see puffs of smoke coming from an*

alleyway. They created a long blue haze which gave me the impression that the shots were being fired in a southerly direction…" This direction was marked on the map attached to the written statement as being slightly south of the pedestrianised area between Block 2 of the Rossville Flats and Joseph Place, though in his written statement Corporal INQ 1826 suggested that these shots had been fired towards Free Derry Corner.[2]

[1] Chapters 24 and 69 [2] C1826.5; C1826.14

119.47 When Corporal INQ 1826 gave oral evidence to this Inquiry he seemed to resile somewhat from the details he gave in his written statement about this incident of firing. Counsel to the Inquiry referred Corporal INQ 1826 to that part of his statement where he described the position from which these shots had been fired. When Counsel then indicated the same position on an aerial photograph of Glenfada Park North, Corporal INQ 1826 said, "*The area is in an incorrect position*".[1] He revealed that subsequent to his providing a written statement, he had been told that there were soldiers who were further south than those he recalled seeing. His recollection was that these shots were being fired from an alleyway located to his front right and diagonally. In answer to further questions, Corporal INQ 1826 stated that he could not be certain that the five to eight shots he heard were fired from the same position. He told this Inquiry that the shots he had heard were high velocity.[2]

[1] Day 341/138 [2] Day 341/137-142; Day 341/151-152

119.48 In his written statement to this Inquiry, Corporal INQ 1826 had told this Inquiry that he witnessed this shooting from the Ferret scout car, after this vehicle had been brought up to the northern end of Block 1 of the Rossville Flats.[1] However, during his oral evidence, he said that the Ferret scout car may have still been parked on Rossville Street when he heard the shots.[2]

[1] C1826.4; C1826.14 [2] Day 341/137-139

119.49 In our view, it is possible that Corporal INQ 1826 did hear the shots described by Fr Bradley, on the basis of his impression that the shots had been fired in a southerly direction. However, it is equally possible that he heard other shots that were fired into Sector 5. In view of his differing accounts, the fact that he did not see the firer and his inability to remember clearly where he was when he observed the incident, it is difficult to draw any firm conclusions from his evidence, save that in our view the firing that he told us he witnessed was military and not paramilitary. We have found no other evidence that suggests to us that a paramilitary fired as Corporal INQ 1826 described.

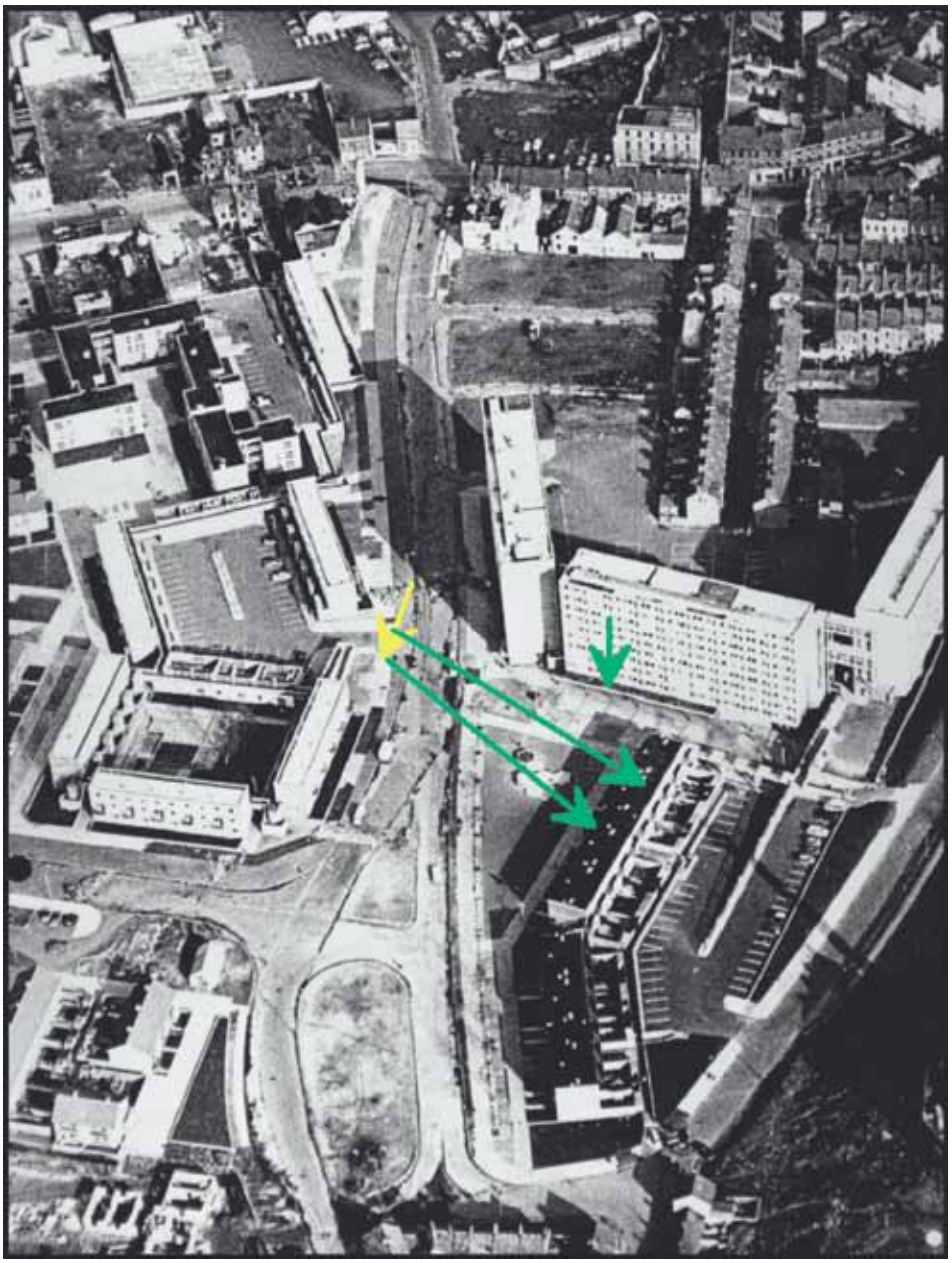
RM 2

119.50 This witness told us that he was sitting on the Threepenny Bits when he heard a warning that the Army was coming into the Bogside. According to his evidence he saw a crowd running south down Rossville Street and then heard a number of high velocity shots; and he then moved to a position near the telephone box at the southern end of Block 1 of the Rossville Flats. While in that area he heard further shots and saw a group of people gathered around the body of Hugh Gilmour. RM 2 then saw three bodies on the rubble barricade. It was after seeing Hugh Gilmour and the bodies on the rubble barricade that he looked across Rossville Street, heard between six and eight shots fired in rapid succession and saw the strike of bullets on the tarmac of the car park in Glenfada Park North. His impression, of which at one stage he said he was "*90 per cent sure*", was that these shots had been fired from a machine gun.[1]

1 AK42.3-6; AK42.16; AK42.17; Day 424/31-33; Day 424/42-44; Day 424/60-62

119.51 RM 2 told us that he then decided to move away from those gathered in the area of the telephone box. With another person, who he did not know, he moved eastwards along the shops at the front of Block 2 of the Rossville Flats. When they had reached about "*a quarter of the way along the block*" RM 2 looked back and saw a paratrooper, armed with a rifle, standing near the entrance to Glenfada Park North. He described that soldier as tall, wearing a red beret and without any camouflage on his face. The soldier lowered the rifle to his hip "*and casually fired two shots in our general direction*". In his oral evidence, RM 2 said that the soldier's rifle was held in an elevated position and that the two shots did not appear to be aimed. He told this Inquiry that the shots would have been fired in the direction of Free Derry Corner. Asked if his recollection was therefore that the soldier had fired the two shots much further south, RM 2 explained, "*Well, what I mean, in our general direction, is he put a rifle and turned it to the left-hand side. There was numerous people there and an arc range between the Rossville Flats to Joseph's Place, I would have said that the bullets could have went anywhere in that general direction*." RM 2 then marked on a photograph, reproduced below, his position (the short green arrow), the position of the soldier at the time he fired (the yellow arrow), and with two longer green arrows, the arc of fire of the soldier.[1]

1 AK42.6; AK42.17; Day 424/51-52; AK42.21



119.52 RM 2 told us that he thought the soldier might have come south down Rossville Street. He could not say where this soldier had actually come from, but did say that he saw him walk northwards up Rossville Street after firing the two shots. RM 2 then made his way to the Joseph Place alleyway, which he recalled was full of people and where he remained for some 20 minutes. Other than Hugh Gilmour, and the people who were lying at the rubble barricade, RM 2 said that while he was in the area of the telephone box or the

shops he did not see anyone else who appeared to have been killed or injured. Nor did he record in his evidence seeing or learning about, while sheltering in the Joseph Place alleyway, anyone who appeared to be injured.[1]

1 AK42.6; Day 424/47-48; Day 424/52; Day 424/66

119.53 In view of the other evidence of events in Sector 5, on the basis of his account RM 2 must have moved not only from the south end of Block 1 of the Rossville Flats, from the shops on the front of Block 2 of the Rossville Flats and to and away from the northern end of the Joseph Place alleyway, before any of the casualties in Sector 5 had been sustained, as in our view he would otherwise have seen or learned of at least some of those casualties. The two shots that RM 2 said he witnessed must therefore, on his account, have been fired some appreciable time before those casualties were shot. As we have already noted, Patrick Campbell was shot after he moved from the south end of Block 1 of the Rossville Flats, on seeing soldiers in Glenfada Park North. To our minds, in the light of Fr Bradley's evidence, this was after the firing Fr Bradley witnessed. We have considered whether RM 2 saw a different soldier firing than the soldier seen firing by Fr Bradley, but in our view that is unlikely. We have no other evidence that suggests to us that some time before any of the Sector 5 casualties were shot, a soldier other than that seen by Fr Bradley fired as RM 2 described. In addition, apart from RM 2, we have found no evidence that suggests to us that a soldier may have walked down Rossville Street to the entrance of Glenfada Park North, or walked back up Rossville Street from that position; and we consider that a soldier in the position identified by RM 2 would have been noticed by Fr Bradley.

119.54 Margaret McCready told us, in her written statement to this Inquiry,[1] that after the shooting she went up the steps in Westland Street (south of Free Derry Corner) where she met RM 2, who told her that Michael Kelly had been shot, but that he did not know how badly he had been wounded. "*He told me that he had been kneeling praying behind the Rossville Flats as everyone thought they would be killed.*" In his evidence to this Inquiry, RM 2 said that he had learned about Michael Kelly when in Westland Street and remembered meeting Margaret McCready; and when asked why he had only told her about Michael Kelly, said that he told her of the one person who he knew that she knew and was sure that that was the person that she would have been most interested in.[2] "*I did not tell her there was only one person shot.*" However, had he seen bodies on the rubble barricade and the wounded Hugh Gilmour at the south end of Block 1 of the Rossville Flats, as he described, it is rather difficult to accept that he would have failed to mention the other casualties that he told us he had seen.

1 AM150.4

2 Day 424/55-56; Day 424/63-64

119.55 As we have already noted, RM 2 described witnessing what he said he was 90 per cent confident was machine gun fire, which hit the tarmac on the south side of Glenfada Park North, though elsewhere in his oral evidence he expressed himself only as "*fairly certain*" that it was machine gun fire and that he could have been confused by hearing a number of rifles fired at the same time.[1] We are sure that none of the soldiers fired a machine gun on Bloody Sunday, and none of the soldiers in Glenfada Park North reported hearing machine gun fire. In our view RM 2 is likely to have confused some of the firing by soldiers in Sector 4 for machine gun fire, as he acknowledged that this firing could have been from a number of soldiers firing at the same time. It is also possible that he heard the repeated firing by a soldier described by Fr Bradley.

1 Day 424/43

119.56 In these circumstances we are of the view that while RM 2 may have witnessed two of the shots described by Fr Bradley and George Irwin, this is only a possibility. The shots RM 2 told us he recalled were not shots that hit anyone in Sector 5. In view of the matters discussed above, we take the view that the accuracy of what RM 2 told us he recalled remains in doubt. In our view he may have come to believe that he had witnessed events (including the soldier he said he saw firing) which in fact he had not seen but had been told about by others, or had over the course of time muddled the sequence of events and what he saw. He gave no account in 1972.

Soldiers on the City Walls

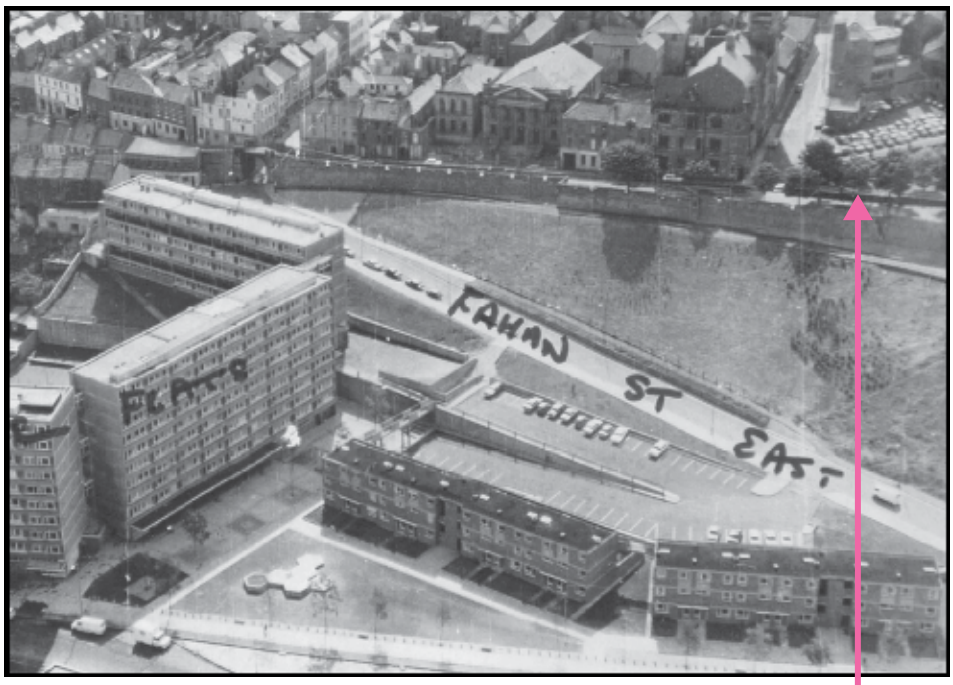
Lieutenant 227

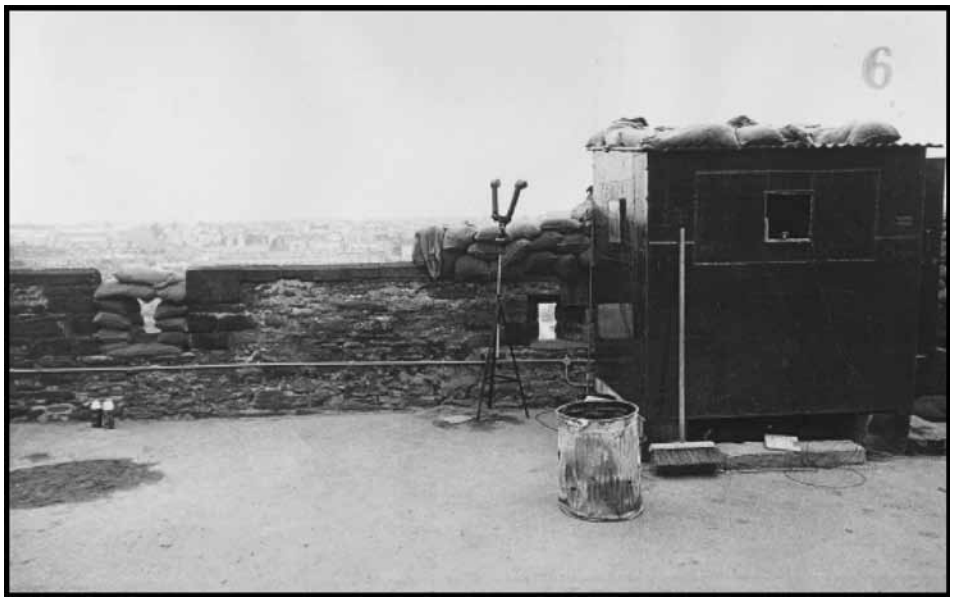
119.57 Lieutenant 227, a member of 22 Lt AD Regt, made two Royal Military Police (RMP) statements, one timed at 1215 hours on 1st February 1972[1] and a second timed at 0940 hours on 2nd February 1972.[2] The statements were taken by two different statement takers, Corporal INQ 1828 and Corporal INQ 2596, but we do not know why Lieutenant 227 made two statements. He told us that he had no recollection of making more than one RMP statement.[3]

1 B2186.1
2 B2184
3 Day 371/167

119.58 In both RMP statements Lieutenant 227 recorded that he was on duty at Charlie Observation Post (OP) on 30th January 1972. Earlier in this report[1] we described the Army Observation Posts on the City Walls, one of which was Charlie OP. It is convenient at this stage to show again the position of Charlie OP and the sangar (a small hut) there, as well as part of the view from this OP.

[1] Paragraphs 116.27–37





119.59 As we have described earlier in this report,[1] from Charlie OP could also be seen the eastern side and south gable wall of Block 3 of the Rossville Flats, ie to the right of the photograph shown above.

1 Paragraphs 116.27–37

119.60 Lieutenant 227's first RMP statement[1] was in the following terms:

> "I am an officer at present serving with 22 Lt AD Regt RA in LONDONDERRY, Northern Ireland.
>
> About 1230 hrs on the 30th January 1972 I commenced duty at 'Charlie OP' which is on the city wall, and looks over the Rossville flats area.
>
> About 1610 hrs between the gap of blocks 2 and 3 of Rossville flats I saw two armoured 'pigs' travelling along Rossville st and they stopped out of my sight behind the flats.
>
> The crowd around Rossville flats which numbered about 200 began to panic and disperse in all directions, at this time a number of baton rounds were being fired by the troops who were moving in and a number of arrests were being made.
>
> Shortly after this I heard two bursts of of automatic fire which in my opinion were from a Thompson machine gun. The shots appeared to come from the Glenfada park area. Immediately after the shots I heard the sound of a nail bomb followed by three shots which sounded like SLR shots.

As the shooting was taking place a large crowd which were around the barricade on Rossville st split up leaving two bodies on the barricade. A group of about 15 people went to the rear of a block of flats in Glenfada park.

I then saw three soldiers appear from the rear of the flats in Glenfada park and one of them knelt on the corner facing towards Rossville flats. The other two soldiers were making arrests. At this point I heard two or three pistol shots being fired from the area of Rossville flats. The soldier in Glenfada park then fired two rounds towards Rossville flats and I saw a man fall at the corner of Block 1 of the flats.

My attention was then attracted to a man lying on the ground in front of St JOSEPHS place who had been hit in the lower part of the body. I kept observation on this man and while doing so heard a number of SLR shots and other high velocity shots but from what area I do not know.

I can definitely say that the first shots fired were not from an SLR."

1 B2186.1

119.61 Lieutenant 227's second RMP statement[1] was longer and in the following terms:

"On 30th January 1972, about 1230 hrs, I commenced duty at 'Charlie OP' which is situated on the city wall between the Royal Bastion and the Platform, and gives a clear view of the Rossville Flats area in respect of back of Block 2 with a sight of the southern end of Block 1, and the southern and eastern ends of Block 3.

About 1610 hrs, between the gap of Blocks 2 and 3 of Rossville Flats, I saw two Armoured Personnel Carriers travelling along Rossville St in the direction of the Flats, and they stopped out of my sight behind the Flats. The crowd around Rossville Flats, around 200, began to panic and disperse in all directions. At this time, a number of baton rounds were being fired by the troops from Rossville St into the waste ground by Rossville Flats.

I observed a number of arrests being made and personnel being removed. Shortly after the arrests started, I heard two distinct bursts of automatic fire which in my opinion came from a Thompson Sub Machine Gun. The bursts were first of approximately four rounds and the second of approximately 5–6 rounds. The shots appeared to come from the Glenfada Park area. Immediately after the shots I heard the sound of a nail bomb exploding, followed by what sounded like three aimed shots from an SLR. As the shooting was taking place, the large crowd around the barricade on Rossville St split up, leaving two bodies on the barricade.

[A] group of about 15 people from the original crowd went to the rear of a block of flats in Glenfada Park (the first block on the right going down Rossville St). I then saw three soldiers appear from the rear of the flats in Glenfada Park; one of them knelt at the corner of the building facing towards the Rossville Flats. The other two soldiers were making arrests on the corner of Block 1 Glenfada Park. At this time, I heard two or three pistol shots being fired from the area of Rossville Flats. The shots were fired in rapid succession. The soldier kneeling at the corner of Block 1 Glenfada Park then fired two aimed shots towards Rossville Flats. I saw him do this and I also saw a man at the corner of Block 1 Rossville Flats fall to the ground. I dropped my line of sight on a straight line and saw a second person about 50 metres closer to me, a distance of about 150 metres, who had apparently been shot in the lower part of the body as he was dragging himself along by his arms. This person's lower body was partially concealed from me by a low wall. I did not see any firearms with or near either man. The wounded man was on the ground in front of St Joseph's Place. I watched this man for a period of 3–4 minutes until he was assisted by two other civilians who helped him along the wall in the direction of 'Free Derry Corner' until he was lost to my vision. I then redirected my observations to the area of the Rossville Flats and to the location of the first man that I had seen shot, and observed a second body lying close to him. There was, at this time, a small crowd of about 30 people milling about mainly in front of the shops at Block 2 Rossville Flats. At this time, the soldiers started to withdraw from the area and about 10–15 members of the crowd went to the area of both bodies but showed more interest in the one that I had observed being shot. A small group from the people round the body produced a white Civil Rights Banner and draped it across the body of the man I had seen shot. I continued my observations as the people started to allow ambulances in and First Aid was being administered. I saw the two bodies taken away on stretchers, but did not see them put into ambulances. There was a small amount of Press Photographers on the fringe of the crowd taking pictures of the bodies being removed and slightly later took many pictures of the Civil Rights Banner that had covered the body, both on the ground and later as it was held up by members of the crowd. The Banner was fairly heavily bloodstained in the middle. From this point, things calmed down and the crowd dispersed. I remained at my location keeping observations until I was recalled about 1730 hrs. I can definitely state that the first shots fired were not from an SLR.

The weather at the time was clear and I had a clear and unobstructed view of all the incidents recorded here."

[1] B2184

119.62 By the "*back of*" Block 2 of the Rossville Flats Lieutenant 227 was clearly describing the south side of Block 2, which was in fact the front of that building.

119.63 It is noteworthy that in the second RMP statement, though it is in many respects similar to the first RMP statement, there is no mention of Lieutenant 227 hearing a number of self-loading rifle (SLR) and other high velocity shots while keeping observation on the person he had described in both statements as lying on the ground "*in front of St Joseph's Place*".

119.64 Lieutenant 227 made a written statement for the Widgery Inquiry and also gave oral evidence to that Inquiry.

119.65 In this written statement Lieutenant 227, having described in similar terms what he had seen and heard when the soldiers came into the Bogside, gave this account:[1]

> "6. I saw a small group of 15 or so people move from the barricade behind the gable wall of the nearest Glenfada building. In the courtyard beyond I saw some people moving but no clear groupings. I did not identify any weapons amongst them. I did not hear the sound of firing from this courtyard at this time or later.
>
> 7. I saw two paratroops arresting the people at the gable end. I saw a third kneeling beside them facing the Rossville Flats.
>
> 8. I then heard two or three rapid pistol shots from the area of Rossville Flats. The kneeling soldier fired two deliberate shots towards my right and downwards, aimed I believe in the direction at the near end of block 1. As he did this I saw a man falling. He was a few paces out from the end of block 1 where a small group of people were gathered. I have seen photographs EP25/17 and EP25/18 and identify the foreground figure as the man I saw fall. I should add that the pig appearing in the photographs was not there when the paratroop fired. I saw nothing in the hands of the man who fell.
>
> 9. I have seen photograph EP25/15. I did not see the men shown in that photograph. I have been told their position and confirm that from my OP they were in dead ground.
>
> 10. I did however see a man, apparently shot in the lower part of his body, dragging himself along by his arms in the direction of Rossville Flats by the low wall between Joseph Place and the car park on the side of my OP. I looked at this man through a telescopic rifle sight but could see no firearms.

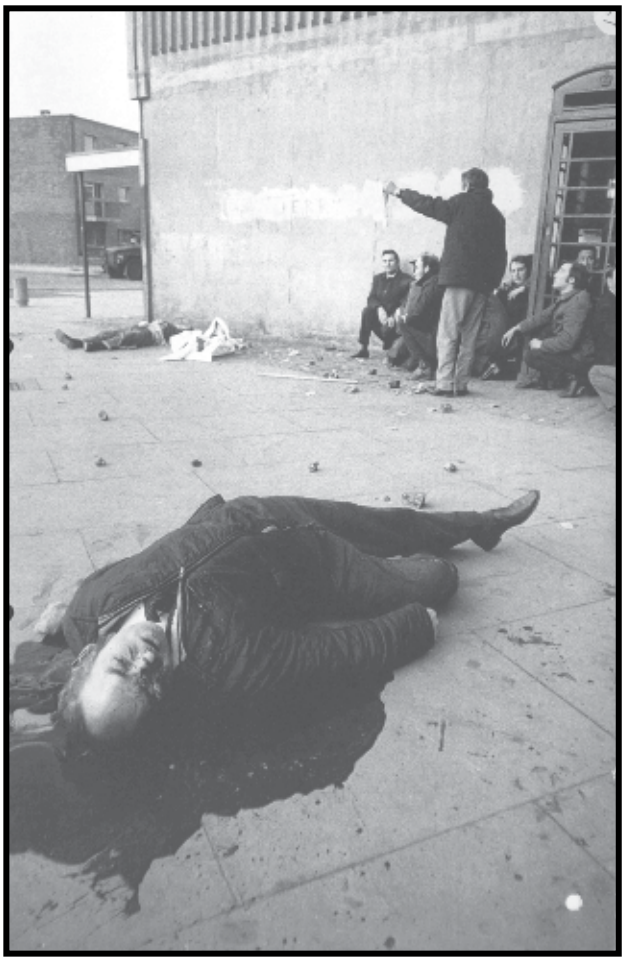
11. I kept continuing observation on this man through the telescope.

12. I saw the wounded man taken by two civilians back along the wall to a car and driven away. I then looked back to the first body and saw another body lying near it at the end of the gable wall of block 1 as shown in photograph EP25/18. I had not seen him before but think he was earlier obscured by a group of people.

13. I saw the body of the first man to fall covered by a Civil Rights banner. I later saw the bodies taken away by ambulance."

[1] B2189

119.66 Of the photographs mentioned in this statement, the first two were two of the photographs taken by Gilles Peress of the body of Bernard McGuigan, which also show the body of Hugh Gilmour in the background; and the third was one of the photographs taken by the same photographer of Patrick Doherty and Patrick Walsh.



119.67 In his oral evidence to the Widgery Inquiry, Lieutenant 227 said that he was on duty at Charlie OP with two men who were observing, one on the radio and two doing sniper duty.[1] In fact, the two soldiers on sniper duty were positioned at 3 Magazine Street.

1 WT16.41

119.68 Lieutenant 227 gave the following answers when asked by counsel for the Ministry of Defence about the crowd that had moved from the rubble barricade:[1]

> "Q. What next did you hear that you remarked on?
>
> A. The crowd then moved to Glenfada and the arrest was being made in that area. I then heard three or four pistol shots.
>
> Q. The crowd moved to Glenfada?
>
> A. Yes.
>
> Q. Did you see paratroops come in to make arrests?
>
> A. Yes.
>
> Q. Which way did you [sic] come in?
>
> A. Through Glenfada Park.
>
> Q. When end? [sic]
>
> A. In between – round in this way.
>
> Q. They came in from north to south?
>
> A. Yes.
>
> Q. You put your finger, I think, at the south-east corner of Glenfada Park. Is that where the crowd stayed or the soldiers went or what happened?
>
> A. The crowd stayed there until they were arrested by the paratroops.
>
> Q. You heard pistol shots?
>
> A. Yes.
>
> …
>
> Mr. GIBBENS: The last thing you were dealing with was that the parachute troops came to Glenfada Park?
>
> A. Yes.
>
> Q. Did you hear any sound then?
>
> A. I heard three rapid pistol shots.

Q. Could you see or judge where they came from?

A. I judged the area of Rossville Flats.

Q. Did you see anyone firing?

A. I did not, sir.

Q. Did you see some people moving from the barricade by Rossville Street flats?

A. By the actual flats themselves.

Q. You know where the barricade is down there?

A. Yes.

Q. Had you seen that barricade?

A. Yes, sir, I had.

Q. How many people were there at the time you are talking of now?

A. The people had moved from the barricade to the end of the flats.

Q. About how many people?

A. 15 to 20 people.

Q. Did you see what happened to them?

A. They were arrested by the troops that came in.

Q. And taken away?

A. Yes.

Q. Did you observe any weapons among those people?

A. Yes, sir, I did.

Q. Did you hear any sound of firing from the Glenfada Park courtyard at that time or any time?

A. At that particular time, no.

Q. Or any time later?

A. Just the rounds that had been fired by the troops in the area.

Q. When you heard the pistol shots from Rossville Flats did you see any counter-action taken?

A. Yes, I did.

Q. What was that?

A. A soldier kneeling on the corner at Glenfada Park fired two definite shots.

Q. Where about was the soldier kneeling so far as you observed?

A. He was kneeling by the lamp post by the rear of the first block.

Q. Point it out with the stick. He was by the door of that court?

A. Yes.

Q. In which direction did he fire?

A. Down to my low and right.

Q. Parallel with the coloured block of Rossville Flats?

A. Yes.

Q. Did you see what he was firing at?

A. No, sir, I did not.

Q. How many shots did he fire?

A. Two, sir.

Q. Were they properly aimed shots or not?

A. They were deliberate shots, yes, sir.

Q. Where had he got his gun?

A. In the shoulder.

Q. Have you ever seen people firing from the hip?

A. No, sir.

Q. When he fired did you say how many shots he fired?

A. Two shots, sir.

Q. When he fired those two shots did you see any man who may have been his target?

A. Yes, sir, I did.

Q. Where was that man?

A. By the bottom end of Block 1.

Q. Was that near the telephone kiosk?

A. Yes.

Q. What did you see?

A. I saw a man fall, sir.

Q. Did a small group of people gather?

A. They stood away there as soon as he was hit."

[1] WT16.42-44

119.69 As will be noted, the transcript recorded Lieutenant 227 saying that he noticed that there were weapons among the people who had been arrested. In our view this was a mistake in the transcript, as indeed Lieutenant 227 told us.[1] There is no evidence from any other source to suggest that any of these people was armed.

[1] B2204.010

119.70 Lieutenant 227 told the Widgery Inquiry that he could not see whether the man he had stated he had seen crawling along between Joseph Place and the low wall on his side of the block was wounded, but saw no firearms on him.[1]

[1] WT16.44-45

119.71 In the course of his oral evidence to the Widgery Inquiry, Lieutenant 227 said that he had heard two or three SLR shots, which caused the people at the rubble barricade to scatter and run into Glenfada Park. By "*Glenfada Park*", Lieutenant 227 clearly meant, throughout his evidence, Glenfada Park North. He said that the next SLR firing he heard came from the corner of Glenfada Park.[1] He told the Widgery Inquiry that he got the impression that the soldier positioned at that corner was firing at a man who had come out from the group in the vicinity of the telephone box and whom he had earlier identified from Gilles Peress's photographs as Bernard McGuigan. He also told the Widgery Inquiry that he did not notice any firing from a position that was out of his sight, "*down by this*

wall". From the context this was a position near the high retaining wall at the south-eastern end of the pedestrianised area between Block 2 of the Rossville Flats and Joseph Place.[2]

[1] WT16.48 [2] WT16.49

119.72 According to the transcript, Lieutenant 227 told the Widgery Inquiry that the firing from Glenfada Park was "*at the man with the rifle to my low and to the right*".[1] Lieutenant 227 told us that this must have been a mistake in the transcript, because he had never seen a man with a weapon. He rejected the suggestion that "*rifle*" was a mistake for "*pistol*" for the same reason.[2] We are sure that Lieutenant 227 is right about this. Had he said to the Widgery Inquiry that he had seen a man with a weapon, we are sure that he would have been questioned about it. As it is, his evidence has consistently been that although he heard shots, he did not see anyone (apart from the soldier) with a weapon.

[1] WT16.48 [2] Day 371/173-174

119.73 Lieutenant 227 gave written and oral evidence to this Inquiry.

119.74 Though in his written statement to this Inquiry[1] Lieutenant 227 told us that his memory of the order of events was no longer clear,[2] he stated that he did recall a number of the events surrounding the shooting of Bernard McGuigan. Lieutenant 227 confirmed that he had been on duty in Charlie OP on Bloody Sunday and that he used a rifle equipped with a telescopic sight on that day. He explained that his view from Charlie OP would have included the south gable of the eastern block of Glenfada Park North.[3] Lieutenant 227 told this Inquiry that he had a recollection of civilians moving from the rubble barricade to Glenfada Park North. This occurred before he saw three paratroopers appear at that south gable of the eastern block of Glenfada Park North. Two of them proceeded to arrest a number of civilians sheltering there. The third knelt down beside them facing in the direction of Block 2 of the Rossville Flats. Lieutenant 227 could give no description of this third paratrooper save to say that he was right-handed and "*blacked up*". He told this Inquiry that he had a "*very clear memory*" of this paratrooper kneeling on the left-hand side of a lamp post located on the pavement running around the south-eastern corner of the eastern block of Glenfada Park North. At this time Lieutenant 227 was not using the telescopic sight to observe events. He saw the kneeling soldier raise his rifle to the shoulder and fire two aimed and "*deliberate*" shots. Lieutenant 227 described the soldier's rifle as "*aimed parallel with Block 2 of the Rossville Flats towards the walls*" and that the time that elapsed between the two shots was "*anywhere between one and two seconds*".

While Lieutenant 227 had a distinct recollection of seeing a paratrooper fire two shots, he told us that he no longer had an independent recollection of seeing a man fall, but that on this matter he wished to stand by his 1972 account to the RMP.[4]

1 B2204.001
2 B2204.003
3 B2204.002; Day 371/114-120
4 B2204.005; B2204.032; B2204.034; Day 371/111-112; Day 371/150-152

119.75 Lieutenant 227 told this Inquiry that he had a recollection of hearing the "*very distinctive sound*" of a Thompson sub-machine gun[1] and also of hearing pistol shots. As to the latter his recollection was that he heard pistol shots fired from "*my front right in the area of the Rossville Flats*" before he saw any paratroopers in Glenfada Park North. He could no longer be certain in his mind that his hearing pistol shots and seeing a paratrooper fire were linked, as would appear from the accounts he gave in 1972 which we have set out above. On two occasions during his oral evidence, Lieutenant 227 accepted that when giving his statements in 1972 he would have aimed to give an accurate account and to set matters out in the sequence in which they occurred.[2]

1 B2204.003
2 B2204.004; B2204.010; Day 371/143-144; Day 371/168

119.76 Lieutenant 227 told us that he also retained a recollection of seeing a man "*dragging himself along by his arms on the east side of Joseph Place*". The lower half of this man's body was obscured by a wall. Lieutenant 227 observed this man through a telescopic sight. He could not see any weapons on this man but conceded in his written statement to this Inquiry that he "*would not necessarily have been able to see a handgun*". The man seemed to be making his way towards the northern end of Joseph Place. Before he had reached there a group of people assisted the man south towards St Columb's Wells. Lieutenant 227 said that he no longer had a recollection of the man being put into a car, as recorded in his first RMP statement.[1]

1 B2204.006; Day 371/153-155

119.77 On the basis of his 1972 evidence we are of the view that Lieutenant 227 was a witness to the shooting of Bernard McGuigan by a kneeling soldier near the lamp post at the entrance to Glenfada Park North. However, it is noteworthy that Lieutenant 227 only recorded witnessing the firing by a soldier of two shots, though in his first RMP statement only, he also recorded hearing afterwards a number of "*SLR … and other high velocity*" shots. There is, for reasons we have given earlier, no doubt that Patrick Campbell, Daniel McGowan and Patrick Doherty, as well as Bernard McGuigan, were hit by Army fire in Sector 5, in circumstances that in our view show that they were shot from Glenfada Park North. Thus more than two shots must have been fired from Glenfada Park North into

Sector 5 and it could be that these were the further shots recorded by Lieutenant 227 in his first RMP statement. On this basis, since Patrick Campbell appears to have moved from the south end of Block 1 of the Rossville Flats before Bernard McGuigan was shot, he (Patrick Campbell) would have been shot after Bernard McGuigan.

119.78 Lieutenant 227 does not appear to have seen the firing from the entrance to Glenfada Park North witnessed by Fr Bradley. In our view this firing must have preceded the firing that resulted in the casualties in Sector 5, since Fr Bradley at the south gable end of the eastern block of Glenfada Park North would have been able to see a soldier firing into Sector 5 from the position identified by Lieutenant 227. We repeat our view that Fr Bradley had been moved away from the entrance to Glenfada Park North before the Sector 5 firing occurred. He told us that he did not see a soldier fire in the manner described by Lieutenant 227.[1]

1 Day 140/237-238

119.79 Indeed, as was pointed out to Lieutenant 227 during the course of his oral evidence, on the basis of his accounts he had heard very little indeed of the substantial amount of SLR fire that had occurred in Sectors 2, 3 and 4, before he saw a soldier fire two shots from the entrance to Glenfada Park North.[1] It might be, as Lieutenant 227 suggested, that he did not notice this other shooting because he was concentrating on what he could see through the telescopic sight, or because buildings blocked the sound. His recollection was, however, that when he saw the soldier fire two shots, he was not using his telescopic sight.[2] Furthermore the Rossville Flats could hardly block out any sound reaching him from the area where that soldier was, though the echoing effect such a building might have made it appear that the sound had come from elsewhere.[3]

1 Day 371/180-183
2 B2204.005
3 Day 281/67; Day 287/8

119.80 Although the matter is not entirely clear, in our view what probably happened was that Lieutenant 227 was not looking at the entrance to Glenfada Park North when the soldier witnessed by Fr Bradley was firing and when the casualties in Sector 5 (apart from Bernard McGuigan) were sustained. It may also be the case that for part of the time at least, Lieutenant 227 was keeping his head down, to minimise the risk of becoming a target for snipers. In our view, however, it is clear that Lieutenant 227 only saw some of the firing into Sector 5. We consider it unlikely that the soldier Fr Bradley saw would have been out of the sight of Lieutenant 227, as Fr Bradley put the position of the soldier close to the lamp post at the south-eastern corner of Glenfada Park North, which was where Lieutenant 227 stated that he saw a soldier fire two shots into Sector 5.

119.81 We consider elsewhere in this report[1] the accounts that Lieutenant 227 gave of hearing Thompson sub-machine gun fire. For the reasons that we give there, we are of the view that Lieutenant 227 was probably mistaken about this.

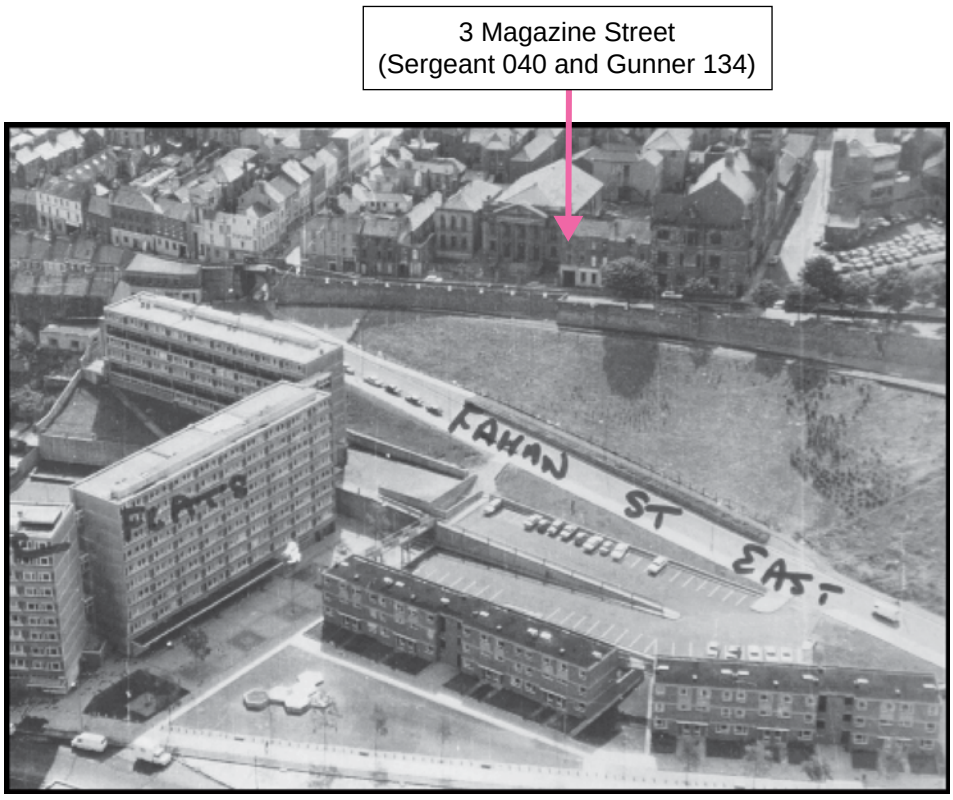
1 Paragraphs 153.43–50

119.82 It is important to note in the present context that Lieutenant 227 told the Widgery Inquiry that he did not hear any firing from near the wall at the south-eastern end of the area between Block 2 of the Rossville Flats and Joseph Place.[1]

1 WT16.49

Sergeant 040

119.83 Sergeant 040, of 22 Lt AD Regt, was in the OP at 3 Magazine Street.



119.84 Sergeant 040 gave a statement to the RMP dated 2nd February 1972. Subsequently on 16th February 1972 he gave a statement to Colonel Overbury (a member of the Army Tribunal Team at the Widgery Inquiry), which was taken on an RMP statement form. Sergeant 040 was one of six soldiers from whom Colonel Overbury took statements. For

convenience we refer here to the statement given by Sergeant 040 to Colonel Overbury as the latter's second RMP statement. Sergeant 040 also gave a written statement for the Widgery Inquiry, though he did not give oral evidence to that Inquiry.

119.85 In his first RMP statement timed at 2010 hours on 2nd February 1972,[1] Sergeant 040 described seeing a group of people standing near "*the end wall of Columcille Court*". In his second RMP statement he corrected this to "*the southern end of the Glenfada Park Flats by Rossville St*".[2] By this he meant in our view the southern end of Glenfada Park North.

1 B1652 2 B1656

119.86 In his first RMP statement[1] Sergeant 040, after describing seeing three members of the Parachute Regiment come round the corner of the building (by which in our view he meant the south-eastern corner of Glenfada Park North) and the people being marched away, gave the following account:

> "The other members of the Parachute Regiment took up positions on the corner where the arrests had taken place and one of them, who adopted a kneeling position, fired a shot from his SLR along the front of No 2 Rossville Flats in my direction. I saw a man, who was standing with his back to me waving his arms suddenly leap in the air and land on his back about 3 to 6 feet away from where he had been standing, in my direction. About 2 minutes later a priest approached him and administered the last rites. I did not see anyone place a flag over the body which remained where it had fallen for about 30 minutes when he was taken away on a trolley.
>
> At almost the same time that the man was shot, I saw two other men fall to the ground. These men were situated in front of No 2 Rossville flats but about 50 yards nearer to Rossville Street. At this time there was a lot of shooting going on and I do not know who was responsible for shooting these two men or the circumstances as at this time people were running in all directions. At the time I thought that the two men had been struck by rubber bullets because one of them got to his feet. However he fell to the ground again and was helped to a position under the veranda at the front of No 2 Rossville Flats. I then concentrated on other peoples movements and the movement of vehicles and I am unable to provide any further evidence regarding shooting but I did see the three bodies being taken away and a further four casualties who were removed from somewhere in the front of St. Joseph's Place which was outside of my field of vision."

1 B1652

119.87 The second RMP statement[1] contains the following account:

> "The 20 people I saw arrested were in fact standing at the southern end of Glenfada Park flats by Rossville St and not by Columbcille Court. It was at this point, just after the 20 people were taken away that I heard what I thought to be automatic fire coming from the area of Glenfada Park. Looking in that direction I saw a paratrooper in the area of Glenfada Park. Looking at the photograph I would say he was at the corner as I described before. He was kneeling and held his rifle in the aim position.
>
> He was pointing his rifle in my direction. I glanced down below along the line of the paratrooper's sight and saw a man who was facing the rifleman and holding his arms above his shoulders with his fists clenched. I could not say whether he was holding anything. I heard the paratrooper fire his rifle and I saw the man fall backwards. He fell by the trees between the end of Joseph Place and the end of Rossville flats nearest to me.
>
> Almost immediately a priest came to him, and a crowd gathered. Two men then suddenly ran from the crowd, running as fast as they could. One was in a crouching position and held his right arm under his left armpit. The other man had his arm round the first man's shoulder. They ran extremely fast into the ground floor flat, second from the right, of the Joseph Place flats. They burst through the door.
>
> When the ambulances came up to half an hour later, I saw at least four people carried on trollies from the Joseph Place flats and put into the ambulances.
>
> Just after the first man was shot I saw another man lying on the ground in the area between blocks 1 and 2 of the Rossville Flats.
>
> The paratrooper was still where I saw him fire, but I cannot say if he had fired again.
>
> Almost immediately I saw another man fall a few yards to the left. He started to get up but fell again. I do not know from which direction he was shot, but he was facing up Rossville Street towards William Street."

1 B1656

119.88 We do not know to which photograph Sergeant 040 was referring in this statement.

119.89 In his written statement for the Widgery Inquiry,[1] Sergeant 040 recorded that he saw two or three paratroopers appear on the corner in front of Glenfada Park "*and they arrested people standing there and took them away. I heard automatic fire from the direction of*

Glenfada Park and then I saw a paratrooper on the south west corner of Glenfada Park.” The reference to the south-west corner was in our view a mistake for the south-east corner. This statement continued:

> “The paratrooper knelt and had his rifle in the aimed position. He was pointing his rifle in my general direction. I glanced down below along the line of the paratrooper’s sight and saw a man who was facing the paratrooper and appeared to be holding his arms above his shoulders. I could not see if he was holding anything. I heard the paratrooper fire his rifle and I saw the man fall backwards but I could not see him all that clearly because the city wall was in my line of view. I could not describe the man whom I had seen shot. Immediately after this a priest appeared and a crowd gathered round.”

1 B1659

119.90 As to the other people he had previously stated he had seen fall Sergeant 040, in his written statement for the Widgery Inquiry, gave this account:[1]

> “Just after I saw the first man shot I saw another man lying on the ground in the area between blocks 1 and 2 of Rossville Flats. I had seen this man fall to the ground but I did not hear a shot and I could not remember whether the paratrooper was still in the position where I had seen him or if he had fired again. At almost the same time I saw another man fall on the corner of the south end of block 1 of Rossville Flats. I do not know the direction from where he was shot but he was one of two men who had been facing up Rossville Street towards William Street. I cannot say if any of the last three men I have described were carrying arms.”

1 B1660

119.91 Although Sergeant 040 gave a written statement to this Inquiry[1] there is nothing in it that adds to the accounts that he gave in 1972. Sergeant 040 did not give oral evidence to this Inquiry.

1 B1661.001

119.92 Sergeant 040’s description of the first man he said he saw fall does not fit any of the known casualties in Sector 5, since from their injuries it is clear that neither Bernard McGuigan nor Patrick Campbell was facing the firer when hit. Patrick Doherty was shot while crawling and was not carried away on a trolley. Daniel McGowan was helped into the Joseph Place alleyway and so could not have been the man Sergeant 040 described being tended by a priest. The accounts Sergeant 040 gave of seeing two others fall put

them closer to Rossville Street than the first man, but apart from the possibility that one of them may have been Bernard McGuigan, the other does not correspond with the position of any of the Sector 5 casualties. It is possible that Sergeant 040 was describing Hugh Gilmour, but he had been shot before any soldiers appeared at the entrance to Glenfada Park North.

119.93 We should say at this point that we have found no evidence that suggests to us that there were additional unknown casualties in Sector 5. The suggestion that there were implies either that none of the civilian witnesses to whom we have referred saw any of these casualties, which to our minds seems unlikely in the extreme, given the small area of Sector 5; or that they concealed the fact that people other than the identified casualties had been wounded or killed. The latter involves the proposition that these people, more or less from the outset, somehow knew, or were instructed, only to mention some but not others of the casualties that they had seen. We accept the submissions made on behalf of the family of Bernard McGuigan, and on behalf of the majority of the other families, with regard in the main to the suggestion that other civilians had been killed.[1]

> "[The proposition] hinges upon the chimera of hidden casualties for which there is no evidence and which is highly unlikely in the application of common sense as to how this might be organised impromptu, with the logistical difficulties apparent in terms of treatment. With regards to a fatality, the evidence of witnesses such as Bishop Daly support the view of a cultural anathema preventing the hiding of a fatality in any circumstances. This alleged removal of a casualty would have had to form part of a very well organised triage system to weed out the suspicious from the entirely innocent, on the spot, in unplanned and in entirely unforeseen circumstances."
>
> "It is implausible to contend that the IRA and its sympathisers managed, in the midst of what was a life-threatening and traumatic situation, to spirit away *all* of the soldiers' 'real' targets on Bloody Sunday, bringing to hospital only those killed by ricochet/mistake. For this to have occurred necessitated a conspiracy involving the randomly selected witnesses to the shooting, the civilians, photographers, journalists and priests, unknown to each other prior to this incident. The conspiracy involving this disparate group was set in motion within minutes of the deaths of these 'missing casualties' and has gone uncovered for 32 years."

1 FR2.31-32; FS1.2762

119.94 In our view these considerations apply equally to the suggestion that there were additional wounded casualties of Army gunfire. For these reasons we are of the view that the person Lieutenant 227 described as dragging himself along the east side of Joseph Place was not an unknown casualty of Army gunfire.

119.95 In our view it is likely that Sergeant 040 did see some of the casualties in Sector 5, though we consider that he was confused about where these fell and possibly the order in which they fell. He was also in our view wrong in describing one of them facing the soldier who shot him. The only possible casualty who might have been more or less facing the soldier who shot him was Daniel McGowan, but in view of his injury (to the inside of his right leg) this too seems most unlikely. It also seems unlikely that Sergeant 040 saw this casualty, if we are correct in concluding that Daniel McGowan was probably shot near the Fahan Street steps, as he was likely to have been out of view.

119.96 As to Sergeant 040's evidence of hearing what he thought was automatic firing coming from Glenfada Park, in our view this was the repeated firing by the soldier witnessed by Fr Bradley. In his second RMP statement he recorded that it was just after the people had been taken away that he heard what he thought to be automatic fire coming from the area of Glenfada Park. We are sure that there was no paramilitary firing from this area at this time, for otherwise the soldiers who were in Glenfada Park North would have heard it and would have been bound to have reported it, as it would have been in their interests to do so. This part of Sergeant 040's account is in our view supported by the fact that most of the people who had been sheltering at the southern end of the eastern block of Glenfada Park North must have been moved away by soldiers into Glenfada Park North before the soldier started firing as Fr Bradley described.

Gunner 134

119.97 On 30th January 1972 Gunner 134 was under the command of Sergeant 040 and stationed at 3 Magazine Street. He too made two RMP statements, the second of which was also given to Colonel Overbury. Gunner 134 also gave a statement to the Widgery Inquiry but was not called to give oral evidence by that Inquiry.

119.98 In his first RMP statement timed at 2210 hours on 3rd February 1972,[1] Gunner 134 described watching speakers on the lorry at Free Derry Corner. He stated that "*As this was going on I saw about five civilians with their hands held high going into COLUMBUSCILLE [sic] COURT being followed by a Paratrooper with his rifle pointing*

towards them, it was then that I heard several more shots this time from a low velocity weapon, probably a pistol also situated in the WILLIAM STREET area." His statement continued:

> "The people at FOXES CORNER IMMEDIATELY dispersed as well as those in ROSSVILLE STREET, they ran in between the flats and the small holding to my left. I then saw a male civilian come trotting across GLENFADA PARK towards the flats and a Paratrooper behind him, The paratrooper then knelt down behind a lampost and fired one round from his SLR at the man, who then fell to the ground. About two or three minutes later I heard about five or six more shots from SLR's, these coming from LECKY STREET/WILLIAMS STREET area. After these shots were fired I saw three civilians fall to the floor in the same area as the previous shooting. I presumed these three people had been shot. Most of the people dispersed leaving only about two hundred people in cover round the flats. I then saw two civilian ambulances arrive, the bodys then being put inside. I again heard another SLR round being fired from the area of WILLIAM STREET, the people round the ambulance immediately taking cover. By this time it began to get dark making my view of the flats difficult."

[1] B1822

119.99 "*Foxes Corner*" (or, correctly, Fox's Corner) was another name for Free Derry Corner.

119.100 It is clear from this statement that Gunner 134 was from the outset confused about at least some of the chronology of events, if not other matters. For example, he may well have seen arrestees, but this was long after the crowd had dispersed at Free Derry Corner and indeed from Rossville Street.

119.101 In his second RMP statement (given to Colonel Overbury on 16th February 1972), he gave the following account of the shooting that he said that he had seen:[1]

> "When I first saw the man in Glenfada Park, not Columbcille Court as I said earlier, he was not running fast, he was trotting. I did not at that time see anyone behind him. I saw him cross Rossville Street. I then looked back to Glenfada Park and saw a paratrooper come into sight from behind the Glenfada Park flats. I then glanced towards Rossville St and when I looked back the paratrooper was kneeling in the aim position pointing his rifle in my direction. I then looked down as I heard the sound of his rifle firing a single shot and saw a man sprawled on the ground between 2 trees between Rossville flats and Joseph Place. I did not see the man fall, but he appeared to be the same man that I saw trotting across Rossville Street.

I then saw a priest come to the man and a crowd gather. I then noticed 2 men running together one with his arm round the other, going pretty fast. One was holding his hand under his jacket. They ran into one of the Joseph Place flats. I think it was the second ground floor flat.

About this time I also saw 2 men, not three as I said earlier at the corner of blocks 1 and 2 of the Rossville flats. I saw one fall and as I looked to see where the shot came from I saw another man near him on the ground. I did not see where the shots came from."

[1] B1826

119.102 In his written statement for the Widgery Inquiry,[1] Gunner 134 gave this account:

"4. I saw a party of people arrested in Glenfada Park and taken down the back of the main building out of my sight.

5. Then I noticed a man wearing a long dark coat come round the corner of the main Glenfada Park building and cross the road towards me at a jog trot. He was not, so far as I could see, carrying a weapon or a nail bomb. At a distance of 100 metres or more it was not possible to say if he had anything small in his hands. I did not see him (while I had him under observation) turn or make any movement as if to use a weapon or throw a missile.

6. There was about a hundred people in the area I could observe, some moving as if to go away from Free Derry Corner (I assumed to throw stones) and others lying down as if to take cover.

7. When the man had got to block 2, I saw a paratroop (whom I recognised as such by the shape of his helmet) come round the corner of Glenfada Park. I looked away for a moment and when I looked back the paratroop was kneeling by a lamppost in the aim position, pointing his rifle in my direction. I heard a shot fired, and looked down to see what he was firing at. I saw the man in the long dark coat lying sprawled on the ground between 2 trees in the area between Rossville Flats and Joseph Place.

8. In my statement of 3 February I said I saw the paratroop fire one round at the man, who fell. After making this statement I spoke to [Sergeant] 040, and realized that if as 040 said the man had turned back with his hands up, I could not have seen him immediately before he fell. This is the reason for the correction I made in my statement of 16 February.

> 9. I saw a priest come to the man, and ten or twelve others gathered round the body. A couple of minutes later I noticed two men, one with his arm round the other, and the other with his left hand under his jacket, run into the back of the second house along Joseph Place. There was no reason to connect them with the body I had seen. I had forgotten them when I made my first statement on 30 February [sic] and remembered them when 040 reminded me of them later.
>
> 10. I believe the body lay where it was for half an hour or so, and was then taken away in an ambulance. I have seen photographs EP 25/11 to 16, and do not see in them the man I saw fall.
>
> 11. After this I saw a man at the far corner of block 2 fall to the ground. I saw no-one shoot at him. I also saw another body of a man lying on the ground in this area, but had not seen him fall. When I said in my first statement that I had seen three civilians shot, I was including the first man I saw. I do not recognise as the bodies I saw those in photographs EP 25/17 and /18.
>
> 12. I later saw the bodies taken away in civilian ambulances."

[1] B1829

119.103 The photographs to which Gunner 134 referred in this statement were those taken by Gilles Peress, which we have considered earlier in this report, showing people below the high concrete wall on the east side of the Rossville Flats car park and Patrick Walsh going to the aid of Patrick Doherty.

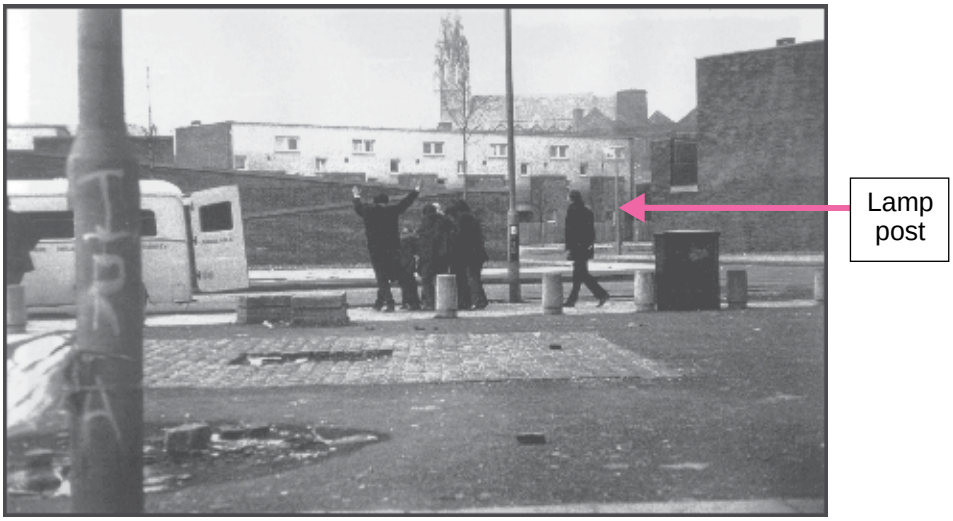
119.104 As appears from his statement to the Widgery Inquiry, by the time Gunner 134 had come to make this statement he had spoken to Sergeant 040.

119.105 Gunner 134 gave written and oral evidence to this Inquiry.

119.106 Gunner 134's evidence to this Inquiry in respect of the person he described as the first he had seen shot is broadly consistent with his statement to the Widgery Inquiry.[1] He told us he recalled seeing a civilian who was wearing a knee-length dark coat. This coat was flapping as the man jogged along. The man had been on the east side of Rossville Street when Gunner 134 had first seen him. He marked the position of the man when he saw him as a few yards south of the south-west corner of Block 1 of the Rossville Flats.[2] Gunner 134 told us that he had no present recollection of seeing the man crossing Rossville Street.[3] He told us that the paratrooper who fired had been standing but adopted a kneeling position before firing.[4] He said that this paratrooper was alone when

he saw him. Gunner 134 placed that paratrooper as kneeling by a lamp post on the south side of the entrance to Glenfada Park North. As can be seen on the following photograph there is no lamp post in that area, but Gunner 134 accepted that it was possible that the paratrooper may have been positioned by the lamp post visible at the corner of the entrance to Glenfada Park North.[5]

1 B1831.003
2 B1831.003; B1831.014; Day 363/36-38
3 Day 363/44-47
4 Day 363/39
5 Day 363/38-42; Day 363/100-101



119.107 Gunner 134 described the paratrooper as aiming his rifle "*down the side of Block 2 Rossville Flats*". He could only recall the paratrooper firing one shot and did not see what happened to him after that, as he was not keeping his eye on the paratrooper but on the area in front of him. Gunner 134 accepted the possibility that the man he had described in 1972 as crossing Rossville Street may have been a different person from the one he described as being shot by the paratrooper.[1] Gunner 134 could not identify that individual from photographs.[2]

1 Day 363/43-48; Day 363/77-78
2 B1830-1831; Day 363/48-49

119.108 Gunner 134 told us that when he looked back at the man wearing the black coat, the man had fallen down face down and facing him, about two-thirds of the way along Block 2 of the Rossville Flats, in a position he marked on a map as close to the flats and just past the canopy over the shops.[1]

1 B1831.004; B1831.014

119.109 Gunner 134's evidence to this Inquiry was that he then heard "*a few more shots*" and saw a second man fall. He marked on the map the position of this man, as also lying close to Block 2, but near the western end of the canopy over the shops.[1] He told us that he had no recollection of how many shots were fired at this point or of where these shots were coming from, but when he was referred to his description in his first RMP statement of hearing them coming from the Lecky Street/William Street area, he said that he must have believed at the time that they had come from his right, as he thought Lecky Street was in the William Street area. He could not say where the paratrooper he had seen was at this time. He recalled seeing a third person on the ground in the same area as the other two men, but told us that he had not seen him fall. He could not assist with a description of these two men, but assumed that both had been shot.[2] He confirmed that these two men were the same two mentioned in his second RMP statement.[3] In that second RMP statement, he had placed the two men at the corner of Blocks 1 and 2. In his written statement to the Widgery Inquiry he had described them as being at or in the area of the "*far corner*" of Block 2, which from where he was looking would indicate much the same area.[4] In our view Gunner 134's 1972 evidence as to the position of the men is likely to be more accurate than his recollection in his evidence to this Inquiry.

1 B1831.004; B1831.014
2 B1831.004; Day 363/49-52
3 B1827; Day 363/54
4 B1830

119.110 In the course of his oral evidence to this Inquiry, he gave these answers:[1]

> "Q…. Just to put it in context: you have been asked a number of questions about your first statement where you describe the man jogging across the road, all right?
>
> A. Mmm.
>
> Q. In that first statement you describe that man being shot. You then say to this Inquiry that the reason that there was a change that you thought you had made a mistake because you had spoken to [Sergeant] 040 and that statement has been put to you, all right?
>
> A. Yes, sir.
>
> Q. And that it was something that he said that caused you to amend your memory and then you were asked this just before lunch about why you thought that the person you had seen was in fact the same as the one being described by 040; are you following?
>
> A. I am, sir, yes.

Q. What you said was, these words:

'We actually identified the person on the floor.'

I just want to follow that through: how were you able, with 040, to establish that you were both talking about the same person? Because he certainly does not describe anybody jogging over the road, let alone turning round; do you follow?

A. I do, sir, yes.

Q. What do you mean by that?

A. I think it was the location in which the person lay.

Q. The reason you came to the same conclusion, the two of you, was because it was between the trees at the nearer end of Block 2 of Rossville Flats as you looked from your position?

A. That is correct, sir, yes."

[1] Day 363/96-97

119.111 It is clear, as Gunner 134 acknowledged, that he changed his account of seeing the first man fall as a result of a discussion with Sergeant 040. It must be borne in mind that Gunner 134 was a trooper who had only been in the Army for about 14 months.[1] He was just over 18 at the time. Sergeant 040 was, in Gunner 134's words, "*ancient … I think he was about 36, 35, 36*".[2] We accept the submission made on his behalf that as a very young gunner, he can hardly be blamed for questioning his own recollection of an event that would have occurred in but a few seconds, having discussed the incident with the Sergeant who had been alongside him at the time, and who was older and far more experienced than he was.[3]

[1] Day 363/44
[2] Day 363/99
[3] FR8.102-103

119.112 For this reason we reject any suggestion that Gunner 134 somehow dishonestly tailored his evidence in his later accounts. However, the fact remains that he altered his original account and came to believe that he had not seen the first man fall because he had been told by Sergeant 040 that the man he originally stated he had seen fall had turned to face the paratrooper. As we have already pointed out, Sergeant 040 was in our view himself muddled and confused and almost certainly wrong about describing one of the casualties facing the firer. Gunner 134 therefore seems to us to have altered his account on the basis of inaccurate information from Sergeant 040.

119.113 On the basis of the first account given by Gunner 134, he saw four people fall, the first shot as he was "*trotting*" away from the paratrooper who fired. In his statement for the Widgery Inquiry he described this man as wearing a "*long dark coat*". As can be seen from the photographs shown above, this description does not fit Bernard McGuigan; and Daniel McGowan told the *Sunday Times* that being dragged along by rescuers after he had been shot had ruined his "*good jacket*",[1] which would seem to indicate that he had not been wearing a coat. According to the transcript of the interview with Jimmy McGovern, he had been wearing a brown suit.[2]

1 AM255.12
2 AM255.28

119.114 As we have already noted,[1] there is a record of the clothing worn by Patrick Doherty on Bloody Sunday. This included what was described as a three-quarter length grey and black tweed car coat.[2] It can be seen in some of the photographs taken of this casualty which we have shown earlier in this report. However, we are sure that Patrick Doherty was not shot as he was "*trotting*" away, but as he was crawling along the ground, so he cannot have been the person Gunner 134 saw. As will be seen from his written statement for the Widgery Inquiry, Gunner 134 did not recognise the person he said he saw from photographs taken by Gilles Peress of Patrick Doherty.

1 Paragraph 118.130
2 F6.6

119.115 However, William McDermott told us that he remembered seeing the wounded Patrick Campbell in the Joseph Place alleyway and that he was wearing "*a gaberdine dark beige raincoat*".[1] John Leppard described helping a casualty (who in our view must have been Patrick Campbell) into a car and told us that he recalled this person wearing a three-quarter length coat.[2] Captain 138, the Medical Officer who examined Patrick Campbell at the Regimental Aid Post at the Craigavon Bridge, recalled that he had a coat on.[3]

1 AM189.5
2 AL9.3
3 B1859.003

119.116 Patrick Campbell had been moving away from the gable end of Block 1 of the Rossville Flats when he was shot. He described falling to his knees when hit but we do not know how long it took him to regain his feet.

119.117 In his first RMP statement Gunner 134 also described seeing another three men fall "*in the same area*" as the first man. In his later statements he sought to correct this to two men at the corner of Blocks 1 and 2 of the Rossville Flats, only one of which he saw fall.

119.118 Gunner 134's description of what he saw in his first RMP statement is not consistent with any of the Sector 5 casualties. We have no evidence from any other source that a man trotted across Rossville Street and was then shot. If, however, Gunner 134 was mistaken about where the man had come from, as he acknowledged to us might have been the case, his description of the man seems to fit only Patrick Campbell, though this casualty was helped to safety and did not remain where he was shot. As to the other people Gunner 134 initially said he had seen fall, Patrick Doherty could not have been one of them, as he was crawling and did not fall. It is unlikely that he saw Daniel McGowan fall, as this casualty was probably out of his sight, close to the Fahan Street steps. He may, though, have seen Bernard McGuigan fall; and on the basis of his later accounts, also have seen the body of Hugh Gilmour on the corner of the south end of Block 1 of the Rossville Flats. It is possible that he saw someone who had not been shot but who had taken cover by lying on the ground. It will have been observed that one of the photographs taken by Gilles Peress shows such a person lying by a tree in the area between Block 2 of the Rossville Flats and Joseph Place.

119.119 In his first RMP statement, Gunner 134 had described hearing five or six shots from SLRs about two or three minutes after seeing a paratrooper shoot at the "*trotting*" man. He stated that these came from the Lecky Street/William Street area. There is no Lecky Street but there is a Lecky Road, which runs south from Free Derry Corner. If Gunner 134 meant Lecky Road he was in effect describing the shots coming from somewhere in a wide arc in front of him, and though he told us that he thought Lecky Street was in the William Street area it must be remembered, as we have pointed out elsewhere in this report, that in a built-up area it is difficult, if not impossible, to tell from where shots have

been fired. As to the two or three minutes, Gunner 134, in his evidence to us, agreed that this was just an approximation, but said that there was a distinct gap between seeing the first man on the ground and the further shots.[1]

1 Day 363/79-80

119.120 According to his first RMP statement, it was after hearing these shots that Gunner 134 saw another three people fall and after that incident that ambulances arrived and he heard a further shot. If this order of events is correct, it is unlikely that the shots he recorded hearing before the ambulances arrived were those fired at 12 Garvan Place in Block 1 of the Rossville Flats, as we have described when considering the later events in Sector 3,[1] since this firing took place after the first ambulance arrived. It is possible therefore that what Gunner 134 heard were further shots from the entrance to Glenfada Park North, as undoubtedly more than one shot must have been fired from there, in order, apart from anything else, to account for the four casualties in Sector 5.

1 Chapters 121–124

119.121 As to Gunner 134's evidence of hearing low velocity fire, "*probably a pistol*", it seems from his accounts to be unconnected with the events of Sector 5. Whether he had in fact heard a pistol remains in some doubt, bearing in mind the difficulty in a built-up area of distinguishing between various types of weapon, as we have observed more than once in the course of this report.

119.122 In these circumstances, though Gunner 134 probably saw some of the casualties in Sector 5, we cannot place much reliance on his evidence, since his accounts are difficult to reconcile with what we know about the casualties in Sector 5. However, his account of seeing a soldier fire from a kneeling position in the area of the entrance to Glenfada Park North is supported by other evidence.

Sergeant 001

119.123 Sergeant 001 of 22 Lt AD Regt was with Gunner 030 on the Platform OP, which was on the City Walls.

119.124 In his RMP statement timed at 2130 hours on 2nd February 1972,[1] Sergeant 001 described his and Gunner 030's task on Bloody Sunday as being "*to observe the Rossville Flats area*". He gave the following account:

“About 1500 hrs a crowd started to filter into Rossville St from the area of William St. In amongst the crowd was a flat top lorry with a number of people on. One person on the lorry had a loud hailer and was hailing the crowd to go to Free Derry Corner.
As the crowd built up I heard the sounds of Baton Rounds and Gas Cartridges being fired in the area of Rossville St/William St. By about 1620 hrs the crowd had built up to about 2–300 people.

Suddenly as the noise from the baton guns came nearer to me, I heard two (2) single shots of a low-velocity. These shots seemed to come from the area of the Rossville Flats complex. This was followed by a long burst of slow automatic fire of a low-velocity. In my opinion this was from a Thompson Sub Machine Gun. I then directed my observations towards the Glenfada Park area, I told Soldier 030 to do the same. Shortly after the first burst, I heard another burst of automatic fire sounding like the first. This time I saw gun flashes at left corner of a 5' high wooden fence outside the far left hand flat. I saw the head of a youth looking over the fence. This youth had long hair. 1 lot of the rounds fired landed a few feet in front of the fence. This automatic fire seemed to be directed towards the William St area.

Just after the gunman ceased fire, I saw a soldier in combat kit running from my right towards the gunman. The soldier stopped about 4 doors to the right of the gunman (about 30 yds) and knelt down on the footpath. I then saw the soldier fire three (3) single rounds from his SLR, in the direction of the gunman. The gunman then disappeared and automatic fire ceased from that location. The soldier then moved to the corner of the street opposite were the gunman had been. There was about 15–20 people on the corner, which he seemed to arrest and take back the way he had come.

Whilst the gunman was firing there was a smartly dressed youth in an overcoat walking backwards and forwards along the corridor above the gunman. Once the soldier fired he disappeared to my right and I didn’t see him again.

After this incident the crowd in the Rossville Flats area seemed to panic and dispersed.

Once the crowd dispersed I saw two bodies lying on the ground at the far end of block No 2 Rossville Flats.”

[1] B1347.007

119.125 Sergeant 001 gave a similar account in his written statement for the Widgery Inquiry,[1] but did not give a further statement to Colonel Overbury or oral evidence to that Inquiry. He gave this Inquiry a written statement,[2] in which he identified the approximate position of the gunman he had seen as the south-western corner of Glenfada Park North; and of the soldier who had apparently fired in response to that gunman about halfway down the eastern side of the western block of Glenfada Park North.[3] Sergeant 001 did not give oral evidence to this Inquiry.

1 B1347.010
2 B1347.001
3 B1347.002; B1347.005

119.126 We cannot accept Sergeant 001's account of automatic fire from the far corner of Glenfada Park North and of a soldier apparently replying to it. Had there been such fire and such a response, it seems to us that one or more of the soldiers who were in Glenfada Park North would have witnessed such an incident, and mentioned it in their accounts, since it would have been in the interests of all of them to do so. As will have been seen from our consideration of the events of Sector 4, there is no evidence from either soldiers or civilians in Glenfada Park North of any automatic gunfire in that area at any time. Sergeant 001 may have seen one of the paratroopers in Glenfada Park North fire three rounds, but if so these would not have been at the target he suggested.

119.127 According to Sergeant 001, it was the soldier who fired who then arrested people on the corner. This would seem to be a reference to the people sheltering behind the southern wall of the eastern block of Glenfada Park North. It will be noted that he made no reference to seeing anyone firing from the area of that corner, though this undoubtedly took place. He also made no mention of hearing other Army firing, though by the stage he saw people being arrested there had been on any view a large volume of SLR fire in Sectors 2, 3 and 4.

Gunner 030

119.128 Gunner 030 made two RMP statements. In the first, timed at 2343 hours on 2nd February 1972,[1] he gave this account:

> "About 1500 hrs a crowd started to filter into Rossville St from William St. In amongst the crowd was a flat top lorry. On the top of the lorry was two (2) men and a girl. The girl I recognised as Miss Bernadette Devlin MP. One of the men had a loud hailer and was urging the crowd to go to Free Derry Corner. As the crowd built up I heard the sounds of baton rounds and gas cartridges being fired. It seemed to be coming from the area of Rossville St/William St. By about 1620 hrs the crowd had built up to about 2–300 people situated around Rossville Flats. At this time the sound of baton guns being fired grew closer.
>
> Suddenly I heard one (1) low-velocity shot. I then heard a number of low-velocity shots. It was then I saw a youth standing firing a pistol. He was in between Blocks Nos 1 & 2 Rossville Flats. Taking cover slightly between Block No 2. There were about 10–15 people crowding around him, therefore I did not shoot for fear of hitting a member of the crowd. The gunman was wearing a brown jacket, faded blue jeans and he had long dark well kept hair.
>
> At this time I saw a body lying on the floor by the telephone box, at the far end to the right of No 2 Block. I had heard no high velocity fire at this time.
>
> I then heard a burst of slow automatic fire of a low velocity which in my opinion came from a Thompson Sub Machine Gun. [Sergeant] 001 directed my attention to a 5' high wooden fence on the left hand corner and the far block in Glenfada Park. I then heard another burst of slow automatic fire and saw muzzle flashes on the top of the fence. I then started to aim my SLR at the gunman.
>
> Suddenly a soldier in combat kit appeared running in from between the two blocks of Glenfada Park from the right. He stopped and knelt down about 4 doors (30 yards) to the right of the gunman, on the same side of the road. He aimed his SLR in the direction of the gunman and fired three rounds. The gunman disappeared and automatic fire from that position ceased.
>
> The soldier then turned and aimed his SLR in my direction. I then heard a number of single low velocity shots from below me. This was followed by one shot from the soldier in Glenfada Park. I then glanced down and saw a body below me. It was surrounded by about 20 people who were shouting for a priest. I then saw a priest run towards the body. I could not see any soldiers about.

> Just after the shooting started, crowds in the Rossville Flats area seemed to panic and disperse everywhere.
>
> Once the shooting had stopped I noticed four (4) bodies. One was below me. One was by the telephone box next to Block No 2 Rossville Flats. The other two were around Rossville Flats but I cannot remember the locations."

1 B1590

119.129 Gunner 030 made a second RMP statement,[1] this time to Colonel Overbury on 16th February 1972, the same date as the other statements taken by Colonel Overbury from Sergeant 040 and Gunner 134.

1 B1597

119.130 In this statement Gunner 030 gave this account:

> "Further to my statement on 2 Feb 72.
>
> When I first heard shooting the crowd at Free Derry Corner was quite separate from the crowd at Rossville flats and Glenfada Park. When I saw the soldier kneel and fire in the direction of the machine gun fire, he was in the open space somewhat to the right of the last tree in the centre on the southern end. He then swung round and aimed his rifle in my direction towards the area between Joseph Place and the Rossville flats. I heard a volley of low velocity single shots coming from below me. I then saw the paratrooper fire one shot in the direction from which the shots had come. When I looked over the wall I saw a man lying on the ground.
>
> A crowd gathered round him and some kneeled down. I heard them shouting for a priest who came. The man was lying by the trees and was in the position from which I heard the low velocity shots.
>
> My position was at the wall. [Gunner] 134 and [Sergeant] 040 were right behind on the top floor of a building on the other side of the street."

119.131 In his written statement for the Widgery Inquiry,[1] Gunner 030 described seeing a lorry driving up and down Rossville Street with Bernadette Devlin and two men on it. "*I could hear the sound of baton rounds and CS Gas cartridges being fired from William Street.*"

1 B1599

119.132 His account continued:[1]

[1] We have left this statement in its original typed form because it is not clear who made the handwritten alterations to the typescript.

3. Suddenly I heard one low velocity shot. I said to soldier 001 that this was not a baton round but a low velocity shot. Then I heard a number of low velocity shots and I could see a youth who was holding what I could clearly see was a pistol from which I could see puffs of smoke coming in the gaps between blocks 2 and 3 of Rossville Flats. I could not shoot him as there was a crowd of about 10 to 15 people gathered round him. I could see quite clearly that he was wearing a brown jacket, faded blue jeans and he had long dark ~~hair~~ well kept hair, he was about 75 yards from me and I had a good view of him from the platform.

4. Then I saw a body lying on the pavement by a telephone box between block 1 and 2 Rossville Flats, there was a big ~~blood~~ pool of blood round him. At this time I had heard no high velocity fire at all. I then heard a burst of low velocity automatic fire which to my mind came from a thompson SMG, and 001 pointed out the direction of fire which was a high wooden fence on the far left hand corner of Glenfada Park in the block nearest Columbcille Court which has trees in the centre of a carpark. I heard more automatic fire from this direction and saw muzzle flashes coming from the top of the fence. I started to aim my SLR at this position. Just at that moment a soldier came into my view, He stopped and knelt down to take aim at a position just by the last tree in the centre of the carpark at the south end. He aimed his SLR in the direction where I had seen the muzzle flashes from the top of the fence and fired 3 rounds. I could not see behind the fence to tell whether anyone had been hit.

5. The soldier then turned and aimed his SLR in my direction, immediately after this I heard single low velocity shots from below me but I could not see who was firing since my view was obstructed by the City Wall. However I looked down and could see a body lying below me opposite the gap between blocks 2 and 3 of Rossville Flats. People had gathered round the man lying on the ground and I could not see him clearly. I heard the crowd shouting for a priest and I then saw a priest running up who gave the man the last ~~rights~~ ritual.

6. After the shooting had stopped I could see 4 bodies, the first was the one below me I have just described. the second was the one by the telephone box in the gap between blocks 1 and 2 of Rossville Flats and the other 2 were in the forecourt of the flats but I can't remember exactly where.

119.133 In his oral evidence to the Widgery Inquiry, Gunner 030 said that the gunman he first saw was kneeling behind a low wall. The description he gave was of a low wall on the northern side of the Rossville Flats and that this gunman fired five or six rounds. He could not fire at the gunman because of the crowd around him.[1]

1 WT16.25-26

119.134 Gunner 030 also told the Widgery Inquiry that he had seen the man with a machine gun in the south-western corner of Glenfada Park North. He could see the weapon, which looked like a Thompson sub-machine gun.[1] He also told the Widgery Inquiry that after seeing the soldier fire three shots at this man, he heard single shots from below his position, whereupon the soldier turned and without moving towards him fired one shot in his direction but lower. Asked if he tried to see who had fired the single shots Gunner 030 replied, "*No, because if I had put my head up more I would have been an open target*". He did say, however, that he afterwards saw a body "*by the first tree in No. 2 of the Rossville Flats*". Counsel for the Ministry of Defence then remarked that this was where another witness had indicated Patrick Doherty.[2]

1 WT16.27 2 WT16.28

119.135 When questioned by counsel for the families, Gunner 030 said that he did not report to anyone either of the gunmen that he said he had seen until the ambulances had arrived, when he told his officer. Asked why he had not made a report at the time Gunner 030 said, "*Because we were too busy looking at other places*". He also said that as far as he knew, his Sergeant (Sergeant 001) had made no report either.[1]

1 WT16.31

119.136 Gunner 030 said that he had not seen any paratrooper firing from the south-east corner of Glenfada Park North; and that the only paratrooper he saw was the one he said had fired from the middle of Glenfada Park North.[1]

1 WT16.32

119.137 Gunner 030 gave written and oral evidence to this Inquiry. In his written evidence[1] he stated that he now had only a very vague memory of the events of Bloody Sunday. The account he then gave differed in material respects from his 1972 accounts, including, for example, that he had relayed to his command post that he had seen a man with a pistol firing through the gap between Blocks 2 and 3 of the Rossville Flats. He also stated that he had not seen a paratrooper fire as he had said at the time; and that the RMP must have misinterpreted what he told them, as he had no recollection at all of such an incident.

1 B1612.001-008

119.138 In his oral evidence to this Inquiry, Gunner 030 told us that when he had made his written statement to us he had got things mixed up with other things that had happened in Northern Ireland at the time; but that he did stand by the accounts that he had given in 1972.[1] In our view, when he gave evidence to this Inquiry, he had no real recollection of the matters he had recorded in his 1972 statements.

[1] Day 366/81-82

119.139 As with Sergeant 001, and for the same reasons, we cannot accept Gunner 030's account of automatic fire from the south-western corner of Glenfada Park North. In Gunner 030's case, it was only when he gave oral evidence to the Widgery Inquiry that he gave an account of actually seeing a man with a Thompson sub-machine gun. As for his account of seeing earlier a man with a pistol, Gunner 030 described the man standing in his first RMP statement, while he told the Widgery Inquiry that the man was kneeling.

Assessment of the evidence of Sergeant 001 and Gunner 030

119.140 In our view it would be unwise to place any reliance on the accuracy of the evidence given by either of these soldiers. They both gave an account of automatic firing in Glenfada Park North that cannot be correct. They made no mention of the Army firing that took place from the south-east corner of Glenfada Park North, which from their position they must have heard and could have seen. Gunner 030's accounts of seeing a man with a pistol varied between his 1972 accounts. Sergeant 001 made no mention of this "pistol man" in his accounts. There is no evidence (apart from theirs) to suggest that either of these soldiers reported what they said they had seen, until they gave RMP statements three days later. Earlier in this report (when considering the events of Sector 2) we referred to Sergeant O's and Private R's accounts of seeing and firing at a man with a pistol in the south-east corner of the car park of the Rossville Flats, but neither made any mention of this gunman being surrounded by a crowd of people, nor of the gunman being behind a low wall. Thus to our minds neither these soldiers' accounts nor Gunner 030's accounts are supportive of each other. In the end it seems to us either that Sergeant 001 and Gunner 030 were keeping their heads down most of the time, but were loath to admit that this was what they had done; or, or as well, that they were simply wholly muddled and confused about what they saw and heard.

119.141 In our view what Sergeant 001 and Gunner 030 described as Thompson sub-machine gun fire were the shots witnessed by Fr Bradley, being fired repeatedly by a soldier from the entrance to Glenfada Park North. They both described what they heard as "*slow*"

automatic fire. To our minds it is understandable that soldiers on the City Walls hearing shots fired repeatedly could form the view that this must have been paramilitary automatic fire, as they are unlikely to have expected a soldier to fire repeatedly in the way that that soldier did. We can think of no other plausible explanation. In our view, what Sergeant 001 and Gunner 030 thought they heard provides a striking example of soldiers mistaking Army fire for Thompson sub-machine gun or other automatic fire.

Civilians in Abbey Park

119.142 Only one civilian in Abbey Park gave evidence of firing into Sector 5. This was John Porter.

John Porter

119.143 We have considered the 1972 accounts given by John Porter earlier in this report, when discussing the events of Sector 4. As we observed there, John Porter's accounts were chronologically confused. John Porter is dead and gave no evidence to this Inquiry.

119.144 It appears that John Porter was observing events from a house in Abbey Park. In his Keville interview[1] he described seeing two paratroopers. The first paratrooper fired two shots towards "*the corner of Rossville Street Flats and the Free Derry Corner*". A second paratrooper fired one shot. John Porter did not say in which direction that soldier fired. The paratroopers then moved forward and arrested a number of civilians including a woman in a green coat who argued with them and was kicked. The arrestees were then moved off.[2] The two paratroopers then edged over to the right. John Porter then said that he went out to a man lying on the ground but there was a volley of shots and he went back, this time to No 7 Abbey Park. This account continued:

> "Er – I knew there were two paratroopers crossed over to the right. I saw one of these Paratroopers where he crossed over firing four shots from the hip and er – there's four bullet marks along the walls. One hit the corner of a red brick another hit a car one went through the window of a flat and a third one embedded further on down. The next Paratrooper fired two shots not even aiming with the rifle under his arm – under his uxters.[3] Er – I knew the two paratroopers were on the right hand side I did – didn't want to go out again to try and get the man in."

1 AP11.26
2 AP11.26
3 ie armpits.

119.145 In his NICRA statement dated 1st February 1972,[1] John Porter put seeing paratroopers after he had gone back to 7 Abbey Park. He gave this account:

> "I ran back to No. 7 and closed the door. I then went to the window and looked out to my left and saw an elderly man lying face up on the ground. He was not moving. I returned to the door and heard someone shout 'Get a first aid man, this man has had a heart attack or something.' I then saw a young man run from the right towards the man waving a white handkerchief. He stopped between the corner and the man and shouted 'Don't shoot, don't shoot!' The next I saw he was knocked off his feet onto the ground. I then saw a girl run from the same place. She was wearing a white coat with a red cross on it. When she arrived at the corner she stumbled and fell. A crowd of approx 15 people came forward with their hands raised. Some were waving white handkerchiefs. When the group arrived at the corner a number of shots rang out and some squatted down and some lay down. They immediately scattered again. Then I looked back towards the first man who had fallen. I saw a paratrooper appear followed by a second. They took up aimed positions. The first fired two shots and the second one shot. These shots were aimed and elevated. They then moved forward a few yards and noticed a group of people sheparding together. The paratroopers then pointed their rifles in their direction and signaled for the people to move off. I then saw a paratrooper kick on[e] of the people. When the group moved off a woman wearing a green coat remained. She seemed to protest and was perturbed. She moved and the paratrooper stepped to her right rear. I then saw the paratrooper kick the woman. Two more paras arrived followed by a third. This para. turned and followed the group. I then saw the first para. of the second group fire four shots from the hip position and faned [sic] the rifle as he did so. The second para, almost at the same time fired two shots from chest height. They then moved out of my range of view."

[1] AP11.1-3

119.146 The "*elderly man*" was in our view Gerard McKinney, who as we have described earlier in this report[1] was shot and mortally wounded on the Abbey Park steps.

[1] Chapter 107

119.147 In his written statement for the Widgery Inquiry,[1] John Porter again recorded seeing paratroopers after going into No 7 Abbey Park:

> "I then saw two paratroopers come to the south west corner of Glenfada Park. They were standing and one fired two aimed shots in the direction of Joseph Place. The other fired one aimed shot in [the] same direction. I then saw them threatening a group of people by putting their rifles into the firing position. I saw one kick a young man and also a woman in a green coat. I then saw another paratrooper come up to the same position and fire four shots from the hip towards the north east corner of Glenfada Park. Another one fired two shots at Joseph Place with rifle under his arm. A third one came up and also fired a quick aimed shot towards Joseph Place from his shoulder and then turned towards the direction of the group of people I mentioned who were under arrest."

1 AP11.17

119.148 The words "*towards Joseph Place*" in this statement were added in manuscript to the statement, possibly as the result of what John Porter had said in his oral evidence to the Widgery Inquiry.

119.149 Much of John Porter's oral evidence to the Widgery Inquiry was concerned with other matters, in particular the circumstances surrounding the shooting of Jim Wray, Gerard McKinney and Gerald Donaghey, which we have considered in the context of the events of Sector 4. However, he did give this account:[1]

> "Q. The crowd that followed the Knights of Malta?
>
> A. Yes.
>
> Q. Subsequently to that did you see paratroopers?
>
> A. Yes.
>
> Q. How many?
>
> A. From the window where I was standing through the slipway on to Glenfada Park, I saw two paratroopers up here. They halted. The first one brought a rifle up to the aiming position, followed by the second paratrooper, and the first paratrooper fired two shots from the aiming position. He aimed standing.

Q. In what direction were these shots fired?

A. He fired them towards Joseph Place.

Q. And was he facing towards Jospph Place?

A. Yes.

Q. Did the other soldier fire?

A. Yes, one shot.

Q. In the same direction?

A. Yes.

Q. Were those shots fired at the same level or different heights, can you remember?

A. The shots were aimed shots, but it appeared to me that the muzzle of the rifle was slightly elevated.

Q. Was that the muzzle of the first soldier's rifle or the second one?

A. The first soldier.

Q. Was the second soldier's rifle raised or level?

A. The muzzle was slightly elevated too.

Q. Did you then see some people at a corner where there were some wooden barriers or something of that nature?

A. Yes.

Q. How many people were there there?

A. Between 12 and 15 people.

Q. Did you see any of them being shot at?

A. No.

Q. Did you see any of them being arrested?

A. I saw the paratrooper who fired a single shot, and he threatened the people with his rifle. I saw the people move off, and the first person who moved off got a kick from the paratrooper.

Q. Was that a man or a woman?

A. A man.

Q. Did you see a woman also?

A. When the main body of the crowd moved off, I saw a woman in a green coat protesting to the second paratrooper, she seemed to be annoyed about the arrest, and the paratrooper gave her a couple of kicks, as well, and she moved off.

Q. Were those all the paratroopers you saw?

A. No. Just as the woman was getting carried off I saw a paratrooper rush in with a rifle and he fired four shots from the hip position.

Q. When he fired those shots where was he standing?

A. He was standing in a similar position to where the other paratrooper was standing.

Q. Is that the paratrooper who had previously fired towards Joseph Place?

A. Yes.

Q. Only this time he was facing inwards?

A. He was firing in the same line of fire, he was firing into the corner, more to the left, up to the top of the Flats.

Q. To the centre of the flats?

A. No.

Q. Into part of the inner square?

A. No, more towards the Rossville Flats area.

Q. How many shots did he fire?

A. Four.

Q. Was he accompanied by any other soldiers?

A. There was a second soldier behind him, to his left, and this soldier fired two shots at the same time from underneath his arm, like that.

Q. Was that in the same direction as the other soldier?

A. No, to the left.

Q. Where had those two soldiers come from?

A. They come up from left to right of Glenfada Park, as far as I could see.

Q. Did those paratroopers stay in the vicinity?

A. Just as they were finishing up their shots a third paratrooper aimed one quick aimed shot and turned back after the people who were marching off.

Q. Where did he aim the shot at?

A. Joseph Place.

Q. And then did he go following the arrested people?

A. Yes.

Q. Was that towards Rossville Street or behind Glenfada Park buildings?

A. Behind the Glenfada Park buildings.

Q. Did these paratroopers stay in the vicinity but out of your vision?

A. The third and fourth paratrooper crossed over out of my vision to my right, I knew they had gone to the right but I didn't see what they were doing.

Q. Slightly in the Free Derry Corner direction?

A. Yes.

Q. But out of your vision?

A. Yes."

[1] WT8.50-51

119.150 A little later in his oral evidence John Porter agreed, apparently by reference to the first two soldiers that he said that he had seen, that they fired in an elevated position and not, so far as he could see, at anyone on the ground.[1]

[1] WT8.54

119.151 According to these accounts, therefore, John Porter witnessed firing by soldiers in two separate incidents.

119.152 The first of these was before the soldiers discovered the people sheltering behind the gable end of the eastern block of Glenfada Park North. According to John Porter he saw two paratroopers appear. The first fired two shots and the second one, both soldiers firing aimed and elevated shots; and according to his evidence to the Widgery Inquiry these were aimed in the direction of Joseph Place but not at anyone at ground level. In his written statement for the Widgery Inquiry he is recorded as stating that these two soldiers appeared at the south-west corner of Glenfada Park. This appears to be an error for the south-east corner, since in his NICRA statement John Porter had described these soldiers moving forward and discovering the people sheltering at the gable end; from the south-west corner these people would have already been visible to the soldiers in Glenfada Park North.

119.153 According to John Porter, the second incident occurred after soldiers had discovered people sheltering behind the gable end and these people had moved off. On this occasion one paratrooper arrived and fired four shots from his hip, fanning his rifle as he did so; another behind this soldier and to his left "*at the same time*" fired two shots from under his arm at Joseph Place. In his written statement for the Widgery Inquiry, John Porter is recorded as stating that the soldier firing four shots did so towards the north-east corner of Glenfada Park, and in his oral evidence, up to the top of the Rossville Flats. Counsel asking the questions would seem to have had John Porter's written statement before him, as he asked whether the shots had been fired into the "*inner square*", but John Porter repeated that these shots had been fired "*more towards the Rossville Flats area*". It seems to us that the person recording John Porter's written statement used the words "*north east corner of Glenfada Park*" meaning the north-east corner of Glenfada Park South, not Glenfada Park North; but that counsel thought it meant the latter. It should also be noted that although in his written statement for the Widgery Inquiry John Porter had stated that the second soldier had fired towards Joseph Place, in his oral evidence to the Widgery Inquiry he said that this soldier had fired to the left of the first soldier.

119.154 It was only in his evidence to the Widgery Inquiry that John Porter described a third paratrooper who arrived just as the two soldiers "*were finishing up their shots*" and fired one aimed shot at Joseph Place.

119.155 In our view the soldier John Porter said that he saw firing four shots, according to his NICRA statement fanning his rifle as he did so, is likely to have been the soldier that Fr Bradley saw. The soldiers that John Porter said that he first saw were likely to have

been out of Fr Bradley's sight as he sheltered behind the gable end, as (according to John Porter) it was after this first incident that they moved forward and saw the group at the gable end.

119.156 As will have been observed, Fr Bradley only witnessed one soldier firing from the entrance to Glenfada Park North. John Porter, in his Keville and NICRA accounts, described seeing two; and in his evidence to the Widgery Inquiry three.

119.157 We have considered at length John Porter's evidence relating to what he said he saw in Glenfada Park North and Abbey Park, when considering the events of Sector 4. As we have noted, he was chronologically confused about some matters. His primary attention was directed to the casualties in Sector 4. Although he appears likely to have seen the firing witnessed by Fr Bradley, and may have seen other firing from the entrance to Glenfada Park North, we take the view that it would be unwise to rely on what he said about other soldiers firing, in the absence of supporting evidence. He was, after all, observing from a window in Abbey Park through the alleyway leading into Glenfada Park North what was happening some 70 yards away at the entrance to Glenfada Park North and thus with a very narrow field of view. It will be noted that in none of his accounts did he describe seeing a soldier fire from a kneeling position at the entrance to Glenfada Park North, in contrast to the evidence of Sergeant 040 and Gunner 134 observing from Magazine Street and Lieutenant 227 observing from Charlie OP on the City Walls. There is evidence, which we discuss below, that as well as the soldier witnessed by Fr Bradley, at least one other soldier fired from the entrance to Glenfada Park North, but John Porter's account is the only one to the effect that two soldiers fired from the entrance at the same time.

Soldiers in Glenfada Park North

119.158 Apart from Lance Corporal F and his "pair" Private G, whose evidence we consider below, none of the soldiers in Glenfada Park North, whose activities we have considered in the context of Sector 4, gave any evidence about seeing or hearing a soldier or soldiers fire from the entrance to Glenfada Park North.

119.159 Earlier in this report we drew attention to the account given by Lieutenant 119, the Commander of Anti-Tank Platoon, of seeing, as he went into Glenfada Park North, Lance Corporal F "*fire 2 x 7.62 rounds at a target which I could not see from GR 43231687*". The grid reference is to one of the alleyways leading into the north-eastern corner of Glenfada Park North and thus seems to refer to the position of Lieutenant 119, not that of

Lance Corporal F. This account appeared in Lieutenant 119's second RMP statement dated 4th February 1972.[1] He made no mention of seeing this firing in his first RMP statement.[2]

1 B1752.036

2 B1752.041

119.160 In his written statement for the Widgery Inquiry,[1] Lieutenant 119 described seeing, as he came through the archway into Glenfada Park North, Lance Corporal F "*who was standing on the eastern side of the courtyard, fire two shots. I looked quickly but could not identify his target.*"

1 B1752.043

119.161 In the course of his oral evidence to the Widgery Inquiry, there was this exchange with Lieutenant 119:[1]

> "Q. What did you see happening when you got into the courtyard?
>
> A. As I came in I saw Soldier F fire two rounds. I did not see who he fired at because of my position. Once I got in there I saw three civilians lying here.
>
> Q. That is the south-west corner?
>
> A. Yes.
>
> Q. Was he firing in their direction or which direction?
>
> A. No, I think he fired down in this direction, here. It would be difficult to say from where I was standing, but that is the direction it appeared to me.
>
> Q. More or less straight down the east side?
>
> A. Yes.
>
> Q. You did not see what he was firing at?
>
> A. No.
>
> Q. Did you ask him?
>
> A. Not at that time because he had stopped firing, and I was more concerned with the bodies that were lying on the road."

1 WT14.14

119.162 Elsewhere in this report[1] we drew attention to this evidence of Lieutenant 119 and concluded that it was likely that he was mistaken in his identification of Lance Corporal F; and that he had probably confused this soldier with Corporal E, who in our view did fire down the eastern side of Glenfada Park North.

1 Paragraphs 96.5 and 100.19

119.163 Lieutenant 119 said nothing in any of his accounts about the firing witnessed by Fr Bradley or any firing from the entrance to Glenfada Park North.

Lance Corporal F

119.164 We have already referred to the accounts given by Lance Corporal F. For the reasons we have given and which we give later, we regard Lance Corporal F as an unreliable and untruthful witness. He is, however, the only soldier to have said that he fired into Sector 5 from the entrance to Glenfada Park North, though he only admitted this in the written statement taken by Colonel Overbury and dated 19th February 1972,[1] having in his three previous RMP statements recorded nothing about firing from there,[2] but instead invented (as we describe in detail elsewhere in this report[3]) an account of firing more shots at Block 1 of the Rossville Flats than he had in fact done.

1 B135

2 Nor, as will have been seen, about firing at the rubble barricade in Rossville Street, a shot that killed Michael Kelly.

3 Paragraphs 123.112–145

119.165 We have earlier in this report[1] set out in full the statement Colonel Overbury took from Lance Corporal F and dated 19th February 1972, but for convenience we again set out here the part relevant to Sector 5:[2]

> "When I moved with [Private] G into Glenfada Park I fired 2 rounds as I said earlier at another man who was about to throw a bomb. The object in his hand was definitely a bomb because it was fizzing. Immediately after this I ran along the Eastern wall of Glenfada Park to the corner. As I did so I heard pistol shots coming from the area of the wall at the far end of the Rossville Flats. I shouted 'there's a gunman' and I dropped to one knee and took an aim position. I saw a man near the wall facing in my direction who turned as if to run. I saw he had an object in his hand. He was the only person in the area from which the gunfire had come. The object in his hand was large and black like an automatic pistol. I fired 2 rounds at this man and he fell to the ground. I then saw 20 people, 19 men and one woman standing near me huddled together at the end of the flats in Glenfada Park. I arrested these people with others including G who came up."

1 Paragraph 81.11

2 B135

119.166 In his written statement for the Widgery Inquiry, Lance Corporal F gave this account of his firing into Sector 5, after describing shooting inside Glenfada Park North which we have considered in the context of Sector 4:[1]

> "6. I then asked [Private] 'G' to cover me as I heard pistol shots in the direction of Rossville Flats. I approached the south-east corner of Glenfada Park. I got down on one knee. I observed a man with a pistol at the far end of Rossville Flats. I think he was wearing darkish clothes. He had a black object which looked like a pistol in his hand. I then shouted to 'G' 'There's a gunman down here' and then took two aimed shots and he fell to the ground. He was in a half crouching position moving to his right as I shot him.
>
> 7. I then observed in the position where I was about twenty people (19 men and one woman) huddled against the side of a wall at the south end of the western block of Glenfada Park. I shouted to 'G' to assist me in arresting these people. We then ushered them back through the rear of Glenfada Park into Columbcille Court and I saw soldiers taking them off."

[1] B138

119.167 When he gave oral evidence to the Widgery Inquiry, Lance Corporal F was taken first through his account by leading counsel for the Ministry of Defence:[1]

> "Q. What happened next?
>
> A. Next thing happened I heard pistol shots from the direction of Rossville flats. I told [Private] G to cover me while I went up to investigate.
>
> Q. Where did you go?
>
> A. Went up to this corner.
>
> Q. You went to the south-east corner?
>
> A. Yes.
>
> LORD WIDGERY: Before we leave there, your Corporal (who we call E) has told me that he was also in the Glenfada Park compound or courtyard. You did not see him at all?
>
> A. No.

Mr. GIBBENS: You went to the south-east corner and what happened there?

A. On reaching the south-east corner I got down on one knee and I observed in the direction where the pistol shots were coming from. I saw a man with a pistol firing on the wall here.

Q. The far end at the back of the Rossville flats southern block by the wall there?

A. Yes.

Q. How was he dressed?

A. He was wearing darkish clothing.

Q. What was he doing?

A. He had a pistol in his hand and as he saw me he attempted to turn. I then fired two aimed shots and the man then fell to the ground.

LORD WIDGERY: You are going too fast: I have him with a pistol in his hand and you observe him. What does he do?

A. He about turns as though to move to the right. As he did so I shouted to G 'There's a gunman down here'. I then took two aimed shots and the man fell to the ground.

Mr. GIBBENS: When you say he turned as if to move to the right, which way was he facing in the first place?

A. In the first place he was facing the front and looking at me.

Q. So he would have turned to go back into the Rossville flats complex?

A. He was turning as if to come in this direction.

Q. To his left but to your right?

A. To my right.

Q. Down past Joseph Place. When you aimed at him what was his position?

A. A half turn to the right, a crouching position.

Q. A half turn to your right?

A. Yes, in a crouching position.

Q. When you fired did you hit him?

A. Yes.

Q. What did he do?

A. Fell to the ground.

Q. Then did you notice anything?

A. After I had fired at the man, in the position where I was there was a group of about 20 people, 19 men and one woman, huddled together at the side of the wall.

Q. You had fired past them, had you?

A. Yes.

Q. And what happened about them?

A. I then shouted to G 'There are some rioters here' and asked him to assist me in arresting these people."

[1] WT14.48

119.168 It will be noted that in his oral evidence to the Widgery Inquiry, Lance Corporal F said that the man with the pistol was firing, something that did not appear in either his written statement to Colonel Overbury or his written statement for the Widgery Inquiry.

119.169 Subsequently Lance Corporal F answered a number of additional questions put by counsel for the Ministry of Defence, including the following:[1]

"Q. Did you say anything to the Police, the SIB [Special Investigation Branch], about the shot that you have told the Court you fired from the southern end of Glenfada Park along behind the Rossville Flats? Do you know where I mean?

A. Yes sir.

Q. Where you shot a man who had a pistol and turned away to your right, his left, when you hit him?

A. No sir.

Q. Did you mention that at all?

A. No sir.

> Q. Why did you not tell the SIB about that?
>
> A. At the present time, sir, it slipped my mind what with the other events that happened.
>
> Q. What with the other events?
>
> A. Shooting the other two bombers."

[1] WT14.60

119.170 Later in his oral evidence, Lance Corporal F said that it was not until he made his statement to Colonel Overbury that he was shown aerial photographs of the immediate area and then realised that he had shot a man.[1]

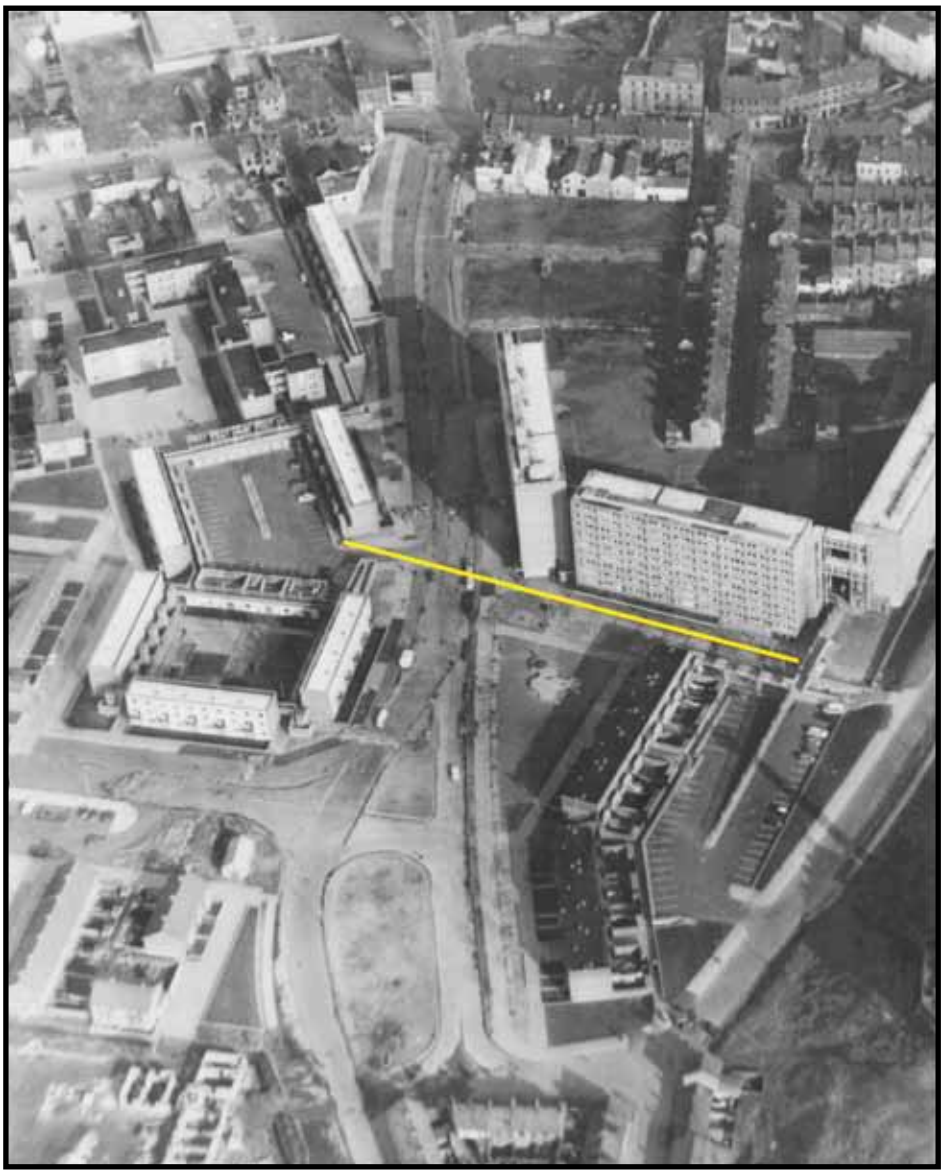
[1] WT14.75

119.171 Since it was only at a late stage that Lance Corporal F admitted firing into Sector 5, it is not surprising that there is no mention of these shots in Major Loden's List of Engagements.[1] In fact there is nothing in Major Loden's List of Engagements that relates to any firing by any soldier from the area of the entrance into Glenfada Park North, either into the area of Sector 5, or indeed anywhere else.

[1] Chapter 165

119.172 In the course of our consideration of the later events of Sector 3,[1] we draw attention to a trajectory photograph of the shots that Lance Corporal F said that he had fired at the Rossville Flats. There is another trajectory photograph of the shots that Lance Corporal F said he had fired into Sector 5. According to this latter trajectory photograph, Lance Corporal F was positioned near to the south-western corner of the eastern block of Glenfada Park North. His target was at the south-easterly end of Block 2 of the Rossville Flats, close to the high retaining wall and between these flats and Joseph Place.

[1] Chapter 123



119.173 It will have been noted that Lance Corporal F, in his later 1972 accounts, had stated that it was after he had fired at what he described as a man with a pistol that he noticed the people huddling at "*the wall*", which must be a reference to the south end of the eastern block of Glenfada Park North; and that he had fired past them. In our view this was not so. Both Fr Bradley and George Irwin were among this group, but only describe firing after they had been arrested and as people were being taken away. Had a soldier fired within what would have been feet of people at the wall and before they were arrested, one or more would in our view have been bound to have described this happening.

119.174 It will also have been noted that Lance Corporal F said nothing at any stage about the firing that Fr Bradley witnessed, which, for reasons we give below, we consider was firing by another soldier.

119.175 Lance Corporal F gave written and oral evidence to this Inquiry. We have already explained that we did not believe him when he said that he had practically no recollection of what he did on Bloody Sunday.

Other soldiers in Glenfada Park North

119.176 The only other soldier in Glenfada Park North who gave evidence about Lance Corporal F firing from the entrance was Private G.

119.177 This soldier made no mention of this firing in his RMP statements. The first time he did so was in his written statement for the Widgery Inquiry. In this statement, having described firing at targets in Glenfada Park North, Private G gave the following account:[1]

> "7. There were a fair number of people on the opposite side of the courtyard. When the men fell a small crowd gathered round quickly. I could not actually see anyone pick up a weapon because there were too many people in front. I did not fire at them. The crowd ran off quickly up a little alleyway only a couple of yards behind them. [Lance Corporal] F moved down the wall of the eastern building to the big opening by the barricade and I worked round the other two walls. We could not run straight across the courtyard because it is open on a number of sides and we could have been fired on. By the time I reached the far corner the crowd had completely vanished. There was nobody there at all, just the two bodies and another body a few yards further down towards the opening.
>
> 8. Our Platoon Commander then recalled us. I heard F shout 'There's a gunman' or something like that. I saw him down on one knee at the south east corner of Glenfada Park aiming in an easterly direction. I saw him fire one or two shots in a direction out of my sight.
>
> 9. At this point a party of about 20 people where F was were ferried back by F and some others. I went quickly across the courtyard to join them."

1 B187

119.178 In his oral evidence to the Widgery Inquiry, Private G was asked about this matter:[1]

> "Q. Then you say you got a recall?
>
> A. Yes.
>
> Q. Did you go back, or what happened next?
>
> A. At this recall I heard [Lance Corporal] F shout. He shouted that there was a gunman. At this time I seen him in the kneeling position.
>
> Q. Where?
>
> A. Over here. He was on the corner here and he fired one or two shots.
>
> Q. In which direction?
>
> A. He was firing over this way somewhere.
>
> Q. Behind the block of flats?
>
> A. Yes.
>
> Q. How did he fire? Was he standing, or what?
>
> A. Kneeling.
>
> Q. In a kneeling position. Did you see his target at all?
>
> A. No, sir.
>
> Q. At that corner were there some civilians who had been arrested?
>
> A. Yes, they were huddled against the wall there – this wall.
>
> Q. Were they brought back by [Lance Corporal] F and yourself and others?
>
> A. Yes, there was a few of our platoon there then. They were ferried back along this wall, through here, and over to somewhere over here."

1 WT14.81

119.179 As we have already pointed out in our consideration of the events of Sector 4, Private G told the Widgery Inquiry that he had not told the RMP about this firing by Lance Corporal F because "*I was making a statement of what I had done*".[1] This explanation for the

omission is, as we have already observed when considering the events of Sector 4, quite unconvincing and we do not believe it, since Private G had in fact described in his first RMP statement earlier shooting by Lance Corporal F.

[1] WT14.83

119.180 In our view there are only two possible reasons for this omission. The first is that Private G had seen nothing of this firing by Lance Corporal F, but then untruthfully said that he had, in order to support the belated account given by his "*pair*"[1] Lance Corporal F, of shooting into Sector 5. The second is that Private G had seen at least something of this incident, but had kept quiet about it until a late stage, because his "*pair*" had, until the interview with Colonel Overbury on 19th February 1972, concealed that he had fired into Sector 5.

[1] WT14.14

119.181 If the first is the correct reason, then it follows that Private G's evidence does no more than demonstrate that he was prepared to lie to support Lance Corporal F. If the second is the correct reason, it does not follow that what Private G said he saw was the truth. In this regard it is noteworthy that Private G seemed to be saying that there were some civilians huddled against the wall when Lance Corporal F fired. Later in his oral evidence to the Widgery Inquiry, he gave the following answers:[1]

> "Q. In Glenfada Park did some soldiers take away some prisoners?
>
> A. Yes sir.
>
> Q. When those soldiers left with those prisoners how many soldiers were then remaining in Glenfada Park?
>
> A. None, sir.
>
> Q. Did they all leave with the prisoners?
>
> A. Yes sir.
>
> Q. You did not take the prisoners away before [Lance Corporal] F shot across the front of Rossville Flats at the pistol man?
>
> A. No sir."

[1] WT14.87

119.182 As we have already stated, in our view the civilians at the gable end had been arrested and moved away from the gable end northwards in Glenfada Park North before Lance Corporal F had fired into Sector 5, for otherwise one or more of them would have been bound to have noticed this firing. On this point, therefore, it seems to us that Private G was giving the same untruthful account as Lance Corporal F. It should also be noted that like Lance Corporal F, Private G said nothing about the firing witnessed by Fr Bradley.

119.183 We have already expressed the view that in many respects Private G lied about what he had seen and done on Bloody Sunday. In our view we cannot place any reliance on the account that he gave of the firing by Lance Corporal F into Sector 5. At the same time, there is no doubt that he and Lance Corporal F were a "*pair*" and would normally work together covering each other.[1] Thus to our minds it is likely that they would, so far as was possible, watch each other's movements and seek to be close to each other. Thus it seems to us that Private G could have seen at least something of what Lance Corporal F was doing and may have been much closer to the events in Sector 5 than he was prepared to admit. On this basis it follows that these two soldiers must have agreed to say nothing about this incident to the RMP; and to our minds this can only be because something had happened that they wished to conceal.

1 B186; WT14.83; WT14.14

Lance Corporal F's alleged admissions to this Inquiry

119.184 Those acting on behalf of the family of Bernard McGuigan submitted that during the course of his oral evidence to this Inquiry, Lance Corporal F admitted that he had shot this casualty.[1] We have looked at the passages in question[2] but we are not persuaded that Lance Corporal F did in fact make a clear-cut admission. He insisted that in Sector 5 he had only shot at a man with a pistol, and it was only on the basis of being asked to make a number of assumptions, in effect that he had been identified as the soldier who had shot Bernard McGuigan from the corner of Glenfada Park North, that he said anything that could be regarded as accepting that he was responsible for the death of this casualty. Accordingly in our view it would be wrong to treat what Lance Corporal F said to us as evidence that he shot Bernard McGuigan. We take the same view of the submission that in his oral evidence to this Inquiry he admitted shooting Patrick Doherty.[3]

1 FS2.117; FR2.25

2 Day 376/114-132

3 FS6.201-202; FR7.909-FR7.911; Day 375/120-122; Day 376/93-111; Day 376/175-176

The number of shots fired into Sector 5

119.185 For reasons we give when considering the firing in Sector 3[1] at a window on the west side of Block 1 of the Rossville Flats, we are of the view that even with his belated admission of firing two shots into Sector 5, Lance Corporal F continued to fail to account truthfully for six of the 13 rounds that he said that he had fired on Bloody Sunday, since we reject his account that he fired eight shots at the Rossville Flats and conclude that he fired only two.

1 Chapter 123

119.186 It is possible (though in our view unlikely) that Lance Corporal F fired more shots than he admitted in Sectors 3 or 4. In Sector 5, however, there were four casualties. The circumstances in which they were shot, which we have described earlier in this report, show to our minds that they must have been hit by four separate shots coming from Glenfada Park North. As we discuss further below, there is evidence that in addition to the shots that hit the casualties, other shots were fired into Sector 5. Lance Corporal F is the only soldier to have admitted firing into Sector 5. Although we are sure that the soldier Fr Bradley saw fired from the entrance to Glenfada Park North, we are equally sure that the shots he saw this soldier fire were all to the south of Sector 5 and did not cause any of the Sector 5 casualties.

119.187 It is possible that after Fr Bradley had been moved away, this soldier fired further shots, this time into Sector 5. As we have already noted, George Irwin in his NICRA statement described seeing a tall soldier firing at least three shots from the hip in a direction that would correspond with the area of Sector 5. However, for reasons given earlier, we consider this to be unlikely.

119.188 Those acting for Lance Corporal F submitted that the soldier witnessed by Fr Bradley and others was not Lance Corporal F.[1] We accept this submission. George Irwin described this soldier in his NICRA statement[2] as tall. RM 2 gave the same description. Lance Corporal F could not, in our view, be described as tall. His height was 5 feet 6 inches as is apparent from one of the photographs taken at Fort George of him with one of the arrestees, which has a scale on the wall behind Lance Corporal F.[3]

1 FS7.2241-2251
2 AI4.2
3 FS7.2248; Day 376/159

119.189 We consider below whether it is possible to identify the soldier seen by Fr Bradley, but it follows from the fact that in our view this was not Lance Corporal F, that none of this soldier's shots witnessed by Fr Bradley, or in our view George Irwin, can be attributed to Lance Corporal F.

119.190 Leaving aside the shots that were fired further south, there are differing accounts of the number of shots witnesses saw fired by a soldier into Sector 5.

119.191 Joseph Doherty described in his 1972 accounts seeing a soldier firing three shots, the first of which hit Bernard McGuigan and the other two being fired in the direction of the shops and forecourt of the Rossville Flats, though he told this Inquiry that possibly the soldier had fired more. Lieutenant 227 described seeing a soldier firing two shots, one of which hit a person he identified as Bernard McGuigan. In his first RMP statement Lieutenant 227 also referred to hearing afterwards a number of other "*S.L.R shots and other high velocity shots but from what area I do not know*".[1] The accounts of Sergeant 040 and Gunner 134 were to the effect that they saw a soldier fire one shot.

1 B2186.3

119.192 The evidence of these witnesses is that they saw a soldier fire between one and three shots into Sector 5. We should note here that we have also considered the evidence of Susan Doherty,[1] Mary Quigley,[2] and Kathleen Brown,[3] but we found nothing more in this evidence that we considered of assistance in the present context.

1 AD105.3; Day 170/20-32
2 AQ6.1
3 AB94.2-3; Day 144/99-107; Day 144/134

119.193 Peter McLaughlin gave a NICRA statement[1] in which he described looking out from 27 Garvan Place, a two-storey maisonette on the third and fourth floors of Block 2 of the Rossville Flats,[2] hearing gunfire and then seeing someone apparently shot in the leg, after which he recorded that two shots were fired at Patrick Doherty, one of which hit him, and four towards Patrick Walsh when he had gone to Patrick Doherty and turned him over. He gave this account:

> "I was in a flat on the second floor overlooking St. Joseph's St., Flats, when I heard gunfire. I looked out of the window and saw a group of four people one apparently shot in the leg, trying to make for cover behind St. Josephs flats.
>
> An injured person I seen a few minutes later, crawl towards St. Josephs Flats from somewhere around the fish shop. He was approx. half way from the 'Flats' to St. Josephs Flats when shots (two) were fired by a marksman (Army) who was beside a Saracen in the entrance to the car park opposite the main entrance to Rossville Flats.
>
> The first shot missed and hit a wall behind the injured man; the second shot hit him in the side.

I seen his clothes burst open and a small amount of blood burst out; this was the only apparent shed of blood. The shot man lifted his head and shouted

'Ah! Christ, they shot me again!'

He draged himself forward a small distance and droped his head then lay motionless.

One of his friends crawled out from behind St. Josephs St. Flats waving a handkerchief. He tried to pull the shot man by the arm and found that he couldn't pull him that way. He then turned him over and tried to pull him by the collar of his coat, the soldiers fired four shots at the person trying to help but missed. He crawled back undercover to St. Josephs Flats."

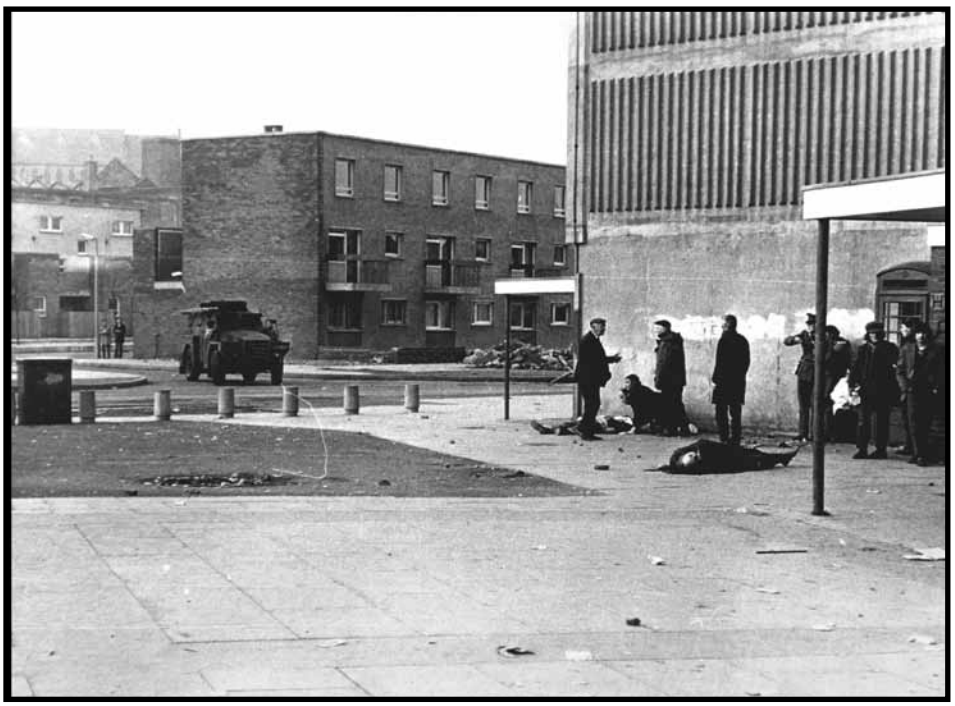
1 AM352.9

2 AM352.1

119.194 In our view Peter McLaughlin was mistaken in thinking that the soldier who fired was beside a "*Saracen*". At a later stage, as we have described elsewhere in this report,[1] an Armoured Personnel Carrier (APC) did go into the entrance of Glenfada Park North in the course of collecting the bodies at the rubble barricade. It can be seen in the background behind the body of Bernard McGuigan in one of the photographs taken by Gilles Peress when the APC had got to the southern end of Block 1 of the Rossville Flats, which we have shown earlier in this report;[2] and also in a photograph taken by Fulvio Grimaldi of the same scene, shown below.

1 Chapter 122

2 Paragraph 119.66



119.195 As we have described earlier, by the time these photographs were taken, all the casualties in Sector 5 had been sustained and there was no more shooting in Sector 5.

119.196 On the basis of Peter McLaughlin's 1972 account, after the gunfire he first heard, he witnessed a shot that missed Patrick Doherty and then four towards Patrick Walsh, which also hit no-one. Since in our view Patrick Campbell and Daniel McGowan were shot before Patrick Doherty, it seems that the firing that Peter McLaughlin first heard resulted in these casualties and may have also included the shot that hit Bernard McGuigan.

119.197 Derrik Tucker Senior, in his NICRA statement,[1] described only one shot at the stage when Patrick Walsh was crawling out.

1 AT16.2

119.198 Charles McLaughlin in his NICRA statement[1] gave an account of seeing two shots fired towards Patrick Doherty, the second of which hit him. Muriel Barr also described two shots, the second hitting Patrick Doherty.[2]

1 AM322.12 2 AB18.1

119.199 As we have already noted, Patrick Walsh described firing in his direction when he first got to Patrick Doherty, and bullets hitting the wall by the Fahan Street steps, which forced him to retreat. These could not have been either the round that hit Bernard McGuigan (since the bullet that hit him broke up) or those that hit Patrick Campbell or Daniel McGowan, since in our view they had already been wounded.

119.200 On the basis of this evidence, we have concluded that there were likely to have been a number of shots fired into Sector 5, in addition to the four that hit the Sector 5 casualties, though it is not possible to be sure how many shots were fired in all into Sector 5. We consider this point further below.

The number of soldiers firing into Sector 5

119.201 As we have already stated, in our view Lance Corporal F failed to account truthfully for six of the shots that he fired on Bloody Sunday. Neither Lance Corporal F, nor any other soldier of Support Company, ever suggested that anyone apart from Lance Corporal F fired into Sector 5.

119.202 Furthermore, no soldier has ever admitted to firing from the entrance to Glenfada Park North the shots that Fr Bradley witnessed. It follows, since in our view these shots were not fired by Lance Corporal F, that another soldier chose to conceal that he had fired from the entrance to Glenfada Park North.

119.203 PIRA 25 told us that he saw three soldiers kneeling at the entrance to Glenfada Park North, but did not suggest that he had observed any of these firing.[1] PIRA 25 gave no account in 1972.

1 AG17.2-17.3; Day 424/121-122

119.204 According to the account he gave in 1972 to the *Sunday Times* Insight Team, Joe Nicholas looked to his right after witnessing the shooting of Patrick Doherty, and saw the body of Bernard McGuigan. Behind him Joe Nicholas saw two soldiers. One was kneeling and the other "*sort of squatting*". Both had rifles at their shoulders aimed in the direction of Patrick Doherty.[1] Joe Nicholas did not suggest to the *Sunday Times* that he had seen either soldier fire, and though in his NICRA statement[2] he referred to firing "*from the two soldiers at the entrance to Glenfada Park*", we are of the view that (as he told this Inquiry[3]) he did not see either of these soldiers firing any shots.

1 AN17.20
2 AN17.17
3 AN17.5

119.205 John Hutton, in a handwritten statement dated 25th February 1972,[1] described sheltering in the "*first house in Joseph's Place*". From there he saw three soldiers apparently arrest a group of about 30 people sheltering at a gable end in Glenfada Park and march them away. Two soldiers then came and "*took up position at the car-park end of the gable wall*". According to this account, one of these soldiers then knelt down, brought his rifle "*to the aiming position at his shoulder*" and fired at a young man wearing blue denim jeans and jacket, who had come out from near the telephone kiosk near the south gable of Block 1 of the Rossville Flats waving a handkerchief, and was going towards Glenfada Park North. John Hutton then described the same soldier shooting Bernard McGuigan, who he recorded was walking towards the young man.

1 AH105.8-9

119.206 John Hutton was in our view muddled about the first incident of firing, since there is nothing else to suggest that a young man was shot as he went towards Glenfada Park North. He may have mistakenly concluded that Hugh Gilmour had been shot from

Glenfada Park North. Nevertheless, his account indicates that he saw only the kneeling soldier fire. In his oral evidence to this Inquiry, he described the soldier that he had seen firing as "*small*".[1]

1 Day 185/35

119.207 In his written statement for the Widgery Inquiry, Daniel McGowan described seeing two soldiers "*on their knees*" in firing positions at Glenfada Park before he was shot. He did not suggest seeing either of these soldiers fire.[1] However, we have already expressed the view that it would be unwise to rely upon the accounts Daniel McGowan gave of the precise circumstances in which he was shot.

1 AM255.5

119.208 There is thus some evidence that there were at some stage two soldiers present and looking into Sector 5 but, apart perhaps from John Porter, no eyewitness account of seeing more than one firing into that sector; and as will have been seen, some witnesses described seeing only one soldier.

119.209 Although Lance Corporal F was, for the reasons that we have given, an unreliable and untruthful witness, it seems to us highly unlikely that he would have admitted to firing at and hitting a man in Sector 5 if he had not done so, though his description of his target and the number of shots he fired into Sector 5 are another matter altogether. He said that he had fired from a kneeling position. We are sure that the kneeling soldier described by several witnesses was Lance Corporal F.

119.210 We now turn to consider the identity of the soldier Fr Bradley witnessed firing, whether this or another soldier was the other soldier some witnesses described, and whether this other soldier himself fired into Sector 5.

The firing soldier witnessed by Fr Bradley

119.211 According to George Irwin and RM 2, the soldier they observed firing from the hip from the entrance to Glenfada Park North was tall. Private H was about 6 feet tall.[1] As we have noted earlier in this report, when considering the events of Sector 4, Private H, who we are sure went into Glenfada Park North with Corporal E, Lance Corporal F and Private G, gave a false account of firing 19 shots into a window on the south side of Glenfada Park North. The evidence established to our satisfaction that no window on this side of Glenfada Park North was hit by more than one shot. In Private H's evidence to us he appeared to accept that he could have been wrong about this and that perhaps this

incident happened in the area of Sector 2. Corporal 444, as we have described earlier, gave evidence of a soldier firing upwards from about the hip at a late stage in Sector 2. This may have been Private H. However, even if it was, he could still have fired the shots witnessed by Fr Bradley and George Irwin, though he denied doing so.[2] Furthermore, had Private H fired 19 shots all from the same position and in the same direction, it is unlikely in the extreme that no civilian would have noticed such extraordinary behaviour. We cannot be sure, but given his height, the falsity of his evidence as to where he had fired 19 shots and the fact that he was in Glenfada Park North, it seems to us probable that the firing soldier witnessed by Fr Bradley was Private H.

1 Day 378/67

2 Day 378/130-131; Day 378/135-138

119.212 We should note that the soldier witnessed by Fr Bradley and George Irwin is unlikely to have been Private G, as he was only about the same height as Lance Corporal F, namely about 5 feet 6 inches. Private David Longstaff was about 6 feet tall, as shown in photographs taken at Fort George, but in our view, for reasons given later in this report,[1] he did not fire a shot on Bloody Sunday. Corporal E was about 5 feet 9 inches tall, as also shown in Fort George photographs, so again is unlikely to have been the soldier seen by George Irwin and Fr Bradley. Lance Corporal J was about 6 feet 2 inches tall,[2] but unless he had or acquired a large quantity of spare rounds, which seems to us unlikely, he could not have fired the number of shots witnessed by George Irwin and Fr Bradley.

1 Paragraphs 123.104–117

2 ARR10.1; ARR23.1

The soldier seen with Lance Corporal F

119.213 The soldier seen with Lance Corporal F might have been the one Fr Bradley had earlier witnessed firing (probably Private H), but in our view it might equally have been Private G. As Lance Corporal F's "*pair*",[1] Private G could be expected to stay close to him, in order that the two could cover each other. As will have been seen, this soldier gave untruthful evidence about his own shooting and an untruthful account of seeing Lance Corporal F shoot into Sector 5 before the civilians had been marched away from the gable wall. He also failed to say anything about Lance Corporal F's shooting into Sector 5 in his RMP statements. We have already expressed the view that Private G might have seen more of what Lance Corporal F did than he was prepared to admit.

1 WT14.14

119.214 We have found nothing to indicate that the soldier seen with Lance Corporal F could have been someone other than Private H or Private G. The evidence of John Porter, which we return to consider again below, suggests that the soldier could have been Private H, but to our minds this evidence raises no more than that this is a possibility.

Whether a soldier with Lance Corporal F fired into Sector 5

119.215 As we have noted above, there is only the evidence of John Porter that three soldiers fired after the civilians had been moved from the gable end. One seems to have been the soldier witnessed by Fr Bradley, firing shots from the hip in a southerly direction. One John Porter described as firing two shots from chest high, "*underneath his arm*" towards Joseph Place.[1] The third he described as firing one quick aimed shot at Joseph Place and then turning back after the people who were being marched off. He did not describe seeing a kneeling soldier shoot, but did tell the Widgery Inquiry that "*the third and fourth*" paratroopers moved out of his sight to the right. By "*third and fourth*" John Porter seems to have been referring not to the soldier he said he saw firing one quick aimed shot, as he had previously described this soldier moving after the civilians, ie to his left, but to the soldiers respectively firing from the hip and at chest height. However, John Porter was looking with a restricted view from Abbey Park and we have already expressed the view that it would be unwise to rely on his accounts of what he saw at the entrance to Glenfada Park North, unless supported by other evidence.

[1] WT8.51

119.216 Apart from John Porter, there is no evidence from any source that more than one soldier fired into Sector 5 at about the same time. However, as we have pointed out, the witnesses who did say that they saw a soldier shooting only described seeing him fire one, two or three shots. Since there is no doubt that more than three shots were fired into Sector 5 from Glenfada Park North, it follows that their accounts do not necessarily show that only one soldier fired.

119.217 We have no evidence to suggest that in Sector 4 Lance Corporal F fired more than the shots he claimed. It is possible that (apart from the two shots that he fired at Block 1 of the Rossville Flats after the events of Sector 5) Lance Corporal F might have fired more than the single shot that he belatedly admitted he had fired in Sector 3 and which killed Michael Kelly at the rubble barricade, though we have found no evidence that suggests to us that this was likely to be so.

119.218 We have concluded that it is highly probable that Lance Corporal F fired all the six shots in respect of which he gave a false account into Sector 5, in addition to the two he finally admitted firing into that sector.

119.219 We have considered whether we can tell from the accounts that many witnesses gave of hearing firing or seeing the strike of bullets into the area of Sector 5, how many shots were fired into that sector. However, their accounts differed significantly; and it must be borne in mind that there was not only shooting into Sector 5, but also the shots witnessed by Fr Bradley, which witnesses may have believed were being fired in the direction of Sector 5. In the end we concluded that while it was not possible from this evidence to form any sort of reliable estimate of the number of shots fired into this sector, the evidence did not rule out that they could all be accounted for by the eight shots fired by Lance Corporal F.

119.220 In these circumstances and on our assessment of the evidence to which we have referred in the course of this part of the report, we have also concluded that it is highly probable that Lance Corporal F was the only soldier who fired into Sector 5, though there was likely to have been another soldier present when he fired at least some, if not all, of these shots.

Pistol shots

119.221 We now turn to consider whether, as he claimed, Lance Corporal F heard pistol shots from the south-eastern end of Block 2 of the Rossville Flats and then fired twice at and hit a man with a pistol in that area.

119.222 As we have already noted, in the statement he gave Colonel Overbury,[1] Lance Corporal F described hearing pistol shots as he ran along the "*Eastern wall of Glenfada Park to the corner*", which came from "*the area of the wall at the far end of the Rossville Flats*". From the context it is clear that Lance Corporal F was telling Colonel Overbury that he was running down the eastern side of Glenfada Park North.

1 B135

119.223 How Lance Corporal F was able to tell that the pistol shots were coming from the area of the wall at the far end of the Rossville Flats when this area would have been out of his sight is difficult to understand. It may be that this explains why in his evidence to the Widgery Inquiry, he referred only to hearing shots from the direction of the Rossville Flats.

119.224 It was submitted on behalf of Lance Corporal F that there was reliable evidence to corroborate his 1972 accounts of firing at a "*pistol man*" in Sector 5.[1] We now turn to examine the evidence upon which his representatives relied and on other evidence. In doing so it is important to distinguish between two matters, namely, whether there is evidence of low velocity shots at about the time Lance Corporal F fired and if so whether there is (apart from Lance Corporal F's own unreliable evidence) anything that connects those shots with the target at which Lance Corporal F said that he had fired.

1 FS7.2208

Lieutenant 227

119.225 We have considered the evidence of Lieutenant 227 earlier in this part of the report.[1] As will have been seen, Lieutenant 227 gave evidence of seeing a soldier kneel near a lamp post at the entrance to Glenfada Park North and fire two aimed shots. Those acting on behalf of Lance Corporal F submitted that the soldier that Lieutenant 227 saw was likely to be Lance Corporal F.[2] We are sure that this was so.

1 Paragraphs 119.57–82 2 FS7.2209

119.226 Lance Corporal F's representatives also submitted that Lieutenant 227's evidence also supported Lance Corporal F's account of hearing pistol shots.

119.227 As we have already noted, in his first RMP statement[1] Lieutenant 227 recorded that after he had seen from Charlie OP three soldiers appear "*from the rear of the flats in Glenfada park*" two of whom then made arrests and the third of whom knelt down on the corner facing the Rossville Flats. "*At this point I heard two or three pistol shots being fired from the area of Rossville flats. The soldier in Glenfada park then fired two rounds towards Rossville flats and I saw a man fall at the corner of Block 1 of the flats.*"

1 B2186.2-3

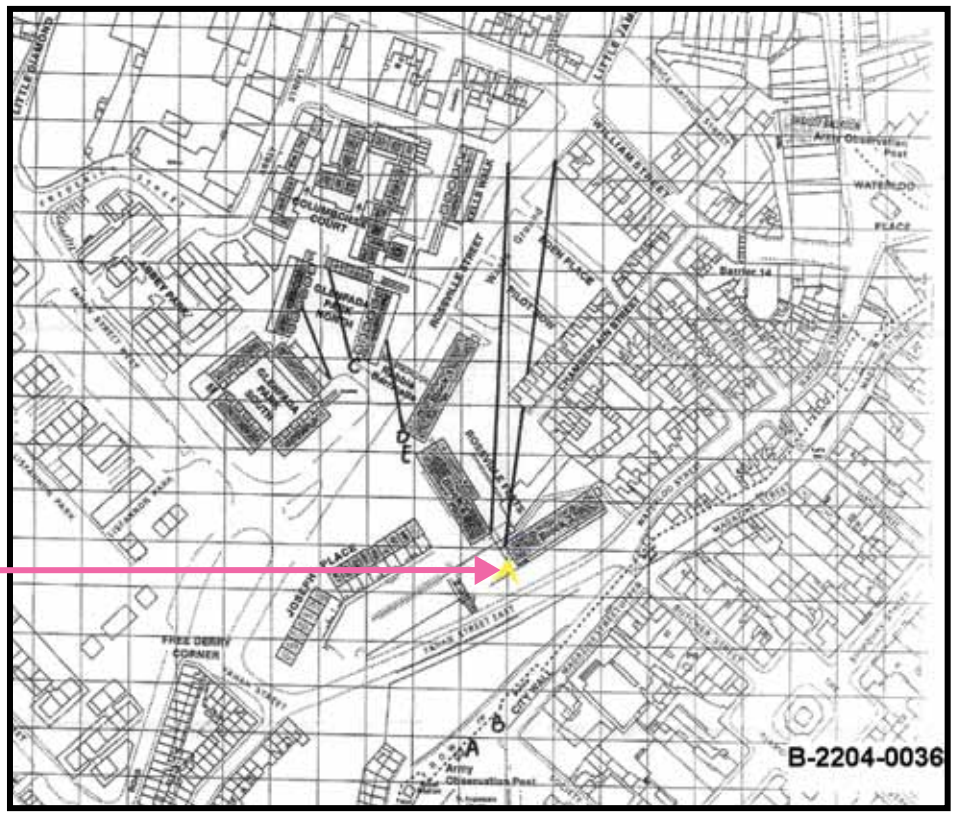
119.228 Lieutenant 227 gave a similar account in his second RMP statement,[1] and in his written statement for the Widgery Inquiry identified from photographs the person he had seen fall as Bernard McGuigan.[2] In his oral evidence to the Widgery Inquiry, Lieutenant 227 again described hearing pistol shots from what he judged was "*the area of Rossville Flats*", and asked if he had seen any counteraction taken said that he had seen the kneeling soldier fire "*two definite shots*".[3] We have already noted that we accept Lieutenant 227's evidence to us that the transcript mistakenly recorded him saying that the kneeling soldier

fired at a man with a rifle to "*my low and to the right*". He has throughout maintained that he saw no civilian with a weapon and did not see who fired the pistol shots that he said he had heard.[4]

1 B2184
2 B2189
3 WT16.42-43
4 WT16.43; WT16.48; B2200-2201; Day 371/168-170; Day 371/173-175; Day 371/204-207

119.229 In his oral evidence to this Inquiry, Lieutenant 227, having told us that he did not see a civilian with a weapon (either a rifle or a pistol), was asked to describe what he might have meant by the phrase "*'low, and to the right'*". He then marked a map (shown below) with a yellow dot what he described as "*that type of area*".[1]

1 Day 371/174-175



119.230 In view of his evidence, Lieutenant 227 was not marking where he had seen a man with a weapon, but what he thought was the area he had described in his oral evidence in 1972, transcribed (in our view mistakenly) as firing directed "*at the man with the rifle to my low and to the right*". However, we are more than doubtful that Lieutenant 227 was correct in marking this position. The passage in question in the transcript is followed by Lieutenant 227 telling the Widgery Inquiry that his impression was that the soldier he saw firing was shooting at a man in the area of the telephone box,[1] ie as he had said earlier in his

evidence "*By the bottom end of Block 1*".[2] In context therefore, it seems to us that by "*low and to the right*" he meant this position. This conclusion is reinforced by the fact that earlier in his oral evidence to the Widgery Inquiry, in the passage we have set out earlier in this report, Lieutenant 227 had used a similar expression, "*Down to my low and right*", before telling the Widgery Inquiry that he saw a man who (as counsel for the Ministry of Defence put it) "*may*" have been the soldier's target falling near the telephone kiosk at the bottom end of Block 1.[3]

1 WT16.49
2 WT16.44
3 WT16.43-44

119.231 Although Lieutenant 227 told us that he was no longer certain that the pistol shots and the firing by the kneeling soldier were linked,[1] his oral evidence to the Widgery Inquiry is that this was the case. However, his 1972 account only fits with Lance Corporal F's oral evidence to the Widgery Inquiry that he saw a man firing a pistol, something of which Lance Corporal F had made no mention in either his statement to Colonel Overbury or his written statement to the Widgery Inquiry. In those accounts[2] Lance Corporal F had recorded that the pistol shots that he had heard were before he had got to the south-east corner of Glenfada Park; and that he saw only a man with what appeared to be a pistol in a half crouching position at "*the far end of Rossville Flats*".

1 B2204.010
2 B135; B137-B138

119.232 In these circumstances, although we accept that Lieutenant 227 heard what he described as pistol shots, we do not accept the submission by the representatives of Lance Corporal F that he had "*pinpointed*" the same position as Lance Corporal F.[1] In the course of his evidence to the Widgery Inquiry, Lieutenant 227 gave the following answers:[2]

> "Q. You see, a soldier has told us about coming to this position here and firing at a man with a pistol away down by this wall. You did not see anyone down there?
>
> A. That particular part isn't in my view.
>
> Q. You did not notice any shots coming from that position before this firing had occurred?
>
> A. No sir."

1 FS7.2214
2 WT16.49

119.233 It was suggested that counsel was referring to the position of Bernard McGuigan in the second question in this exchange.[1] We disagree. Bernard McGuigan was in Lieutenant 227's field of view. The reference in the second question to "*position*" can in our view only refer to a position at the wall at the south-eastern end of Block 2 of the Rossville Flats, ie to the position identified by Lance Corporal F.

1 FR7.823-824

119.234 In conclusion, therefore, we have found nothing in Lieutenant 227's evidence that supports Lance Corporal F's account of seeing and shooting a man with a pistol at the south-eastern end of Block 2 of the Rossville Flats. At best his evidence amounts to hearing pistol shots from somewhere in the Rossville Flats area and (though he now doubted this) linking those with a paratrooper he saw shoot Bernard McGuigan, a substantial distance (some dozens of yards away) from the target indicated by Lance Corporal F. We have found no evidence to suggest that Bernard McGuigan, or anyone near him at the southern end of Block 1 of the Rossville Flats, was armed with a pistol or with anything that could on any view have been taken to be a pistol.

Sergeant 040 and Gunner 134

119.235 We have already considered the evidence of these soldiers, who were in the Magazine Street OP, earlier in this report. Gunner 134 did record hearing low velocity shots that he believed were coming from the William Street area, but at no stage linked these with the actions of the paratrooper he saw shoot from the entrance to Glenfada Park North. Sergeant 040 also gave an account of seeing a paratrooper fire from the same position, but made no mention of hearing low velocity fire at any time.[1]

1 B1659; B1661.003

Kevin Martin

119.236 Kevin Martin, who in 1972 gave his age as 18, made a NICRA statement dated 31st January 1972.[1] He had written the manuscript original of that statement himself.[2] The statement was in the following terms:

> "Yesterday. I was in the march and was caught in the ensuing violence. When the army charged I ran down Chamberlain Street, along with several hundred others. I seen a Saracen and doubled my efforts to get out, I made it. I then ran down beside the shop side of the flats. It was then that I heard the shots. I think I know gunfire well enough to recognise S.L.Rs. I I [sic] seen one I.R.A. man with a pistol, he opened fire. I must stress that this was after the army opened fire. There were no nail bombs, or petrol bombs being thrown at that time or any other time before the incident that day. I ran across Rossville St to a gap in the Glenfada complex. We, i.e. about 30 youths, then re-organised and tried to make a charge, we ran into the open when about 5 successive shots rang out. A young boy, who was beside me fell, blood streaming from his side. He only had a stone in his hand like the rest of us. More shots rang out but I was eating dirt, I could not tell if any more were hit. I helped some men drag the boy in the [Wrangler] jeans and jacket, who fell beside me, around the corner. Somebody took him into a house. I tried to get out of the way, shots were ringing out every where, I was sort of dazed then half stumbling I made my way to the comparative safety of The New Road. I then saw some more casualties being brought up. One man aged about 17 was hit and blood was streaming from his jaw. It was half shot off. He was carrying no weapon either. I saw a girl who was hit on the leg. I was very lucky and then went home. I knew further fighting was useless."

1 AM25.1

2 AM25.9; Day 420/158

119.237 Kevin Martin gave written and oral evidence to this Inquiry. In his written statement[1] he told us that he had not actually seen a gunman himself, but some of his friends had said that they had "*so I did as well*". In his oral evidence he maintained that this was the case and said that the greater part of his NICRA statement was "*embellishment*" or "*total fabrication*",[2] though in later questioning he agreed that by these expressions he meant that he had recorded something that he had not seen, but which he believed to be true.[3]

1 AM25.6

2 Day 420/159-160; Day 420/163-165; Day 420/166-168; Day 420/185-186; Day 420/199

3 Day 420/199-200

119.238 We were not persuaded by Kevin Martin's evidence to us that he had not himself seen an IRA man with a pistol. He had written out his own NICRA statement in which he had given a reasonably coherent account, though it is not entirely clear where he had seen the gunman fire. If it was by the shops on the south side of Block 2 of the Rossville Flats, it is difficult to understand what the gunman could have been firing at, for there would have been no soldiers to target in this area at this time, which on the basis of Kevin Martin's

account was before there was even any firing at the rubble barricade. In our view it is more likely that Kevin Martin saw in Sector 2 the man we have described in our consideration of the events of that sector as “Fr Daly’s gunman”.

The *Sunday Times* Insight Team

119.239 Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team made a typed record of information given in an interview with Reg Tester, the Command Staff Quartermaster of the Official IRA in the city.[1] At the end of this record, they added three points, under the following heading:[2]

> “The following incidents are hard to place timewise but are authenticated by staff officers.”

1 S34
2 S37

119.240 The second of these points was that:[1]

> “An Official fired two .32 pistol shots from the lane behind Joseph Place up at the Walker O.P [Observation Post]. It was hopelessly out of range but the man was infuriated and frustrated; it was also risky, since he was in full view of the walls, and the lane was crowded with panicky people.”

1 S37

119.241 As we have pointed out earlier in this report,[1] on Bloody Sunday members of 22 Lt AD Regt manned three Observation Posts on the City Walls. None of these was at the Walker Monument. Charlie OP was the nearest of the three OPs to the monument. One member of 22 Lt AD Regt was positioned at the Walker Monument.[2] This was Gunner 101 from whom this Inquiry has only a short RMP statement dated 1st February 1972.[3] That statement contains no reference to shots, be they from a pistol or other weapon, fired at the Walker Monument at any time on Bloody Sunday, though of course since Gunner 101 might not have noticed pistol shots fired in his direction, it does not follow that no such shots were fired.

1 Paragraphs 116.27–37
2 B1951
3 B1670

119.242 Philip Jacobson thought that the information about firing in the direction of the Walker Monument had come from Reg Tester.[1] Reg Tester himself could not help about this.[2] In our view it is unlikely he was the source, for had he been, the heading under which this point was listed would hardly have referred to staff officers, but merely continued noting what they had recorded Reg Tester saying in the interview.

1 Day 191/200

2 Day 414/64

119.243 We do not know who the source was. Johnny White (OIRA 3)[1] told us:[2]

> "I have no knowledge of any member shooting from the back of Joseph Place up at the Walker OP. Because of what I have said previously about shortages of ammunition and guns, I would know exactly what weaponry everyone had and what was in their magazine. I would check the ammunition when the weapon came back, so not only would the volunteer tell me if they had fired when they returned from active duty, but I would know by checking their ammunition as well. If I was not available the quartermaster would have checked anyway as he was responsible for making sure we controlled our weapons."

1 Johnny White told us that on Bloody Sunday he was the Officer Commanding for the Command Staff of the Official IRA in the north-west (AOIRA3.2).

2 AOIRA3.32

119.244 The representatives of Lance Corporal F appear to suggest that the firer could have been OIRA 4, Fr Daly's gunman, on the grounds that in his evidence to us, he had admitted that he had been carrying a .32 calibre pistol, that he had left Sector 2 through the gap between Blocks 2 and 3 of the Rossville Flats and that he had made his way southwards through the car park at the back of Joseph Place.[1]

1 FS7.2222; AOIRA 4.5; AOIRA 4.19

119.245 OIRA 4 told us that he did not take his weapon out of his pocket after leaving Sector 2.[1] Furthermore, on the basis of his account, he was with Fulvio Grimaldi and Susan North when they went through the gap between Blocks 2 and 3 of the Rossville Flats, ie after the casualties had been sustained in Sector 5. This account is supported by the evidence of Susan North.[2] Thus even if, contrary to his evidence, OIRA 4 had fired two shots up at the Walker Monument from the Joseph Place alleyway, we consider that this would not have been the firing heard at an earlier stage by Lieutenant 227, unless this soldier was mistaken in his recollection as to when he had heard this firing.

1 AOIRA4.19

2 M35.6; Day 130/35-37; Day 131/123-135

119.246 If someone other than OIRA 4 had fired a pistol from the Joseph Place alleyway, there is no further evidence to indicate when this happened, save that according to Peter Pringle's and Philip Jacobson's note, the Joseph Place alleyway was full of panicky people. In our view it is unlikely that these were the shots heard by Lieutenant 227, since he told the Widgery Inquiry that while he had heard shots from the area of the Rossville Flats, he had not noticed any from the area of the wall at the south-eastern end of Block 2, which was closer to the Joseph Place alleyway.

Other matters relied upon by the representatives of Lance Corporal F

119.247 We now turn to consider some other matters upon which the representatives of Lance Corporal F relied.

PIRA 25

119.248 According to the evidence that PIRA 25 gave to this Inquiry, when he was at the back of the shops, ie on the south side of Block 2 of the Rossville Flats, and after the shooting had seemed to die down, he saw a group of people with their hands on their heads come through the gap between Blocks 2 and 3 of the Rossville Flats heading for Joseph Place. He told us he saw the muzzle of a rifle appear briefly and heard an English voice ordering the people to go away. "*I merely heard the voice saying that the people should move on and I went with them behind the Joseph Place flats.*"[1]

[1] AG17.3; AG17.19

119.249 In his oral evidence to this Inquiry, PIRA 25 said that although he assumed that the person with a rifle was a soldier, he did not actually see who was telling the people to go away or move on, but only the rifle sticking out of the corner. He was sure that he had not confused this event with the arrest of civilians in Glenfada Park North.[1]

[1] Day 424/125-127; Day 424/141-142

119.250 It is not clear from his evidence whether PIRA 25 was saying that he saw the muzzle of the rifle at the north side of the gap between Blocks 2 and 3 of the Rossville Flats, or at the south-east corner of that gap.[1] However, whichever it was, there is no evidence to suggest that at any stage on Bloody Sunday there was a soldier in that gap or at either end of it.

[1] Day 424/126-127

119.251 For this reason and because there is no civilian evidence of a soldier ordering people through the gap between Blocks 2 and 3 of the Rossville Flats, it was submitted on behalf of the soldiers that the person holding the rifle was likely to be or possibly was a civilian gunman.[1]

1 FS8.1147; FS7.2228

119.252 There is no evidence from any other source of a man with a rifle in the position described by PIRA 25. There is, however, evidence from a number of civilians moving through the gap between Blocks 2 and 3 of the Rossville Flats of holding or being told by other civilians to keep their hands in the air; and seeing a soldier at the south end of Chamberlain Street. This evidence was accurately summarised by Counsel to this Inquiry and we have adopted it with some minor changes in the following paragraphs.

119.253 James McMenamin was in the car park with John Finbar (Barry) O'Loughlin and Patrick Deeney.[1] He sheltered in the north-east corner of the car park.[2] James McMenamin moved as part of a group through the gap between Blocks 2 and 3. He recalled people telling them to keep their hands in the air. The only bodies James McMenamin could recall seeing on emerging from the gap on the south side of Block 2 would appear to be those of Bernard McGuigan and Hugh Gilmour.[3]

1 Day 102/81
2 Day 102/56-58; AM362.4
3 AM362.4-5; Day 102/68-69

119.254 John O'Loughlin was in the Rossville Flats car park at the time Michael Bridge was shot.[1] According to John O'Loughlin, during a lull in the shooting, he and the group he was with walked across the car park towards the gap between Blocks 2 and 3. This was in the same direction as previously taken by a man he identified as Patrick Doherty. When they crossed the car park, John O'Loughlin and his group all had their hands in the air. When they emerged on the south side of Block 2, he saw the body of Patrick Doherty.[2] He could not recall whether Patrick Doherty was lying on his back or not, but Patrick Doherty was completely alone at the time and he was not conscious of any shooting.[3]

1 AO55.1
2 AO55.2
3 Day 101/125-126

119.255 John Campbell told us that he remained sheltering in the north-east corner of the Rossville Flats car park with about eight others until the shooting he could hear had "*practically stopped*". He then saw a soldier appear at the entrance to Chamberlain

Street. His group then walked across the car park to the gap between Blocks 2 and 3 "*in single file with our hands on our heads*". They reached the south side of the gap, but on hearing more shooting, did not continue further.[1]

1 AC14.3-4

119.256 John Friel told us that he emerged from the gap between Blocks 2 and 3 at a time when there were already people around the body of Patrick Doherty. Like John Campbell, John Friel had been sheltering in the north-eastern corner of the car park before making his way along the eastern side of the car park towards the gap between Blocks 2 and 3. The group of which he was a part also crossed the car park with their hands on their heads.[1] One of those John Friel recalled sheltering with him was Molly Barr, the owner of the tobacco and confectionery shop situated on the south side of Block 2 of the Rossville Flats.

1 AF33.3-4; Day 76/17-26

119.257 Sean McCarron also recalled being part of a group of about 20 people sheltering in the car park in the area of the east gable wall of the Chamberlain Street houses. On the suggestion of Molly Barr, members of the group waved white handkerchiefs and crossed the car park into the gap between Blocks 2 and 3. Having reached the south side of Block 2, Sean McCarron saw the body of Patrick Doherty, which had already been turned over.[1]

1 AM85.5

119.258 Patrick Gerard Doherty appeared to have remained in the car park of the Rossville Flats until the shooting had ended. His recollection was of then hearing the voice of Molly Barr who joined him and a foreign photographer. This was almost certainly Fulvio Grimaldi. Both Molly Barr and the photographer were waving handkerchiefs. They all went through the gap between Blocks 2 and 3 of the Rossville Flats.[1] The only soldier Patrick Gerard Doherty was aware of at about this time was positioned at the south-west corner of the west gable wall of the Chamberlain Street houses.[2]

1 AD96.4

2 Day 85/19-20

119.259 It appears to be suggested that these civilians, and others who made their way through the gap between Blocks 2 and 3 of the Rossville Flats, through "*reticence*" failed to say anything about seeing a gunman.[1] By this we understand that it is suggested that these civilians, or some of them, deliberately concealed this fact from this Inquiry.

1 FS7.2229

119.260 We do not accept this submission. It proceeds upon the assumption that PIRA 25 saw a civilian gunman and we do not accept the assumption. In our view it is much more likely that PIRA 25 was mistaken in believing that he had seen a rifle. To our minds, no civilian gunman would be foolish enough to carry a rifle openly when soldiers were close by in Chamberlain Street and elsewhere in the area to the north of the Rossville Flats.

119.261 It will also be noted that PIRA 25's evidence refers to seeing a rifle muzzle (not a pistol) at a time when the shooting in Sector 5 was over. In any event, therefore, it provides no support for the suggestion that there were pistol shots at an earlier stage.

The photograph

119.262 The representatives of the majority of represented soldiers (including Lance Corporal F) submitted that the following photograph "*can only show a man who is in the act of throwing what was very probably a nail bomb at a time that is not precisely known*"[1] and that "*nobody admits to knowing anything about the figure in the background*".[2]

1 FS7.1619 2 FS7.2225

119.263 The photograph in question was taken by Stanley Matchett, a *Daily Mirror* photographer, and appears on his contact sheets. In the immediately preceding contact prints can be seen photographs of the covered body of Bernard McGuigan and of Kevin McElhinney being carried from Block 1 of the Rossville Flats. Thus the photograph was taken after the shooting in Sector 5, as the representatives of the majority of represented soldiers must or should have known.

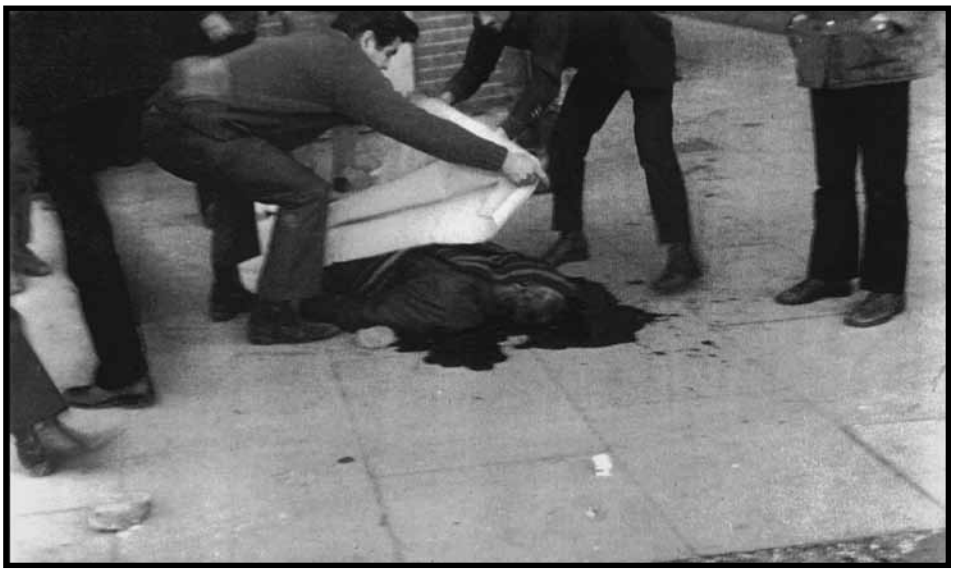
119.264 In these circumstances it seems to us unlikely in the extreme that the figure in the background was about to throw a nail bomb, since there was no military presence in the area to provide a target (nor indeed had there ever been). In addition, the quality of the photograph is such that it is not possible to tell what (if indeed anything) the figure has in his or her hand.

119.265 In our view, therefore, the photograph does not demonstrate that there was a man with a nail bomb. It obviously provides no support for the suggestion that there were pistol shots at an earlier stage.

The scarf

119.266 The following two photographs were taken by Eamon Melaugh and show that a scarf (seemingly a college or university scarf) had been placed over the head of Bernard McGuigan as he lay on the ground. We do not know who placed the scarf or (save that it was not Bernard McGuigan's[1]) whose scarf it was.

1 AM271.1



119.267 When Dr John Lloyd (one of the experts retained by this Inquiry) was giving oral evidence, he was asked about this scarf and the fact that at the time Dr John Martin (in January 1972 Principal Scientific Officer at the Department of Industrial and Forensic Science in Belfast) found a quantity of specks of lead on it:[1]

> "Q. … You then deal with the bloodstained scarf which accompanied Mr McGuigan to the mortuary, and said the contact between particles on the scarf or between Mr McGuigan and the scarf could have resulted in:
>
> 'Contact between [Mr McGuigan's clothing] and the scarf, or between [him] and the scarf could have resulted in a transfer of particles from the scarf.'
>
> Could we have on the screen D420. These are the results as set out in the laboratory notes of the contamination on the scarf itself, which we looked at yesterday. Dr Martin said that he carried out an experiment which suggested that this quantity of specks of lead on the scarf showed that it could well have been contaminated because the scarf had been used to wrap a firearm.
>
> Would you agree that that disposition is consistent with that?
>
> A. I would agree it is a possibility, yes.
>
> Q. Given this degree of contamination of a scarf, what other possibilities might there be, if any?
>
> A. The scarf could have come into contact with an area that had been – a floor area that had been contaminated by fragmentation products."

1 Day 227/47-48

119.268 The representatives of the majority of represented soldiers (including Lance Corporal F) submitted that since no-one "*owned up*" to laying the "*lead-soiled*" scarf over the body of Bernard McGuigan and since the quantity of lead on the scarf is consistent with it having been used to wrap up a recently fired pistol, these matters amount to one of the "*other suspicious facts in Sector 5 which have been met by similar silence*".[1]

1 FS7.2225

119.269 We do not find anything suspicious in the fact that no-one claimed the scarf and that lead particles were found on it. As Dr Lloyd pointed out, the scarf could have become contaminated with lead from the ground. There are any number of possible reasons why it was not reclaimed, including the fact that it was bloodstained and that it was taken from the area when Bernard McGuigan's body was taken to an ambulance and then to Altnagelvin Hospital. The suggestion that the scarf had been used to wrap a recently fired pistol left unanswered the question as to why the postulated gunman had no further need to continue to conceal his weapon, in circumstances where soldiers continued to be close by.

The group in front of the ambulance

119.270 Another so-called "*suspicious fact*" suggested by the same representatives arises from BBC film footage showing a group in front of an ambulance "*passing [something] surreptitiously between each other*".[1] Fr Mulvey, Fr Bradley and Patrick Clarke have been identified as among the group. In the absence of any other evidence of suspicious activity (and there was none) what the footage shows is a matter of interpretation. We have considered the footage. In our view there is no reason to conclude that anything was being surreptitiously passed around, nor do we find anything "*suspicious*" going on. The film was taken after all the firing in Sector 5 was over.

1 FS7.2225; Vid 1 07.30

Soldiers in Glenfada Park North

119.271 With the exception of Lance Corporal F, none of the soldiers in Glenfada Park North, whose activities there and in Abbey Park we have discussed in the context of Sector 4, gave evidence of hearing pistol shots.

Alphonsus Cunningham

119.272 We have earlier referred to the fact that Alphonsus Cunningham told us that he remembered hearing two or three low velocity gunshots coming from the direction of the Rossville Flats, while he was hiding in a house on the east side of Glenfada Park North, and thought that "*some maniac*" had decided to take on the Army with a pistol.[1] Bearing in mind the difficulty of distinguishing between the sound of different weapons, it is nevertheless possible that Alphonsus Cunningham heard pistol shots and that these were the shots that Lance Corporal F described hearing; and may have been those we have elsewhere in this report[2] described as having been fired from the entrance to Block 1 of the Rossville Flats.

1 AC125.3; Day 150/19-22

2 Paragraphs 86.561–607

The order in which the casualties were shot

119.273 For reasons given earlier in this part of the report, we are of the view that Patrick Campbell, Daniel McGowan and Patrick Doherty were shot in that order within a short time of each other. We have also given our reasons for concluding that Bernard McGuigan was not shot after Gilles Peress and Fulvio Grimaldi had come into Sector 5, but probably at about the same time as Patrick Doherty. It seems unlikely that Bernard McGuigan was shot before Patrick Campbell had started moving from the south end of Block 1 of the Rossville Flats, as Patrick Campbell would otherwise have seen this and doubtless said something about this event. We are unable to determine whether Bernard McGuigan was shot before or after the other casualties, but in view of the evidence we have considered earlier, it seems to us that this must have happened at about same time.

Chapter 120: Conclusions on the shooting of the casualties in Sector 5

Contents

Lance Corporal F

120.1 On the basis of Lieutenant 227's account, there may have been low velocity gunfire at or about the time that Lance Corporal F fired. It is possible that this was the firing from the Joseph Place alleyway up at the Walker Monument that Peter Pringle and Philip Jacobson were told about, though it seems unlikely that this was by PIRA 4. It is also possible that it was the firing from the entrance to Block 1 of the Rossville Flats to which Private U and others referred, which we have considered in the context of Sector 3.[1]

[1] Paragraphs 86.561–607

120.2 Lance Corporal F may have heard the firing of pistol shots. What is missing, however, is any evidence at all (apart from his unreliable account) that Lance Corporal F fired at a man who had a pistol or anything that could be described as a pistol. In our view Lance Corporal F did not fire at such a man.

120.3 On behalf of Lance Corporal F, it was submitted that Lance Corporal F:[1]

> "... may have missed the gunman he fired at. His contemporary evidence is that he saw the pistol man fall, but this does not necessarily mean that he had been hit by a bullet; it is common for people to 'hit the deck' when they are being shot at."

[1] FS7.2224

120.4 This submission proceeds upon the assumption that Lance Corporal F fired at a man who had a pistol or, according to his oral evidence to the Widgery Inquiry, had fired a pistol. We have only his unreliable evidence that this was the case. We are sure that the casualties in Sector 5 were neither armed nor carrying anything that could have led Lance Corporal F to believe, albeit mistakenly, that they were armed. Had Lance Corporal F fired at a man with a pistol, or what he believed was a pistol, there was no reason for him to conceal this from the Royal Military Police, whereas if he had knowingly fired at targets that were not posing a threat of causing death or serious injury, there was every reason for him to conceal this and to make up false accounts of firing elsewhere. We reject as knowingly untrue his proffered explanation to the Widgery Inquiry that his shooting of a man in Sector 5 had "*slipped my mind*".[1]

1 WT14.60

120.5 We thus reject this submission. We have also rejected the suggestion that there was an additional but unidentified casualty with a pistol whom Lance Corporal F shot.

120.6 In our view Lance Corporal F undoubtedly fired into Sector 5 and was probably the only soldier who did so. It follows in our view that he was probably responsible for all the casualties in that sector.

Bernard McGuigan

120.7 Whether or not Lance Corporal F was the only soldier to fire into Sector 5, we are sure that he shot Bernard McGuigan.

120.8 There is evidence from Lieutenant 227 that a kneeling soldier fired two aimed shots from the entrance to Glenfada Park North and hit Bernard McGuigan. There is no evidence from any source of more than one soldier firing from a kneeling position into Sector 5.

120.9 Joseph Doherty also described seeing a soldier fire a shot that hit Bernard McGuigan and though he did not say in 1972 whether or not the soldier was standing or kneeling, he told this Inquiry that this soldier dropped to his knee, aimed and fired.[1] We have also referred above to the evidence of Sergeant 040, Gunner 134 and John Hutton of seeing a single soldier firing from a kneeling position.

1 AD76.4

120.10 Lance Corporal F said that he fired aimed shots from a kneeling position.

120.11 There is in our view no other place from which Bernard McGuigan could have been shot, nor anything that suggests to us that anyone other than a kneeling soldier at the entrance to Glenfada Park North shot him.

120.12 We are sure that Lance Corporal F was the kneeling soldier.

120.13 Lance Corporal F's account was that he had fired two shots at a man holding a pistol at the far (eastern) end of Block 2; his trajectory photograph that we have shown above[1] is to the same effect. This is not a description that could on any view relate to Bernard McGuigan, either in relation to the object that Lance Corporal F said was in the man's hand, or in relation to where Bernard McGuigan was shot. In our view Lance Corporal F must have realised that he had shot Bernard McGuigan, who was only some 60 yards away from him. He did not suggest at any stage that one of his shots had or may have hit this casualty by mistake, nor have we found any other evidence to support that possibility.

[1] Paragraph 119.172

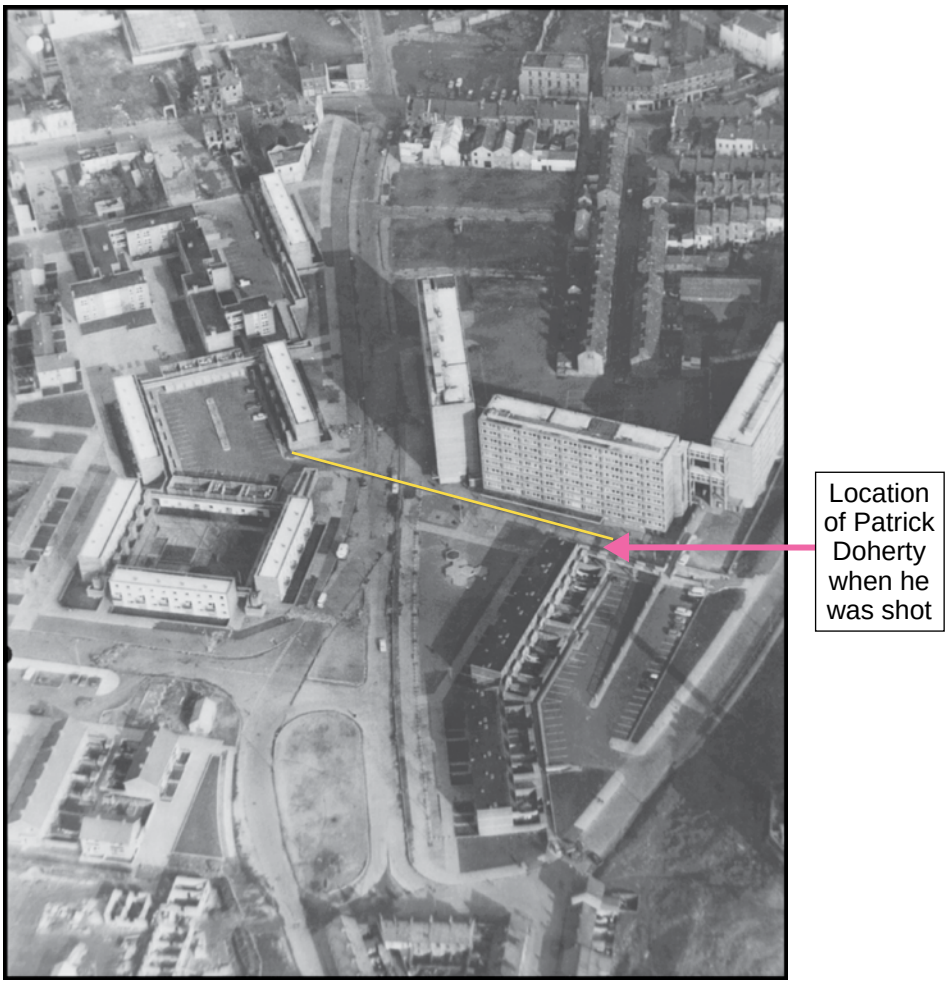
120.14 There is convincing evidence that Bernard McGuigan was doing nothing that could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury. We are sure that he was doing no more than moving out from the south end of Block 1 of the Rossville Flats, probably waving a piece of cloth.

Patrick Campbell

120.15 Patrick Campbell was moving away to get to cover. In our view it is highly probable that Lance Corporal F was responsible for this casualty. In particular this conclusion is supported to our minds by the evidence of Gunner 134 discussed above, of a kneeling soldier firing at a man jogging away. As with Bernard McGuigan, there is convincing evidence that Patrick Campbell was doing nothing that could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury. We are sure that he was running away when he was shot.

Patrick Doherty

120.16 We have marked on Lance Corporal F's trajectory photograph of his shooting into Sector 5 where it appears to us, from the evidence considered earlier in this part of the report, that Patrick Doherty was shot.



120.17 As will be seen, the line of the shot, as depicted by Lance Corporal F on his trajectory photograph, passes close to where we are sure that Patrick Doherty was shot. In view of the particularly unreliable nature of Lance Corporal F's evidence, it is necessary to treat this trajectory photograph with particular caution. We have considered whether Lance Corporal F might have invented firing at a target at the far end of Block 2 of the Rossville Flats in order to try to distance himself from the shooting of Bernard McGuigan (or possibly Patrick Campbell), but to our minds this is unlikely. He put his target relatively close to where Patrick Doherty was shot. He did not suggest that anyone else was firing when he undoubtedly shot into Sector 5. He admitted (eventually) firing two shots at this target, though he concealed other shots that we believe he fired into Sector 5. In the end, in the light of the evidence we have considered, we are sure, whether or not another soldier did fire into Sector 5, that Lance Corporal F shot Patrick Doherty.

120.18 Patrick Doherty was crawling away. We are sure that he did not have a pistol or anything that could have led Lance Corporal F to believe, albeit mistakenly, that he was or might be armed, let alone that he had fired; or that he was posing any other threat of causing death or serious injury.

Daniel McGowan

120.19 If (contrary to our view) another soldier as well as Lance Corporal F fired into Sector 5, then it is possible that that soldier shot Daniel McGowan. Unlike the other casualties, who were hit with lethal or (in the case of Patrick Campbell) potentially lethal shots, Daniel McGowan was hit in the leg. This could indicate that the firer was attempting to wound and not kill, or that the firer was not firing aimed shots. However, this is only a possibility. In view of the absence of evidence that persuades us that it is likely that any other soldier fired into Sector 5, we consider it highly probable that Lance Corporal F was also responsible for shooting Daniel McGowan. Again we have found no evidence to suggest that Daniel McGowan was doing anything that could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury. Indeed we are sure that he was not.

Lance Corporal F’s state of mind

120.20 Our assessment of the evidence leaves us sure that Lance Corporal F did not fire into Sector 5 in a state of fear or panic. We are sure that he fired either in the belief that no-one in the area into which he fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. He initially concealed any firing into Sector 5 at all, then made up a false account of firing at a man armed with (or armed and firing) a pistol, and continued to conceal that he had fired more than two rounds into Sector 5.

Later Events in Sector 3

Contents

Chapter 121: Introduction

121.1 After the events of Sectors 2, 3, 4 and 5, which we have considered earlier in this report, soldiers collected the bodies of Michael McDaid, John Young and William Nash from the rubble barricade and put them into an Armoured Personnel Carrier, which had come from the area at the north of Block 1 of the Rossville Flats, and which returned there with the bodies before taking them to Altnagelvin Hospital. After these bodies had been collected and taken to the north end of Block 1, there was further firing by soldiers in Sector 3, though this did not result in any gunfire casualties. We now turn to consider these two events, starting with the collection and handling of the bodies at the rubble barricade.

Chapter 122: The bodies of Michael McDaid, John Young and William Nash

Contents

Collection of the bodies from the rubble barricade: the evidence of military witnesses

Lieutenant N

122.1 In his second Royal Military Police (RMP) statement,[1] Lieutenant N recorded that at about 1640 hours he was in command of an Armoured Personnel Carrier (APC) in Rossville Street. According to this statement he was instructed by Major Loden to "*investigate a body*" reported to be lying at the rubble barricade. He drove through the barricade in his APC with five members of Mortar Platoon. He caused the vehicle to be stopped and reversed towards the bodies of three young men lying "*huddled together*" on the south side of the barricade. Lieutenant N disembarked and looked at the bodies. They gave no signs of life. There was a man nearby, aged about 60 years, who "*mumbled about his shoulder being hurt*". Lieutenant N directed this man to a first aid man for help. Lieutenant N supervised the loading by his men of the three bodies into his vehicle and then caused the vehicle to return to the north end of Block 1 of the Rossville Flats.

1 B384-B385

122.2 According to Lieutenant N's fourth RMP statement,[1] Major Loden had instructed him to recover any bodies that were still at the barricade. Lieutenant N could not remember when this order was given. Lieutenant N stated that he briefly examined the older man who complained of a shoulder injury, but found no external sign of injury. The three bodies at the barricade were "*heaped one upon the other in an unnatural position*". Each was lifted into the vehicle by three or four soldiers. They were not piled on top of one another in the vehicle but there was "*some overlapping because of lack of space*". Lieutenant N did not make any physical examination of the bodies at the barricade but formed the opinion that they were dead from the colour of their faces.

1 B394

122.3 In his written statement for the Widgery Inquiry,[1] Lieutenant N recorded that he received the order from Major Loden to collect the body or bodies from the barricade about two minutes after he had called his platoon back to their vehicles at the north end of Block 1.

1 B400

122.4 In his oral evidence to the Widgery Inquiry,[1] Lieutenant N was asked whether the bodies had been put into the vehicle in a deliberate way or quickly. He replied that the soldiers had loaded the bodies "*quite deliberately*". He thought that three men had lifted each

body and "*eased*" it into the vehicle. Lieutenant N said that he was sure that the bodies had not been piled on top of one another.[2] They were not in such a position that any of them would have suffocated if he had not been dead. Lieutenant N did however think that one of the bodies had been lying face down. Lieutenant N was standing in the back of the APC when the bodies were loaded into it.

1 WT12.70-WT12.71
2 WT12.80-WT12.81

122.5 In his written statement to this Inquiry,[1] Lieutenant N told us that he remembered giving cover to the soldiers who put the bodies into the vehicle, but could not now remember how they had moved the bodies. Firing had still been taking place at the time. He had been concerned for his own and his men's safety, as they had been in an exposed position.

1 B438.012-B438.013

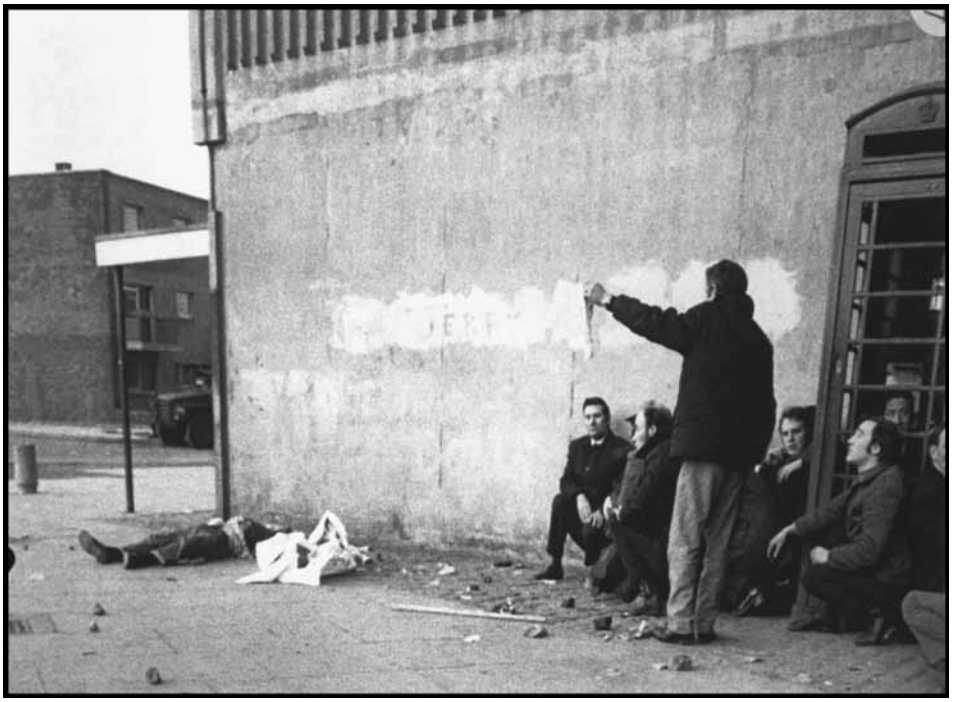
122.6 In his oral evidence to this Inquiry,[1] Lieutenant N said that he was not sure whether all the soldiers who came to collect the bodies had gone forward in the vehicle or whether some had walked alongside it, but he thought that he had been in it. He said that he did not remember who had been driving the vehicle, although it should have been the same soldier as had driven it earlier on.[2] Lieutenant N thought that three or four soldiers had come with him. He said that he had a recollection of seeing one of the bodies being put into the vehicle, but that he had not been watching the loading of the bodies closely because he had been more concerned with "*keeping watch out to the front*".[3] He said that the bodies were lifted into the vehicle. He rejected the suggestion that they were "*just taken by the hand and legs and shoved in*". Once inside the vehicle, the bodies were not stacked vertically on top of one another but were "*sort of lying over each other*". Lieutenant N said that when he and his men collected the bodies there was no firing near to them, but that there "*could have been firing elsewhere*".[4] While not in immediate danger, they felt that they were in a very exposed position. Lieutenant N said that the bodies were treated with respect and were not tossed into the vehicle like sacks of potatoes.

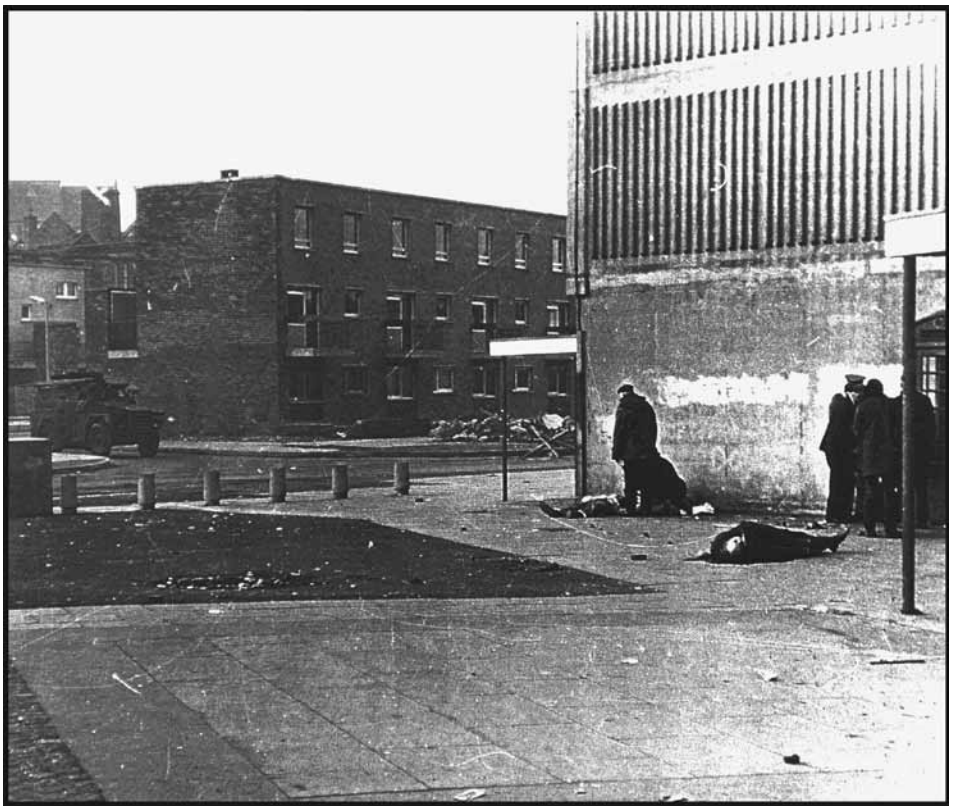
1 Day 323/87-88; Day 323/123
2 Day 322/104-105
3 Day 322/112-113
4 Day 323/34-40

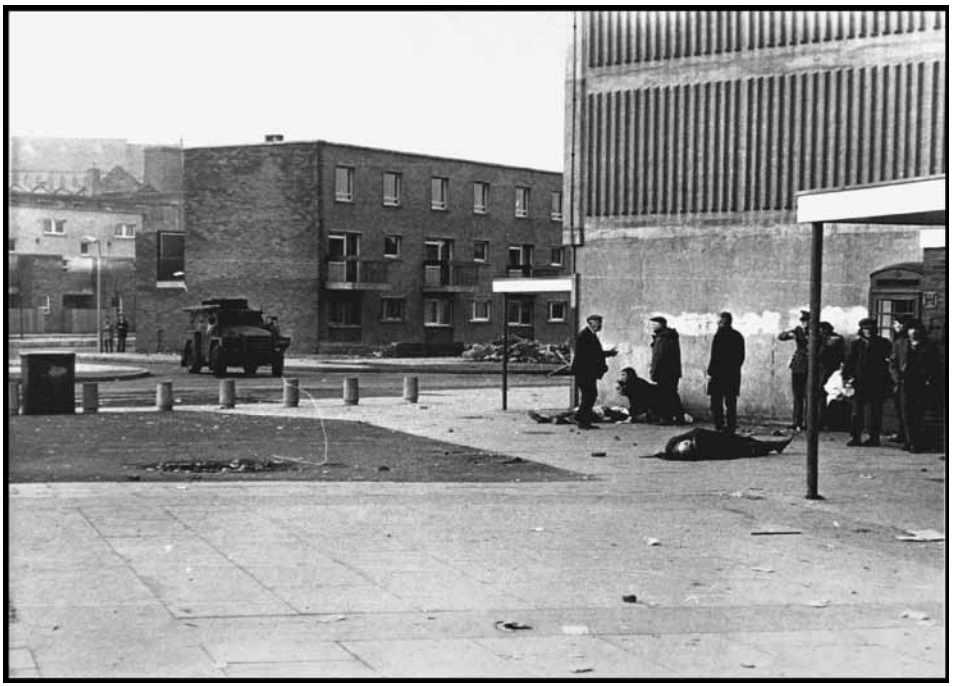
122.7 Lieutenant N said that a photograph taken by Gilles Peress probably showed the vehicle stationary at the time when the bodies were being loaded into it.[1] He had been standing by the nearside front door of the vehicle at that stage, and hence was not the soldier shown in the photograph crouching by the offside wing. It seems to us likely that two photographs taken by Fulvio Grimaldi show the vehicle after it had been reversed into the entrance to Glenfada Park North before being driven back up Rossville Street. We reproduce the relevant part of Gilles Peress's photograph below,[2] followed by those taken by Fulvio Grimaldi.

1 Day 323/90-92; Day 323/125

2 We have not reproduced below the foreground of this photograph, which shows close up the body of Bernard McGuigan, who had been shot in Sector 5, as we have described earlier in this report. The body by the corner of Block 1 of the Rossville Flats is that of Hugh Gilmour, previously shot in Sector 3. The body of Bernard McGuigan can be seen in Fulvio Grimaldi's photographs.







122.8 In his oral evidence to this Inquiry,[1] Fulvio Grimaldi said that he could not remember what the Army vehicle shown in the third of these photographs had been doing when he took the photograph.

1 Day 131/70

Sergeant O

122.9 In his written statement for the Widgery Inquiry,[1] Sergeant O recorded that he gave cover while the bodies were collected from the rubble barricade.

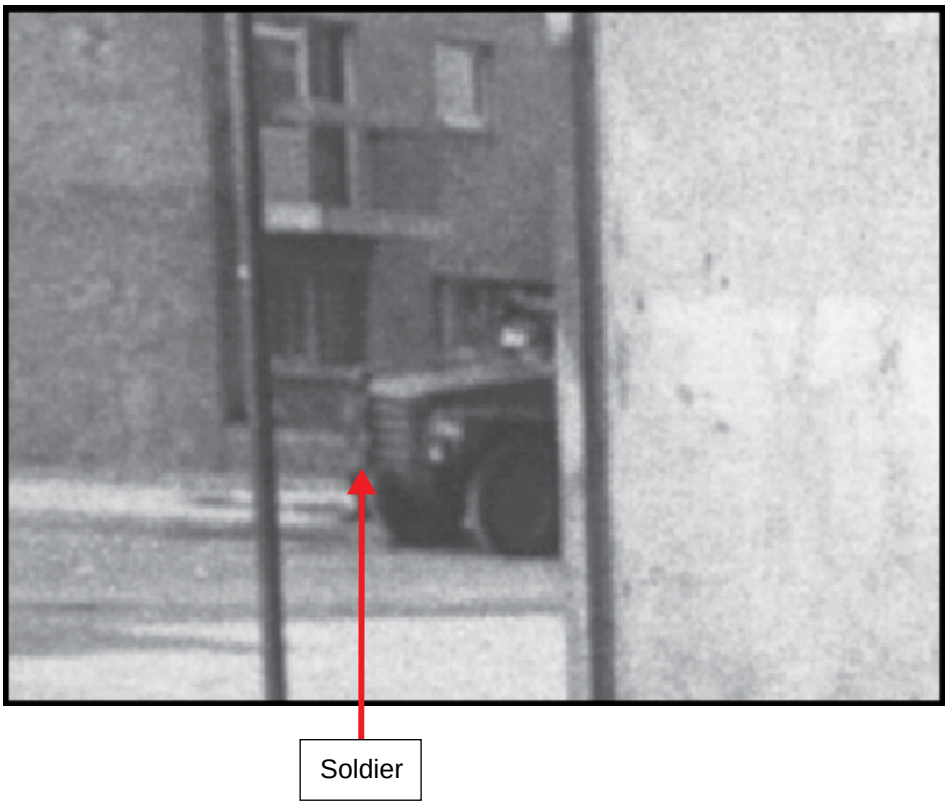
1 B469

122.10 In his written statement to this Inquiry,[1] Sergeant O told us that he walked beside Lieutenant N's vehicle as it was driven to the barricade and watched as soldiers picked up the three bodies. The bodies were lying on the south side of the barricade in a pile with their heads facing north. It looked to Sergeant O as though they had been moved after they had been killed. He did not know which soldiers lifted the bodies and he had no clear recollection of how they were picked up. Later on, the bodies were removed from the vehicle at the mortuary at Altnagelvin Hospital head first. Sergeant O told us that he therefore assumed that they had been put into the vehicle feet first.

1 B575.119-B575.120

122.11 In his oral evidence to this Inquiry,[1] Sergeant O said that he could not remember who had driven the vehicle to the barricade. He thought that some other soldiers had walked with him beside the vehicle but could not remember who they had been. Sergeant O could not say whether he was the soldier shown crouching by the offside wing of the vehicle in Gilles Peress's photograph. This soldier can be seen in an enlarged portion of the photograph, as shown below.

1 Day 335/98-104



122.12 Sergeant O told us that he and other soldiers again walked beside the vehicle when it returned to the north end of Block 1 of the Rossville Flats. Sergeant O said that at this stage he walked backwards most of the way and was not aware of any firing during the operation to recover the bodies. Sergeant O said that he did not see the bodies being loaded into the vehicle.[1]

[1] Day 336/80-81

Corporal P

122.13 In his written statement to this Inquiry,[1] Corporal P told us that he did not put the bodies into the vehicle.

[1] B623.002

122.14 In his oral evidence to this Inquiry,[1] Corporal P said that he did not recall that he had taken any part in the operation to recover the bodies.

[1] Day 353/5

Private Q

122.15 In his written statement to this Inquiry,[1] Private Q told us that he did not put the bodies into the vehicle.

1 B657.6

Lance Corporal V, Private R, Private S and Private T

122.16 None of these soldiers referred in their evidence to the collection of bodies from the rubble barricade.

Private U

122.17 In his second RMP statement,[1] Private U recorded that an Army vehicle went forward to the rubble barricade and that three bodies were recovered from it. He did not say that he took any part in this operation.

1 B760

122.18 In his written statement for the Widgery Inquiry[1] and in his oral evidence to the Widgery Inquiry,[2] Private U said that he remained in his position at the north end of Block 1 of the Rossville Flats while the bodies were recovered. He said that he saw the bodies being removed from the barricade.[3]

1 B768-B769
2 WT13.100
3 WT14.8

122.19 In his written statement to this Inquiry,[1] Private U told us that the vehicle stopped at about the point marked F on the plan attached to his statement[2] (in Rossville Street north of the barricade) with its rear facing the barricade. Soldiers picked up three bodies. Some civilians were shouting at the soldiers, telling them "*not to be disrespectful about the bodies*", and trying to grab the soldiers. According to this account Private U stepped forward and interposed himself between the civilians and the soldiers carrying the bodies. He held out his arm to keep the civilians back. He told us that one of the bodies was carried face down. Two soldiers were holding the body beneath the arms and a third soldier was holding the thighs. Private U had a vivid picture in his mind of one of the bodies that was carried past him. This was the body of a young man who had been shot in the head. His lips were curled back, his teeth were showing and he seemed to have

bitten through his tongue. Private U thought that a priest had been walking alongside the soldiers who were carrying the bodies.

1 B787.007 2 B787.038

122.20 In his oral evidence to this Inquiry,[1] Private U said that he did not see the bodies handled in a way that could have given onlookers the impression that they were being treated disrespectfully. His current recollection was that when he intervened between the civilians and the soldiers carrying the bodies he was still very close to the north end of Block 1. It was put to Private U that the body of which he had a vivid mental picture was that of John Young, and that in order to have seen John Young's face Private U must either have assisted in putting his body into the vehicle, or been very close to the body when it was loaded into the vehicle, or entered the vehicle after the bodies had been loaded.[2] However, Private U said that none of these suggestions was correct.

1 Day 369/101-102 2 Day 369/124-126

Private 006

122.21 In his RMP statement,[1] Private 006 recorded that he was one of the soldiers who was ordered by Lieutenant N to collect three bodies from the rubble barricade. Lieutenant N went with them and they placed the bodies into the APC.

1 B1376

122.22 In his written statement to this Inquiry,[1] Private 006 told us that either Sergeant O or Lieutenant N ordered him to get into a vehicle. He told us he thought that Private S had been the driver of the vehicle. According to his account Private 112 and possibly Private 013 and Private 017 were in the back; and the vehicle was driven through the gap in the barricade and then reversed up to the barricade, where the soldiers found three bodies and a man who had been wounded in the arm. After this man had said that one of the bodies was that of his son, one of the soldiers advised him to leave the barricade as otherwise he might "*'finish up like him'*". This was not a threat but a warning. The soldiers put the three bodies into the vehicle without searching them. Private 006 definitely picked up one or two of the bodies. He grabbed them by the ankles while another soldier grabbed them under their armpits. Private 006 told us he was not sure whether there was another soldier inside the vehicle who helped to pull them in. The bodies were placed one on top of another but Private 006 told us he could not recall exactly how. There was not enough room to lay them side by side. No shooting was taking place at the time, but Private 006 thought that the soldiers would be fired upon. He wanted to leave the

barricade as soon as possible. When they returned to the waste ground, the soldiers had to sit with their feet on top of the bodies because of the lack of space in the back of the vehicle.

1 B1377.006-B1377.007

122.23 In his oral evidence to this Inquiry,[1] Private 006 said that the bodies were not put into the vehicle in a way that could have given onlookers the impression that they were being treated disrespectfully. The soldiers "*just picked 'em up and pulled 'em in*". The soldiers had thought that they might be fired upon while they were at the barricade. Private 006 said that he thought that four or five other soldiers might have been involved in lifting the bodies.[2] He denied that the bodies had been thrown into the vehicle.

1 Day 334/32

2 Day 334/65-68

Private 013

122.24 In his written statement to this Inquiry,[1] Private 013 told us that he went forward to the barricade in a vehicle with Lieutenant N, the driver and another soldier, in order to collect the bodies. When he disembarked from the vehicle, Private 013 was certain that the soldiers would come under fire. He therefore held his rifle in one hand, intending to move the bodies with the other. When he found that he needed both hands to lift the bodies, he put his rifle on his back. No fire was in fact directed at the soldiers. Private 013 and one of the other soldiers, whose name Private 013 did not wish to give, lifted the bodies by their hands or wrists and put them into the vehicle. Alexander Nash was at the barricade and spoke to the soldiers, but Private 013 did not wish to say what Alexander Nash said. The first body lifted by Private 013 was that of William Nash. While the soldiers were moving the bodies, a crowd that had formed 50 to 100 yards away to the south jeered at them. Private 013 pointed his rifle at the crowd and told them to "*fuck off*". The crowd dispersed. The soldiers then returned to the north end of Block 1 of the Rossville Flats in the vehicle with the bodies.

1 B1408.004-B1408.005

122.25 Private 013 did not give oral evidence to this Inquiry.

Private 017

122.26 In his written statement to this Inquiry,[1] Private 017 told us that he did not know who had given the order for casualties to be recovered in a vehicle. He saw a soldier recovering a body at the rubble barricade, but he did not remember actually seeing the casualties and

he did not see them being put into the vehicle. He thought that there had been civilians at the barricade when this happened. He did not remember any shooting at this stage. He was just observing. Later on he saw blood on the floor of the vehicle.

1 B1484.005

122.27 In his supplementary written statement to this Inquiry,[1] Private 017 told us that he was one of a number of soldiers interviewed by the author Max Arthur, but he denied that he was the private of 1 PARA who had been quoted in Max Arthur's book *Northern Ireland: Soldiers Talking* (London: Sidgwick and Jackson, 1987)[2] as having said that he was one of those who loaded the bodies into the vehicle.

1 B1484.023-B1484.024 2 B1484.027

122.28 In his oral evidence to this Inquiry,[1] Private 017 said that he took no part in the recovery of the bodies from the barricade.

1 Day 358/85

Private 019

122.29 In his written statement to this Inquiry,[1] Private 019 told us that he saw the three bodies after they had been put into the vehicle. Two were lying side by side with the third on top of them. Their heads were towards the front of the vehicle and their feet towards the rear.

1 B1494.004

122.30 In his oral evidence to this Inquiry,[1] Private 019 said that he was not involved in the collection of the bodies from the rubble barricade.

1 Day 343/123-124

Captain 021

122.31 In his RMP statement,[1] Captain 021 recorded that from his position on the roof of the Embassy Ballroom he saw soldiers remove three bodies from the rubble barricade in an APC and return to Eden Place.

1 B1504

122.32 In his written statement for the Widgery Inquiry,[1] Captain 021 recorded that the soldiers lifted the bodies into the back of the vehicle, which was then driven further down Rossville Street, reversed and driven back to Eden Place.

1 B1508

122.33 In his written statement to this Inquiry,[1] Captain 021 told us that he remembered seeing three bodies being put into an APC, but did not recall from where the vehicle had come or where it went, or any details of the bodies or the soldiers who handled them.

1 B1509.007

122.34 In his oral evidence to this Inquiry,[1] Captain 021 said that he did not see the bodies being treated in a disrespectful manner as they were loaded into the APC. He said that he recalled nothing about the way in which the bodies were loaded.

1 Day 317/135-137

Captain 028

122.35 In his RMP statement,[1] Captain 028 (the press officer of 22 Lt AD Regt) recorded that he saw four bodies lying behind the rubble barricade. An Army vehicle was driven to the barricade. Three of the bodies were loaded into the vehicle. Captain 028 stated that he did not see what happened to the fourth body. The vehicle was then driven away.

1 B1567

122.36 In his written statement for the Widgery Inquiry,[1] Captain 028 recorded that a lot of firing was going on at this stage, and so the bodies were thrown into the back of the vehicle. In view of the situation the soldiers had to act quickly.

1 B1569.002

122.37 In his oral evidence to the Widgery Inquiry,[1] Captain 028 again said that firing was taking place when the vehicle pulled up at the barricade. The soldiers picked up the three bodies and put them into the vehicle.

1 WT17.57

122.38 In his written statement to this Inquiry[1] and in his oral evidence to this Inquiry,[2] Captain 028 said that he did not see the bodies being put into the vehicle, but saw them inside the vehicle at a later stage and formed the impression from their disordered state that they must have been thrown into the vehicle very hurriedly while the soldiers were under fire.

1 B1582.4; B1582.6-B1582.7

2 Day 356/104-108

122.39 We have expressed the view elsewhere in this report[1] that it would be unwise to rely on the accounts given by Captain 028, though in the present context he was in our view describing how the bodies lay after Fr Irwin and Fr Mulvey had had to disturb them in order to anoint them, as we describe below.[2]

1 Paragraphs 85.78–82
2 Paragraphs 122.129–141

Private 112

122.40 In his written statement to this Inquiry,[1] Private 112 (a member of Mortar Platoon) told us that he was deployed in a vehicle to pick up some bodies. His recollection was that one body was collected from the rubble barricade and two from somewhere else, although he could not remember where. In each case, other soldiers carried the body to the vehicle while Private 112 and another soldier, whose name he could not recall, remained inside the vehicle. As Private 112 told us he remembered it, the bodies were not thrown into the vehicle but were loaded head first, and he took hold of each body under the arms and pulled it in. A priest nearby was shouting and complaining that the bodies were being manhandled. Private 112 now thought that this priest was Fr Daly but he did not know this at the time. The first two bodies were placed next to each other on the floor of the vehicle. The third body was placed on top of the first two because of lack of space.

1 B1732.006

122.41 In his oral evidence to this Inquiry,[1] Private 112 said that his memory of this incident was not very clear and that it was possible that all three bodies had been picked up from the barricade. He could not remember whether any shooting was taking place while the bodies were being loaded. He had no particular reason for his belief that the priest who had been complaining about the treatment of the bodies was Fr Daly. He told us that he saw nothing happen that could have caused onlookers to think that the bodies were not being treated with a proper degree of respect. Private 112 said that he had no recollection of feeling under threat as the bodies were collected.[2] He said that he saw how the bodies were lifted and placed into the vehicle. He denied that the bodies were lifted by the wrists and ankles or that they were thrown into the vehicle. He said that he could not remember where in the vehicle the body of William Nash had been placed.[3] Private 112 said that the other soldier who was in the vehicle with him, and who helped to pull the bodies in, might have been Private INQ 1918.[4]

1 Day 320/117-119
2 Day 320/146-148
3 Day 320/156-157
4 Day 320/162

Lance Bombardier 118

122.42 In his RMP statement,[1] Lance Bombardier 118 recorded that, observing from his position on the roof of the Embassy Ballroom, he had seen paratroopers go forward to the rubble barricade in an APC, collect three bodies, and return to a position beside the Rossville Flats.

1 B1751

122.43 In his written statement to this Inquiry,[1] Lance Bombardier 118 told us that he believed that he had seen three or four paratroopers removing three or four bodies. He thought that the soldiers had carried the bodies from the barricade to three-ton lorries parked around Eden Place and Pilot Row, although he was not sure about this. The bodies were carried to the vehicles by two soldiers, one holding the legs and one the arms. They were then placed into the vehicles by two soldiers, each holding one arm and one leg. The soldiers were "*throwing the bodies in like bits of wood*" and it "*looked pretty callous*".

1 B1752.004-B1752.005

122.44 In his oral evidence to this Inquiry,[1] Lance Bombardier 118 said that he had no recollection of seeing an APC being driven to the barricade to collect the bodies, but that it was possible that this was what had happened. He then said that bodies may have been thrown both into an APC at the barricade and into the three-ton lorries.[2]

1 Day 359/181-182

2 Day 359/200-203

Corporal 162

122.45 In his written statement to this Inquiry,[1] Corporal 162 told us that he went on foot towards the rubble barricade with some other soldiers who may have included UNK 117 (Private INQ 768). Their task was to give cover to those who were moving the three bodies. According to his account, Corporal 162 would probably have been kneeling somewhere near the point marked B on the plan attached to his statement[2] (the north side of the eastern part of the barricade). Before the bodies were lifted, they were lying side by side on their backs with their hands on their chests. They had definitely not fallen in that position. An APC was driven to the barricade. Corporal 162 thought that the vehicle had remained on the north side of the barricade. Corporal 162 could not recall how, or by which or how many soldiers, the bodies were put into the vehicle. After the bodies had been loaded, the vehicle was driven back to the area of the waste ground.

1 B1962.004

2 B1962.009

122.46 In his oral evidence to this Inquiry,[1] Corporal 162 said that the way in which the bodies had lain before they were picked up by the soldiers suggested to him that someone had arranged them into a decent position. Corporal 162 said that he could not recall whether he had himself handled any of the bodies but that he thought that this was unlikely.[2]

1 Day 323/197-198

2 Day 323/223-224

Major Loden

122.47 In his statement made on 17th February 1972[1] and in his oral evidence to the Widgery Inquiry,[2] Major Loden said that before 1635 hours, when (according to him) he gave the order to cease firing, he ordered Lieutenant N to go forward with a vehicle to recover the bodies from the rubble barricade, and Lieutenant N did so.

1 B2222

2 WT12.13

122.48 In his written statement to this Inquiry,[1] Major Loden told us that he now had only a very vague recollection that some paratroopers recovered bodies from the barricade.

1 B2283.009

122.49 In his oral evidence to this Inquiry,[1] Major Loden said that he thought that Colonel Wilford had given him an order that the bodies were to be collected from the barricade. Major Loden could not say why the ambulance APC was not used for this operation. He said that he could not remember whether he had called for the ambulance APC by radio, nor did he have any recollection of its movements in Rossville Street.[2]

1 Day 347/21-23

2 Day 348/80-84

Lieutenant Colonel Wilford

122.50 In his undated 1972 statement[1] and in his oral evidence to the Widgery Inquiry,[2] Colonel Wilford said that he had told Major Loden to send a vehicle forward to pick up bodies from the rubble barricade, but that Major Loden had already put this in hand.

1 B951

2 WT11.45

122.51 In his written statement to this Inquiry,[1] Colonel Wilford told us that there were still incoming shots at the time when the soldiers went forward to collect the bodies, and that they did so at some risk. However, in his oral evidence to this Inquiry,[2] Colonel Wilford said that he thought that this was "*a misunderstanding*" and that there had been no

incoming fire at that time. He had a vague picture in his mind of the soldiers loading the bodies into the vehicle, but he could not be sure whether he had seen this happen.

1 B1110.035

2 Day 313/70-71

Private INQ 768

122.52 In his written statement to this Inquiry[1] and in his oral evidence to this Inquiry,[2] Private INQ 768 said that he could not remember how the bodies were loaded into the vehicle or whether he was involved. He did not remember going to a rubble barricade.

1 C768.5

2 Day 323/150-151; Day 323/165-167

Private INQ 1579

122.53 In his written statement to this Inquiry,[1] Private INQ 1579 told us that he saw soldiers lifting bodies from the rubble barricade. According to his account he could not remember where he was when he saw this but he was about 20m to 30m away. He thought that he had seen two bodies being lifted. The bodies appeared to be dead. He did not know which soldiers had lifted them. The soldiers put the bodies into the back of a vehicle. Private INQ 1579 could not recall how the soldiers had lifted the bodies, but assumed that two soldiers had lifted each body, holding it by the arms and legs. The bodies were not manhandled. Private INQ 1579 did not see the inside of the vehicle into which they were placed.

1 C1579.5

122.54 In his oral evidence to this Inquiry,[1] Private INQ 1579 said that he was not tasked to drive the vehicle to the barricade.

1 Day 336/170-171

Private INQ 1918

122.55 In his written statement to this Inquiry,[1] Private INQ 1918 told us that neither he nor Private 112 put the bodies into the vehicle.

1 C1918.3

122.56 In his oral evidence to this Inquiry,[1] Private INQ 1918 said that he did not recall seeing bodies thrown into the back of the vehicle like sacks of potatoes. He said that he had no recollection of going to the rubble barricade or picking up the bodies.[2]

1 Day 342/124

2 Day 342/133-135

Collection of the bodies from the rubble barricade: the evidence of civilian witnesses

Deirdre Barr

122.57 In her written statement to this Inquiry,[1] Deirdre Barr told us that she was watching from her parents' flat in Block 3 of the Rossville Flats with her sister Dolores MacFarland and others. She had a vague memory of seeing soldiers throwing what appeared to be a dead body or bodies head first into the back of an Army vehicle. One soldier held the body on each side by an arm and a leg. The vehicle was somewhere on the waste ground. The rear of the vehicle was facing towards Deirdre Barr.

1 AB13.1; AB13.6

122.58 Deirdre Barr did not give oral evidence to this Inquiry. She would not have been in a position to have seen bodies loaded into an APC at the rubble barricade.

John (Christopher) Barrett

122.59 In his interview with Kathleen Keville,[1] John Barrett said that he saw soldiers drag three bodies away from the rubble barricade. They dragged one by the hair and two by the feet and threw them in the back of a truck.

1 AB21.3

122.60 John Barrett did not refer to the collection of the bodies in his written statement to this Inquiry.[1]

1 AB23.1-4

122.61 In his oral evidence to this Inquiry,[1] John Barrett said that he remembered that at least one vehicle had approached the barricade and that the bodies had been lifted, but he did not recall any further details.

1 Day 141/14-16

Marie Bradley

122.62 In her Northern Ireland Civil Rights Association (NICRA) statement,[1] Marie Bradley recorded that she and three other girls had gone into a flat in the Rossville Flats. She saw four soldiers disembark from the back of an Army vehicle and drag three dead

bodies from the rubble barricade into the back of the vehicle. The soldiers got in beside the bodies and the vehicle was driven away.

1 AK39.5

122.63 In her written statement to this Inquiry,[1] Marie Bradley, now Marie Kopiak, told us that she and her friends (Kathleen) Marie Doherty and Sheila Harrigan had run into a flat through a door about halfway along the lowest balcony in Block 1 of the Rossville Flats. According to her account she saw an Army vehicle come south down Rossville Street and stop, facing south with its rear doors open. She could see inside the vehicle. Two soldiers lifted the three bodies into the vehicle in an "*'up and in'*" movement. Each soldier took one hand and one foot of each body. Others in the flat commented that the soldiers were throwing the bodies in "*'like cattle'*". At the time, Marie Bradley did not know whether the bodies were dead or not. She could not picture the inside of the vehicle but did not think that the bodies had been put in one on top of another. The soldiers jumped into the back of the vehicle, which was then reversed into Glenfada Park North, turned and driven back up Rossville Street.

1 AK39.1-AK39.3

122.64 Marie Bradley did not give oral evidence to this Inquiry.

William Bridge

122.65 In his NICRA statement,[1] William Bridge recorded that he saw three lifeless bodies at the rubble barricade. An Army vehicle approached. Soldiers disembarked from the vehicle and tossed the bodies into the back like coal into a bunker. They showed no respect and smiled over their dead.

1 AB85.1

122.66 William Bridge did not give oral evidence to this Inquiry.

Kathleen Marie Doherty

122.67 In her written statement to this Inquiry,[1] Kathleen Marie Doherty told us that she was watching from a flat in Block 1 of the Rossville Flats with her friends Marie Bradley, Sheila Harrigan and Nola McSwine. She saw soldiers drive an Army vehicle towards the rubble barricade. They grabbed two or three dead bodies from the barricade and threw them into

the back of the vehicle. Kathleen Marie Doherty thought that the soldiers had done this in a callous way. She did not know where the bodies were taken.

1 AD77.1

122.68 Kathleen Marie Doherty did not give oral evidence to this Inquiry.

Letty Donnelly

122.69 In her NICRA statement,[1] Letty Donnelly recorded that she was in 6 Garvan Place. This was the third flat from the north end on the first floor of Block 1 of the Rossville Flats.[2] Letty Donnelly stated that some time after she had seen the shooting of a boy, an Army vehicle came up to where the boy was lying. A man was shouting that the boy was his son. She saw a soldier drag the boy by the hair and fling him into the back of a vehicle. She saw two more boys being thrown into the back of the same vehicle, which then moved back along Rossville Street. She was certain that all three boys were dead.

1 AD125.14
2 GEN3.12

122.70 In her written statement to this Inquiry,[1] Letty Donnelly told us that she learned later that the boy whose shooting she had seen was William Nash and that the man who had been shouting was Alexander Nash. According to her account, two soldiers picked up the body of William Nash, one by the hair and one by the feet, and threw it into the vehicle. While they were doing this, she was still able to hear Alexander Nash shouting that his son had been shot. The other two bodies were lying face down on top of one another, more or less on top of the rubble barricade. They were thrown into the vehicle in the same way, but Letty Donnelly was not sure whether the same soldiers had handled all three bodies.

1 AD125.2

122.71 In her oral evidence to this Inquiry,[1] Letty Donnelly said that when the man was shouting that his son had been shot, he was pointing to the body of the boy whose shooting she had witnessed. The other bodies were not literally lying on top of one another, but were very close together. She said that the manner in which the soldiers handled the bodies was what had convinced her that all three must have been dead.[2] She said that the bodies were flung into the vehicle like pieces of meat.[3]

1 Day 124/116-123
2 Day 124/125-126
3 Day 124/137-138

Albert Faulkner

122.72 In his NICRA statement,[1] Albert Faulkner recorded that he saw three dead bodies being thrown into an Army vehicle beside the rubble barricade as if they were sacks of potatoes.

1 AF4.7

122.73 In his written statement to this Inquiry,[1] Albert Faulkner told us that he saw the vehicle coming down Rossville Street. According to his account it stopped on the west side of the street just north of the barricade. No soldiers jumped out but about four soldiers had followed the vehicle on foot. These soldiers grabbed the three bodies and threw them into the vehicle as if they were sacks of potatoes. Two soldiers lifted each body, each holding it by one leg and one arm. Albert Faulkner thought that each body had been carried face down, and hence must have been thrown into the vehicle face down. It seemed that the soldiers wanted to get the bodies and themselves away from the area as soon as possible. The soldiers closed the doors of the vehicle, which was then reversed up Rossville Street. The soldiers returned on foot towards Kells Walk.

1 AF4.3

122.74 Albert Faulkner did not give oral evidence to this Inquiry, having died after making his written statement.

Bernard Feeney

122.75 In his interview with Kathleen Keville,[1] the Order of Malta Ambulance Corps volunteer Bernard Feeney said that he treated a woman for shock after she had seen the three bodies being dragged to the Army vehicle. Bernard Feeney understood that the soldiers had treated the bodies "*like pigs*" but he did not see this himself.

1 AF8.35

122.76 In his NICRA statement,[1] Bernard Feeney recorded that he and Fr Irwin went to see a woman in the Rossville Flats who was hysterical because she had seen three bodies being roughly handled and thrown into the back of an Army vehicle.

1 AF8.10

122.77 In his written statement to this Inquiry,[1] Bernard Feeney said that the woman was screaming that she had seen three bodies thrown into the back of an Army vehicle.

1 AF8.5

122.78 In his interview with Stephen Gargan,[1] Bernard Feeney said that the woman claimed to have seen three bodies being manhandled into the vehicle.

1 AF8.24

Ann Gallagher

122.79 In her interview with Kathleen Keville,[1] Ann Gallagher said that there were three bodies lying behind the rubble barricade. She thought that they were all dead. Soldiers put them into an Army vehicle.

1 AG1.8

122.80 In her written statement to this Inquiry,[1] Ann Gallagher told us that she saw three men thrown by soldiers into an Army vehicle at about the point marked E on the plan attached to the statement[2] (the east side of Rossville Street near the north-west corner of Block 1 of the Rossville Flats). There were perhaps half a dozen soldiers standing by the open doors of the vehicle. Ann Gallagher had no recollection of seeing anyone being carried from the barricade and did not know whether these three men had been shot by the barricade. They were thrown into the vehicle "*like cattle*" but at the time she had thought that they were injured rather than dead. Two or three soldiers carried each man by the arms and legs. As they were carried, their upper bodies sagged close to the ground. Ann Gallagher could not recall whether the same soldiers had carried all three men. The men were thrown into the vehicle head first. The first man was thrown in face up and the second and third face down. Ann Gallagher knew from the way in which they were thrown into the vehicle that the men would be lying on top of one another.

1 AG1.3 2 AG1.7

122.81 In her oral evidence to this Inquiry,[1] Ann Gallagher was unable to say why she now thought she had believed at the time that the men were injured rather than dead.

1 Day 401/24-26

Annie Gallagher and Elizabeth Fleming

122.82 In their joint NICRA statement,[1] Annie Gallagher and Elizabeth Fleming recorded that they saw soldiers lifting two bodies from the rubble barricade by the legs. The soldiers dragged the bodies to an Army vehicle and threw them in.

1 AG2.1

122.83 Annie Gallagher is dead and did not give evidence to this Inquiry.

122.84 In her written statement to this Inquiry,[1] Elizabeth Fleming told us that she saw perhaps a couple of soldiers disembark from the vehicle. They lifted three bodies from the barricade and threw them into the vehicle as if they were bags of potatoes. Elizabeth Fleming said that their joint NICRA statement contained Annie Gallagher's account of what they saw rather than her own.

1 AF21.3-AF21.4

122.85 Elizabeth Fleming did not give oral evidence to this Inquiry.

Eileen Gallagher

122.86 In her NICRA statement,[1] Eileen Gallagher recorded that from her flat at 8 Garvan Place in Block 1 of the Rossville Flats she saw an Army vehicle approach the rubble barricade. Three bodies were taken from the barricade and thrown into the vehicle "*like dogs*". One of the bodies, which was dressed in blue, was dragged by the feet face downwards and thrown into the vehicle. Another was dragged by the back of the neck, and the third was "*lifted + dumped in*".

1 AG10.1-AG10.2

122.87 Eileen Gallagher is dead and did not give evidence to this Inquiry.

Margo Harkin

122.88 In her written statement to this Inquiry,[1] Margo Harkin told us that an Army vehicle stopped at the point marked N on the plan attached to the statement[2] (on the pavement on the west side of Rossville Street south of the south-east entrance to Glenfada Park North). According to her account there were two soldiers near the vehicle, who picked up three bodies from around the rubble barricade. Margo Harkin thought that both soldiers had lifted each body, perhaps by taking an arm and a leg each. The soldiers lifted the bodies as if they were carcasses or sacks of potatoes, and flung them casually into the vehicle. Margo Harkin believed at the time that one of the casualties was still alive when he was thrown into the vehicle. She thought that she may have believed this because the body was not limp like the others. There may have been a movement of the head or arm or something of the kind. This casualty was either the first or the second to be thrown into the vehicle. Margo Harkin remembered that a dead body was thrown on top of him. She was aghast because she thought that the soldiers should be trying to save his life and take him to the hospital. The vehicle was driven away but she did not know in which direction.

1 AH23.18

2 AH23.22

122.89 In her oral evidence to this Inquiry,[1] Margo Harkin said that she thought that the man who she had believed was alive was the second to be thrown into the vehicle.

1 Day 416/35-36

Patricia Harkin

122.90 In her NICRA statement,[1] Patricia Harkin said that she saw two men lying face down at the rubble barricade and a third man between them lying on his back. An Army vehicle pulled up beside them. Three or four soldiers picked the bodies up by the arms and legs and tossed them into the vehicle.

1 AC26.13

122.91 In her written statement to this Inquiry,[1] Patricia Harkin, now Patricia Canning, told us that there were three soldiers around the vehicle, one of whom ordered the other two to put the bodies into the vehicle. The soldiers picked the bodies up like sacks. She seemed to recall that a fourth body was thrown into the vehicle but recalled no further details of this.

1 AC26.4

122.92 In her oral evidence to this Inquiry,[1] Patricia Harkin confirmed this account and said that she saw no attempt by the soldiers to give first aid to the casualties.

1 Day 121/177-178; Day 121/186-187

Sheila Harrigan

122.93 In her NICRA statement,[1] Sheila Harrigan did not describe the collection of the bodies from the rubble barricade.

1 AF41.3

122.94 In her written statement to this Inquiry,[1] Sheila Harrigan, now Sheila Fullerton, told us that she was in a flat in Block 1 of the Rossville Flats with her friends Marie Bradley, Kathleen Marie Doherty and Nola McSwine. According to her account, she saw soldiers throwing three bodies from the barricade one by one into the back of an Army vehicle. She recalled thinking that the bodies were not really dead. Fr Mulvey was waving at the soldiers but they did not respond. She was "*squealing*" that the men might not be dead and that they would not be able to breathe. The soldiers showed them no mercy.

1 AF41.1-AF41.2

122.95 Sheila Harrigan did not give oral evidence to this Inquiry.

Monica Hegarty

122.96 In her NICRA statement,[1] Monica Hegarty recorded that she saw three boys, one lying on his back and two on their faces. A priest was kneeling beside them, attending to them. She did not know that they were dead. An Army vehicle came forward and over the rubble barricade. Two soldiers disembarked quickly, grabbed the boys by the arms and legs and threw them into the vehicle.

1 AH63.7

122.97 In her written statement to this Inquiry,[1] Monica Hegarty told us that she vaguely recalled this incident. She thought that the soldiers had grabbed the men by the arms but was not sure about this.

1 AH63.3

122.98 In her oral evidence to this Inquiry,[1] Monica Hegarty, now Monica Whoriskey, said that she could not now recollect the incident.

1 Day 99/143

Frank Lawton

122.99 In his NICRA statement,[1] Frank Lawton recorded that an Army vehicle came forward and removed three men, who appeared to be dead, from the rubble barricade. The vehicle returned to its position. Nothing was picked up from beside the bodies. A shoe belonging to one of the men was left behind.

1 AL6.20

122.100 In his written statement for the Widgery Inquiry,[1] Frank Lawton recorded that two soldiers lifted the bodies, each using one hand for this purpose and the other to hold his rifle. They tossed the bodies into the back of the vehicle. One of the soldiers waved Alexander Nash away.

1 AL6.22

122.101 In his oral evidence to the Widgery Inquiry,[1] Frank Lawton said that before the vehicle arrived Alexander Nash had been pulling at the three bodies to "*get them tighter in*". Alexander Nash beckoned to the vehicle to come down and it did so. It rammed the wooden barrier that blocked the gap in the barricade. The paratroopers lifted the three

bodies. Frank Lawton did not hear the conversation between Alexander Nash and one of the soldiers but his general impression was that the soldier was waving him away.

[1] WT6.79

122.102 In John Goddard's interview notes,[1] Frank Lawton is recorded as having said that four or five soldiers threw the bodies into the vehicle, each holding a wrist and a leg. The bodies were thrown in "*LIKE PIECES OF MEAT*".

[1] O8.13

122.103 In his interview with Tony Stark,[1] Frank Lawton said that so far as he could remember the soldiers took hold of the bodies "*by an arm and a leg*", while still holding their rifles, and manhandled the bodies into the vehicle, which had reversed towards the barricade and still had its engine running. The soldiers might have held the bodies by the hands, wrists, elbows or arms.

[1] O8.7-O8.9

122.104 In his written statement to this Inquiry,[1] Frank Lawton told us that about three or four soldiers disembarked from the back of the vehicle. Two of them threw the three bodies unceremoniously head first into the vehicle, lifting them by one leg and either the armpit, the scruff of the neck or the clothing on the upper part of the body. Each soldier used only one arm to lift the bodies and held his rifle in the other arm. Frank Lawton did not see any of the bodies being lifted by the hands or hair. He saw no sign of life in any of the bodies.

[1] AL6.5

122.105 In his oral evidence to this Inquiry,[1] Frank Lawton said that it was clear to him that the three men were dead when their bodies were picked up.

[1] Day 389/129-130

Dolores MacFarland

122.106 Dolores MacFarland did not refer to the collection of the bodies in her NICRA statement.

122.107 In her written statement to this Inquiry,[1] Dolores MacFarland told us that she was watching from her mother's flat in Block 3 of the Rossville Flats with her sister Deirdre Barr and others. She saw an Army vehicle parked at the north end of Block 1. She thought that there had been two soldiers with the vehicle. They were throwing bodies into the back of it. One soldier took each body by the arms and the other took hold of the legs. They made a "*"one, two, three, heave swinging motion"*" and threw the bodies in "*as if*

they were pigs". Dolores MacFarland could not remember how many bodies there had been. They all appeared to be male. They were thrown into the vehicle facing upwards. Dolores MacFarland assumed that they were all dead.

[1] AM8.1; AM8.4

122.108 In her oral evidence to this Inquiry,[1] Dolores MacFarland said that the bodies were thrown into the vehicle head first. She said that she had seen this incident herself. It was suggested to her that she might have been told about it by someone else, but she said that she did not remember that happening. She said that she had probably forgotten to mention the incident when she made her NICRA statement. From her position in Block 3 of the Rossville Flats, Dolores MacFarland could not have seen the collection of the bodies from the rubble barricade.

[1] Day 83/97-100

William McDonagh

122.109 In his NICRA statement,[1] William McDonagh recorded that he saw three youths at the rubble barricade. One of them was obviously dead. He was not sure about the second. The third was wounded and was waving a white handkerchief. An Army vehicle approached the barricade with two or three soldiers walking behind it. Two of the soldiers were laughing at the bodies at the barricade. The soldiers had no respect for the dead. One of the soldiers grabbed one of the bodies by the collar and the other by the belt. The bodies were then thrown into the vehicle.

[1] AM192.7

122.110 In his written statement to this Inquiry,[1] William McDonagh told us that he was watching from his girlfriend's flat in Block 1 of the Rossville Flats. According to his account, he saw an Army vehicle move south down Rossville Street and stop at about the point marked M on the plan attached to the statement[2] (the west kerb of Rossville Street north of the barricade). He also saw two soldiers carrying a body. He thought that the soldiers had come from the vehicle. They were laughing. One of them was holding the body "*by the front or stomach region*". They threw the body into the back of the vehicle, feet first. William McDonagh had earlier seen two men at the barricade who appeared to have been shot and a third man who seemed to be waving a handkerchief, but he did not know whether the body carried to the vehicle was that of any of these men. William McDonagh could hear the sound of at least two people crying or groaning, as if seriously

hurt. It sounded as though those crying were male. William McDonagh had the impression that the cries were coming from the Army vehicle.

[1] AM192.4-AM192.5 [2] AM192.8

122.111 In his oral evidence to this Inquiry,[1] William McDonagh said that although he did not see the soldiers pick up the body he was almost sure that it had come from the barricade. One of the soldiers held the body by the collar and the other held it by the belt. He only saw one body being moved, and not two as suggested in his NICRA statement. He could not give a description of the body. He could not say definitely whether the body was dead or alive, although it had been his impression that it was dead. However, he knew that he had heard groans and cries from the vehicle after the body had been thrown into it. He said that there were "*people in that Saracen that were not dead*".

[1] Day 119/44-47; Day 119/69-73

George McGinley

122.112 In his written statement to this Inquiry,[1] George McGinley told us that he saw two Army vehicles being reversed down Rossville Street towards the rubble barricade. According to his account the vehicles stopped on the north side of the barricade. Two or three soldiers appeared at the rear doors of the vehicle that had stopped closer to Block 1 of the Rossville Flats. George McGinley was not sure whether they had disembarked from the cab or from the rear of the vehicle. He did not think that the soldiers had been carrying rifles but he was not sure about this. George McGinley then noticed two or possibly three people lying on the ground on the south side of the barricade. One of the soldiers tried to drag one of the bodies over the barricade towards the vehicle that had stopped closer to Block 1. George McGinley thought that the soldier had tried to lift the body by holding it beneath the arms, but it must have been too heavy for him, as another soldier had to help him. The two soldiers each took one arm and one leg, and threw the body into the back of the vehicle like a sack of coal. The two soldiers then repeated the process with the remaining body or bodies. They then climbed back into the vehicle, which was driven away to the north. George McGinley thought that its rear doors had still been open as it was driven away. The other vehicle remained where it was. The whole incident lasted only a minute or two.

[1] AM238.4

122.113 In his oral evidence to this Inquiry,[1] George McGinley said that he was not absolutely sure that there had been two vehicles, and that it was possible that the vehicle had come through the barricade and reversed up to its south side.

1 Day 134/29-30

Kevin McGonagle

122.114 In a written statement submitted to the Widgery Inquiry,[1] Kevin McGonagle recorded that as he watched from a house in Joseph Place he saw an Army vehicle approach the rubble barricade. Soldiers lifted the apparently lifeless bodies of two youths from the south side of the barricade into the vehicle.

1 AM254.20

122.115 In his interview with John Barry,[1] Kevin McGonagle said that the soldiers lifted the two bodies "*really casually*" and dumped them in the vehicle.

1 AM254.22.3

122.116 In his written statement to this Inquiry,[1] Kevin McGonagle told us that two or three soldiers lifted the bodies and threw them into the vehicle. They did not treat the bodies with respect. They lifted them "*by an arm and leg*". Kevin McGonagle thought that he had seen one of the soldiers lift one of the bodies by himself. The soldiers did not check the bodies but just put them quickly into the vehicle. Kevin McGonagle did not know whether any of the casualties had been alive. He could not remember how many bodies he had seen thrown into the vehicle.

1 AM254.11

122.117 In his oral evidence to this Inquiry,[1] Kevin McGonagle said that the vehicle moved south of the barricade. At first he said that the rear doors were facing the position where the bodies were lying, but then he said that he thought that the rear of the vehicle had been facing towards Free Derry Corner. Kevin McGonagle believed that he had seen two bodies being thrown into the vehicle. He thought that one soldier had picked up one of the bodies on his own, lifting it by an arm and a leg, and that the other body had been handled in much the same way but by two soldiers.

1 Day 128/197-201

Nola McSwine

122.118 In her NICRA statement,[1] Nola McSwine, now Nola McCullagh, recorded that the soldiers picked up the dead bodies of three boys from the rubble barricade and threw them into an Army vehicle "*like raw meat*".

1 AM157.9

122.119 In her interview with Paul Mahon,[1] Nola McSwine said that she did not know whether the casualties had been dead or alive. According to this account, two soldiers lifted the body lying furthest to the west, each taking one arm, and dragged it over to the vehicle. They then grasped the legs and threw the body into the vehicle head first and face down. Nola McSwine said to her friend Sheila Harrigan that the soldiers were going to hurt the casualties if they were still alive. The two soldiers then lifted the body that had been lying in the middle of the three, and put it into the vehicle head first and face up. The same two soldiers then dragged the last body by the arms and put it into the vehicle. Nola McSwine thought that this body had been dragged face down but she was not sure about this. The soldiers then went into the back of the vehicle with the bodies and closed the doors. The vehicle was then turned and driven back towards William Street.

1 X4.23.49-X4.23.55

122.120 In her written statement to this Inquiry,[1] Nola McSwine told us that she was in a flat in Block 1 of the Rossville Flats with her friends Marie Bradley, Kathleen (Marie) Doherty and Sheila Harrigan. She saw an Army vehicle driven through the barricade and parked parallel to the barricade facing Block 1. She thought that six soldiers had disembarked from the vehicle. The driver appeared to stay in his seat. Two soldiers took hold of each of the three bodies. She thought that each soldier had taken a hand or wrist and a foot or ankle. The soldiers threw or heaved the bodies into the vehicle. Nola McSwine could not believe that the soldiers were treating the dead so disrespectfully. The vehicle was then reversed and turned, and driven back up Rossville Street.

1 AM157.1-AM157.6

122.121 In her oral evidence to this Inquiry,[1] Nola McSwine said that none of the soldiers attempted to examine any of the three bodies to see whether they were still alive.

1 Day 136/134-135

Olive Mottram

122.122 In her NICRA statement,[1] Olive Mottram recorded that she saw an Army vehicle pass through the rubble barricade and pull up. A soldier disembarked, grabbed the arm of one of the bodies lying behind the barricade, dragged the body across to the vehicle, and threw it in "*just like a sack of meat*". The soldier did the same with the other two bodies.

1 AM441.13

122.123 In her written statement to this Inquiry,[1] Olive Mottram told us that she could not recall seeing the vehicle approaching. According to her account, the vehicle was parked on the kerb near the south-east corner of Glenfada Park North. The soldier was blond and was not wearing a helmet. He leaned his rifle against the back of the vehicle. There were three bodies on the north side of the barricade. The soldier dragged one of the bodies across the barricade to the vehicle, lifting it by the arm and leg, and threw it into the vehicle. Olive Mottram heard the thud as it hit one of the sides of the vehicle. The soldier did this by himself. He then did the same with the other two bodies, treating all of them with complete contempt. He might as well have been picking rubble from the barricade and throwing it into the back of the vehicle.

1 AM441.6

122.124 In her oral evidence to this Inquiry,[1] Olive Mottram said that she could not remember whether the soldier who collected the bodies had been accompanied by any others.

1 Day 136/88-90

Alexander Nash

122.125 In a statement dated 7th February 1972 found in the collection made by the Irish Government,[1] Alexander Nash (who was wounded at the rubble barricade, as we have described earlier in this report[2]) recorded that while he was at the rubble barricade an Army vehicle arrived, two big soldiers disembarked from it, and one of them said "'*3 more dead bodies*'". They lifted the three bodies one by one, pulled them to the vehicle, placed them on top of one another and locked the door. The vehicle was then driven away.

1 AN1.14-AN1.15

2 Paragraphs 86.470–607

122.126 In his written statement for the Widgery Inquiry,[1] Alexander Nash recorded that the soldiers threw the bodies into the vehicle.

1 AN1.10

122.127 In his oral evidence to the Widgery Inquiry,[1] Alexander Nash said that the soldiers dragged the bodies to the vehicle and threw them in one on top of another. They did not examine them to check whether they were dead. Alexander Nash said that the soldier in charge did not examine him or ask whether he was all right.[2]

1 WT8.5 2 WT8.9

122.128 In his deposition for the coroner's inquest into the death of William Nash,[1] Alexander Nash said that he saw the soldiers put the three bodies into the vehicle.

1 AN1.12

Attempts to see the bodies before they were driven to Altnagelvin Hospital: the evidence of priests

Fr John Irwin

122.129 In his written statement for the Widgery Inquiry,[1] Fr Irwin recorded that he was on the balcony on the second floor of Block 1 of the Rossville Flats when a woman in a distraught state told him that she had seen three bodies being thrown into an Army vehicle. He rushed down the back stairs of the flats into Rossville Street, accompanied by an Order of Malta Ambulance Corps volunteer. A soldier was standing at the entrance to the back stairs. Fr Irwin asked him whether there were three bodies in one of the vehicles. The soldier said that he did not know. Fr Irwin asked him who was in charge. He nodded towards a group of soldiers a few feet away. Fr Irwin shouted to that group, asking who was in charge. One came forward who was wearing a red beret and was presumably an officer. Fr Irwin asked him whether he had any dead or injured in a vehicle. The officer replied that none of his soldiers had been injured. Fr Irwin said "*'I didn't ask you about your soldiers. I'm asking you if you have any dead or injured bodies in one of the saracens as I wish to anoint them.'*" The officer said "*'No we haven't'*".

1 H9.5-6

122.130 According to this account, Fr Irwin and the Order of Malta Ambulance Corps volunteer returned upstairs and met the woman who had told them about the bodies. When Fr Irwin told her that the officer had denied that there were any bodies in a vehicle, she took him to the window of a flat overlooking Rossville Street and pointed out the vehicle. Fr Irwin and the Order of Malta Ambulance Corps volunteer rushed downstairs again. Fr Irwin shouted to the officer that there were three bodies in a vehicle. Fr Irwin saw Fr Mulvey a

short distance beyond the officer and told him about the bodies. The two priests and the Order of Malta Ambulance Corps volunteer ran towards the vehicle. The officer followed them and opened the door of the vehicle, revealing three bodies piled one on top of another. Fr Irwin climbed into the vehicle and anointed the body of William Nash, which was lying on top of the other two bodies, and the body of Michael McDaid which was lying "*face outwards*" in the middle. Fr Irwin then held up those two bodies to enable Fr Mulvey to anoint the body of John Young, which was lying beneath the other two in a pool of blood. John Young would have been smothered if he had been alive. It was obvious from the way in which the bodies were lying that they had been flung into the vehicle like bags of potatoes. When Fr Irwin climbed out of the vehicle he accused the officer of lying to him. The officer shrugged his shoulders and smirked. As the two priests and the Order of Malta Ambulance Corps volunteer were leaving the vehicle, a senior Order of Malta Ambulance Corps officer ran up to see whether any of the three casualties was still alive, but the door of the vehicle was slammed shut and the Army officer told him that he could not go into it.

122.131 In an article published in the *Sunday Press* on 6th February 1972,[1] Fr Irwin was quoted as saying that the soldier whom he accused of lying about the bodies had been a Sergeant. Fr Irwin said that the woman pointed out the vehicle in Rossville Street when he came back upstairs after making his initial inquiries of the soldiers. According to the article, Fr Irwin said that the lowest body was the body of William Nash and that the body of Michael McDaid was lying on top of the other two.

1 L176

122.132 In his written statement to this Inquiry,[1] Fr Irwin told us that he now knew that the Order of Malta Ambulance Corps volunteer had been Bernard Feeney. According to this account, he thought that the woman had taken him into the flat and directed his attention to the vehicle in Rossville Street before he went downstairs for the first time. He then went downstairs to the vehicle. A soldier was standing guard at the rear door of the vehicle. This soldier was quite tall, not more than 25 years old, and was wearing a red beret. He appeared extremely frightened. Fr Irwin said that he believed that there were three bodies in the vehicle. The soldier said "*'no'*". Fr Irwin thought that it was at this stage that he had asked who was in charge. The soldier who Fr Irwin assumed was an officer stepped forward.

1 H9.12-H9.16

122.133 When Fr Irwin asked whether there were bodies in the vehicle, the officer said that there were not. Fr Irwin went back upstairs, spoke again to the woman, and returned to the vehicle. He repeated to the soldier guarding the door that he believed that there were bodies in the vehicle. The soldier did not reply. Fr Irwin told the soldier that he was going to open the door. Another soldier, probably the officer, told Fr Irwin that if he did this he would be shot. There were several soldiers around when this happened. Fr Irwin was aware of a television camera which he thought was recording the altercation. He then saw Fr Mulvey and shouted to him that there were three bodies in the vehicle, that he was going to open the door and that the soldiers had said that they would shoot him if he did. Fr Irwin recalled that Fr Mulvey had replied that in that case the soldiers would have to shoot them both.

122.134 The soldier guarding the vehicle then moved aside and the back door was opened. A photograph taken by Constable A Brown of the Royal Ulster Constabulary (RUC) shows the two priests at about the time when this happened.

122.135 Fr Irwin told us that John Young's body was lying face down with the head towards the front of the vehicle, beneath the other two bodies. The body of Michael McDaid was lying in the middle, with the head towards the rear of the vehicle, so that his face was visible when the door was opened. The third body was lying on top of the other two. All three were dead. Fr Irwin's current recollection was that he had anointed the bodies, starting

with that of John Young. It had been necessary for him to step on and over the bodies to reach John Young, and for him and Fr Mulvey to "*man handle the boys a lot to be able to do our work*". When Fr Irwin climbed out of the vehicle, he told the soldier who had threatened to shoot him that he had lied to him about there being no bodies in the vehicle. The soldier smirked at him. Fr Irwin was unaware of any incident in which a soldier fired a weapon into the vehicle containing the bodies.

122.136 In his oral evidence to this Inquiry,[1] Fr Irwin said that the soldier by the door of the vehicle had appeared more confused than frightened. Fr Irwin no longer recalled the arrival of a senior Order of Malta Ambulance Corps officer who was told by the Army officer that he could not enter the vehicle. Fr Irwin could not say whether the photograph shown above had been taken before or after he and Fr Mulvey had been to the vehicle, although later in his evidence he agreed that it was probably taken when they were approaching the vehicle with Bernard Feeney.[2] Fr Irwin said that he could not say whether the soldier shown on the right in the photograph was the officer who had initially denied that there were bodies in the vehicle.[3]

1 Day 153/8-18
2 Day 153/32-37
3 Day 153/41-42

122.137 Asked to comment on the account attributed to him in the *Sunday Press* article, Fr Irwin said[1] that he knew the location of the vehicle containing the bodies when he went downstairs for the first time. He had no means of knowing whether the soldier who appeared to be in charge was a Sergeant. The body of John Young had been lying lowest in the vehicle, the body of Michael McDaid in the middle, and the third body on top.

1 Day 153/44-45

Fr Vincent Anthony Mulvey

122.138 In his filmed interview with Gerald Seymour,[1] Fr Mulvey was asked how many dead he had seen in the Bogside. He replied that he did not know whether the three bodies in the Army vehicle were alive or dead, but that they "*seemed to be very dead*" and that there were probably about four others who were dead. The bodies had been thrown into the vehicle as if they were dead meat.

1 Vid 3 06.12

122.139 In his written statement for the Widgery Inquiry,[1] Fr Mulvey recorded that someone told him that soldiers had thrown three bodies into an Army vehicle. He went to the north end of Block 1 of the Rossville Flats where he found three or four vehicles and a group of

12 to 15 soldiers, including one wearing a red beret. Gerald Seymour and his camera crew were also present. Fr Mulvey demanded to know where the bodies were and by what right the soldiers had taken them. No-one answered. Fr Mulvey asked who was in charge. A soldier wearing a helmet said that he was. Fr Mulvey again asked where the bodies were but received no reply. He then heard Fr Irwin calling out that they were in the vehicle furthest away from Fr Mulvey. The two priests ran to the vehicle. The soldier at the door opened it and the priests saw three bodies lying on top of one another between the seats. The youth on top was lying face up with his head towards the door. He was unconscious and possibly dead.

1 H15.12-H15.13

122.140 According to this account, Fr Irwin attended to the upper two bodies while Fr Mulvey tried to reach the lowest body. It was necessary to lift the upper two bodies in order to locate the head and face of the body beneath them, which was lying face down in a pool of blood. Fr Mulvey had to grope to find his face. Fr Mulvey thought that this man might have suffocated if he were not already dead. Fr Mulvey returned to the soldiers to protest about the condition of the three men who were not necessarily dead. Gerald Seymour then interviewed Fr Mulvey on camera about the number of people who had been killed. The Order of Malta Ambulance Corps officer Leo Day then arrived. Fr Mulvey called to him to look at the bodies and went with him to the vehicle. The soldier by the vehicle would have opened it but the officer or non-commissioned officer wearing a helmet called to the soldier to close the door immediately and not to open it again. The entire incident occupied about five minutes.

122.141 In his oral evidence to the Widgery Inquiry,[1] Fr Mulvey said that he had been told that the body lying on top of the other two was the body of Michael McDaid. Fr Mulvey had not known whether any of the bodies was dead, although they all appeared to be unconscious and probably dead. Fr Mulvey said that when he left the vehicle he made a remark about the fact that he had not been told that there were bodies there. He also asked the soldier who had opened the door where the weapons were with which the casualties had supposedly been armed, but he received no reply.

1 WT4.28-WT4.29

Attempts to see the bodies before they were driven to Altnagelvin Hospital: the evidence of Order of Malta Ambulance Corps witnesses

Leo Day

122.142 In his notes of his interview of the Order of Malta Ambulance Corps officer Leo Day,[1] Philip Jacobson of the *Sunday Times* Insight Team recorded him as saying that his colleague Alice Long came up to him in a very distressed state when he was near the telephone kiosk at the south end of Block 1 of the Rossville Flats. She said that she had asked the paratroopers to let ambulances through but that they had laughed and refused. Leo Day and Alice Long then crossed the rubble barricade and spoke to an officer of the Parachute Regiment. Leo Day thought that this officer had been a Major. The officer ordered that an ambulance should be allowed through. A woman then approached Leo Day and told him that there were three bodies in the back of an APC and that one of them might still be alive. Leo Day went back to the same officer and asked whether he and Alice Long might check to see whether anyone was still breathing. The officer agreed. Leo Day and Alice Long went to the vehicle. A Sergeant opened the door. All that Leo Day could see was a tangle of bodies lying on each other with blood all over the floor. He tried to get into the vehicle, putting one foot onto the step, but the Sergeant said that no-one was allowed inside the vehicle, and pushed the door shut again. The plan accompanying the interview notes[2] indicates that when this happened the vehicle was in the middle of Rossville Street near the turning leading to the car park of the Rossville Flats.

1 AD13.3

2 AD13.5

122.143 Leo Day is dead and did not give evidence to this Inquiry.

Alice Long

122.144 In a statement dated 4th February 1972 found in the collection made by the Irish Government,[1] Alice Long recorded that a man standing in a passage near Glenfada Park told Leo Day that there were civilians in an APC. He gave the impression that they were hurt. Leo Day said that as Alice Long was wearing a white coat she should go with him to see what could be done for the civilians. She accompanied Leo Day into Rossville Street and with their hands in the air they approached some soldiers at the end of the passage. Alice Long and Leo Day asked whether there was anything that they could do to help the

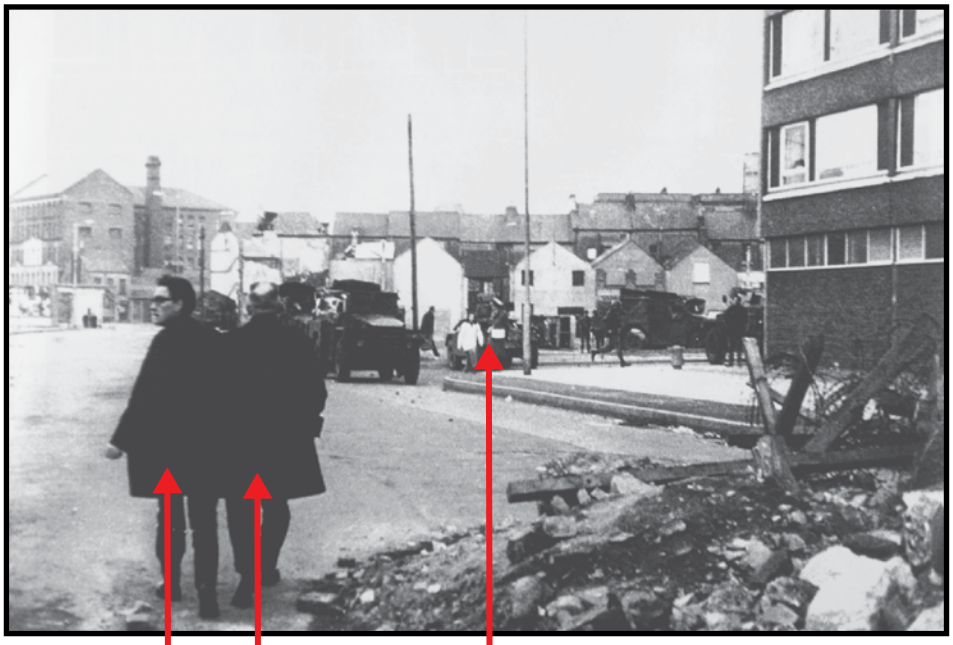
soldiers or the civilians. When the soldiers said that there was not, they went across the rubble barricade to the south side of the Rossville Flats. Some time later, Leo Day was standing at the rubble barricade and called to Alice Long to come with him to try to get help from the Army.

1 AL37.12-AL37.15

122.145 According to this account, Alice Long and Leo Day went to the soldiers on the waste ground. Leo Day asked to see an officer. There was no reply from the soldiers. A photographer had approached Leo Day and asked whether he needed any help. Leo Day said that stretchers were needed and explained that there were casualties requiring transport. At this point Leo Day noticed three soldiers guarding an APC. He asked to see who was inside it. A soldier opened the door. An officer appeared and shouted not to let anyone come near the APC. The soldier closed the door again. Alice Long caught a glimpse of three bodies lying in a heap inside the vehicle. The body on top was that of a person wearing a "*light coloured coat*" who appeared to have been wounded in the face. The lowest body was that of a man whose head was thrown back with the mouth open. Blood seemed to be pouring from the back of his head or neck. Alice Long and Leo Day turned away. Fr Mulvey and Fr Bradley had arrived and also wanted to reach the civilians in the APC. Leo Day made some more inquiries about assistance. Alice Long picked up three empty cartridge cases from the ground. A soldier approached and made her hand them over. Alice Long and Leo Day then left.

122.146 Fr Denis Bradley did not in any of his evidence say that he had attempted to reach the bodies in the vehicle with Fr Mulvey. However, in his oral evidence to this Inquiry,[1] Bernard Feeney identified the two priests shown walking north through the barricade in Sam Gillespie's photograph (shown below) as Fr Bradley and Fr Mulvey. Bernard Feeney also identified the man shown in the same photograph standing near the Ferret scout car and holding a white bag as Leo Day.

1 Day 141/60-61



122.147 In her undated report to the Order of Malta Ambulance Corps,[1] Alice Long described the first visit that she and Leo Day made to the soldiers but did not say that at that stage they had been told that there were civilians in an APC. She said that later on Leo Day called to her to come with him to see whether they could get help from the Army. Leo Day asked the soldiers for help but received no answer. He then saw an APC with soldiers standing outside it. Leo Day asked whether there was anyone in the vehicle whom they could help. A soldier opened the door. Alice Long and Leo Day caught a glimpse of three bodies inside the vehicle but the soldier closed the door again after a short time.

1 AD50.32-AD50.35

122.148 Philip Jacobson's notes of his interview of Alice Long[1] do not mention an initial visit to the soldiers in Rossville Street by her and Leo Day, nor is such a visit indicated on the accompanying plan.[2] However, the notes record Alice Long as having said that Leo Day called her to go with him to two bodies "*outside abbey park*". Later on, according to the notes, a woman told Alice Long that there were three bodies in an APC standing about 15 yards north of the rubble barricade. Leo Day had also heard about this. Together they approached an officer and asked whether they could see whether anyone was alive. The officer agreed and shouted to a Sergeant to open the doors. The Sergeant did so but then slammed them shut again, saying that no-one was to see the bodies. Alice Long had a

clear glimpse of the inside of the vehicle. The uppermost body was that of a young man with quite short sandy hair. He was wearing a "*light coloured jacket*" and had a wound in the left cheek. There were pools of blood on the floor of the vehicle. Alice Long could see no sign of movement in any of the bodies, which were "*just jumbled in like lumps of meat*". As she was walking back towards the entrance to the Rossville Flats, she picked up two spent cartridges but a soldier saw her and told her to give them to him.

1 AL37.7-AL37.9 2 AL37.10

122.149 In her written statement to this Inquiry,[1] Alice Long, now Alice Doherty, told us that she met Leo Day at the point marked D on the plan attached to her statement[2] (in Rossville Street at the north-east entrance to Glenfada Park North). A male bystander told them that there were three casualties inside an APC parked half on and half off the road at the point marked E (on the south side of the turning leading to the car park of the Rossville Flats. At this point Alice Long heard high-pitched shots being fired. She saw several soldiers kneeling on the waste ground and at Kells Walk aiming their rifles towards the barricade. She and Leo Day went across to the APC with their hands in the air. Leo Day told her to walk in front because she was wearing a white coat. Fr Mulvey joined them. Alice Long thought that he had been standing at the corner of Glenfada Park North. Another priest was also there, but remained further behind. Alice Long told us she thought that this was Fr Irwin.

1 AD50.2-AD50.4 2 AD50.29

122.150 A very small and quite stout soldier was standing by the rear doors of the APC. He was perhaps 5ft 4in tall. He was shorter than Alice Long. Unlike about seven other soldiers standing nearby, this soldier did not have Parachute Regiment insignia on his uniform. His face was partly blackened and he had a scar high on his cheek. Alice Long did not think that the soldier had had a moustache. He was wearing a bulletproof jacket. Alice Long thought that he was wearing a helmet with a visor attached to it, and that he was armed with a rifle and a baton gun. Leo Day asked the small soldier whether there was anything that he and Alice Long could do to help. The soldier replied in an English accent that there was not. The door of the APC was partly open. Leo Day and Alice Long glimpsed three bodies inside, piled on top of one another like meat. The body on top was that of a boy with sandy hair, wearing a check sports jacket and grey trousers. She could not see the middle body. The lowest body was that of a boy whose jacket appeared to have been pulled over his head, as though he had been shot in the head. Alice Long thought that the jacket was black. She could not see his face. This body seemed to have been pushed further back into the APC than the others.

122.151 Alice Long stated that all three bodies were lying with their feet towards the rear doors of the vehicle. There was a strong smell of CS gas inside the vehicle. Alice Long did not know whether by this stage Fr Mulvey had already tried to gain access to the vehicle, but she thought that Fr Mulvey had asked to be allowed to give the last rites to the young men in the APC, and that the small soldier had replied that this was unnecessary. According to this account Alice Long then heard a moaning sound from inside the vehicle. She reached forward and pulled the door open. The small soldier immediately kicked it shut. Alice Long thought that he might have done this on the order of an officer nearby, but could not be sure. She immediately opened the door of the vehicle again, and saw one of the feet of the lowest boy twitch slightly. Leo Day also saw this, and he or Alice Long or both of them said words to the effect that the boy was still alive.

122.152 The small soldier then kicked the door shut again and told Alice Long and Leo Day that they were not allowed to look inside. Then he lifted his rifle, poked the barrel through an open flap on the offside of the vehicle, which Alice Long thought was the rearmost flap on that side, and fired three shots into the vehicle. He had to hold the rifle high so that he could aim it downwards. He then said "*something like 'They're dead now' or 'They'll not make any more noise now'. He seemed very pleased with himself and said triumphantly,* '*That's the end of the Fenian bastards'*." Alice Long then picked up two "*bullet cases*" on the ground. They were "*split wide open like flowers*" and she thought that they were "*dum dum bullets*". The small soldier cocked his rifle and told her to give them to him, saying something like "'*You'll be the next casualty if you don't give them back*'". Leo Day told her to return them and so she did. As she and Leo Day were about to leave, the small soldier shouted something like "'*We're not finished with the Fenian bastards*'". Alice Long did not see any photographers near the vehicle, nor did she see her colleague Bernard Feeney. Alice Long said that she only visited the APC on one occasion.[1]

1 AD50.9

122.153 Alice Long also told us that at an Order of Malta Ambulance Corps meeting on 7th February 1972, Leo Day asked all those attending to make written statements to record what they had seen.[1] He then took Alice Long aside and asked her to omit any reference to the small soldier shooting into the APC or to the possibility that one of the men inside the vehicle might still have been alive. Leo Day told her that the moan and the movement of the foot could have been a post-mortem reflex and that even if the boy had been alive, there was nothing that he and Alice Long could have done to help. Leo Day told her that the families had suffered enough pain already and that it would serve no good purpose to disclose this evidence. Alice Long agreed and tried to wipe the incident

from her mind. She never discussed it again with Leo Day, nor did she ever discuss it with any of her other colleagues in the Order of Malta Ambulance Corps, or with Fr Mulvey.

1 AD50.3; AD50.8-AD50.9

122.154 In her oral evidence to this Inquiry,[1] Alice Long said that she did not locate the source of the high-pitched shots that she heard, and did not make any connection between those shots and the soldiers she saw in the waste ground and at Kells Walk. On being shown one of Robert White's photographs of the group around the body of Michael Kelly at the barricade (which we have shown when discussing the shooting of Michael Kelly earlier in this report[2]), she said that the boy at the back of the photograph in a tweed coat (Michael McDaid) definitely looked like one of the casualties she had seen in the vehicle. Asked why she thought that an officer might have given an order for the small soldier to shut the doors of the vehicle, Alice Long said some sort of an order was given but there was so much shouting and roaring going on at the time that it had been difficult to understand. The soldiers themselves seemed to be confused about what they wanted to be done. Some wanted to get the vehicle away and others were "*just holding on*".

1 Day 135/164-179

2 Paragraph 86.4

122.155 Alice Long said that Fr Mulvey and Fr Irwin had both heard the moaning and had both maintained that there was "*movement in one of the bodies*". She said that the body "*in the middle*" appeared to have "*some sort of a cut on his face*", but that this was not necessarily a gunshot wound and she did not see any other wounds. She no longer remembered seeing any blood but said that she must have seen it, as it was described in her statement dated 4th February 1972, which was to be taken as more reliable on matters of detail than her statement to this Inquiry. There was an element of doubt in her mind about whether the weapon fired into the vehicle might have been a baton gun, but it was still her belief that it had been a rifle. She said that it was fired from the shoulder. It was suggested to her that the flaps on the side of the APC would have been too high for a short soldier to point a gun downwards through one of the flaps while holding the gun to his shoulder, but she said that this had been possible because the soldier was standing on the pavement, while the vehicle was on the road.

122.156 We return below[1] to Alice Long's account of a soldier firing into the vehicle holding the bodies.

1 Paragraphs 122.166–169

122.157 Alice Long also said that she had no knowledge of bullets, but had thought that the objects that she picked up must have been dum-dum bullets because they were spread open like flowers and some young men had told her to collect any bullets that were spread wide open. She said that she did not think that she had told anyone else about the soldier firing into the APC before the meeting on 7th February 1972 at which Leo Day told her not to mention it. She agreed that this incident was not described in her statement dated 4th February 1972, which she said had been made at a time when everyone was in shock. She said that people were liable to forget things when events happened so quickly.

122.158 Alice Long was asked[1] whether the account given in her statement dated 4th February 1972 of an initial approach being made by her and Leo Day to the soldiers in Rossville Street, followed some time later by another visit in which she and Leo Day saw the bodies in the APC, might accurately have stated the sequence of events, but she said that she could not remember. It was then suggested to her[2] that she and Leo Day had not made an initial approach to the soldiers in Rossville Street, and that her recollection of him asking her to accompany him because she was wearing a white coat related to an episode in which they had gone from Abbey Park into Glenfada Park North, following the route indicated on the plan accompanying Philip Jacobson's notes;[3] but Alice Long rejected this suggestion. Alice Long agreed that when she reached the APC containing the bodies, Fr Mulvey and Fr Irwin were already there.[4] Fr Mulvey told them that he and Fr Irwin had already tried without success to gain access to the vehicle to give the last rites to the casualties. She said that she had picked up one of the two cartridge cases from the ground by where she was standing at the back of the APC and the other from the pavement by the feet of the small soldier. She conceded that it had been irresponsible for her to accuse the soldiers of using dum-dum bullets when she did not know what dum-dum bullets were. She said that she did not speak to Fr Mulvey or Fr Irwin about the soldier firing into the vehicle.

1 Day 135/190-192
2 Day 135/210-217
3 AL37.10
4 Day 135/217-223

Bernard Feeney

122.159 In his interview with Kathleen Keville,[1] Bernard Feeney said that a woman who had seen the bodies being dragged to the vehicle wanted him and Fr Irwin to go to see them. Bernard Feeney and Fr Irwin approached an officer, who told them that the soldiers had not shot anyone and that no-one had been put into an Army vehicle. They returned to the woman, who was distressed and wanted them to go back to the officer. When they did so,

the officer said that he had still not seen any casualties and that there was no-one in the vehicle, but that Bernard Feeney and Fr Irwin were free to look into it. They went over to the vehicle and the officer opened the doors, revealing a few men who had been shot and were lying on top of one another.

1 AF8.35

122.160 In his NICRA statement,[1] Bernard Feeney recorded that he and Fr Irwin saw a woman in the Rossville Flats who was hysterical because she had seen the bodies being thrown into the vehicle. They went to the vehicle and met a Regimental Sergeant Major of the Parachute Regiment. He had stripes, a crown and wings on his uniform and was wearing a red beret. When Fr Irwin asked to see the bodies he was told that there were none in the vehicles. An officer with three pips on his shoulder supported this story. Bernard Feeney and Fr Irwin returned to the woman, who became more hysterical and pointed out from a window the vehicle containing the bodies. Bernard Feeney and Fr Irwin went back to the officer. Fr Irwin called to Fr Mulvey. The two priests and Bernard Feeney went with the officer to the vehicle. The officer opened the door and they saw three bodies lying inside. Fr Irwin and Fr Mulvey entered the vehicle in order to give the last rites. A soldier told Bernard Feeney to go into the vehicle as well but he refused. Photographers gathered and started to take photographs of the bodies. Fr Irwin and Bernard Feeney then went to find the "*sergeant*". When they found him, they asked him why he had not shown them the bodies when they had asked him. He just laughed at them.

1 AF8.10-11

122.161 In his written statement to this Inquiry,[1] Bernard Feeney told us that he and Fr Irwin initially spoke to a soldier who "*appeared to be a sergeant with three stripes and a crown*" on his arm. According to this account, the Sergeant was one of a group of soldiers standing around a vehicle at the point marked C on the plan attached to the statement[2] (on the east side of Rossville Street north of the rubble barricade). When Bernard Feeney and Fr Irwin asked him whether there were bodies in the vehicle, the Sergeant said: "*There is no fucking way there are any bodies*". When they asked whether he was sure, the Sergeant repeated his comment. Bernard Feeney and Fr Irwin returned to the woman in Block 1 of the Rossville Flats, who confirmed that the bodies were in the vehicle at point C. Bernard Feeney and Fr Irwin went back to the vehicle.

1 AF8.5-AF8.6

2 AF8.9

122.162 Again according to this account, Fr Irwin called Fr Mulvey to assist. The three of them met the officer with three pips on his shoulder. Fr Mulvey demanded that the officer open the doors of the vehicle but at first he refused. There followed an aggressive verbal confrontation between Fr Mulvey and the officer, who eventually ordered that the doors should be opened. Inside the vehicle Bernard Feeney saw three bodies lying on top of one another, looking as if they had been stacked. The highest and lowest bodies were positioned with their heads towards the rear of the vehicle. Bernard Feeney immediately recognised the highest as William Nash and the lowest as John Young.

122.163 He told us that the middle body was lying with the head towards the front of the vehicle and he felt the body of John Young for a pulse but found none. John Young was clearly dead, as was William Nash. Bernard Feeney then knelt on the floor of the vehicle, felt the ankle of the middle body for a pulse, and established that this body too was dead. By this stage the two priests were inside the vehicle administering the last rites. A soldier ordered Bernard Feeney to get into the vehicle but he did not want to do so. There was no partition between the front and the rear of the vehicle. A soldier was sitting sideways on the front passenger seat with his back to the nearside door and his legs stretched out casually into the rear of the vehicle, close to the head of the middle body. As the priests finished giving the last rites and climbed out of the vehicle, a group of photographers began to arrive. As they did so, the soldiers slammed the doors shut. Fr Mulvey went to look for the Sergeant who had told Bernard Feeney and Fr Irwin that there were no bodies in the vehicle, in order to ask him why he had lied. The Sergeant just laughed and said "*I told you there were no bodies there*". The officer who had ordered the doors to be opened was smirking and joining in the joke.

122.164 In his oral evidence to this Inquiry,[1] Bernard Feeney said that neither Alice Long nor Leo Day was present when he and the two priests went to the APC. He did not at any stage see a soldier fire a weapon into the vehicle.

[1] Day 141/59-62; Day 141/68-69

122.165 In his interview with Stephen Gargan,[1] Bernard Feeney said that when he went to the vehicle for the second time with the priests, the soldiers initially refused to open the doors, but after a heated exchange with Fr Mulvey the officer with three pips ordered the Sergeant with the three stripes and crown to open them. As the Sergeant did so, the officer said "*'We told you we had no fuckin' bodies'*". The officer laughed and the other soldiers laughed with him. The officer was wearing a helmet and spoke with an English accent. Bernard Feeney said that the highest and lowest of the three bodies were positioned with their heads towards the front of the vehicle. The middle body was lying

with the head towards the rear. This was the body of John Young. The soldiers were making derogatory remarks. Bernard Feeney wanted to have a go at the soldier who told him to get into the vehicle, but was restrained by Fr Irwin. The soldier inside the vehicle said nothing at any stage.

1 AF8.19-AF8.20; AF8.24-AF8.30

Alice Long's account of the firing of a rifle into the vehicle containing the bodies: medical and scientific evidence

Dr John Lloyd

122.166 Dr Lloyd, the independent scientific expert engaged by this Inquiry, said in his report[1] that there was nothing in the results of the tests conducted by the Department of Industrial and Forensic Science by means of which Alice Long's account of a rifle being fired into the vehicle containing the bodies might be verified. If a bullet had disintegrated within the vehicle while the bodies were present, or if muzzle residue had been captured by the interior of the vehicle, then some of this material could have contaminated the bodies heavily. However, the bodies of Michael McDaid, Willliam Nash and John Young were not significantly more contaminated than the bodies of other casualties.

1 E1.50

122.167 In his oral evidence to this Inquiry,[1] Dr Lloyd said that it was very difficult to draw a conclusion either way on this issue, but when invited to agree that the results of the tests for lead particles on the three bodies collected from the rubble barricade were not consistent with Alice Long's account, Dr Lloyd said that one "*could put it in those terms*".

1 Day 227/74-75

Dr Richard Shepherd and Mr Kevin O'Callaghan

122.168 Dr Shepherd and Mr O'Callaghan, who were engaged by this Inquiry as independent experts on pathology and ballistics respectively, said in their report[1] that they could not exclude the possibility that a rifle had been fired into the vehicle containing the bodies as alleged by Alice Long. However, there was evidence of only one gunshot injury to each of the three casualties, and there were no other injuries that would confirm that a rifle had been fired into the vehicle.

1 E2.63

Conclusions

122.169 In our view, Alice Long's account of a soldier firing into the vehicle containing the bodies is based on a false memory and there was no such incident. There is no other evidence to support it, despite the undoubted presence nearby of priests and civilians, let alone senior soldiers. As we have earlier pointed out,[1] Leo Day expressed the view that Alice Long was in a very distressed state; and we have concluded that it is likely that her experiences on Bloody Sunday led her to come to believe things that did not happen. In this connection it is possible that she witnessed or was told about the firing of a baton gun into Lieutenant N's vehicle at an earlier stage (which we have considered earlier in this report[2]) and came mistakenly to believe that she had seen a soldier firing a rifle into the vehicle when it was carrying the bodies.

1 Paragraph 122.142

2 Paragraphs 43.16–23

Attempts to see the bodies before they were driven to Altnagelvin Hospital: the evidence of other civilian witnesses

Letty Donnelly

122.170 In her NICRA statement,[1] Letty Donnelly recorded that after the bodies of the three boys had been collected, the Army vehicle moved back along Rossville Street and remained there for about 30 minutes. A priest then approached the vehicle and asked the soldiers to take the casualties to the hospital. The vehicle then moved off.

1 AD125.14

122.171 In her written statement to this Inquiry,[1] Letty Donnelly told us that the priest approached the vehicle about 30 minutes after it had returned up Rossville Street. She saw the priest talking to soldiers in the front cabin of the vehicle. She could not hear what was being said, but her impression from his body language was that the priest was asking about the whereabouts and welfare of the boys who had been picked up from the rubble barricade.

1 AD125.3

122.172 In her oral evidence to this Inquiry,[1] Letty Donnelly said that it had seemed as though a very long time had passed before the priest approached the vehicle, but she agreed that it might have been very difficult to judge the length of time.

1 Day 124/123-124

Ann Gallagher

122.173 In her interview with Kathleen Keville,[1] Ann Gallagher said that she was in her aunt's flat, which was in Rossville Street, facing Abbey Park. Soldiers had collected three bodies in an Army vehicle and left it in Rossville Street. Fr Irwin went to the vehicle and was told that there was no-one in it. Fr Irwin came back up to Ann Gallagher's aunt's flat. Those in the flat told him that the bodies were definitely in the vehicle. When Fr Irwin went down again the soldiers "*let him in*". He came back with "*a Knights of er – an ambulance*" and the soldiers would not let them in.

1 AG1.8

122.174 In her written statement to this Inquiry,[1] Ann Gallagher told us that her current recollection was that the three men had been injured and not dead. When they were thrown into the vehicle, her aunt had run out of her flat onto the balcony of Garvan Place, where she met a priest. Ann Gallagher could no longer remember the name of the priest. Her aunt told the priest what she had seen. The priest went down to Rossville Street and approached the soldiers by the vehicle. Ann Gallagher watched from inside her aunt's flat. The door of the vehicle was closed. The priest spoke to the soldiers for a few minutes. Ann Gallagher could tell that he was asking to see the men in the vehicle. The soldiers shook their heads and did not open the door. The priest returned to the balcony and told those in Ann Gallagher's aunt's flat that the soldiers had told him that there was no-one in the vehicle. They all screamed that they had seen the men thrown into it. The priest went back to the soldiers with an Order of Malta volunteer. He must have met the Order of Malta volunteer on his way to the vehicle. Both of them spoke to the soldiers, who still would not open the vehicle. Ann Gallagher could not remember what the priest did next. So far as she could recall, the vehicle remained where it was.

1 AG1.3-AG1.4

122.175 In her oral evidence to this Inquiry,[1] Ann Gallagher said that her aunt was Eileen Gallagher, who lived at 8 Garvan Place in Block 1 of the Rossville Flats.

1 Day 401/4

Eileen Gallagher

122.176 In her NICRA statement,[1] Eileen Gallagher recorded that after the bodies had been collected the soldiers kept opening and closing the door of the vehicle in order to look in. She went out from her flat at 8 Garvan Place onto the balcony of Block 1 of the Rossville Flats to see whether she could find someone to give aid to the casualties. She met

Fr Irwin and a male Order of Malta volunteer and told them what she had seen. The three of them went downstairs but Fr Irwin would not let Eileen Gallagher go out onto the street, and so she returned to her flat and watched from her window. It seemed that Fr Irwin received no satisfaction from the soldiers, and he came back upstairs.

[1] AG10.2-AG10.4

122.177 According to this statement, Eileen Gallagher ran out to meet Fr Irwin. He said that the soldiers had told him that there was no-one in the vehicle, but Eileen Gallagher insisted that it contained three bodies. Fr Irwin came into her flat so that Eileen Gallagher could point out the vehicle to him. He then went back downstairs. At this stage Eileen Gallagher saw Fr Mulvey join Fr Irwin. Then Fr Irwin approached one of the soldiers. Eventually the soldiers opened the door and the two priests entered the vehicle. The Order of Malta volunteer tried to enter the vehicle after the two priests had disembarked, but the soldiers pulled him out again. There were four bodies (sic) in the vehicle. The Order of Malta volunteer told Eileen Gallagher that it appeared that the casualty lying lowest in the vehicle had died of suffocation. The uppermost of the bodies was that of a boy named McDaid.

122.178 Eileen Gallagher is dead and did not give evidence to this Inquiry.

Willie Healey

122.179 In his written statement to this Inquiry,[1] Willie Healey told us that Fr Mulvey walked north up Rossville Street towards an Army vehicle parked on the north side of the rubble barricade with its front facing to the north-west. According to this account Fr Mulvey asked the paratroopers to open the doors of the vehicle but they refused. Fr Mulvey became very angry and forced the doors open himself. Willie Healey did not see inside the vehicle but heard people say that it contained three bodies. Fr Mulvey seemed to be shocked by what he saw in the vehicle. Willie Healey caught a strong smell of CS gas after the doors of the vehicle were opened. Many paratroopers and reporters near the vehicle were laughing. Willie Healey was shocked and dismayed by this and so he hurled abuse at them.

[1] AH48.3

122.180 In his oral evidence to this Inquiry,[1] Willie Healey said that he had followed Fr Mulvey towards the vehicle. He did not think that there had been anyone else with Fr Mulvey.

[1] Day 78/117-119; Day 78/147-148

Frank Lawton

122.181 In his NICRA statement,[1] Frank Lawton recorded that Fr Edward Daly entered the vehicle containing the three bodies, and spent a few moments inside it.

1 AL6.20

122.182 In his written statement for the Widgery Inquiry,[1] Frank Lawton recorded that the priest who entered the vehicle was Fr Mulvey.

1 AL6.22

122.183 In his written statement to this Inquiry,[1] Frank Lawton told us that Fr Mulvey approached the soldiers, waving a white handkerchief, while the bodies were being collected from the rubble barricade. According to this account, Fr Mulvey appeared to argue with the soldiers, seeking to be allowed to administer the last rites. They refused to allow him to do this. When the bodies had been loaded into the vehicle, it was driven further down Rossville Street and parked at about the point marked M on the plan attached to the statement[2] (near the north end of Joseph Place). While it was parked there, Fr Mulvey and Fr Daly were allowed into the vehicle. Frank Lawton presumed that they had then given the last rites to the casualties. The vehicle was driven back up Rossville Street to the north.

1 AL6.5 2 AL6.26

122.184 In his oral evidence to this Inquiry,[1] Frank Lawton said that it was quite possible that the priest who entered the vehicle with Fr Mulvey had been Fr Irwin and not Fr Daly.

1 Day 389/130-131

Attempts to see the bodies before they were driven to Altnagelvin Hospital: the evidence of police officers

Constable A Brown

122.185 In his 1972 statement,[1] Constable Brown recorded that he took cover behind one of the Army vehicles parked by the Rossville Flats. He saw Fr Mulvey come towards the vehicle. Fr Mulvey was allowed into the back of the vehicle with another younger priest. When he left the vehicle, Fr Mulvey appeared very agitated and shouted at the paratroopers: "'*You bastards, I hope you got the guns they were shooting at you with*'."

1 JB13.1-JB13.2

122.186 Constable Brown did not give evidence to the Widgery Inquiry or to this Inquiry.

Sergeant S Penney

122.187 In his written statement for the Widgery Inquiry,[1] Sergeant Penney of the RUC recorded that he met a member of the Order of Malta Ambulance Corps on the west side of Rossville Street, who told him that the Army had killed three men and injured five. Sergeant Penney crossed Rossville Street towards a line of Army vehicles. He saw Fr Mulvey running towards the rear of one of the vehicles, waving a white handkerchief and followed by a younger priest. Sergeant Penney was at the rear of the vehicle when Fr Mulvey reached it. A soldier standing by the vehicle opened the doors. The two priests climbed into the vehicle. There were three bodies inside the vehicle. Sergeant Penney saw the priests examining the bodies. After about 30 seconds, the two priests emerged from the vehicle. Fr Mulvey said to the soldier "*'Where is that Officer who told me there was nobody dead. I hope you got the guns that they were shooting you with'.*" The two priests then departed. At no time did the soldier at the rear of the vehicle speak to the priests.

1 JP7.2

122.188 In his written statement to this Inquiry,[1] Sergeant Penney gave a similar account. He told us that he was wearing civilian clothes; and that the member of the Order of Malta Ambulance Corps must have thought that he was a pressman because he was carrying a camera. Sergeant Penney said that he could not remember whether the three bodies had been lying side by side or on top of one another, but their feet were pointing towards the rear of the vehicle.

1 JP7.5-JP7.6

122.189 In his oral evidence to this Inquiry,[1] Sergeant Penney said that he did not know the rank of the soldier who had been at the rear of the vehicle. He was shown Constable Brown's photograph and Sam Gillespie's photograph (both of which we have reproduced above[2]) but was unable to say which, if either, of them showed the younger priest who came to the vehicle with Fr Mulvey.

1 Day 219/72-75; Day 219/100-103

2 Paragraphs 122.134 and 122.146

Constable Robert S Simpson

122.190 In his 1972 statement,[1] Constable Simpson recorded that he overheard a man telling Sergeant Penney that the paratroopers had killed three men and wounded five. He crossed Rossville Street to a line of Army vehicles. He stood close to the rear of one of these vehicles. A soldier was standing at the rear door. Fr Mulvey and another priest arrived. Fr Mulvey asked the soldier where the bodies were. The soldier opened the rear doors of the vehicle. Constable Simpson saw three bodies lying on the floor of the vehicle. Fr Mulvey exclaimed "*O God! what a way to treat bodies*". He appeared very agitated. Both priests climbed into the vehicle. The soldier closed the door. Very shortly afterwards the priests emerged. Fr Mulvey was now very very angry and said to the soldier "*'Where is that Officer who told me there was nobody dead. I hope you got the guns that they were shooting with'.*" The two priests then left.

1 JS10.1

122.191 In his written statement to this Inquiry,[1] Constable Simpson told us that some soldiers had "*apparently been picking up bodies and throwing them into the back of an army vehicle*". He was about 20 feet away from the vehicle. He could not see very well, but thought that there had been three or four bodies in the vehicle. He did not know from where the bodies had been collected. He thought that there had been four soldiers and an officer at the back of the vehicle. A local parish priest was there. He was extremely angry and agitated about the way in which the Army had handled the bodies. Constable Simpson thought that the soldiers had felt vulnerable and had been trying to get away from the area as quickly as possible. In the original draft of his 1972 statement, Constable Simpson had recorded the exact words used by the priest, which included "*'fucking'*" and "*'bastards'*", but he had removed these words at the request of a superior officer, who said that they would not help the situation.

1 JS10.13-JS10.14

122.192 Constable Simpson did not give oral evidence to this Inquiry.

Attempts to see the bodies before they were driven to Altnagelvin Hospital: the evidence of military witnesses

Lieutenant N

122.193 In his fourth RMP statement,[1] Lieutenant N recorded that after the bodies had been brought to the north end of Block 1 of the Rossville Flats, two priests appeared and asked to be allowed to see them. One of the priests entered the APC. When the priest emerged, he made no complaint about the way in which "*the body*" had been laid in the vehicle.

1 B395

122.194 In his written statement for the Widgery Inquiry,[1] Lieutenant N recorded that a priest came up to him in a somewhat agitated state and asked him where the bodies were; and that he pointed to his vehicle. The priest said that he had already asked whether there were any more bodies and had been told that there were not. A member of Lieutenant N's platoon told Lieutenant N that he thought that he was the soldier who had answered the priest's original question, and that at the time he had not known where the bodies were. The priest, or another priest who was with him, climbed into the vehicle, shut the door, and stayed there for a little while.

1 B400

122.195 In his oral evidence to the Widgery Inquiry,[1] Lieutenant N said that he was unaware that the priest who attended the bodies had had difficulty in administering the last rites because of the way in which the bodies were positioned.

1 WT12.80

122.196 Lieutenant N did not refer to Fr Mulvey and Fr Irwin's visit to the bodies in his written statement to this Inquiry.

122.197 In his oral evidence to this Inquiry,[1] Lieutenant N said that he was the paratrooper shown with the two priests in Constable Brown's photograph.

1 Day 323/92-93; Day 323/113

122.198 Lieutenant N said that he could recall directing a priest to the back of the vehicle but could not remember what the priest looked like.[1] He said that he did not recall the identity of the member of his platoon mentioned in his written statement for the Widgery Inquiry, who had told him that he thought that he was the soldier who had answered the priest's question about the bodies.[2] Lieutenant N denied that he had initially told Fr Irwin that there were no bodies in the vehicle, or that he had smirked at the priests when he subsequently admitted that the bodies were there, or that he had told Fr Irwin, or heard anyone else tell Fr Irwin, that he would be shot if he opened the door of the vehicle.[3]
It was suggested to Lieutenant N that the reference in his fourth RMP statement to the priest having made no complaint when he emerged from the vehicle showed that Lieutenant N must have made that statement in response to a complaint that had by then been made.[4] Lieutenant N said that he "*was probably asked that question*" but did not recall what the complaint was.

1 Day 323/113
2 Day 322/113
3 Day 323/40; Day 323/93-94; Day 323/124
4 Day 323/94-97

Sergeant O

122.199 In his oral evidence to this Inquiry,[1] Sergeant O said that he did not witness the episode involving the two priests and did not know who had been guarding the vehicle at that stage. He had no recollection of an Order of Malta Ambulance Corps volunteer being prevented from entering the vehicle to see whether he could give assistance.

1 Day 335/104-109

Private Q

122.200 In his written statement to this Inquiry,[1] Private Q told us that he saw the bodies in the vehicle but could not recall how they were lying. Private 112 was with the bodies, either inside or at the back of the vehicle.

1 B657.5-B657.6

122.201 In his oral evidence to this Inquiry,[1] Private Q said that he did not see any civilians or Order of Malta Ambulance Corps volunteers approach the vehicle containing the bodies, and that he neither witnessed nor heard about an incident in which a priest approached the vehicle and was initially told that there were no bodies in it. Private Q confirmed that he could not recall how the bodies were lying when he saw them.[2]

1 Day 339/60-61

2 Day 339/90-91

Private U

122.202 In his oral evidence to this Inquiry,[1] Private U said that he had no recollection of a confrontation between a priest and soldiers guarding the bodies in the vehicle.

1 Day 369/102; Day 369/166-167

Private 006

122.203 In his written statement to this Inquiry,[1] Private 006 told us that a priest approached him and other soldiers while they were standing at the north end of Block 1 of the Rossville Flats. According to this account, the priest was wandering around asking where the bodies were. The soldiers sent him from vehicle to vehicle but the priest could not find the bodies. Private 006 thought that the bodies might already have been taken away to the hospital at this stage.

1 B1377.007

122.204 In his oral evidence to this Inquiry,[1] Private 006 was asked why the soldiers had sent the priest from vehicle to vehicle. He said that they had sent the priest to one of the vehicles, and told him that the bodies were probably in that vehicle, although Private 006 thought at the time that the bodies might already have been taken to the hospital. Private 006 denied that the soldiers had been giving the priest the run-around. He said that he had no recollection either of a soldier telling a priest that he would be shot if he opened the doors of a vehicle, or of a soldier smirking at a priest.

1 Day 334/68-70

Private 013

122.205 In his written statement to this Inquiry,[1] Private 013 told us that a priest approached the vehicle containing the bodies when it was near the north end of Block 1 of the Rossville Flats. According to this account, Private 013 thought that the priest was being troublesome and was afraid that he was "*going to pull out a pistol and shoot at us*". His instinct was to keep the priest away from the vehicle. However, Private 013 soon realised that he was not being troublesome and that he wanted to give the last rites to the casualties.

1 B1408.005

122.206 Private 013 did not give oral evidence to this Inquiry.

Captain 028

122.207 In his written statement to this Inquiry,[1] Captain 028 told us that he saw an Army vehicle parked somewhere in Rossville Street with its rear doors wide open. According to this account, a priest was standing next to the vehicle, trying to attract the attention of local pressmen in order that they might take photographs of what was inside the vehicle. Captain 028 went over and looked into the vehicle. He saw a horrific scene of bodies piled on top of one another, with their heads and limbs at strange angles and blood all over the bodies and the interior of the vehicle. He could not recall how many bodies there were but thought that there had probably been four or five. Captain 028 knew that if photographs of this scene appeared in the newspapers it would look terrible. He therefore pushed the priest to one side and slammed the doors of the vehicle shut, saying that no-one was allowed to take photographs. Captain 028 thought that he might also have told the driver of the vehicle to move it away, but he was not sure about this. Captain 028 did not know the identity of the priest and did not recognise him in Constable Brown's photograph that we have shown above.[2] Captain 028 felt particularly unsympathetic to

the priest and thought that he was "*helping to grind the axe for the IRA*". We observed earlier in this report that in our view it would be unwise to rely on the accounts given by Captain 028.[3]

1 B1582.4
2 Paragraphs 122.134 and 122.197
3 Paragraphs 85.78–82

122.208 In his oral evidence to this Inquiry,[1] Captain 028 said that he had no recollection of an incident in which Fr Irwin and Fr Mulvey were eventually given access to the bodies after Fr Irwin had initially been wrongly told that there were no bodies in the vehicle.

1 Day 356/48-51

Warrant Officer Class II Lewis

122.209 In his written statement to this Inquiry,[1] Warrant Officer Class II Lewis told us that at a time before he knew that people had been shot, a "*bald headed padre*" approached him from around the corner of Block 1 of the Rossville Flats. According to this account, Warrant Officer Class II Lewis naturally barred his way. The priest said something like "'*Do you not know that there are people dead round the corner? Who's in charge here?*'" Warrant Officer Class II Lewis took him to Major Loden. An intense discussion followed between Major Loden and the priest but Warrant Officer Class II Lewis did not hear what was said. Major Loden then called for ambulances. At about this time Sergeant O reported that he had wounded people in the back of his vehicle. He did not say that they were dead. Major Loden was concerned that these casualties should be taken to hospital. Warrant Officer Class II Lewis had always thought that the priest was Fr Daly, but had now seen television footage that suggested that he might have been another priest.

1 B2111.018

122.210 In his second supplementary written statement to this Inquiry,[1] Warrant Officer Class II Lewis told us that he thought that the priest who had approached him had been the white-haired man shown holding a handkerchief in Constable Brown's photograph, which we have shown above.[2]

1 B2111.45
2 Paragraphs 122.134 and 122.197

122.211 In his oral evidence to this Inquiry,[1] Warrant Officer Class II Lewis said that the priest had told him that there were two dead bodies lying "*round the corner at the entrance to Rossville Flats, at the foot of the stairs of Rossville Flats*". He had no recollection of the

priest ever asking to see bodies in the back of any of the Army vehicles, or protesting about the lack of medical attention for casualties in any such vehicle.

[1] Day 373/71-73

Major Loden

122.212 In his oral evidence to this Inquiry,[1] Major Loden said that he did not see the bodies when they were in the vehicle. He did not recall having any discussion with a priest about the bodies, and did not believe that he had told Fr Irwin that there were no bodies in the vehicle. He did not see Fr Irwin and Fr Mulvey demanding access to the bodies, nor did he witness exchanges between Fr Irwin and the soldiers near the vehicle.

[1] Day 343/54-60; Day 347/23

Private 221's examination of the bodies

Lieutenant N

122.213 In his fourth RMP statement,[1] Lieutenant N recorded that shortly after the bodies were brought back to the north end of Block 1, Private 221 of the Royal Army Medical Corps (RAMC) examined them and pronounced them dead.

[1] B394

Private 221

122.214 In his RMP statement,[1] Private 221 (a medical assistant of the RAMC attached to 1 PARA) recorded that he was informed by Lieutenant N that there were three bodies in an APC. He went to the vehicle, which was parked in Rossville Street near the north end of Block 1 of the Rossville Flats, and looked inside. He saw three bodies lying on the floor. One was lying on its stomach with the head towards the front of the vehicle. A second was lying on its back with the head towards the rear of the vehicle. The third was lying between the other two in the coma position with the head towards the front of the vehicle. The three bodies were positioned in such a way that had they been alive they would have been able to breathe freely. Private 221 examined the three bodies, formed the opinion that they were dead, and so informed Lieutenant N. At this time sporadic firing was taking place in the area of the Rossville Flats.

[1] B2163-B2164

122.215 In his written statement to this Inquiry,[1] Private 221 told us that he was asked to examine the bodies by a non-commissioned officer whose name he could not remember. His current recollection was that each of the three bodies was lying on its side, but "*three quarters on his front*" with the chin up, and he did not now recall hearing firing while he was examining the bodies. However, he believed that the account that he gave in his RMP statement when events were fresher in his mind must have been correct. After his examination of the bodies, he reported back to the non-commissioned officer.

1 B2165.004-B2165.007

122.216 In his oral evidence to this Inquiry,[1] Private 221 said that he did not now remember that Lieutenant N had asked him to look at the bodies. When he saw the bodies they were not in the positions as described by Fr Irwin. Private 221 said that he had no recollection of seeing any priests or paramedics in the area, or of anyone else trying to gain access to the vehicle to examine the bodies.

1 Day 361/128-139

Movement of the bodies to Altnagelvin Hospital and their handling at the hospital: the evidence of military witnesses

Lieutenant N

122.217 In his second RMP statement,[1] Lieutenant N recorded that about 15 minutes after the vehicle containing the bodies had reached the north end of Block 1 of the Rossville Flats, he handed it over to Sergeant O and five members of Sergeant O's section. Sergeant O was instructed to deliver the bodies to Altnagelvin Hospital.

1 B385

122.218 In his written statement for the Widgery Inquiry,[1] Lieutenant N recorded that he had given this order on the instructions of Major Loden.

1 B401

122.219 Lieutenant N did not refer to the movement of the bodies to Altnagelvin Hospital in his written or oral evidence to this Inquiry.

Sergeant O

122.220 In his first RMP statement[1] and in his written statement for the Widgery Inquiry,[2] Sergeant O recorded that at about 1645 hours Lieutenant N instructed him to take Lieutenant N's vehicle, containing the three bodies collected from the rubble barricade, to Altnagelvin Hospital. He took the bodies to the hospital where they were handed to the mortuary attendant.

1 B442 2 B469

122.221 In his written statement to this Inquiry,[1] Sergeant O told us that he thought that six soldiers had been in the vehicle when the bodies were taken to the hospital. According to this account, Sergeant O sat in the front beside Private INQ 768 who drove the vehicle. They did not know the way to the hospital and had to ask for directions from soldiers of the Royal Anglian Regiment at the Regimental Aid Post at Craigavon Bridge. When they arrived at the hospital, Sergeant O went in and found a doctor. He asked the doctor to come out to the vehicle to confirm that the bodies were dead. There was "*mayhem*" in the hospital. The doctor wanted the soldiers to wait for an hour or so but Sergeant O told him that he had to come out and look at the bodies. The doctor then did so and confirmed that they were all dead. Sergeant O was told to take the bodies to the mortuary. When he reached the mortuary he was told that it was full, and was asked to keep the bodies in the vehicle for a while. He agreed to do this and parked the vehicle on a road next to the hospital. RUC officers at the mortuary told Sergeant O that they were worried that the IRA might mount a rescue operation to recover the bodies of some of the casualties. They asked him to provide three or four soldiers to act as sentries until police reinforcements arrived. Sergeant O agreed to this. Eventually, Sergeant O and his men reversed the vehicle to the door of the mortuary. The three bodies were carried out and laid on the floor of the mortuary. Blankets were put over them. The soldiers went back to the vehicle and received orders to return to their base at Drumahoe.

1 B575.119-B575.120

122.222 In his oral evidence to this Inquiry,[1] Sergeant O said that he did not recall the time at which he left the Bogside in the vehicle carrying the bodies, or the time at which he arrived either at the casualty department at Altnagelvin Hospital or at the mortuary. Apart from Private INQ 768 and himself, Sergeant O could not remember which soldiers had been in the vehicle when the bodies were taken to the hospital. Sergeant O said that no stretchers were available at the mortuary, and so the soldiers took hold of the bodies by the wrists, but he denied that the bodies had been handled like "*stuck pigs*".[2] He also

denied that he and his men had been laughing and joking as the bodies were carried into the mortuary. He said that the bodies were carried carefully into the mortuary and that there was no disrespectful behaviour.[3]

1 Day 335/109-112; Day 336/140-141
2 Day 336/81-83
3 Day 336/119-121

Corporal P

122.223 In his written statement for the Widgery Inquiry[1] and in his oral evidence to the Widgery Inquiry,[2] Corporal P said that he accompanied the bodies to Altnagelvin Hospital in Lieutenant N's vehicle, having been ordered to act as escort.

1 B593
2 WT13.52

122.224 In his written statement to this Inquiry,[1] Corporal P told us that he travelled in the front of the vehicle but was not the driver. He did not recall how many other soldiers had been with him or who they were. He was not involved in taking the bodies out of the vehicle. He thought that this might have been done by hospital staff. The soldiers were not at the hospital for long. When they left, it was "*getting darker*".

1 B623.002-B623.003

122.225 In his oral evidence to this Inquiry,[1] Corporal P said that he did not recall going to the hospital mortuary.

1 Day 353/124

Private Q

122.226 In his written statement for the Widgery Inquiry[1] and in his oral evidence to the Widgery Inquiry,[2] Private Q said that he saw the three bodies in the APC but that he left in a different vehicle.

1 B637
2 WT12.90

Private U

122.227 In his oral evidence to this Inquiry,[1] Private U told us that he did not go to Altnagelvin Hospital with the bodies.

1 Day 369/182

Private 006

122.228 In his RMP statement,[1] Private 006 recorded that he did not go to Altnagelvin Hospital with the bodies.

1 B1376

Private 013

122.229 In his written statement to this Inquiry,[1] Private 013 told us that he was one of the soldiers who had taken the bodies in the vehicle away from the Rossville Flats. He thought that they had gone to a mortuary but he could not say where it had been. Private 013 and another soldier whose identity he could not recall carried the body of William Nash out of the vehicle and laid it down in a "*makeshift building*". Private 013 held the body by one of the legs and one of the arms.

1 B1408.005

122.230 Private 013 did not give oral evidence to this Inquiry.

Private 017

122.231 In his supplementary written statement to this Inquiry,[1] Private 017 told us that he was one of a number of soldiers interviewed by the author Max Arthur, but he denied that he was the private of 1 PARA who had been quoted in Max Arthur's book *Northern Ireland: Soldiers Talking* (London: Sidgwick and Jackson, 1987)[2] as having said that he was one of those who had taken the bodies to the hospital, carried them in and laid them in a hallway.

1 B1484.023-B1484.024

2 B1484.027

122.232 In his oral evidence to this Inquiry,[1] Private 017 said that he took no part in the movement of the bodies to the hospital.

1 Day 358/85

Private 112

122.233 In his written statement to this Inquiry,[1] Private 112 told us that he accompanied the bodies to the local hospital. According to this account, when they arrived, two of the soldiers took one of the bodies into the hospital but had to bring it back to the vehicle because the mortuary was full. Private 112 thought that these two soldiers had been

Corporal P and Private INQ 768 but he was not sure about this. Private 112 thought that the bodies were eventually allowed to be taken into the mortuary but he could no longer remember which soldiers took them there.

1 B1732.007

122.234 In his oral evidence to this Inquiry,[1] Private 112 said that he did not know when the vehicle containing the bodies had left for the hospital. His recollection was that after the bodies had been picked up there had been a "*small wait*" somewhere before they were taken to the hospital. It was suggested to him that the bodies did not arrive at the hospital until about 1730 hours. He could not remember what had happened in the preceding 45 minutes, but he said that the driver did not know the location of the hospital, and that this might account for the delay. He said that he did not see how the bodies were moved into the hospital once they had arrived there.[2]

1 Day 320/148-149; Day 320/155-156

2 Day 320/120

Corporal 162

122.235 In his written statement to this Inquiry,[1] Corporal 162 told us that he did not accompany the bodies to the hospital.

1 B1962.004

Private 221

122.236 In his RMP statement,[1] Private 221 recorded that he saw the vehicle containing the bodies being driven away from Rossville Street about two or three minutes after he had examined the bodies.

1 B2164

122.237 In his oral evidence to this Inquiry,[1] Private 221 said that what he said about this matter in his RMP statement must have been correct. He said that he did not know what time it had been when he was asked to examine the bodies, nor was he told for how long the bodies had been in the vehicle when he saw them.[2]

1 Day 361/133-134

2 Day 361/137-138

Major Loden

122.238 In his statement made on 17th February 1972,[1] Major Loden recorded that before 1815 hours, when he received an order to withdraw Support Company to William Street, members of Mortar Platoon had removed three bodies from the scene in the back of one of their vehicles.

1 B2222

Private INQ 768

122.239 In his written statement to this Inquiry,[1] Private INQ 768 told us that he received an order to drive an APC containing bodies to a mortuary. According to this account, he could not remember who had given him this order, nor could he remember where the mortuary had been. It might have been attached to a hospital. He could not remember who had been in the vehicle with him, but there was at least one other soldier. Private INQ 768 recalled that there was a reception area, which he thought belonged to the mortuary. There were lots of people in the reception area. He assumed that they were there to identify casualties. The soldiers had to wait for these people to go before they unloaded the bodies.

1 C768.3-C768.4

122.240 According to this account, when a suitable opportunity arose, Private INQ 768 went to the back of the vehicle and opened the doors. There was a body in the vehicle with its head towards the doors. Private INQ 768 grasped the body under the arms in order to slide it out. As he did so, a soldier told him that someone was coming, and so he pushed the body back into the vehicle in order not to upset anyone, and shut the doors. When he did this, he heard the head hit the inside of the doors. He later saw blood at the base of the doors of the vehicle. He thought that this was the result of the head hitting the doors. The soldiers waited and when no-one was around they took the bodies out. Private INQ 768 could not recall whether he had carried any of the bodies. Some people in the immediate vicinity were swearing and shouting at the soldiers. Private INQ 768 could not recall for how long the soldiers were at the mortuary.

122.241 In his oral evidence to this Inquiry,[1] Private INQ 768 said that his most vivid recollection of the day was of driving the bodies to the mortuary. He had no idea of the reason for any delay that there may have been in bringing the bodies to the hospital. He said that he was

not laughing or joking when the bodies were removed at the mortuary, and that he did not remember other soldiers doing so, nor did he recall soldiers acting in a jubilant manner.

[1] Day 323/129; Day 323/165-169

Private INQ 1918

122.242 In his written statement to this Inquiry,[1] Private INQ 1918 told us that he and another soldier went to Altnagelvin Hospital in the back of the vehicle carrying the bodies. According to this account, he thought that the other soldier had been Private 112. He could not remember who had ordered them to go with the bodies or who was driving the vehicle. He thought that there had been two or three bodies. They were piled up on the floor of the vehicle. There was a lot of blood. He could not give any further details of the position of the bodies except to say that they did not come above the height of his shoulders as he sat on the bench seat in the back of the vehicle. He pushed the bodies aside with his foot when he entered the vehicle and thought that Private 112 would have had to do the same, although he did not see him do so. He told us that he, Private INQ 1918, did not otherwise touch the bodies. When they arrived at the hospital, he and Private 112 opened the rear doors of the vehicle. A nurse was present. Private 112 and Private INQ 1918 disembarked and walked to the front of the vehicle. Private INQ 1918 did not see what then happened to the bodies but assumed that hospital staff had taken them out of the vehicle. He did not handle the bodies and he did not think that Private 112 had handled them.

[1] C1918.3

122.243 In his oral evidence to this Inquiry,[1] Private INQ 1918 said that in the three years since he had made his written statement he had forgotten most of what he had then remembered about the movement of the bodies and could now recall only "*fractional parts of it*". He could not remember when the bodies were taken to the hospital, or how long it took to reach the hospital, or how long he was at the hospital. He did not recall seeing or speaking to a priest at any stage.

[1] Day 342/121-125

Handling of the bodies at Altnagelvin Hospital: the evidence of other witnesses

Fr John Irwin

122.244 In his oral evidence to the Widgery Inquiry,[1] Fr Irwin said that he was at the mortuary at Altnagelvin Hospital when the bodies were delivered. The time was exactly 6.15pm. He saw the paratroopers take the bodies out of the Army vehicle.

1 WT5.37

122.245 In his depositions for the coroner's inquests into the deaths of Michael McDaid,[1] William Nash[2] and John Young,[3] Fr Irwin confirmed that the bodies were delivered to the mortuary at 6.15pm.

1 H9.8
2 H9.9
3 H9.7

122.246 In his written statement to this Inquiry,[1] Fr Irwin told us that he was at the mortuary when the vehicle arrived. Two soldiers carried each body out of the vehicle, one holding the head and shoulders and the other the feet. Fr Irwin could not say whether the same two soldiers carried each body. The bodies were not carried disrespectfully.

1 H9.14-H9.16

122.247 In his oral evidence to this Inquiry,[1] Fr Irwin said that he had noted the time at which the bodies arrived at the mortuary because it seemed to have taken a long time for them to be brought there from Rossville Street. He confirmed that the soldiers carried the bodies carefully into the mortuary.[2]

1 Day 153/26-27
2 Day 153/37-38

Dr Thomas McCabe

122.248 In his written statement for the Widgery Inquiry,[1] Dr McCabe recorded that when he arrived at Altnagelvin Hospital he was told by one of his patients that Gerard McKinney was lying dead somewhere in the hospital. Dr McCabe went with Fr Irwin to the mortuary, where he saw eight bodies. An Army vehicle, which had previously been parked outside the casualty department, was reversed up to the door of the mortuary. Fr Irwin asked Dr McCabe to stand beside him to see the vehicle opened. Three men were lying inside the vehicle, more or less on top of one another. Blood was spilling over the rear edge of the vehicle. It was very dark inside the vehicle. Three paratroopers nonchalantly removed

the bodies. Dr McCabe asked each paratrooper in turn whether a doctor had seen the casualty, and if so when, and whether a doctor had certified the casualty dead. The paratroopers replied "'*Don't know mate. I couldn't tell you mate. I can't tell you anything mate.*'" Their attitude was so unhelpful that Dr McCabe considered that there was no point in asking to see an officer. Dr Ian Gordon arrived at the mortuary and said that he had entered the vehicle while it was outside the casualty department, but that the light had been so bad that he had come back in order to "*identify*" the deceased.

1 AM51.3-AM51.5

122.249 Dr McCabe pointed out to Dr Gordon that Fr Irwin had said that the position of the bodies had not materially changed since Fr Irwin saw them in Rossville Street, but Dr Gordon said that he had satisfied himself that they were dead when the vehicle was outside the casualty department. Mr Harvey, chairman of the consultant medical staff, arrived and compared notes with Fr Irwin and the police to make a list of the dead. Dr McCabe told Mr Harvey that he was sure that Gerard McKinney was not among the eleven bodies in the mortuary. Mr Harvey then recalled that a casualty had been taken to Ward 1 as a case of cardiac arrest.[1] Mr Harvey and Dr McCabe went to Ward 1 where Dr McCabe identified Gerard McKinney, who was dead. Mr Harvey and Dr McCabe agreed the death count as 12. Mr Harvey assured Dr McCabe that no more of the injured would die. Fr Irwin and Dr McCabe left at about 7.20pm. The mortuary and casualty department were by that stage surrounded by more armed paratroopers and policemen.

1 This was Gerard McKinney, shot in Abbey Park.

122.250 In a supplementary written statement for the Widgery Inquiry,[1] Dr McCabe recorded that he heard no instructions given by hospital staff, police officers or paratroopers about how the bodies should be handled. One paratrooper had stood astride the bodies inside the vehicle. Each body had been passed between his legs to the other soldiers, and then onto a trolley.

1 AM51.9

122.251 According to Tony Stark's interview notes,[1] Dr McCabe told him that he saw seven bodies in the mortuary and then saw soldiers unloading six more bodies from a vehicle. The soldiers were holding the bodies by the feet and arms. Dr McCabe could not remember whether the soldiers had held the bodies by their hands.

1 AM51.10

122.252 In his written statement to this Inquiry,[1] Dr McCabe told us that the bodies were taken from the vehicle onto "*separate trolleys or tables*". He had been appalled by what he had seen in the vehicle, and his conversation with Dr Gordon had reflected his anxiety to ensure that everything was done according to the book, but evidently it had been.

1 AM51.12-AM51.13

122.253 In his oral evidence to this Inquiry,[1] Dr McCabe said that he never discovered why the bodies had been left in the vehicle outside the casualty department instead of being taken directly to the mortuary.

1 Day 182/49-51

Dr Ian Gordon

122.254 In his written statement to this Inquiry,[1] Dr Gordon told us that although he certified a number of bodies dead at the mortuary, he did not recall seeing any Army vehicles, nor did he recall seeing any of the fatalities at the casualty department. He did not see any of the bodies being taken into the mortuary.

1 AG69.1-AG69.2

122.255 Dr Gordon did not give oral evidence to this Inquiry.

Detective Constable Colin Ferguson

122.256 In his report dated 3rd February 1972,[1] Detective Constable Ferguson recorded that an Army vehicle brought three bodies to the mortuary at Altnagelvin Hospital at 1815 hours. He gave no further details.

1 JF3.1

122.257 Detective Constable Ferguson did not give evidence to this Inquiry.

Constable Hugh McCormac

122.258 In an undated statement relating to Michael McDaid,[1] Constable McCormac recorded that he was at Altnagelvin Hospital at about 5.30pm. He saw an APC outside the casualty department with three dead bodies in it. He later saw paratroopers and mortuary attendants take the bodies into the mortuary, where they were subsequently identified as the bodies of Michael McDaid, William Nash and John Young.

1 ED40.6

122.259 In an undated statement relating to William Nash,[1] Constable McCormac gave a similar account.

1 ED42.7

122.260 In an undated statement relating to John Young,[1] Constable McCormac recorded that he saw the vehicle arrive at the casualty department at about 5.30pm. It was when the vehicle was at the mortuary that he saw that it contained three dead bodies.

1 ED41.7

122.261 Constable McCormac did not refer to the handling of the bodies at Altnagelvin Hospital in his oral evidence to the Widgery Inquiry. He died before this Inquiry was established.

Ivan Cooper

122.262 According to John Barry's interview notes,[1] Ivan Cooper told him that he had driven to Altnagelvin Hospital with John Hume. There were paratroopers "*virtually all round*" the hospital. Ivan Cooper and John Hume ran in and met Mr Harvey. Ivan Cooper spent some time at the hospital trying to find out the names of the deceased and informing priests and relatives. At some stage Mr Harvey came up to him and said "'*There's three more outside in an Army vehicle*'". Ivan Cooper and John Hume left the hospital between 7.45pm and 8.00pm, having been informed by the hospital administrator, Lance Thompson, of the names of 12 deceased casualties. At 9.50pm Lance Thompson telephoned Ivan Cooper to say that a 13th body had been brought in. This was the body of Michael McDaid. Ivan Cooper, according to John Barry's notes, said that Dr McCabe would vouch for the fact that there had previously been only 12 bodies in the mortuary.

1 KC12.71-KC12.72

122.263 Ivan Cooper told us in his written statement to this Inquiry[1] that John Barry's interview notes were not a record of what he had said and were largely incorrect. He rejected the notes in their entirety and declined to comment on them in detail. In his second supplementary written statement to this Inquiry,[2] Ivan Cooper again dismissed the notes outright. In his oral evidence to this Inquiry,[3] Ivan Cooper said that he did not give an interview to John Barry and that the notes were a total fabrication. Elsewhere in this report[4] we have concluded that John Barry did interview Ivan Cooper and made an accurate record of what he said. We have also concluded that it would be unwise to rely

upon any of the accounts given by Ivan Cooper, save in so far as they were supported by other evidence.

1 KC12.30
2 KC12.99
3 Day 419/77-78; Day 420/77; Day 419/142-143
4 Paragraphs 147.81–88

122.264 In his interview with Tony Stark,[1] Ivan Cooper said that after he had been at the hospital for about 15 minutes, or perhaps a shorter time, someone came up and told him that an Army vehicle carrying dead bodies had arrived at the back of the hospital. Ivan Cooper went to the back of the hospital and saw two or perhaps three vehicles. The doors of one of the vehicles were open. He saw the bodies of young men lying inside. The soldiers proceeded to manhandle the bodies and carry them by the arms or hands and by the legs into the hospital, where they were put on stretchers. The soldiers had obviously been involved in what had occurred because they were talking about how many people had been shot, and by whom. They were "*exchanging scores with each other*". Ivan Cooper presumed that the bodies were examined inside the hospital to check that they were dead. The bodies were then carried back out, placed into the vehicles and taken to the mortuary. Ivan Cooper protested about the way in which the bodies were being manhandled.

1 KC12.57-KC12.63

122.265 Ivan Cooper told us in his written statement to this Inquiry[1] that this part of the transcript of his interview with Tony Stark was accurate.

1 KC12.29

122.266 In his written statement to this Inquiry,[1] Ivan Cooper told us that after his arrival at the hospital he saw soldiers arriving and pushing past people, using their rifles. His account was that he assumed that the soldiers were bringing in some of the injured. Abuse was shouted at the soldiers but they seemed oblivious of it. There were perhaps five or six paratroopers there, wearing red berets, including a young, tall, blond, blue-eyed soldier and a gum-chewing sergeant with hard features. At some stage a man approached Ivan Cooper to say that an Army vehicle was outside the hospital carrying dead bodies. He motioned Ivan Cooper towards the back of the hospital. Ivan Cooper thought that this was where the entrance to the casualty department had been located.

1 KC12.25-KC12.28

122.267 Ivan Cooper told us that he went to the back of the hospital and found paratroopers unloading dead bodies from a vehicle. He was fairly sure that three bodies had been unloaded, but there might have been only two. They seemed to be the bodies of young

men. There was blood everywhere. Five or six soldiers were moving the bodies. These were not the same soldiers as had been inside the hospital. Each body was lifted by two soldiers, one holding the hands or wrists and another holding the ankles, with the body sagging in between. No stretcher was used. The bodies were all handled as if they were stuck pigs. Ivan Cooper watched without saying a word. The soldiers were carrying rifles but those lifting the bodies handed their rifles to others while they did so. Ivan Cooper thought that one of them had been wearing a beret and the others helmets. As they moved the bodies, the soldiers were joking and laughing and talking about the events of the day. They were jubilant and gave the impression they thought they had "*busted an IRA unit in the Bogside*". Some of the soldiers were talking about how they had shot people and were saying that people had been carrying nail bombs.

122.268 Ivan Cooper also told us that the bodies were taken into the hospital and then quickly brought back out again and thrown into the vehicle. The whole operation was conducted in "*a very matter of fact way*". The soldiers then drove the vehicle away, presumably to the mortuary. Lance Thompson was being placed under immense pressure to produce information about the casualties. He gave Ivan Cooper lists of two or three names at a time. Ivan Cooper remained at the hospital until it was confirmed to him that the names of all the dead had been provided. At about 8.00pm he received a message asking him to return to John Hume's house in order to speak to the Taoiseach on the telephone. After he had returned and spoken to the Taoiseach, he received a call from Lance Thompson to say that another body had been identified.

122.269 In his interview with Jimmy McGovern,[1] Ivan Cooper said that he saw soldiers manhandling the bodies out of the vehicle at the side of the hospital. They carried the bodies by the arms and legs. They showed no respect and were bantering as they moved the bodies. Ivan Cooper again said that Lance Thompson telephoned him after his return to the Bogside to inform him that there was a 13th body, but in this account Ivan Cooper said that the 13th body was that of Jackie Duddy.

1 KC12.132-KC12.134

122.270 In his oral evidence to this Inquiry,[1] Ivan Cooper said that contrary to what was recorded in John Barry's notes he did not meet Mr Harvey at the hospital.

1 Day 419/135-137; Day 420/92-93

John Hume

122.271 In his interview with John Barry,[1] John Hume said that he drove to Altnagelvin Hospital with Ivan Cooper. The soldiers had "*moved right up to*" the hospital. John Hume went straight to "*Dr Harvey, who was in charge of casualty*", who gave him a list of names of people who had been killed. There were 12 names on the list, including "*Gillespie*" but omitting one of the McKinneys. Mr Harvey told John Hume that the name of one man was missing from the list because he had not yet been identified. John Hume returned home. Shortly after his return, he received a telephone call from Mr Harvey to say that the 13th body had been identified as the body of Michael McDaid.

1 KH8.1

122.272 In his written statement to this Inquiry,[1] John Hume told us that he was given lists of the dead at the hospital. Michael McDaid's name was not listed but later that evening John Hume received a call from the hospital authorities to say that they had made a mistake and that Michael McDaid's name had to be added to the list.

1 KH8.3

122.273 In his oral evidence to this Inquiry,[1] John Hume gave a similar account.

1 Day 180/15-16

122.274 John Hume did not in any of his evidence say that he had seen bodies being handled by soldiers at the hospital.

George Downey

122.275 In his written statement to this Inquiry,[1] George Downey told us that at about 6.30pm he and his wife were sitting in Willie Carlin's taxi at Altnagelvin Hospital, waiting for the body of his brother-in-law Michael Kelly to be formally identified. According to this account, an Army vehicle pulled up by the doors of the casualty department. Soldiers leapt from the front and rear doors of the vehicle. Two of them proceeded to pull three bodies out of the back of the vehicle. The bodies were thrown onto the ground and then onto trolleys, and were wheeled into the casualty department. George Downey did not see what subsequently happened to them.

1 AD134.24

122.276 George Downey did not give any further details of the handling of the bodies in his oral evidence to this Inquiry.

John Kelly

122.277 In his written statement to this Inquiry,[1] John Kelly told us that at about 5.50pm he was sitting in Willie Carlin's car at the side of the "*emergency entrance*" to Altnagelvin Hospital, possibly waiting for his father to come out of the hospital, when an Army vehicle arrived. According to this account, some paratroopers dragged three bodies into the hospital, presumably to have them pronounced dead. After a few minutes, the paratroopers brought the bodies back out and took them to the mortuary. The paratroopers were laughing and joking.

1 AK13.3

122.278 In his oral evidence to this Inquiry,[1] John Kelly said that the soldiers dragged the bodies along the ground into the casualty department as if they were dead animals. They showed the bodies no respect whatever. It was an extremely distressing scene to witness. As far as he could recall, the soldiers held the bodies by the arms and legs. The soldiers brought the bodies out of the casualty department in much the same manner and threw them back into the vehicle. John Kelly said that 5.50pm was his estimate of the time at which the soldiers arrived, but he could not be sure that it was exactly correct.

1 Day 167/87-90

William McDermott

122.279 In his written statement to this Inquiry,[1] William McDermott told us that after accompanying Patrick O'Donnell to Altnagelvin Hospital he met Bill Carlin[2] in the car park. According to this account, Fr Irwin asked William McDermott and Bill Carlin to go to the mortuary to identify bodies. As they approached the mortuary, William McDermott saw that an Army vehicle had been reversed up to the door. A policeman asked what they were doing and they explained. The policeman seemed to be disgusted by what had happened. The time was about 6.00pm. William McDermott saw the bodies of two men being pulled out of the APC on stretchers. The first to be pulled out was the body of a young man with fair hair. Bill Carlin told William McDermott that the second body was that of William Nash. William McDermott saw a tall paratrooper, wearing a red beret, resting his foot on the footplate of the vehicle. The paratrooper had an arrogant expression. William McDermott then saw blood dripping from the back of the vehicle onto the ground. A third body, which was lying face down, was pulled out of the vehicle by the heels, as if it was a sack of coal. This body was caught by the shoulders, laid on a stretcher and taken into the mortuary. None of the bodies was handled with any degree of respect.

1 AM189.6-AM189.7

2 Although we are not certain, it seems likely that Willie Carlin and Bill Carlin were the same person.

122.280 According to this account, William McDermott then went into the mortuary. He saw doctors cleaning up the body of William Nash. The third body to be removed from the vehicle was lying face down on the floor of the mortuary. William McDermott turned this body onto its back. The tongue was protruding from the mouth and was swollen and blue. The man appeared to have been shot in the eye. His pockets were searched and contained a payslip showing that his name was Young. Fr Irwin and Fr O'Gara were present at this stage.

122.281 William McDermott did not give oral evidence to this Inquiry, having died since making his written statement.

Consideration of the foregoing evidence

The collection of the bodies

122.282 There is no doubt that Lieutenant N's APC was used to collect the bodies of Michael McDaid, William Nash and John Young from the rubble barricade. We also have no doubt, from the medical and scientific evidence relating to their injuries, that these three casualties had died soon after being shot and before they were collected from the rubble barricade a few minutes later. The witnesses who suggested the contrary were in our view mistaken.

122.283 We do not know the exact time at which the APC went forward and the bodies were collected. However, this happened after all the casualties in all the sectors had been sustained and, as can be seen from Gilles Peress's photograph (shown earlier in this chapter[1]), at a stage when he and Fulvio Grimaldi had come forward from the eastern end of the southern side of Block 2 of the Rossville Flats to take photographs of the scene to the south of the southern end of Block 1 of the Rossville Flats. It also happened before the arrival of civilian ambulances in Rossville Street. Later in this part of the report[2] we consider in detail the timing of that arrival. For reasons that we give there[3] we are sure that the first ambulance arrived at or about 4.28pm. In these circumstances we have concluded that the APC went to collect the bodies at some stage before then and after about 4.20pm.

1 Paragraph 122.7
2 Paragraphs 124.2–20
3 Paragraph 124.21

122.284 The order for the APC to go forward to collect the bodies appears to have been given by Major Loden. What seems to have happened is that there was a call for a military ambulance; but that it did not arrive, as Fr Mulvey told the Widgery Inquiry and as the evidence of those who manned the military ambulance indicates, until after the bodies had been collected from the rubble barricade and Fr Mulvey had seen them in the APC. It appears that this delay occurred because the crew of the military ambulance lost their way.[1,2] Thus it seems that Major Loden ordered Lieutenant N to pick up the bodies because of a delay in the arrival of the military ambulance.

1 WT4.34; C290.1-2; C2121.2; Day369/211-215; Day369/250-253; B2160; B2162.003-004

2 There may also have been a delay because the Medical Officer was attending to Private INQ 455, the soldier who fell and injured himself in the derelict building in William Street (Abbey Taxis), in circumstances that we have considered in the context of the events of Sector 1.

122.285 The evidence discussed above shows that Lieutenant N travelled in the APC. We accept his evidence that Gilles Peress's photograph probably shows the vehicle at the time when the bodies were being put into it. It also seems to us that the vehicle drove through the rubble barricade, reversed closer to it on its southern side and, when the bodies had been collected, drove further south along Rossville Street before reversing into the entrance to Glenfada Park North and then driving north through the rubble barricade back to a position on Rossville Street to the north of Block 1 of the Rossville Flats. Some evidence is to the effect that the vehicle moved in a different way, but we are not persuaded that this was the case.

122.286 We are sure that Sergeant O accompanied the vehicle and witnessed the collection of the bodies. He was probably correct in recalling that the bodies had been moved on the rubble barricade after they had been shot. As Frank Lawton told us, it appears that Alexander Nash did this.

122.287 Although it is not entirely clear, it seems to us that Private S was at this stage probably the driver of the APC.

122.288 We are sure that Private 006 was one of the soldiers who put the bodies into the APC and we accept his evidence that no attempt was made at this stage to search them. We are equally sure that Private 013 was another soldier engaged in this task. Private 017 may also have taken part, in view of what appears (despite his denial to us) to have been an admission to Max Arthur that he did so, though we cannot be sure of this since (as will have been observed) there is some evidence that only two soldiers put the bodies into the vehicle.

122.289 From his evidence to us it appears that Private 112 was in the vehicle and pulled the bodies in as they were carried to the back of the APC.

122.290 We are of the view that the soldiers did not come under fire as they collected the bodies and put them in the vehicle. However, we consider that they probably felt exposed and at risk of paramilitary fire. They lifted the bodies and put them into the vehicle in some haste and with what in our view could not on any account be described as paying the bodies any respect at all. We accept that what civilian onlookers witnessed appeared to them to be soldiers treating the bodies with contempt, as if they were "*pieces of meat*", "*sacks of potatoes*", "*pigs*", "*dogs*" or "*sack[s] of coal*" and that, as Albert Faulkner told us, it seemed that the soldiers wanted to get the bodies and themselves away from the area as soon as possible.

122.291 The weight of the evidence persuades us that the bodies were probably lifted by the shoulders and legs and by that means in effect slung into the vehicle. We are not persuaded that any of the casualties was dragged by the hair, though this is possible. It is also possible that they may have been dragged along the ground by other means before being lifted up.

122.292 Although they may have believed it to be the case, the soldiers handling the bodies could not have known that they were dead. Nor could Major Loden, who ordered the collection of the bodies. No-one saw a soldier examine any of the bodies at this stage to see whether or not they were alive, nor did any soldier suggest that he had done so.

122.293 In our view the soldiers' behaviour when collecting the bodies was unjustifiable. They might well have felt themselves at risk, but in our view this does not excuse them, or Lieutenant N who was in charge, making no attempt either to check whether the bodies were dead or alive, or (even if they believed that they were dealing with corpses) to treat them with a modicum of respect or decorum. It seems that it did not occur to any of them to do these things. In our view the description given by the civilian witnesses of the way the bodies were put into the vehicle is a generally accurate description of what happened.

The attempts to see and tend to the bodies

122.294 The evidence we have considered above persuades us that Fr Irwin made two attempts to see the bodies in the vehicle after it had returned to the north of the rubble barricade.

122.295 There is differing evidence about the position of the bodies in the APC, in that it is not entirely clear in which direction they were lying. We have no doubt that they were piled in very close together with one body on top of the other two. According to Fr Irwin, the body of William Nash was on top, while John Young's body was lying face down beneath the others. Fr Irwin had to move two of the bodies in order to enable Fr Mulvey to anoint the one underneath. Bernard Feeney gave a different account, but this might have been based on what he saw after Fr Irwin had moved the bodies.

122.296 According to Fr Irwin, soldiers initially denied that there were any bodies in an APC and refused to let him look, before Fr Mulvey arrived and they were eventually allowed to do so.

122.297 It was suggested by some of the soldiers that initially the soldiers concerned were not aware that there were bodies in the APC and reacted accordingly. This is possible, though in the light of the accounts given by Fr Irwin and Fr Mulvey in 1972, which we consider were a substantially accurate account of events, we are far from convinced of it, at least with regard to some of the soldiers concerned. It seems to us that some soldiers were reluctant for some reason to allow Fr Irwin to look into the APC, despite knowing that there were bodies in it. It is possible that Captain 028 was one of those soldiers.

122.298 In our view it was probably Lieutenant N who finally let Fr Irwin and Fr Mulvey look into the vehicle. Whether he was the soldier or one of the soldiers who had previously refused to do so, we do not know.

122.299 In our view the initial refusal to let Fr Irwin see the bodies was inexcusable. Even if, as may have been the case, some soldiers suspected his motives, this in our view could not have justified a refusal. The vehicle was in an area where there were numerous soldiers. Thus, for example, if it was suspected that Fr Irwin was attempting to recover weapons that might have been on the bodies, the soldiers cannot seriously have thought that he could have succeeded in doing so undetected.

122.300 Although it is difficult to place reliance on the accounts given by Captain 028, we are of the view that it is likely that photographers were prevented from taking photographs of the bodies in the APC.

The movement of the bodies to Altnagelvin Hospital and their handling there

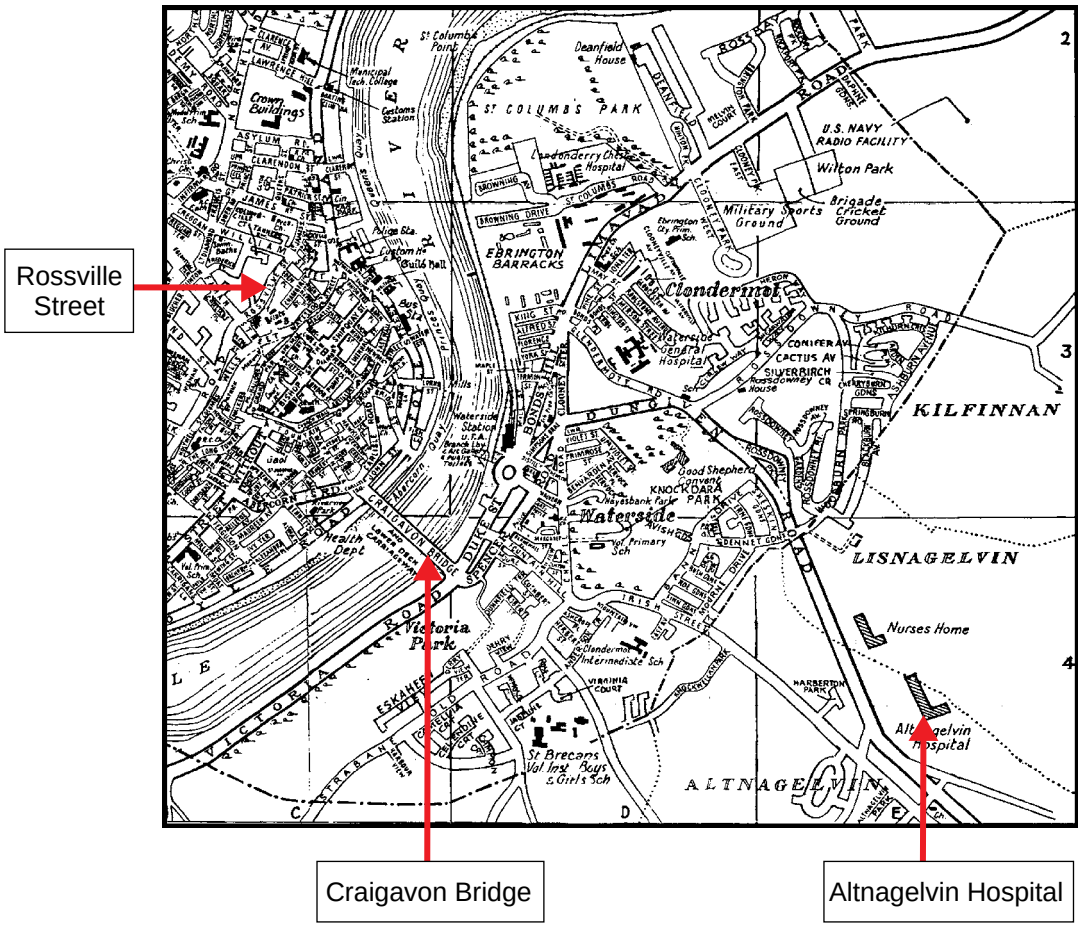
122.301 The evidence we have considered above shows in our view that Private INQ 768 drove the APC with the bodies to Altnagelvin Hospital, accompanied by Sergeant O, Corporal P, Private 013, Private 112, Private INQ 1918 and possibly Private 017.

122.302 It is not entirely clear when the APC left to go to Altnagelvin Hospital. According to Private 221, the APC was driven away two or three minutes after he had examined the bodies and formed the opinion that they were dead. He recorded in his RMP statement[1] that at about this time there was sporadic fire taking place in the area of the Rossville Flats. As we discuss later in this part of the report,[2] soldiers fired a number of shots at a flat in Block 1 of the Rossville Flats at about 4.40pm. This may have been the firing that Private 221 heard, but since this firing was more or less continuous rather than sporadic and close to where Private 221 was, it seems to us more likely that he was hearing the further firing that took place after the arrival of the second ambulance, ie after about 4.50pm. This latter firing, which we discuss later in this report,[3] could in our view properly have been described as sporadic. On this basis it seems to us that the APC left for the hospital at some stage after 4.50pm.

1 B2163-2164
2 Chapter 123
3 Chapter 124

122.303 According to Sergeant O, those in the APC had to ask for directions to the hospital from soldiers at Craigavon Bridge.

122.304 We set out below a map showing Rossville Street, Craigavon Bridge and Altnagelvin Hospital.



122.305 On the basis of the evidence considered above, we consider that the APC carrying the bodies arrived at the casualty department of Altnagelvin Hospital at about 5.30pm. Since we do not know exactly when the APC left the area of Rossville Street, we do not know how long the journey took. There is nothing to suggest that anything untoward occurred on that journey.

122.306 What seems to have happened then is that soldiers carried the bodies into the casualty department but then returned them to the vehicle, after which there was a delay and the vehicle had to wait for some 45 minutes before it went to the mortuary behind the hospital, arriving there at about 6.15pm.

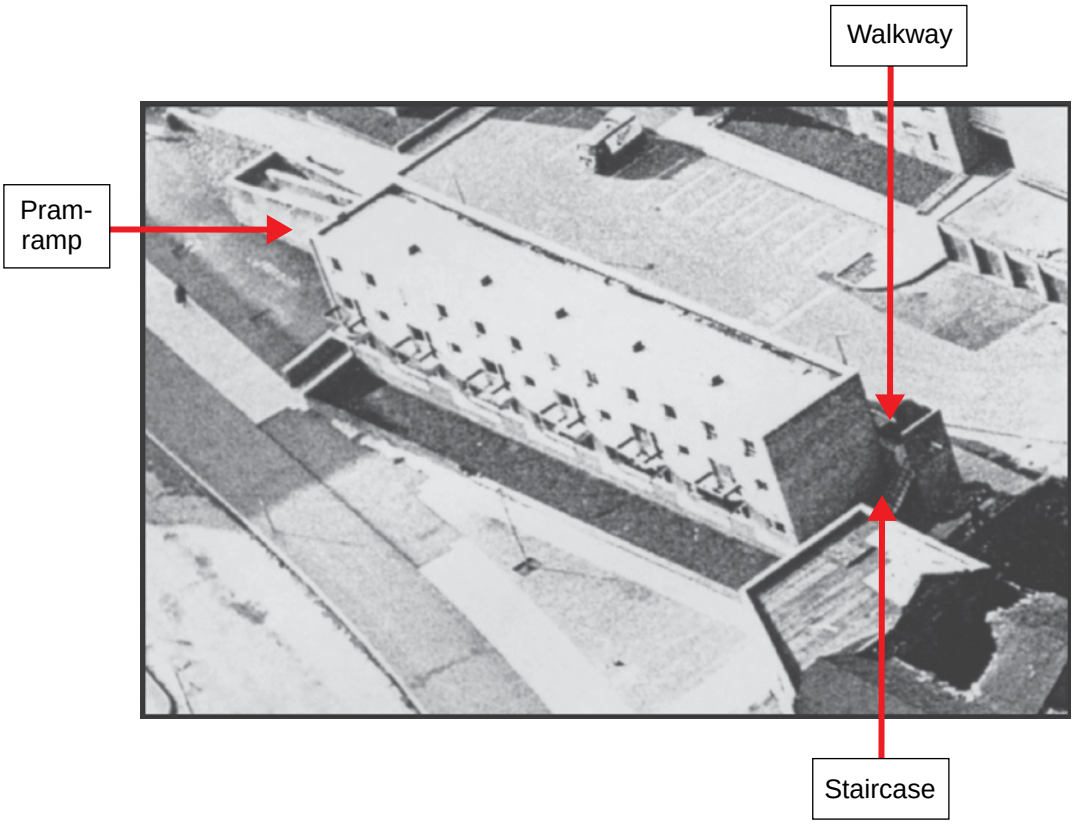
122.307 Although some evidence suggests the contrary, we are of the view that on this occasion the soldiers, when moving the bodies, did so with as much respect and decorum as was possible in the circumstances. We are not persuaded that they were boasting among themselves or behaving inappropriately at this stage.

Chapter 123: Further firing in Sector 3

Contents

Firing from the walkway of Kells Walk at Block 1 of the Rossville Flats

123.1 There was firing by soldiers from the walkway of Kells Walk at Block 1 of the Rossville Flats. This walkway (sometimes called a verandah) ran at first floor level along the west side of Kells Walk. Access was by stairs at the northern end and a pram-ramp at the southern end, as seen in the photograph below.



123.2 The list of firing soldiers from Composite Platoon compiled by Captain 200,[1] to which we have referred earlier in this report,[2] includes the following two entries:

> "Soldier 'D': 2 x 7.62 from GR 43261691 to gunman at window of Rossville Flats 43261684 – possible hit.
>
> Soldier 'C': 3 x 7.62 from 43261691 to gunman at window of Rossville Flats 43261684 and 2 x 7.62 from same position at gunman at corner of Rossville Flats 43231680 – both possible hits."

1 B1982-83

2 Paragraphs 84.1–6

123.3 The grid references for Lance Corporal D and Private C are the same and give a position at the south end of Kells Walk. We consider first Lance Corporal D.

Lance Corporal D

123.4 When discussing the evidence relating to the arrest of Joseph Lynn in the derelict building on Rossville Street,[1] we drew attention to the fact that in his Royal Military Police (RMP) statement[2] Lance Corporal D recorded that after disembarking from his vehicle he was given an arrested youth to look after, who told him that his name was Finn. As we observed, the description given by Lance Corporal D suggests that this was in fact Joseph Lynn.

1 Chapter 79 2 B69

123.5 As we have set out above, the entry for Lance Corporal D in Captain 200's list of soldiers of his platoon who fired[1] was "*2 x 7.62 from GR43261691 to gunman at window of Rossville Flats 43261684*". As is illustrated on the following map,[2] which was prepared for the purposes of this Inquiry by the legal representatives of one of the families, this entry positioned Lance Corporal D at the south end of Kells Walk and his target near the north end of the western side of Block 1 of the Rossville Flats.

1 B1892-1983 2 OS2.109 (extract)

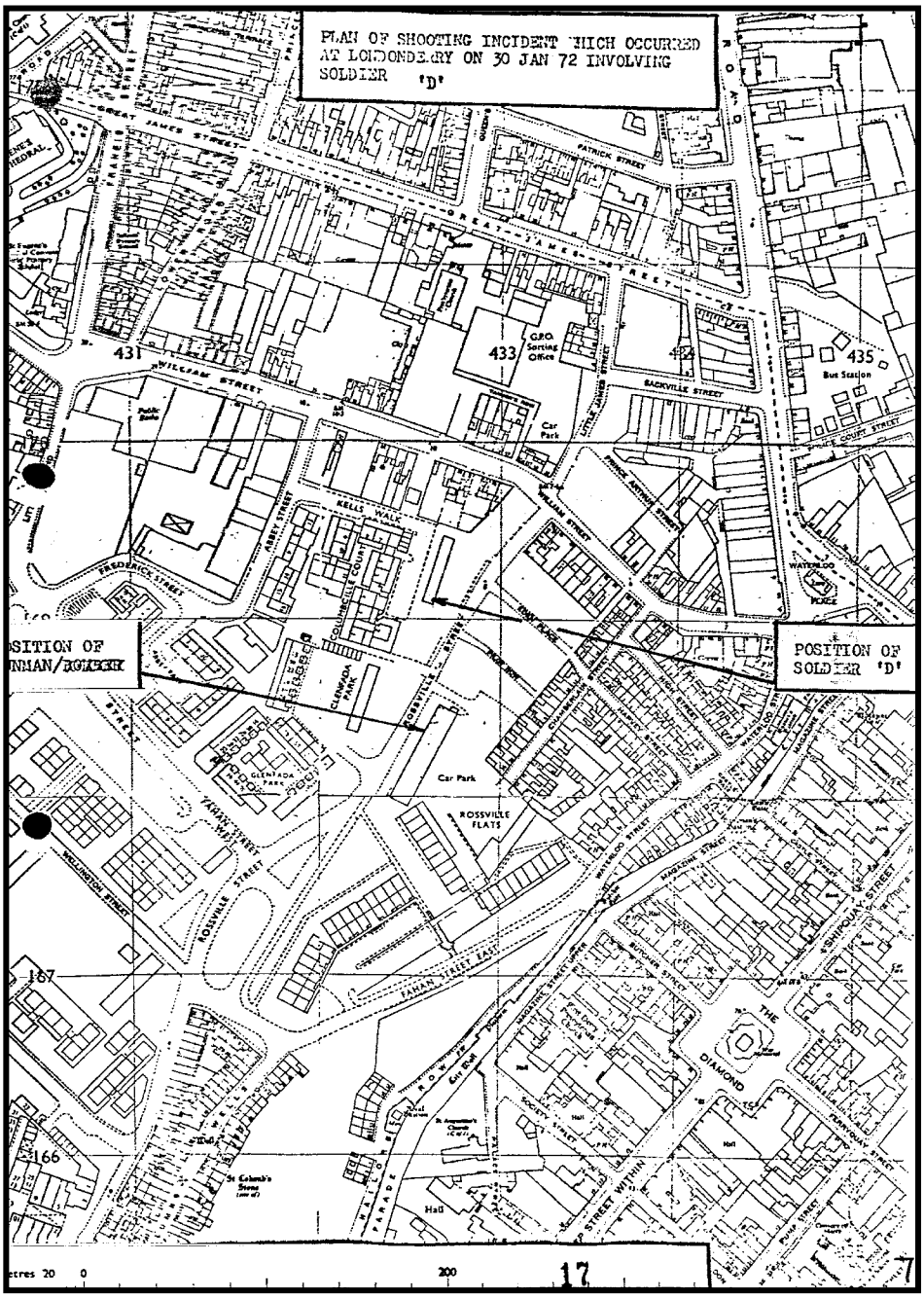
123.6 Lance Corporal D's RMP statement was timed at 0200 hours on 31st January 1972.[1] After describing handing the youth over to the battalion provost staff and rejoining his section "*at the maisonettes of Columbcille Court*", Lance Corporal D continued:

> "Whilst rejoining my section I heard the sound of shooting. At the sections location cover was not readily available so I went on to the verandah of the maisonettes at GR 43261695.
>
> From this verandah I was observing the Columbcille court area when C of my unit passed me and located himself at the end of the verandah at GR 43251691.
>
> Whilst observing the Court area, I heard the sound of pistol shots. I joined C and he informed me that shots had been fired from a window on a right side of the third storey of No 1 Block Rossville Flats at GR 43261684.
>
> I kept observations on this area. I saw the window open and a hand clutching a pistol appear out of it. The pistol fired. I was armed with an SLR which had a magazine of 20 rds affixed. I cocked my weapon and fired 1 x 7.62 rd aimed shot at the pistol. I saw the round strike the framework of the window above the pistol.
>
> The hand with the pistol withdrew. A couple of minutes later I saw a male person appear at the window. I saw him holding a pistol in a hand. I saw him fire the pistol towards troops in Rossville St, Londonderry.
>
> I fired 1 x 7.62 rds at the gunman at the same time that C fired. The man appeared to be thrown backwards. He disappeared out of sight. The window closed. I didn't see this gunman again. I didn't fire any further.
>
> The gunman was dressed in a dark jumper. He had fairly long hair. I can't describe him any further. I only saw him for a moment when I fired."

1 B69-70

123.7 The RMP map that accompanied this statement,[1] which is reproduced below, shows the position of Lance Corporal D at the southern end of Kells Walk and his target about a third of the way from the northern end of Block 1 of the Rossville Flats.

1 B71



123.8 In his written statement for the Widgery Inquiry, Lance Corporal D described being involved for some minutes with the arrested youth before being ordered to rejoin his party:[1]

> "5. Just after we had debussed, one of the troops (in a gas mask) came up to me with a prisoner and handed him to me. It was not my task to act as prisoner escort but as I had one I escorted him over to the buildings on the opposite side of Rossville Street.

I was then told to take him round the corner just into William Street and we waited there for a short time. There were another 3 prisoners there with 2 troops as escorts. After about 5 minutes there a larger party of about 15 prisoners brought up and taken past our building over the crossroads and up Little James Street. We were told to take our prisoners with them and I escorted mine up Little James Street where I handed him over to our Regimental Police escort. While waiting in William Street I had lifted my respirator and at this point I took it off and slung it on my arm. I was ordered to re-join my party then. I moved across the road junction and moved down the wall of the building on my right hand side of Rossville Street. When I got to the end of this wall I could see my party at the near end of the building at the front of Columbcille Court, and went over to join them. At this time I could hear the sound of firing from the flats area, some SLR and some low velocity weapons. Apart from the riot guns I did not distinguish the sound of any other explosions though I was not really listening for them."

[1] B75-6

123.9 Lance Corporal D's statement continues:

"6. I was ordered to take up a covering position. I therefore went up to the continuous balcony or veranda which runs the whole length of this building on the side facing Columbcille Court. I moved along the balcony keeping an eye on the courtyard and the other buildings around. I stayed in the middle and C passed me and went along to the far end. I heard the sound of pistol shots and I heard C fire a round. I went along to the end where he was.

7. C pointed out a window in block 1 indicated on my photograph at X. I was positioned at the other end of the line marked 2. As I watched I saw the window open a little from the bottom and a hand with a pistol come out. I saw the kick of the pistol firing and heard the sound but could not distinguish a muzzle flash. It was not aimed at us, but was aimed at the ground below. I cocked my weapon and fired one round which struck the framework or wall near the pistol to one side of the window.

8. The pistol withdrew but a couple of minutes later at the same window I saw a man through the glass holding a pistol in his hand. I cannot remember if it was his left or his right hand. I saw him raise the pistol again and heard him fire. C and I fired one round each almost at the same time. The man appeared to be thrown backwards and vanished from sight. I saw the glass of the window had been broken and think our rounds went through it and hit him.

9. The gunman had fairly long hair and a dark jumper. I am quite sure this man was holding a pistol and not a camera."

123.10 The reference to a photograph is to Lance Corporal D's trajectory photograph, reproduced below, on which the position of Lance Corporal D is marked as being at the top of the ramp at the southern end of the walkway running along the western side of Kells Walk.

123.11 In his oral evidence to the Widgery Inquiry, Lance Corporal D described taking off his respirator as he was taking his prisoner to Little James Street.[1] He said that when he rejoined his section (members of Call Sign 71A) they were at the ruins on the left-hand

side of Rossville Street. Although Lance Corporal D said that he found his section on the left-hand side of Rossville Street it is not clear whether he meant the eastern or western side. Since there was a derelict building on the western side, it is in our view more likely that this is where he meant, which is supported by the fact that he later told the Widgery Inquiry that when he arrived there and was told to take cover he went up the stairs at the north end of Kells Walk to reach the walkway.[2] Those stairs were immediately south of the derelict building. Asked whether there was any firing when he joined his party he replied "*I am not sure*".[3]

1 WT15.74
2 WT15.77
3 WT15.75

123.12 Lance Corporal D told the Widgery Inquiry that he was about halfway along the walkway when Private C passed him and went to what from the context must have been the southern end. He said that he heard a low velocity shot and after that heard a shot fired by Private C, and so he went along to see what Private C was doing:[1]

"Q. Where was he when you got to him?

A. On the corner.

Q. Did he indicate something to you?

A. Yes, he told me that the fire was coming from one of the flats across the road.

Q. Did he point out a particular flat?

A. Yes, he pointed out a particular flat.

Q. Show us roughly where it was on the face of the building.

A. There.

Q. As you watched where he had indicated did you see anything?

A. Yes, I saw the window open and an arm with a pistol came out.

Q. What part of the window did the pistol come out from – the side, bottom or what?

A. The side.

Q. Could you see anything about the person who was holding the pistol, which arm it was?

A. Not the first time it came out.

Q. The first time you saw it come out, an arm with a pistol.

A. Yes.

Q. Did the pistol fire?

A. I heard it fire and the pistol moved.

Q. Did you see any muzzle flash?

A. No.

Q. Before we go on I will ask you this: it may be suggested it was really a camera, not a pistol at all. What do you say about that?

A. Definitely a pistol.

Q. Was it aiming at your position?

A. No.

Q. Where was it aiming as far as you could tell?

A. On to the ground.

Q. Directly underneath it?

A. It was pointing towards the troops down below.

Q. Was your weapon cocked at that stage?

A. No.

Q. What did you do?

A. As soon as I saw the pistol fire I cocked.

Q. What did you do?

A. I aimed at the arm, because I could not see the person who was firing.

Q. And what did you do?

A. I hit the wall.

Q. You fired and hit the wall: where did you hit the wall?

A. Just above the arm that was holding the pistol.

Q. Did the arm and the pistol stay there out of the window?

A. No, they went back in.

Q. Did you continue to observe the window?

A. Yes.

Q. Then did you see something else?

A. Yes, the gun came to the window again.

Q. This time did you see any more of the owner of the arm?

A. Yes, I saw the person.

Q. How much of that person could you see?

A. I just saw the whole person.

Q. Was it a man or a lady?

A. A man.

Q. Can you remember which hand he had the pistol in?

A. No.

Q. What did he do when you saw him again?

A. The pistol fired again.

Q. Was it the same sort of aim as before?

A. Yes.

Q. What did you do?

A. I fired at the person this time.

Q. That is the second shot you had fired?

A. Yes.

Q. Had anybody else fired at the same time or about the same time?

A. Soldier C.

Q. Were your two shots separate?

A. Soldier C fired just a split second before me.

Q. What happened to the man?

A. He appeared to be thrown back from the window, as far as I could see.

Q. Was the glass of the window broken?

A. Just where the hole had pierced it.

Q. Can you describe that man at all: first of all, what about his hair?

A. It was fairly long.

Q. Dark or light?

A. It looked dark from where I was.

Q. Can you remember what he was wearing at all?

A. A dark pullover.

Q. After firing those two shots you have described to my Lord you subsequently withdrew with Soldier C, did you?

A. Yes.

Q. Did you fire any more rounds apart from that?

A. No.

Q. Now would you be good enough to look at this photograph: does the line on that photograph describe the line of the two shots that you say you fired?

A. Yes."

[1] WT15.75-77

123.13 It seems clear that the reference to a photograph was a reference to Lance Corporal D's trajectory photograph that we have shown above.[1]

[1] Paragraph 123.10

123.14 In the course of his oral evidence to the Widgery Inquiry, Lance Corporal D said that when he reached the corner of the walkway he saw a group of rioters numbering "*About 150 to 200 perhaps*" on the William Street side of the rubble barricade.[1]

[1] WT15.78

123.15 It was suggested to Lance Corporal D that "*you never saw any firing coming from that window and that what you saw was a camera*". His answer was "*I never did. It was a pistol that I saw.*"[1]

1 WT15.79

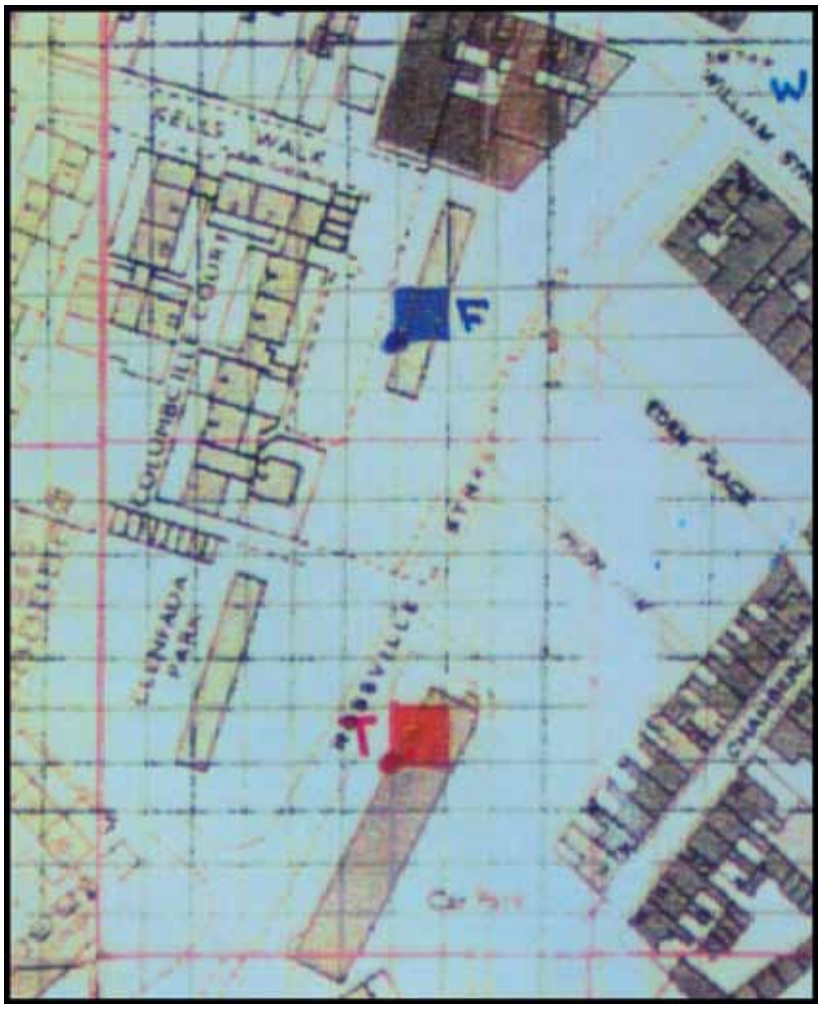
123.16 The 12th entry in Major Loden's List of Engagements[1] is in the following terms:

> "12. 1 gunman with pistol at GR 43261684 (3rd floor of Rossville Flats) shot at from GR 43261692. Possibly hit."

1 ED49.12

123.17 The grid references given in this entry are marked on the following map, prepared for the purposes of this Inquiry by the legal representatives of one of the families, with the red mark indicating the target and the blue mark indicating the position of the firer.[1]

1 OS2.69-70 (extract)



123.18 The positions correspond closely with those described by Lance Corporal D (and Private C, as will be seen below).[1] In our view Major Loden gained the information for this entry from one or both of these soldiers. The fact that the grid reference for the firer puts his position further north along the walkway than Lance Corporal D's RMP map and trajectory photograph (and his account) seems to us to be a minor and irrelevant discrepancy, probably caused by the less than ideal circumstances in which Major Loden compiled his list.

1 Paragraphs 123.28–50

123.19 Lance Corporal D gave written and oral evidence to this Inquiry.

123.20 In his written evidence to this Inquiry, Lance Corporal D gave a broadly similar account to that which he had given in 1972. He told us that he had a memory of both himself and Private C kneeling at the end of the walkway.[1]

1 B85.008

123.21 In his oral evidence to this Inquiry, Lance Corporal D repeatedly told us that he had little or no memory of the matters he had dealt with in his 1972 accounts, or indeed of some of those he had told us he recalled when giving his written statement. However he did tell us that he was "*fairly positive*" that both he and Private C were kneeling when they were at the southern end of the walkway. He also told us that he recalled being the first to fire when he was with Private C. He said he was sure that two shots were fired from the pistol held by the man at the window.[1]

1 Day 355/25-29

123.22 Lance Corporal D's attention was drawn to the fact that, according to his 1972 accounts, some minutes passed before he returned to Rossville Street from taking his prisoner back and handing him over in Little James Street. His evidence continued as follows:[1]

> "If we could look at the position where you have been ordered to rejoin your party, it is the third line down:
>
> 'I moved across the road junction and moved down the wall of the building on my right-hand side of Rossville Street. When I got to the end of this wall I could see my party at the near end of the building at the front of Columbcille Court and went over to join them. At this time I could hear the sound of firing from the flats area, some SLR and some low velocity weapons. Apart from the riot guns I did not distinguish the sound of any other explosions though I was not really listening for them.'

The problem I have with that – perhaps you would assist me with it – is that at this stage the vast bulk of all of the firing from SLRs was over; there is not one suggestion from any soldier at this stage of firing a rubber bullet gun or a riot gun and the riot, if there ever was one, was at a low barricade which had occurred, not at the time when you were on the veranda, but at least 10 minutes before. Can you help me with the difficulties I have with that in explaining it to me?

A. I just put down in the report what I saw, what I heard and that is the truth –

Q. No, but if you saw 150 people when you went up on to the veranda or 200 milling around on the William Street side of that barrier, and not one other soldier who is at ground level saw such a thing at that time, not one cameraman and not one journalist, not one priest and not one civilian saw that, how did you see it?

A. I saw it because I saw it and my recollection is what I saw on that night. I do not care what other people saw, that is what I saw.

Q. That is in fact what you told Lord Widgery in 1972: that at the time you fired your shot or shots into the window of Rossville Flats, there was a riotous crowd below?

A. If I said that then it was the truth then."

[1] Day 355/46-48

Summary of Lance Corporal D's accounts of firing

123.23 On the basis of his accounts, Lance Corporal D fired two shots, when kneeling, from the southern end of the Kells Walk walkway at a man with a pistol at a window towards the northern end of Block 1 of the Rossville Flats, and thought that either he with his second shot, or Private C who fired from the same position at virtually the same time as this shot, had hit this man.

123.24 We return to consider Lance Corporal D's evidence later in this chapter.[1] However, we regard it as clear from his 1972 accounts of his initial movements after disembarking from his vehicle, when he took his prisoner back to Little James Street, that he did not return to Kells Walk and go onto the walkway until a late stage. As will be seen from our consideration of the events of Sector 4,[2] after the shooting in that sector a number of prisoners were brought north from the area of the wall at the southern end of the eastern

block of Glenfada Park North to the fence of the GPO sorting office on the north-west side of the junction between Rossville Street and William Street. We are sure that this was the group of prisoners seen by Lance Corporal D when he was in that area.

1 Paragraphs 123.51–56, 123.251–263 and 123.269–278 2 Chapter 113

123.25 Lance Corporal D's account of seeing a large crowd of rioters on the William Street side of the rubble barricade when he was on the Kells Walk walkway cannot be correct. There is abundant and convincing evidence, from soldiers and others, that by the time he arrived there the firing at ground level had ceased and Army vehicles had moved to the area at the north end of Block 1 of the Rossville Flats.

123.26 Finally, according to the grid references on Captain 200's list, to Lance Corporal D's RMP map and to his trajectory photograph, the flat he identified (and which, as will be seen, Private C also identified) was situated towards the north end of Block 1 of the Rossville Flats. On the basis of the trajectory photograph, this appears to have been the flat occupied by Eileen Gallagher, 8 Garvan Place. This lady is dead and gave no evidence to this Inquiry, but she made a statement in 1972,[1] in which she described watching from her flat with visitors events both in the Rossville Flats car park and in Rossville Street itself. She said nothing about any shot being fired at her window, or glass breaking, or anyone in the flat being wounded. Had this occurred we have no reason to suppose that Eileen Gallagher would have failed to mention what would have been a terrifying event.

1 AG10.1

123.27 As will be seen later in this chapter,[1] there is evidence, including photographic evidence, of bullet damage to the window of a flat situated towards the south end of Block 1 of the Rossville Flats. Whether this was the flat at which Lance Corporal D (and Private C) fired is a matter to which we return after considering all the evidence of firing by soldiers into this side of Block 1.[2]

1 Paragraphs 123.212–250 2 Paragraphs 123.251–263

Private C

123.28 Private C was a member of Composite Platoon who disembarked from the first of the two lorries of that platoon.

123.29 As we have observed above,[1] the position given in Captain 200's list[2] for the firing by Private C at a gunman in a window is the same as that given for Lance Corporal D. According to that list, Private C was at the same position when he fired two other shots at what he said was a gunman at the corner of the Rossville Flats. Captain 200 recorded both these sets of shots as "*possible hits*".

1 Paragraphs 123.2–3 2 B1982-83

123.30 Private C's RMP statement[1] is timed at 0130 hours on 31st January 1972, half an hour before the time recorded for Lance Corporal D's RMP statement.

1 B44

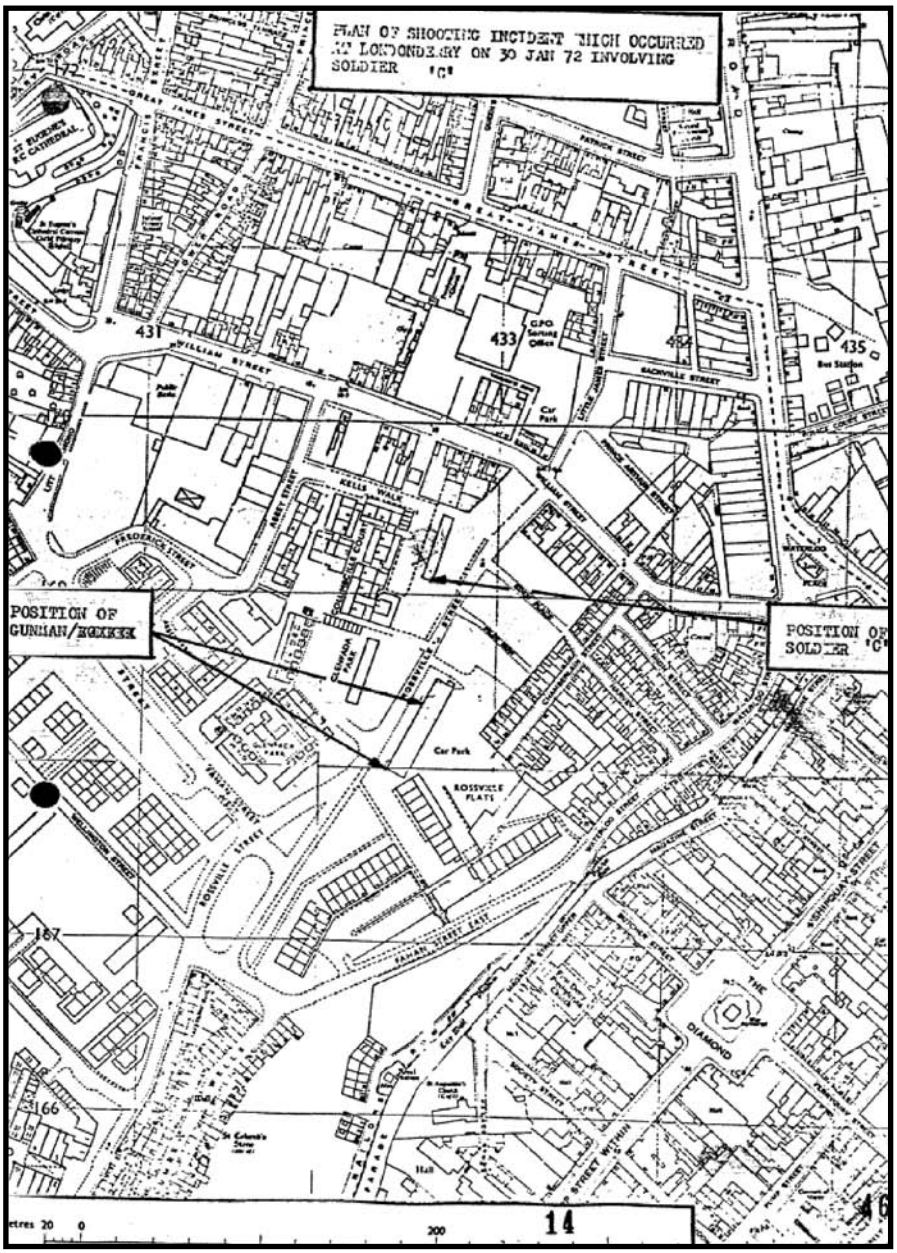
123.31 In this statement Private C gave the following account:

> "We advanced across William St and into Rossville St. We were mounted in a 4 ton vehicle and I was armed with an SLR which had a magazine of 20 rds affixed to it.
>
> At GR 43281689 we dismounted. The rioters had been forced by our advance to withdraw into the Flats car park.
>
> Together with my section I made my way across the rubble that used to be the houses of Eden Place. We got to a wall that joins the rear of the houses on Chamberlain St. We moved towards the flats area by the wall.
>
> We came level with No 1 Block Rossville Flats and crossed the car park to it. We then moved to Columbcille Court and located outselves at the side of a block of maisonettes at GR 43261695. There I observed the flats area.
>
> I moved onto the veranda of the maisonettes and located myself at GR 43251691 and continued my observations. I saw at an end flat of Rossville Flats on the ground floor, and in an opening, a male person wearing a dark coat. He was observing the troops in Rossville St. I then heard the sound of a shot. The man disappeared. The shot came from his location. I saw him with a long stick like object which he put into the aim position. I cocked my weapon.

> The man reappeared. I fired 2 x 7.62 rds aimed shots at this gunman. The gunman disappeared from sight. I think that I may have hit him with my second shot. His position was GR 43241680.
>
> I continued observations and saw on the third storey at the 4th window to the right where I stood and at GR 43261684 a window being opened, this caught my attention.
>
> I then heard a shot fired. I saw the flash of a weapon being fired from inside the room. I saw a male person holding a pistol in his left hand. I believe that he fired it at the troops in Rossville St.
>
> I fired 1 x 7.62 rd aimed shot at the gunman. This round missed. I saw it strike the wall outside.
>
> I was joined by D of my unit. I informed him of where I had fired. We kept observations together on the window.
>
> I saw the gunman reappear he fired 2 shots at the troops in Rossville St. I fired 2 x 7.62 rds aimed shots at this gunman. He appeared to be thrown backwards and disappeared out of sight. When I fired D also fired 1 x 7.62 rd at the gunman. I didn't see the gunman again. He was dressed in a blue jumper with fairly long dark hair. I think I hit him in the chest or arm."

123.32 The RMP map that accompanied this statement, which is reproduced below, shows the position of Private C at the southern end of Kells Walk and his targets at, respectively, the south end of Block 1 of the Rossville Flats and about one-third of the way from the north end of that block.[1]

[1] B46



123.33 In his written statement for the Widgery Inquiry,[1] Private C gave a similar description of making his way round the Eden Place waste ground, along the Chamberlain Street houses and then across to the end of Block 1 of the Rossville Flats. He continued:

“8. There one of the sergeants sent the whole force to the William Street end of the front building of Columbcille court. From there half a dozen of us took a party of about 20 prisoners back to a collection point. I then returned to the Columbcille court building. There I was ordered to take up a covering position and went up to the 1st floor balcony at the end of the building nearest Glenfada park on the side facing Columbcille Court. This is the position marked on my photograph. The position marked on the map is not quite accurate.

9. As I watched the Rossville building I saw a man. What caught my attention was the sound of a shot. The man was at the far end of block 1 and I think he had come out of an opening at the end of the building or round the corner. He was in the aim position and I could see what looked like a weapon in his hands. I could distinguish the shape of the magazine and think it was a klesnicov or a weapon of that kind. My weapon was already cocked and I came into the aim. Before I could get a shot at him he went back. Then he came out a second time. I took aim at him but did not immediately fire. Then he fired 2 shots, and I fired two rounds at him. The man jerked backwards and his weapon went into the air as he did so. I saw him clearly at that moment. The position of this gunman is marked 2 on my photograph, but the marking is not perfectly exact because I am not sure whether he came into sight round the corner or out of the door way.

10. As I continued observation I saw the flash of a window being opened in block 1 in the position shown approximately on the photograph and marked 3. The window was pivoted upwards as it opened. I saw a man holding the window open with his right hand. He placed his left fore arm across his right arm and appeared to me to be aiming a pistol held in his left hand. I heard a shot being fired and corresponding with that shot I saw his hand kick as if he had just fired. I could not at that range distinguish

the weapon very clearly, and I did not see a muzzle flash. I am however quite certain that he was not holding a camera, not even the kind of camera that has a pistol grip. I fired one round at the man with the pistol. This shot hit the wall just above the top right hand corner of the window, I remember seeing a puff of dust from the masonry. After I had fired the gunman vanished from sight and I think the window closed some way but not completely.

11. Co[r]poral D came up to me and I told him what I had been firing at. He watched the window with me. I saw the window move again. I'm sure it was the same window. The window opened and I saw the gunman again. I immediately aimed and fired at him and as I did so he fired 2 quick shots himself. My first round went through the window missing the gunman. I fired again and this time I think I hit him in the chest or arm. The gunman was standing partly behind the half open pivot window, and his left side was behind the glass. I saw a hole in the glass in the area behind which his left arm or chest would have been and I think my bullet went through the glass and hit him in this area.

12. I had a fairly clear sight of the gunman the first time he fired and I think he had long dark hair and a navy blue pullover.

13. As I fired at the gunman on the second occasion I heard D beside me fire a shot as well."

[1] B51-54

123.34 It seems clear that the reference to a photograph is to Private C's trajectory photograph, which is reproduced below.

123.35 In his oral evidence to the Widgery Inquiry, Private C said that "*somebody*" (he later said a Lance Corporal) had told him to take up position on what he described as the balcony of Kells Walk, which we have described as the walkway.[1] He then gave a similar description of seeing and firing at the man at the southern end of Block 1 of the Rossville Flats. Asked whether he was "*standing or kneeling or what?*", Private C replied "*I was laying*",[2] and he repeated this later in his evidence, saying that he was lying on the flat deck just before the ramp.[3]

1 WT15.65; WT15.71
2 WT15.66
3 WT15.68-69

123.36 Private C gave the Widgery Inquiry a similar account to that which he had given in his written statement of firing at a man with a rifle at the southern end of the Rossville Flats and of firing at a man with a pistol at a window on the third storey of Block 1 of the Rossville Flats.[1]

1 WT15.65-68

123.37 It was suggested to Private C that if he had been lying down as he said he was, then the walls of the ramp would have meant that he could see little or nothing. Private C denied that this was so:[1]

> "LORD WIDGERY: On the face of it, if you are surrounded by a 3-foot wall and you are lying down, you cannot see or shoot over the wall?
>
> A. Yes, but I was lying on this side of the balcony which is in, say, this side. The wall comes down and it gives me a clear view across to the flats.
>
> Q. You are saying that you are lying here on the level, you have got a 3-foot wall on either side of you, but the wall goes down with the ramp, so that you can fire across it like that? Is that it?
>
> A. Yes."

1 WT15.70-71

123.38 We have already referred[1] to the 12th entry in Major Loden's List of Engagements when considering the evidence of Lance Corporal D, and have expressed the view that the information in this entry came from Lance Corporal D or Private C or both. The grid references in their RMP statements and in Captain 200's list of soldiers who fired are identical both for their position and for that of their target.

1 Paragraphs 123.16–18

123.39 Private C gave written and oral evidence to this Inquiry.

123.40 In his written statement to this Inquiry[1] Private C told us that he recalled hearing automatic fire when he was somewhere between the top of the Kells Walk stairs and the southern end of the walkway. He stated that when he reached the southern end of the walkway at the top of the ramp, he could see a group of rioters at what he now understood was the rubble barricade, who "*were throwing objects towards us including bricks and petrol bombs and were gradually moving north towards us*".[2]

1 B68.001

2 B68.002

123.41 Private C told us that he only vaguely recalled seeing a person in a long coat appearing either from a corner of a building or a door, holding what he thought was a Kalashnikov rifle. He stated that he could not remember whether he actually fired and if so whether he hit this gunman, but at the time "*Petrol bombs and stones were being thrown*". He told us that he could hear the continuous low-sounding cracks of automatic small arms fire, "*definitely not a .303 weapon or an SLR being fired*".[1]

1 B68.003

123.42 Private C told us that his recollection of what he described as the second incident of gunfire was clearer. He gave this account:[1]

> "I can recall the second incident of gunfire more clearly then I can the first incident I have described above. I recall being under cover of a wall at point B. I recall something catching my attention; it was either the glint of a window opening in the sunlight or the flash of a gun. I looked at the area that had caught my attention and saw a long haired person holding a pistol in his or her left hand at a window. I cannot say for definite whether it was a man or a woman. I couldn't see the gunman very clearly, only his or her profile.
>
> I now know that the window was situated in Block 1 of the Rossville Flats approximately at point E on the attached map (grid reference K15). I could see the person's wrist jerking as the pistol recoiled. The shooter was probably holding either a 9mm or a luger pistol and seemed to be firing indiscriminately with his left hand. He must have emptied his magazine and fired about 9 to 12 shots although I cannot recall the actual number of rounds he fired. He seemed to be firing towards other soldiers positioned at the northern end of Rossville Street. I can't recall receiving any direct fire at point B in that position or any other shots hitting nearby. He seemed to be in an awkward position because he had to keep the window open and fire at the same time. There were soldiers below my position. I do not know which platoon they were from or if they were under fire.
>
> I then fired a shot at the gunman. I can remember that my first shot hit the wall near the window and I saw dust shooting up as I hit it. I then fired another two rounds. I know these had the effect of stopping the gunman firing shots. I then saw movement in the window next door to the flat; possibly the gunman ran to the adjacent room. I was still vigilant for trouble and was still looking for snipers. Because I had fired my weapon, I had revealed my position and I thought that gunmen in the flats could be targeting me.

> I cannot recall now whether I was kneeling or lying down at the time. I probably crouched down to take cover when I was in danger and then stood up to fire towards the window.
>
> I have a vague recollection of a radio operator being at the top of the steps. Possibly I asked him to relay a message relating to the shots that had been fired. I cannot recall what radio net he was on. I then recall him being sent back down the steps. This possibly occurred between the various shots I fired at the gunman in the window.
>
> I have been asked whether I recall Soldier D coming up to my position while I was at point B. However, I cannot now recall a soldier with Soldier D's name or anyone else approaching me at the time.
>
> I have been asked whether the person at the window could have been holding a camera rather than a gun. I definitely saw a gun being fired; I could tell the difference by the way the wrist recoiled as the weapon was fired. I cannot now recall seeing anyone else with a weapon at the time within the flats."

[1] B68.003

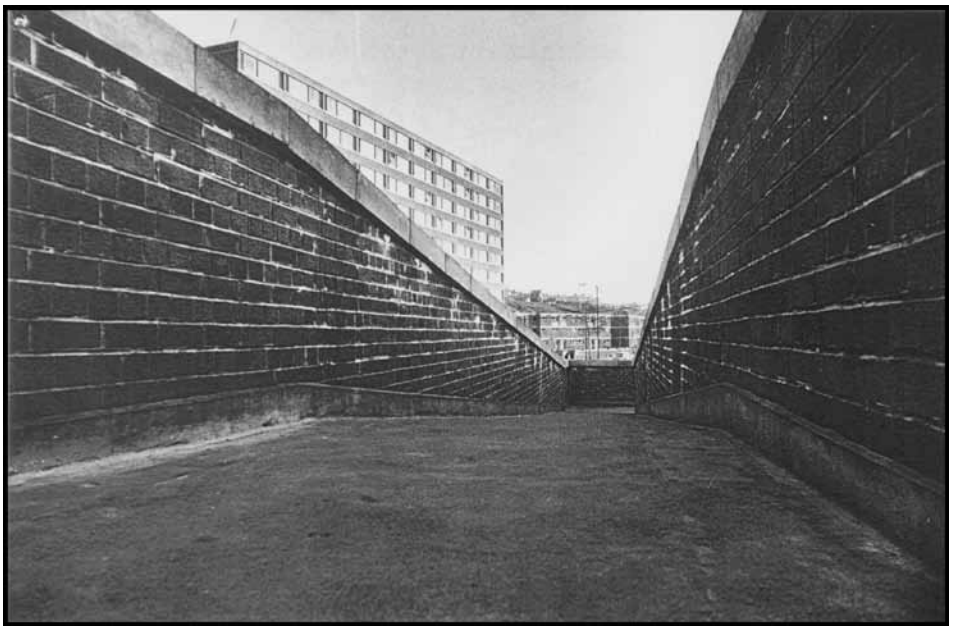
123.43 Private C marked Point B at the top of the Kells Walk ramp and Point E nearly halfway along the western side of Block 1 of the Rossville Flats.

123.44 In the course of his oral evidence to this Inquiry, it became apparent to us that Private C had no clear recollection of the detail of events. On a number of occasions his attention was drawn to the fact that what he had said to us in his written statement was different from or did not appear in his 1972 accounts. Private C appeared to agree that his present recollections could have become "*distorted*".[1]

[1] Day 354/26-28; Day 354/56

123.45 As noted above,[1] it was suggested to Private C during the course of his oral evidence to the Widgery Inquiry that if he had been lying down as he said he was then the walls of the ramp would have obscured his view. Private C was shown the following photograph.

[1] Paragraph 123.37



123.46 It can be seen from this photograph that someone lying on the ground a few feet from where the ramp started downwards would not have been able to see the corner of Block 1 of the Rossville Flats at ground level, nor much of the block itself. From this position neither of the target positions shown on Private C's trajectory photograph would have been visible. This was drawn to Private C's attention, and he was asked whether he could now remember how much he could see of the area around Block 1 of the Rossville Flats and Joseph Place when he fired his shots, but Private C was unable to tell us.[1] He did tell us, however, in relation to the shots that he said he fired at the gunman at ground level, that "*I do not think we are getting the full, true picture out of that photo*",[2] although he appeared to agree that he could not have seen a gunman at the window he had identified unless he had been kneeling or standing.[3]

1 Day 354/48-49
2 Day 354/48
3 Day 354/51

123.47 Private C gave oral evidence to the Widgery Inquiry on 10th March 1972. On 13th March 1972, counsel for the next of kin of the deceased and for the injured told Lord Widgery[1] that "*we have now had photographs taken*" which he submitted would definitely show that Private C could not have seen his first gunman and probably show that he could not have seen the window from which he claimed that his second gunman was firing. These photographs were handed to Lord Widgery.

1 WT16.51

123.48 The *Derry Journal* photographer Larry Doherty took a series of photographs of the ramp at the south end of Kells Walk, which bear annotations on the reverse showing that they were taken between 4.00pm and 5.00pm on 12th March 1972. The annotations draw attention to a 3ft joiner's rule shown standing against the wall in five of these photographs, and record that the photograph reproduced above[1] was taken from 10in above ground level on the flat part at the top of the ramp. The annotations also record that another of these photographs was also taken from 10in above ground level where the ramp started to descend. We set out below the latter photograph, which, while it can be seen to show a little more of Block 1 of the Rossville Flats, again does not show either of the target positions shown on Private C's trajectory photograph.

1 Paragraph 123.45

123.49 In view of the date on which these photographs were taken, and the fact that they were clearly taken for the purpose of illustrating the height of the wall of the ramp and the view from positions close to the floor of the ramp, we are sure that these are the photographs handed to Lord Widgery after Private C had given evidence to that Inquiry. However, as Counsel to the present Inquiry pointed out in the course of the opening statement, "… *it is not clear, at least to the untutored eye, to what extent a minor alteration in his position further south or west or further above the ground would make a crucial difference*".[1]

1 Day 23/45

Summary of Private C's accounts of firing

123.50 According to his accounts, Private C fired five shots from the south end of the Kells Walk walkway, two at a gunman he saw at ground level at the south end of Block 1 of the Rossville Flats and three at a man with a pistol at a window towards the north end of that block. He said that the first of these three shots missed and hit the wall. Lance Corporal D then joined him and when the gunman at the window reappeared he fired two more shots while Lance Corporal D fired one. Private C thought that he had hit this gunman.

Consideration of the evidence of Lance Corporal D and Private C

123.51 As will have been observed, these two soldiers each gave an account of moving onto the Kells Walk walkway after being involved with taking arrestees back to a collection point. We have no doubt that these arrestees included the civilians arrested in the area of the southern end of the eastern block of Glenfada Park North, which we describe in more detail when considering the events of Sector 4.[1] By the time these people had been brought back to the area of Rossville Street we are sure that all the identified casualties had been shot in Sectors 2 to 5, and Army vehicles had been brought from their initial positions and were parked close to the north end of Block 1 of the Rossville Flats. While we have no reason to doubt that these soldiers fired from the walkway, we have found no evidence, apart from their accounts, to suggest that either Lance Corporal D or Private C hit anyone with the shots that they said they fired from there. In our view they did not.

[1] Chapter 113

123.52 Although both Lance Corporal D and Private C put their shooting from the walkway of Kells Walk at this late stage and, in the case of the shots that they said that they fired at the window in Block 1 of the Rossville Flats, gave throughout the same position for their target, it will have been observed that there are significant inconsistencies in their respective accounts.

123.53 Lance Corporal D's account is that he was the first to reach the walkway, was then overtaken by Private C, and after hearing a shot fired by that soldier went to the end of the walkway where Private C told him that fire was coming from one of the flats. Lance Corporal D then fired a shot that hit the wall, the gunman disappeared, and when he reappeared he and Private C each fired another shot and the man appeared to be thrown backwards. On this account the gunman appeared twice when Lance Corporal D was with Private C.

123.54 Private C's account is that he was the first to reach the walkway and fired three shots from the south end, two at a gunman at ground level and one at a gunman at a window of Block 1 of the Rossville Flats, hitting the wall with this third shot. The gunman at the window vanished from sight. Lance Corporal D appeared, and Private C told him what he had been firing at. The gunman then reappeared, after which Private C fired a further shot and Lance Corporal D fired two further shots. On this account the gunman only appeared once after Lance Corporal D joined Private C.

123.55 To our minds these accounts cannot be reconciled. There is the further difficulty in the case of Private C that if, as he told the Widgery Inquiry, he was lying down when he fired, he might not have been able to see either of the positions where he placed his target; and in the case of both there is no evidence from the occupants of the flat the soldiers identified that any shots hit that window.

123.56 We return later in this chapter to the evidence of Lance Corporal D and Private C and consider what reliance we can place on their accounts of their target, after discussing the evidence that other soldiers gave of firing at the west side of Block 1 of the Rossville Flats.[1] However, we have no reason to doubt that they both fired from the Kells Walk walkway towards Block 1 of the Rossville Flats. We also discuss below whether in addition Private INQ 449 fired a shot at Block 1 of the Rossville Flats from the walkway of Kells Walk.[2]

1 Paragraphs 123.251–263 and 123.269–272

2 Paragraphs 123.69–96

123.57 Although Private C gave Captain 200 an account of firing his first two shots from the walkway at a man at ground level in Rossville Street, we are unable to accept this account. At the stage when he was on the walkway firing had stopped, and soldiers and vehicles had moved south along Rossville Street. In our view there was no gunman in the position identified by Private C. Any person in this position would have been only a few yards from Army vehicles and soldiers in Rossville Street. To our minds it is inconceivable that a gunman would have shown himself, let alone fired a weapon, in such circumstances. Added to this there is nothing to suggest that Private C said anything to Lance Corporal D about firing at this target, as opposed to firing at the window; and there is the possible difficulty about whether from the position he said he occupied, Private C could even have seen the place where he said he saw and fired at a gunman. It is noteworthy that in his evidence to this Inquiry, Private C told us that he could not remember whether he actually fired at, and if so whether he hit, this gunman.

123.58 In these circumstances, two of the shots that in his 1972 accounts Private C said that he fired from the walkway lack a convincing explanation from him. Where he fired these shots accordingly remains uncertain. We are sure that there was no man with a rifle in Rossville Street in the position described by Private C, for which there is no evidence at all apart from that of Private C. We have considered the possibility that his first two shots were fired at Alexander Nash, and that Private C sought to conceal this by inventing an account of a man with a rifle. The line of his shot, according to his trajectory photograph, passed close to where (as we have described earlier[1]) Alexander Nash was tending his son William at the rubble barricade. However, we regard this as a remote possibility, since in our view Alexander Nash was probably hit before Private C reached the walkway.

1 Paragraphs 86.482–558

123.59 We have found no evidence that suggests to us either that Private C had any justification for firing these shots or that he believed or might have believed that he had.

123.60 We now turn to consider accounts that other soldiers have given of firing at the Rossville Flats.

Accounts of other soldiers of firing at the Rossville Flats

Private L

123.61 Earlier in this report[1] we drew attention to the fact that in Captain 200's list of soldiers who fired,[2] Private L was recorded as having fired one shot into the rafters of a ruin, and then two shots from a wall "*at barricade 43231683 and 1 x 7.62 at same gunman as 'C' and 'D'*".

1 Paragraph 84.4

2 B1983

123.62 We have discussed all except the last of these recorded shots earlier in this report,[1] and have pointed out that in his later accounts Private L said nothing about either his shot in the derelict building on Rossville Street or a shot at the Rossville Flats, but instead told the RMP and the Widgery Inquiry that he fired two shots at a gunman in another derelict building on the corner of the Kells Walk road and Abbey Street. His RMP map,[2] which we have shown earlier in this report,[3] does not show any shot in this direction, but his trajectory photograph, reproduced below, does.

1 Chapter 79; paragraphs 84.41–77

2 B315

3 Paragraph 84.47

123.63 Captain 200 did not have any specific recollection about the shots he had recorded as fired by Private L. He said that the list was based on the information given to him by the soldiers who had fired. They might have pointed to a map to show their locations and those of their targets, and he would then have worked out the grid reference from the points that they had indicated. He had no recollection of this having occurred but it was his best guess.[1] In respect of Private L's shooting, Captain 200 was asked "*… are we right to infer that what you wrote down in your statement a few days after Bloody Sunday as to L's description of the firing that he had made on that day, was precisely as described in the statement?*", and replied "*Yes, sir*".[2] He said that he had written down what he was told.[3]

1 Day 367/147; Day 367/155; Day 368/4-5; Day 368/70-71; Day 368/74-75; Day 368/125

2 Day 367/158

3 Day 368/64

123.64 On the assumption that Captain 200 compiled this entry from information provided by Private L, it seems unlikely that Private L told him in so many words that he had fired at the same target as Lance Corporal D and Private C, since it is difficult to see how he could have known this; it seems more probable that Captain 200 understood or inferred from what he was told that this was, or was likely to be, the case.

123.65 However, it is possible that Captain 200 misunderstood what he had been told. As we discuss below,[1] it is also possible that Captain 200 by mistake attributed this shot or the description he applied to it to Private L, when in fact Private INQ 449 had reported it to him. As we also discuss below,[2] the manuscript copy of Captain 200's list originally had three shots fired by Private L at the rubble barricade, but this number was crossed out and two put in its place. If Private L had reported three shots at the rubble barricade (as Private L told us was now his recollection[3]) and one in the derelict building (which he denied to us), then he would have given an account to Captain 200 of firing four, though none of them at a building in Abbey Street.

1 Paragraphs 123.81–89
2 Paragraph 123.87
3 B346.10

123.66 There is some evidence, to which we refer later in this report,[1] that there was a man with a rifle in a building in Abbey Street, but we have found no other evidence to support Private L's account either of being warned by a soldier that there was firing down the Kells Walk road or of firing at a building in Abbey Street.

1 Paragraphs 151.165–192

123.67 There is nothing to suggest that Private L fired more than four shots. His accounts to the RMP and the Widgery Inquiry of firing two shots at the man in Abbey Street were in our view clearly false, at least as to the number of rounds. Private L, in these accounts, but not to Captain 200, concealed the fact that he had first fired a shot in the derelict building on Rossville Street and thus (to explain the four he had fired) had to provide an account of firing two shots in addition to those he said he had fired at the rubble barricade. At the same time, why Private L should tell Captain 200 (if he did) that he had shot at the Rossville Flats, and then change this account to one of firing at a building in Abbey Street, is not on the face of it easy to explain.

123.68 We return below, after considering the evidence of Private INQ 449,[1] to the question whether Private L fired at the same target as Private C and Lance Corporal D (ie a window on the west side of Block 1 of the Rossville Flats) or at a building in Abbey Street. We note here, however, that we have considered the possibility that, contrary to the view we expressed earlier in this report,[2] Private L fired two shots in the derelict building in Rossville Street, told Captain 200 of only one of them, and then (to explain the four shots

that he had fired) made up an account of firing an additional one; but to our minds (for the reasons given when discussing the firing in the derelict building[3]) this was not the case and Private L fired only one shot in this building.

1 Paragraphs 123.90–96
2 Chapter 79
3 Chapter 79

Private INQ 449

123.69 Private INQ 449 was a member of Composite Platoon who had travelled into the Bogside in the second of the lorries of that platoon. We have no 1972 statement made by this soldier but he did give written and oral evidence to this Inquiry.

123.70 In his written evidence to this Inquiry, Private INQ 449 gave a long account of what he told us he recalled seeing and doing when he disembarked from his vehicle.[1] In particular he told us that he went up the steps at the north end of Kells Walk and from about halfway along the balcony heard shots, saw a window opposite him in Columbcille Court "*flash open*" and an arm with a pistol appear and fire two shots towards the north end of Kells Walk. He stated: "*It was difficult to see through the window because the sunlight was reflecting on the glass, but I saw an arm stretch out of the window.*" He then described UNK 541 firing a shot at the window but missing and hitting the windowsill; and stated that when the window opened again and two further shots were fired from the pistol he fired one shot himself, shattering the window. He was not sure whether he had hit his target.

1 C449.3-8

123.71 We are satisfied from the name that Private INQ 449 supplied to the Inquiry that UNK 541 was Private C.[1]

1 Day 357/9-10; Day 357/95

123.72 In his oral evidence Private INQ 449 said that the only other soldier with him on the balcony when he heard low velocity shots was UNK 541 (Private C).[1] He said that he was as sure as he could be after 30 years that neither of them moved as far south as the end of the walkway. He told us he was sure that the man at the window had had a pistol and had fired, and that he had fired a shot (the only shot other than in training that he had fired in Northern Ireland) at this man.[2]

1 Day 357/22
2 Day 357/25-28

123.73 When told of Private C's evidence of firing from the end of the walkway, from a position at the top of the ramp, at a window in the Rossville Flats and asked whether Private C could be right about this, Private INQ 449 said: "*He could be as right as I am.*" He also told the Inquiry that his recollection was that the distance from his position to that of the window was 50m to 70m. As the Chairman then pointed out, the distance from the walkway to Columbcille Court was only about 15 yards, and Private INQ 449 agreed that his recollection was that the window was substantially further away than that.[1]

1 Day 357/29-31

123.74 In the end Private INQ 449 agreed that the gunman he said that he had seen and fired at was more likely to have been in Block 1 of the Rossville Flats.[1]

1 Day 357/34

123.75 When his attention was drawn to the fact that Private C had told us that he had no recollection of being with him at any time during the day,[1] Private INQ 449 said that his recollection was that they had been together for most or all of the operation.[2]

1 Day 354/70-82
2 Day 357/47

123.76 Private INQ 449 was also shown the RMP statement[1] of Captain 200, the commander of his platoon. He agreed that the debriefing Captain 200 described seemed very similar to what had normally happened and that he would have said that he had fired a shot, but could give no reason why his name did not appear on Captain 200's list.[2] He also told us that he told the Special Investigation Branch (SIB) of the RMP that he had fired a shot, but apart from recalling that they took notes, and saying that he vaguely remembered Private C being there, he said that he was sure that he had never made a formal written statement or signed anything.[3]

1 B1982-1983
2 Day 357/49-50
3 Day 357/50-51

123.77 It was clear from both his written and oral evidence to this Inquiry that after so long Private INQ 449 had a confused recollection of events, as he himself readily admitted. However, despite originally describing his and Private C's firing as being at a window in Columbcille Court, he also described that window as being much further away than the distance between the Kells Walk walkway and Columbcille Court, and estimated a distance which is much closer to that between the walkway and Block 1 of the Rossville Flats. Furthermore, Private INQ 449 said that he recalled sunlight reflected on the glass of the window. The part of Columbcille Court opposite the Kells Walk walkway faced east, and so would not have been in sunlight in the late afternoon, unlike the western side of

Block 1 of the Rossville Flats. It seems therefore that what Private INQ 449 was telling us was that he recollected firing at the same window in Block 1 of the Rossville Flats as Private C.

123.78 No other soldier has given evidence of Private INQ 449 firing. We have no reason to doubt that Private C (and Lance Corporal D) fired from the Kells Walk walkway, but at no stage did either of them refer to Private INQ 449 being there. Private INQ 449 was not named in Captain 200's list. It seems unlikely that the RMP, if told by Private INQ 449 that he had fired, would have failed to take a statement from him.

123.79 There is another factor. According to Captain 200's RMP statement, Composite Platoon expended 14 rounds, and Captain 200 supplied the names of the firers to Major Loden.[1] According to Warrant Officer Class II Lewis's RMP statement dated 14th February 1972,[2] his Platoon Sergeants carried out an ammunition check at about 1700 hours on 30th January 1972 and reported the expenditure of 94 rounds. There is an entry in the 1 PARA log timed at 1810 hours on 30th January 1972[3] that records the expenditure of 108 rounds. We consider later in this report[4] the ammunition counts that were made by 1 PARA and the suggestions that these may have been incomplete or otherwise unreliable, but on the face of it the figure of 108 rounds recorded at 1810 hours was made up of the 94 expended by Support Company and the 14 by Composite Platoon as reported by Captain 200. Evidence of later counts, together with the evidence of the soldiers who said at the time that they had fired, also produces the figure of 108 rounds.[5]

1 B1998
2 B2030
3 W91
4 Paragraphs 166.1–87

5 Sergeant O in his first RMP statement (B439-442) recorded that he had fired seven shots, but he corrected this to eight in his second RMP statement (B461). Corporal P in his first RMP statement (B576-578) recorded that he had fired eleven shots, but he corrected this to nine in his second RMP statement (B588). As we have stated elsewhere in this report, we take the view that these were genuine corrections.

123.80 On this basis Captain 200 had reported by 1810 hours on 30th January 1972 that his platoon had fired 14 shots. The number of shots fired according to the list of firers in his RMP statement, which he told us he compiled some days later from notes made at the time, also adds up to 14. If this list is accurate as to the names of the firers and the number of rounds fired, it follows that if Private INQ 449 fired a shot this was not reported to Captain 200.

123.81 The question remains, however, whether Captain 200's list is accurate.

123.82 As recorded, the fourth shot fired by Private L was "*1 x 7.62 at same gunman as 'C' and 'D'*".[1] This entry tallies to a degree with the account Private INQ 449 gave us (though he had no recollection of Lance Corporal D being there). It does not tally at all with the accounts Private L later gave to the RMP and the Widgery Inquiry of firing at a target in Abbey Street. However, if Private L gave Captain 200 an account that did not clearly identify the window at which he had fired a fourth shot, or which Captain 200 had misunderstood, that could have led to Captain 200 erroneously recording that the shot was fired at the same target as Private C and Lance Corporal D fired at. In his written statement for the Widgery Inquiry, Private L described seeing a gunman at a window on the western side of Block 1 of the Rossville Flats, possibly at "*the third window*" on the sixth floor. The typed statement refers to a man with a rifle in this position. The word "*rifle*" has been crossed out and the word "*pistol*" substituted in manuscript.[2] Private L was not asked about this in his oral evidence to the Widgery Inquiry. In his oral evidence to this Inquiry,[3] Private L seemed to be saying that he had seen a man with a pistol at a window in Block 1 but never fired up there. It is possible that when Private L gave an account to Captain 200, he told Captain 200 that he had seen this gunman and the latter somehow came to believe that this was Private L's target.

1 B1983
2 B321
3 Day 381/120

123.83 On the basis that Captain 200 was correct in recording that 14 shots had been fired by his platoon, but wrong in his attribution of this shot to Private L rather than to Private INQ 449, it would follow that Private L's alleged fourth shot had not been reported to him. On the other hand, if Captain 200 did not misattribute this shot, it would follow instead that if Private INQ 449 did fire a shot, it was not reported to Captain 200, for had that happened the total number of shots recorded would have been 15.

123.84 The further possibility arises that when, as Captain 200 recorded in his written statement for the Widgery Inquiry,[1] he was given a list from his Colour Sergeants of the soldiers who had fired, somehow Private INQ 449 was omitted; and so neither he nor his shot were recorded by Captain 200.

1 B1987

123.85 The foregoing discussion and the possibilities to which it gives rise are based on the premise that Captain 200 correctly recorded that his platoon had fired 14 shots in total. It is possible that he was told of 15 shots, including one by Private INQ 449 as well as the fourth shot by Private L, but that when reporting to his Company Commander he

mistakenly omitted the shot fired by Private INQ 449 and that when later drawing up his list, still labouring under this mistake, he gave a description of where Private L had fired his fourth shot from information that had in fact come from Private INQ 449.

123.86 If Captain 200 did make this mistake then this could possibly explain why there is no RMP statement for Private INQ 449. What may possibly have happened is that when the firers were told to report to the RMP, Private INQ 449 went with them, but was not interviewed for a statement because the RMP, through the mistake made by Captain 200, had not been told that he was one of the firing soldiers.

123.87 There is yet another possibility if Captain 200 had mistakenly omitted one shot from his list. Captain 200's manuscript list originally included "*3*" shots by Private L at the rubble barricade.[1] As noted above,[2] this figure was crossed out and the figure "*2*" put in its place. It is possible that three shots at the rubble barricade was what Private L had in fact reported to him, and that Captain 200 mistakenly changed this to two, still labouring under the belief that only 14 shots had been reported to him. We regard this possibility as remote, however, since Private L's subsequent 1972 accounts were consistently of firing only two shots at the rubble barricade and it is difficult to see why, had he fired three shots in that direction, he would later have admitted two but concealed one of them.

1 B2022.047

2 Paragraph 123.65

123.88 It is difficult to think of a reason why Private INQ 449 should have told this Inquiry that he fired a shot if he did not, unless over the years he had mistakenly come to believe that he had fired one. It seems to us unlikely that he would consciously have invented for this Inquiry an account of firing, as there would seem to have been no motive for him to do so. At the same time, if he did fire then there is nothing to suggest that he had any particular reason for not reporting at the time that he had done so.

123.89 In the light of and balancing the matters we have discussed, it seems to us that there are really only the following viable possibilities:

a) Private INQ 449 fired no shot but has somehow come to believe that he did.

b) Private INQ 449 fired a shot that for some reason he failed to report.

c) Private INQ 449 fired a shot that he did report, but for some reason this was either not counted, or misattributed to Private L.

Conclusions on Private INQ 449, Private L and Captain 200's list of firers

123.90 It is difficult to choose between the above three possibilities. Each gives rise to problems.

123.91 As to the first, though somehow Private INQ 449 may have come mistakenly to believe that he fired, this seems to us, without more, to be a somewhat unlikely thing to have happened.

123.92 As to the second, as we have observed, we can think of no particular reason for Private INQ 449 to have failed to report his shot. Furthermore, if he had fired a shot, then in our view it must have occurred to him that even if he did not report this shot soon after the event, at some later stage when he returned his ammunition he would be one round short. We set out later in this report[1] details of the ammunition checks, including those said to have been conducted when soldiers returned their ammunition. The only way in which Private INQ 449 could have avoided the risk of being found to be one round short is by having had or obtained a spare round in addition to those with which he was issued. We discuss elsewhere[2] whether any soldiers on Bloody Sunday may have had unauthorised (often called "buckshee") rounds. For the reasons that we give, this seems to be a possibility, though there is no evidence to suggest that Private INQ 449 himself had or was able to obtain a spare round. As noted above, Private INQ 449's evidence anyway was that he would have reported his shot, though to our minds it seems unlikely that he informed the RMP that he had fired.

1 Paragraphs 166.1–87

2 Paragraphs 166.88–123

123.93 As to the third of these possibilities, if a shot by Private INQ 449 was reported to Captain 200 and counted but misattributed to Private L, then it follows that for some reason a shot fired by Private L was either not reported or not counted, for otherwise the total number of shots recorded would have been 15 and not 14. This seems unlikely, since Private L clearly did report some shots to Captain 200, including one that he later chose to conceal.

123.94 Private INQ 449 might have reported his shot to one of the Sergeants (it seems unlikely that he would have reported it to both) who might then have failed to give this information to Captain 200, which would account for the absence of his name on Captain 200's list and the total count of 14 rather than 15 shots fired. However, this would give rise to another difficulty. Private INQ 449 would probably have had to account for the expended round when he returned his ammunition, unless he had, after initially reporting his shot, decided to use a "buckshee" round in order to return the same number of bullets as had

been issued to him. This would have been a dangerous thing to do, for his Sergeant might at any stage have realised that he had failed to report Private INQ 449's shot and rectified this error, which would have left Private INQ 449 to explain how he had returned the same number of rounds as had been issued to him. Possession of unauthorised rounds was a serious military offence.

123.95 In the light of the problems attached to each of what we regard as the only three viable possibilities listed above, we have found it, as we have said, difficult to choose between them. Though we remain uncertain, on balance we consider that Private INQ 449 did not fire a shot on Bloody Sunday, but has somehow come mistakenly to believe that he did. The absence of any record by Captain 200, the absence of any statement given to the RMP, the absence of any supporting evidence from Private C (or Lance Corporal D), and the absence of any record from the ammunition counts, though each is possibly explicable on other grounds, viewed together lead us to this conclusion. However, we cannot exclude the possibility that we are mistaken and that Private INQ 449 did fire a shot from the walkway of Kells Walk at the same window as Private C (and Lance Corporal D), and that somehow this shot was never recorded or counted.

123.96 We also consider that Private L did report a fourth shot to Captain 200. He admitted to Captain 200 that he had earlier fired at a man in a derelict building, something that afterwards he was at pains to conceal, and though we cannot be sure, it seems to us, weighing the possibilities we have discussed above, that it is more likely than not that Captain 200 did not misunderstand what Private L had told him and correctly recorded that Private L had fired at the same window as Private C and Lance Corporal D. As to Private L, it is the case that, at least with regard to the number of shots he said he had fired at a building in Abbey Street, his account is clearly wrong and that he exaggerated the number of shots that he had fired in order to conceal his earlier unjustified firing of a shot inside the derelict building. In view of what we believe that he told Captain 200, it seems to us that his account to that officer is to be preferred to his later account of firing at a gunman in a building in Abbey Street.

Private 024

123.97 Private 024 gave this Inquiry a written statement, but was not called to give oral evidence.[1] In effect in this statement Private 024 told us, which we have no reason to doubt, that he had no memories at all of the day.

1 B1532

123.98 There appear to be two RMP statements made by Private 024. The manuscript original of one[1] was signed by Private 024 and witnessed by the RMP investigator at 1500 hours on 4th February 1972. The other[2] appears incomplete in both its typed and manuscript forms and it is not possible to tell its date. The manuscript version is in a different handwriting from the manuscript version of the statement dated 4th February 1972.

1 B1526-27

2 B1529-30

123.99 In both these statements Private 024 described going onto the Kells Walk walkway and seeing Private C engage a man with a pistol who was in a third floor flat in the Rossville Flats. In the dated statement he described the man as "*hanging out of the window*", Private C firing two shots at him, and the man being "*thrown back*" into the flat.[1] In the other statement he described Private C engaging the gunman, who was hit.[2]

1 B1527

2 B1529

123.100 It is noteworthy that in the signed and dated statement, Private 024 described assisting with a group of prisoners before going onto the walkway. On the basis of this account, therefore, he went onto the walkway at the same time as Private C. However, this statement also contains an account of looking down towards the barricade on Rossville Street and seeing a man with a nail bomb. Private 024 said: "*I took aim at him with my SLR but did not fire as his bomb was not lit.*"

123.101 As we have already observed,[1] by the time the arrestees were brought up from the south end of the eastern block of Glenfada Park North and Lance Corporal D and Private C went onto the walkway, Support Company vehicles had been brought forward to the north end of Block 1 of the Rossville Flats. In our view there could have been no possibility of anyone with a nail bomb (lit or unlit) being in the area described by Private 024.

1 Paragraphs 123.25 and 123.51

123.102 Neither Lance Corporal D nor Private C gave any evidence that Private 024 was on the walkway. It is possible, of course, that Private 024 did go there, but was further north along the walkway and thus not seen by these two soldiers. However, if he was further back, his view of the Rossville Flats and of the rubble barricade would have been limited or non-existent.

123.103 Though it is possible that Private 024 was on the Kells Walk walkway and saw or heard Private C fire, we reject his account of seeing a nail bomber at this time. In addition his description of seeing a man with a gun hanging out of the window, who was then shot by Private C, is hardly consistent with the accounts given by Private C himself. In these circumstances we have concluded that it would be unwise to rely on the accounts given by Private 024.

Private David Longstaff

123.104 Private Longstaff was a member of Anti-Tank Platoon and appears to have travelled into the Bogside in the second Armoured Personnel Carrier (APC) of this platoon.[1]

1 Day 374/65

123.105 Private Longstaff appears to have made no statement in 1972. He did, however, give written and oral evidence to this Inquiry.

123.106 In his written evidence to this Inquiry,[1] Private Longstaff told us that in 1994 he took part in a television programme called *A Tour of Duty*,[2] in which he used his name. For this reason he did not seek anonymity when giving evidence to this Inquiry. This programme was made by the Counterpoint team for Ulster Television.

1 C23.1

2 X1.22.2

123.107 We considered the account given by Private Longstaff of following Lance Corporal F, Lance Corporal J and Private G into Glenfada Park North in the context of our discussion of the events of Sector 4.[1] In the present context we refer to the evidence he gave of firing a shot at the Rossville Flats.

1 Paragraph 113.40

123.108 In his written statement to this Inquiry Private Longstaff gave this account:[1]

> "My Shot
>
> 42. I remember that I was on Pig sentry duty. I remember I was near to the high flats somewhere on the west side of Rossville Street. I cannot say exactly where I was but I think I was north of the high flats. I remember shots being fired and certainly one round was fired at me, or in my general direction. The fire seemed to be coming from Block 1 of the flats on the map. I could not tell what weapon was being used and I could not see the person who fired it. However I had an idea where it had come from. It was a natural reaction to shoot back in a quick snap. I aimed up at the roof because basically my perception was that the threat was on the roof. I fired one aimed shot back, towards the roof, at the approximate point marked B on the map (grid reference K14). I think someone else who was standing by another Pig also fired but I cannot remember who that was. In the film 'A Tour of Duty' I refer to shooting at a window but I think I must have been confused then; my recollection now is that I actually shot at the parapet at the top of Block 1 of the flats. I think I probably hit concrete. The person who fired the shot at me probably ducked. I did not see the actual shot which was fired at me, I just heard the bang. I am definite that a shot was fired at me.
>
> 43. It is an instantaneous reaction to fire back. If your life is threatened you shoot, preferably one round, one kill. You always aim for the centre of the target. I thought I was fully justified in what I was doing. There were no bystanders who could have been hurt. I was being sniped at. I fired back to warn the person firing and would like to think that I hit him. I could not see where my shot hit. I think that the distance I fired was 200 – 250 yards if that, but I could be wrong.
>
> 44. I cannot remember if this was before or after I was with the prisoners. I remember it was pretty quiet all around me at the time.
>
> 45. I remember that I had to declare that I fired a shot and I duly did so. No one ever asked me again. I never made a statement; no one seemed to be interested. When it came to giving evidence at Widgery and others were going to give evidence, I was not going to volunteer. I cannot recall who fired or how many rounds they fired."

1 C23.7-8

123.109 The "*approximate point marked B on the map*" is a point near to the north end of Block 1 of the Rossville Flats.[1]

1 C23.15

123.110 In his oral evidence to this Inquiry, Private Longstaff told us that he would always have been within talking or shouting distance of Private G, Lance Corporal F and Lance Corporal J,[1] but he also told us that though he heard shots he did not see what these soldiers did or see any of them firing.[2]

1 Day 374/87

2 Day 374/154-155

123.111 Private Longstaff told us that when he fired his shot he had not actually seen the person he said had fired a shot at him nor had he had a target to identify, but he said that he was "*pretty positive*" where the shot had come from. He said that he was at the front of the APC.[1] He also said that he could not recall whether Lance Corporal F or Private G were in the area.[2]

1 Day 374/126-127

2 Day 374/128

123.112 Private Longstaff said that he later reported his shot to his Platoon Sergeant, Sergeant INQ 1694. This Sergeant is dead and gave no evidence in 1972 or to this Inquiry.[1]

1 Day 374/137

123.113 Although Private Longstaff said that it did not cross his mind at the time that it was important to come forward and say that he had been fired at and had returned fire, he expressed himself as sure that he had fired a shot on Bloody Sunday, the first and only shot he fired in Northern Ireland.[1] He told us that it was in the television programme *A Tour of Duty* that he first recorded that he had fired a shot.[2]

1 Day 374/141-142; Day 374/145-146

2 Day 374/144

123.114 When asked why he had said in the television programme *A Tour of Duty* that he had fired at a window, he gave the following answers:[1]

> "Q. The question by the interviewer: 'Question: Did you fire any shots yourself in ...' Is that a clear and straightforward question?
>
> A. Yes, sir.
>
> Q. Your answer: 'Answer: I fired one round at the, er, window. Like everybody else we had been shot at from the flats by the windows and we fired back ...' Why did you say you fired at the windows in this television broadcast?
>
> A. I was confused, sir, I made an error of judgment on that.
>
> Q. Confused with what or confusing what with what?
>
> A. Confusing what has been in my mind, what has been impregnated by the press, and what people have said, sir.
>
> Q. You have things in your mind impregnated by the press and a memory, do you, that you fired at a window?
>
> A. I did not fire at a window, sir.
>
> Q. Why did you say it in the television interview?
>
> A. I got it wrong, sir.
>
> Q. How did you manage to get it wrong?
>
> A. It was pretty straightforward, I was asked a question and that is the answer I gave at the time, sir, I made a mistake.
>
> Q. We understand that. It does not answer my question.
>
> A. I made a mistake, sir.
>
> Q. You only ever fired one round in Ireland, you say?
>
> A. Yes, sir.
>
> Q. You did not fire it at a window, you fired it at a parapet of the roof?
>
> A. At the top of a roof, sir.
>
> Q. Why did you tell the interviewer that you fired at a window?
>
> A. I made a mistake, sir."

[1] Day 374/147-148

123.115 No other soldier has given evidence of Private Longstaff firing. It is difficult to see how Private Longstaff could have come to make a "*mistake*", as he put it, in saying in the television programme that he had fired at a window. It is also noteworthy that in his written evidence he put the distance from his target as "*200 – 250 yards, if that, but I could be wrong*", whereas from an APC in Rossville Street the distance would have been more like 25 yards. In his oral evidence, when this was pointed out to him, he said "*I cannot really recollect the whole day event that happened there*".[1]

1 Day 374/150-151

123.116 Having listened to Private Longstaff giving oral evidence, we concluded that we could not accept his account that he had seen nothing of what his colleagues Lance Corporal F, Lance Corporal J and Private G did on Bloody Sunday, which to our minds casts doubt on his evidence as a whole.

123.117 As to his assertion that he fired a shot, his case differs from that of Private INQ 449, in that he first made this claim in a television programme in 1994, long before the present Inquiry was established. Had he, as he told us, reported this shot then it seems unlikely that this would not have been followed up. In our view it is much more likely that either he came somehow to believe that he had fired or, in the course of appearing in a television programme, out of bravado or a misplaced desire to support his colleagues, made up an account of firing. If we are wrong and Private Longstaff did fire, we do not know why, where or when he did so.

Lance Corporal F

123.118 Earlier in this report,[1] when considering the initial shooting in Sector 3 and the events of Sectors 4 and 5, we referred to the accounts given by Lance Corporal F.

1 Paragraphs 81.2–20, 97.13–26 and 119.164–175

123.119 As already noted,[1] in his first RMP statement[2] Lance Corporal F made no mention of firing at the rubble barricade. After describing seeing "*at least two*" nail bombs exploding as he advanced, he continued:

> "We took up position behind a wall on the right hand side of Rossville St about 40 yards short of the Rossville Flats. We again came under sniper fire from the flats. I estimated that this gunfire was coming from the second floor of the flats and the third window along. I fired 3 aimed shots at this window and I saw all three shots strike the windows. After these shots the sniper fire stopped and I saw about 30–40 rioters leave the barricade and go to the right behind a block of flats out of our sight."

1 Paragraphs 81.3–8 2 B121-22

123.120 Lance Corporal F then gave an account of going into Glenfada Park North, firing two shots at a nail bomber and hitting him twice, then arresting about 20 people, escorting them back towards Rossville Street, handing them over to the military police and rejoining his vehicle which was now near the Rossville Flats. We have dealt when considering the events of Sectors 4 and 5 with what Lance Corporal F did in Glenfada Park North and after the casualties had been sustained there, but here draw attention to what he recorded in his first RMP statement about firing when he had returned to his vehicle:[1]

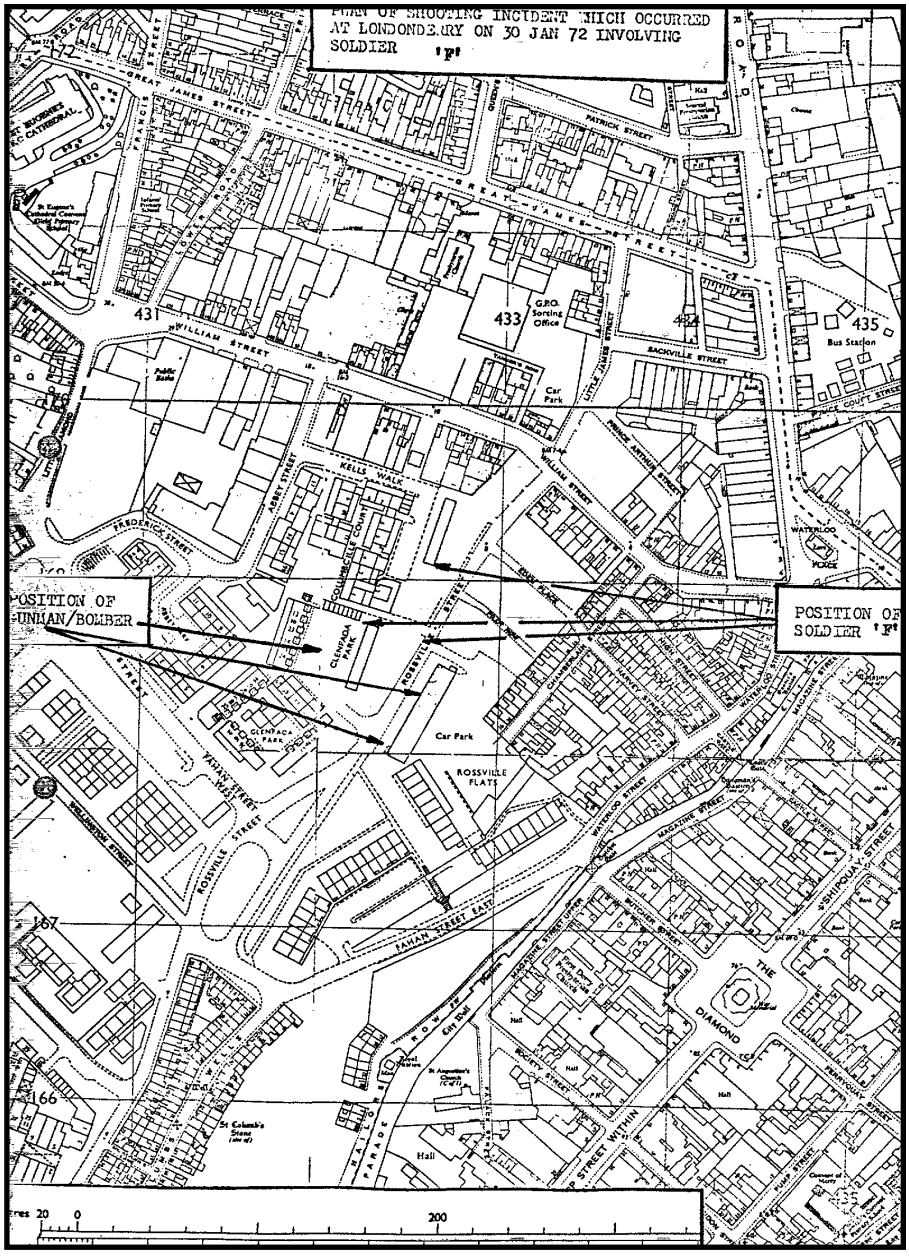
> "We got into our vehicles and stayed in position for a couple of minutes when our Radio Operator said, 'There's a sniper up in the flats.' I jumped out of the vehicle and took up a firing position beside the vehicle. The Radio Operator told me where he had seen the gunman and I saw something move in the window. I fired approximately 4 aimed shots at this window and I saw all four shots strike in the area of the window.
>
> I changed position to near the vehicle parked in front of ours. At this time a man appeared in a window in the second from the top floor of the flats. He had a rifle and fired two shots at our position.
>
> I then fired 4 aimed shots at this man and I saw the 4 shots strike the area of the window. I do not know if I hit the gunman or not.
>
> About 10 minutes after this we withdrew from the area."

1 B122-123

123.121 We have set out Lance Corporal F's RMP map earlier in this report. As already noted, it does not indicate any shot at the barricade, but does indicate three positions for Lance Corporal F, one at the south end of Kells Walk, one in Rossville Street and one in

Glenfada Park North. It also indicates three targets, one at a point in the Rossville Flats about a third of the way from the north end of Block 1, another at the south end of that block and a third in Glenfada Park North. For convenience, we set out this map again.[1]

1 B124



123.122 In his first RMP statement,[1] Lance Corporal F described firing three shots at a window on the second floor of the Rossville Flats, "*the third window along*", when he was at the south end of Kells Walk. He then described, after coming back from Glenfada Park North,

firing "*approximately*" four shots at a window in the flats (although he gave no description of where this was) and, following this, when he had moved to the vehicle in front of his vehicle, firing four shots at a window "*in the second from top floor of the flats*".

[1] B121-123

123.123 On the basis of this account, and leaving aside the shots that Lance Corporal F stated that he fired in Glenfada Park North, the RMP map should identify three other targets in Block 1 of the Rossville Flats, but it only identifies two. It is possible that the compiler of the map understood that the second and third sets of shots that Lance Corporal F stated that he had fired were aimed at the same or a similar point and so only marked one position for both. On this basis, since the descriptions that Lance Corporal F gave of his first and third target positions differed, it might be that the target position shown about a third of the way from the north end of Block 1 of the Rossville Flats was intended to represent Lance Corporal F's first set of shots and the arrow pointing towards the south end of that block his second and third sets, but this is far from certain.

123.124 In his third RMP statement timed at 2030 hours on 4th February 1972,[1] Lance Corporal F gave a further account. Some of this was concerned with events in Glenfada Park North, which we consider in the context of Sector 4. This statement was in the following terms:[2]

> "About 1610 hrs I was positioned near the junction of Rossville Street and William Street, where we had debussed.
>
> We deployed to the West of Rossville Street and moved southwards on some waste ground. We came under fire from a gunman who was south of my position but I was unable to locate him. I saw three men move from the barricade north west into the area of Glenfada Park flats. One of the men was carrying what looked like a rifle.
>
> Myself and 'G' of my Company ran down an alleyway and came into a square formed by the three blocks of flats and a block of garages. We were positioned at end of the garages about fifty metres west of the north west corner of Block 1, Rossville Flats. I saw the three men on the other side of the square about thirty metres away near to 24 Glenfada Park, south west of our position.
>
> I shot and hit one man as he attempted to throw an object which looked like a nailbomb. I saw 'G' fire and hit another of the men who was carrying what appeared to be a rifle.
>
> The third man ran off but I believe he was engaged by another soldier. I did not see this.

> We were ordered to remount our vehicles and withdraw. The vehicles were positioned level with the north east wall of Block 1, Rossville Flats, facing south down Rossville Street. As we entered the vehicles three shots were fired at us from a window on the second floor of Block 1. The window was about the fifth from the southern end of the flats. The shots passed high over the vehicles. I returned two rounds at the gunman and I saw 'G' return one shot. I saw all three bullets strike the windows. I cannot say if the gunman was hit."

[1] B129-130

[2] The typed version of Lance Corporal F's third RMP statement records that he saw all three bullets strike "*the windows*". This seems to be a typographical error, as the original handwritten version records him as saying that all three bullets hit "*the window*".

123.125 It will be seen that Lance Corporal F made no mention in this RMP statement of what he had previously described as his shots, before he went into Glenfada Park North, at a window, "*the third window along*" on the second floor of the Rossville Flats, nor of his later shots at what he had described as a window in the second from the top floor of these flats. His description in this statement of firing at a window might refer to the second of the three sets of shots that he had previously stated he fired in Rossville Street, though in his first RMP statement he had stated that he had then fired "*approximately*" four shots after he had been in the vehicle about two minutes, while in this third statement he described firing two, "*as we entered*" the vehicles, with Private G firing one.

123.126 Earlier in this report, when considering the accounts given by Lance Corporal F, we remarked on the fact that it was not until he made a further statement to Lieutenant Colonel Colin Overbury (an Assistant Director of Army Legal Services) on 19th February 1972[1] that Lance Corporal F first gave an account of firing at a man behind the rubble barricade and at another man on the south side of the Rossville Flats. For this reason we there set out that statement in full.[2]

[1] B135

[2] Paragraph 81.11

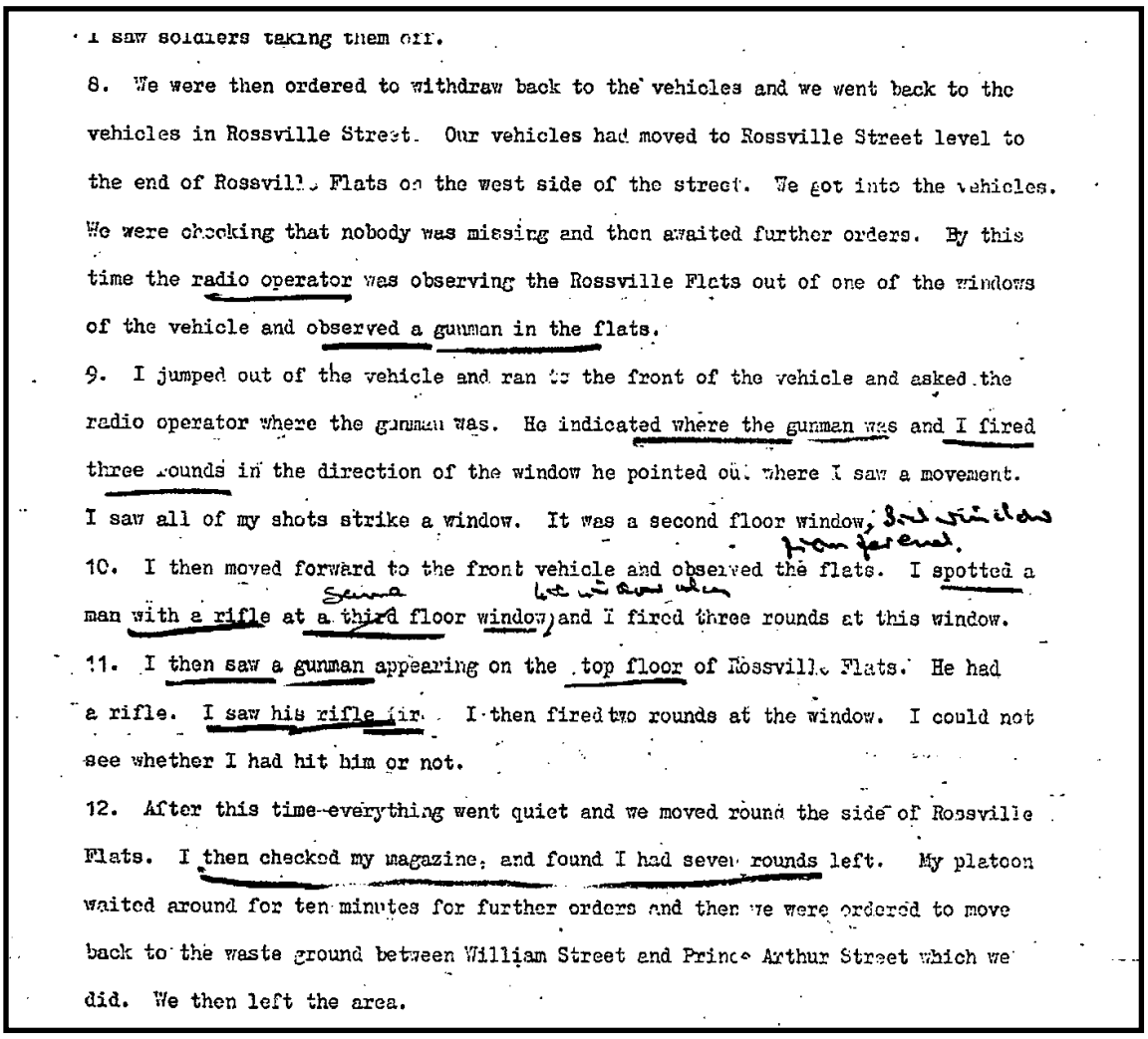
123.127 In that statement Lance Corporal F is recorded as stating that he had not in fact fired at a window in the Rossville Flats after he had disembarked: "*I fired these shots later.*" After describing firing one shot at a man at the rubble barricade, two shots at a man in Glenfada Park North and two shots at a man near a wall at the far end of the Rossville Flats, Lance Corporal F stated that it was after he had returned to his vehicle that he fired the three shots at a second floor window of the Rossville Flats that he had previously described firing before he went into Glenfada Park North. He added that he also fired a

further five rounds, "*on 2 separate occasions at different windows of the Rossville Flats. On each occasion I saw a man with a rifle who had on each occasion fired in our direction.*"

123.128 On the basis of this account, Lance Corporal F fired eight shots at three different windows of the Rossville Flats, at a stage when he had returned to his vehicle in Rossville Street.

123.129 In his written statement for the Widgery Inquiry,[1] Lance Corporal F, after describing what he said he had seen and done in Glenfada Park North and then what he described as ushering prisoners through Glenfada Park North into Columbcille Court, gave this account of firing at the Rossville Flats.

[1] B138



I saw soldiers taking them off.

8. We were then ordered to withdraw back to the vehicles and we went back to the vehicles in Rossville Street. Our vehicles had moved to Rossville Street level to the end of Rossville Flats on the west side of the street. We got into the vehicles. We were checking that nobody was missing and then awaited further orders. By this time the radio operator was observing the Rossville Flats out of one of the windows of the vehicle and observed a gunman in the flats.

9. I jumped out of the vehicle and ran to the front of the vehicle and asked the radio operator where the gunman was. He indicated where the gunman was and I fired three rounds in the direction of the window he pointed out where I saw a movement. I saw all of my shots strike a window. It was a second floor window, [illegible] from forward.

10. I then moved forward to the front vehicle and observed the flats. I spotted a man with a rifle at a third floor window and I fired three rounds at this window.

11. I then saw a gunman appearing on the top floor of Rossville Flats. He had a rifle. I saw his rifle fir[illegible] I then fired two rounds at the window. I could not see whether I had hit him or not.

12. After this time everything went quiet and we moved round the side of Rossville Flats. I then checked my magazine, and found I had seven rounds left. My platoon waited around for ten minutes for further orders and then we were ordered to move back to the waste ground between William Street and Prince Arthur Street which we did. We then left the area.

123.130 It is not clear who made the handwritten additions and alterations to this statement, but it was probably counsel at the Widgery Inquiry.

123.131 It will be noted that in this statement Lance Corporal F described his first set of three shots as fired at a window pointed out to him by a radio operator. On the basis of his first RMP statement, it was his second set of "*approximately*" four shots that he fired at a target identified by a radio operator. It will also be noted that in his written statement for the Widgery Inquiry Lance Corporal F described his last two shots as fired at a window at the top floor of the Rossville Flats, a position that he had not previously identified. In this statement Lance Corporal F described only the last of his targets as having fired.

123.132 In his oral evidence to the Widgery Inquiry Lance Corporal F gave this account:[1]

> "Q. Did you hand over those arrested persons to other soldiers and go back to the armoured vehicle in Rossville Street?
>
> A. Yes.
>
> Q. Did you get inside when you got there?
>
> A. Yes, on arriving at the vehicles we all got in the back of the vehicle and we had only been in the vehicle about two seconds and the radio operator was observing out of one of the windows of the vehicle in the direction of Rossville flats and observed a gunman in the flats.
>
> Q. How do you know he observed a gunman?
>
> A. He said so himself.
>
> Q. He said he could see a gunman in the flats. What did you do when he said that?
>
> A. I then got out of the back of the vehicle and went forward to the front of the vehicle and then asked the radio operator where the gunman was.
>
> Q. Did he give you some indication?
>
> A. He indicated where the gunman was. I then fired three rounds in the direction of the gunman.
>
> Q. Where did he indicate the gunman was?
>
> A. Second floor window.
>
> Q. How far along?
>
> A. Third window along.

Q. Just try and indicate it on this model. You are pointing at the far end of No. 1 Block, third window from the end?

A. That is right.

LORD WIDGERY: I am not quite clear. Did you take the radio operator's word for where the gunman was or did you in some way check it yourself?

A. I took his word as well as checking it myself.

Q. He said 'Third window' (whatever it was), you looked up, and what happened then?

A. I saw a movement.

Mr. GIBBENS: What sort of movement, what actually did you see?

A. A sort of movement as though someone was pulling a rifle out of a window.

Q. Pulling something back from the window?

A. Yes.

Q. It looked like a rifle?

A. Yes.

Q. And you fired how many rounds?

A. Three rounds.

LORD WIDGERY: What determined you to fire three rounds as opposed to one, two or four?

A. The area of the window was quite large, so if I missed with one I would obviously get him with the second or third ones.

Mr. GIBBENS: Could you see him in the window – the face itself?

A. I saw the movement of a person.

Q. But when you were firing?

A. As I fired he moved back.

Q. So you were firing at the window?

A. Yes.

Q. Did he come to the window again?

A. Not at that particular floor.

Q. What happened after that?

A. I then moved forward to the front vehicle to take up an open fire position and this time I saw –

Q. You were a member of the last vehicle, were you, the second of your vehicles?

A. Yes.

Q. You went to the front one?

A. I moved front to take up an open fire position and I saw a gunman at another floor window with a rifle aiming in my direction.

Q. This time you saw the man and the rifle and did not have to be told?

A. No.

Q. Which floor was he at then?

A. The same floor there, the fourth window along.

Q. The next window?

A. Yes.

Q. Had he got his rifle out of the window or merely could you see it inside?

A. Out of the window, sir.

Q. So the window was open, was it?

A. Yes.

Q. Was he doing anything with it at that time?

A. At that time it was pointing in my direction.

Q. Apart from pointing was he making any effort to aim it at anyone, or was he not trying to aim it?

A. I was not sure of that, sir.

Q. He had not his cheek to the butt or anything?

A. No, sir.

Q. You fired three rounds in succession, did you?

A. I fired three rounds in succession.

LORD WIDGERY: May I be quite clear about this. It is the fourth window, the next window to the one at which you had previously fired?

A. Yes.

Q. And this time you say you saw a gunman. What did you see? Describe to me what you saw.

A. I saw a figure with a rifle sticking out of the window in my general direction.

Q. But not in any aimed position?

A. No.

Q. But you recognised it as a rifle?

A. Yes, sir.

Q. And you fired three rounds again?

A. Yes, sir.

Mr. GIBBENS: Do you know whether the rounds entered the window?

A. I saw my rounds strike the window, sir.

Q. Did you see whether they struck the man with the rifle?

A. No, sir.

Q. What happened to the man with the rifle?

A. The man then moved back, sir, from the window.

Q. After you had fired, had he then gone or did you see him moving back?

A. After I had fired, sir, he had just completely gone.

Q. He had gone?

A. Yes, sir.

Q. Was anyone else from your platoon firing at that time, that you could see?

A. G, sir.

Q. Did you see where he was firing at?

A. No, sir.

Q. Or what his target was?

A. No.

Q. Did you know how many shots he fired?

A. One round, sir.

Q. From where about?

A. He was by the side of the second vehicle, sir.

Q. That is the one at the back?

A. Yes.

Q. So he had not moved forward with you at all?

A. No, sir.

Q. Now having engaged those two targets, what did you do next?

A. There was a pause then, and then I noticed a gunman firing a weapon out of the top floor window. I then fired two rounds in the direction of this gunman.

Q. The top floor?

LORD WIDGERY: You speak of a gunman. Tell me what you saw. Try and let my eye see what you saw.

A. I saw a person with a rifle fire out of the top floor window.

Q. He was firing, was he?

A. Yes.

Mr. GIBBENS: Could you tell from either the sound or the look of the weapon what sort of weapon it was?

A. No. From the sound I would say it was a single barrelled weapon.

Q. A single barrelled weapon?

A. Yes.

Q. Do you know the difference between the different types of rifles and carbines?

A. Yes.

Q. Could you identify it more – what sort of weapon it was?

A. No, sir.

LORD WIDGERY: At this time you fired two rounds. Is that it?

A. Yes.

Mr. GIBBENS: Where was he aiming at when he fired?

A. He was aiming to my left, sir.

Q. To your left. That is more up Rossville Street?

A. Yes.

Q. Were there any troops where he was aiming?

A. Yes.

Q. He was not aiming at you?

A. No. sir.

Q. Where were the troops he might have been aiming at?

A. They would be more or less at the junction of William Street and Rossville Street.

Q. Further back?

A. Yes.

Q. How many rounds did he fire before you responded?

A. I do not know, sir.

Q. You saw him fire. What did you do? Did you fire from a standing position or get down on your knee?

A. I was behind the vehicle, sir, in a standing position.

LORD WIDGERY: Did you see him fire at all, this last man?

A. He fired as I fired, sir.

> Mr. GIBBENS: What was it made you realise he had fired? Was it sight or sound?
>
> A. I saw the muzzle flash from the window.
>
> Q. And you only saw one?
>
> A. Pardon, sir?
>
> Q. You only saw one?
>
> A. Yes, sir."

[1] WT14.49-52

123.133 A little later in his oral evidence to the Widgery Inquiry, Lance Corporal F agreed that whereas he had stated in his previous RMP statements that he had fired four shots at a window, he had in fact only fired two, because it had slipped his mind that he had fired two shots and hit a man at the far end of the southern block (Block 2) of the Rossville Flats.[1] In his first RMP statement, as will have been noted, Lance Corporal F had stated that he had fired three shots first; then "*approximately*" four shots at a window identified by a radio operator; and finally four shots, apparently at another window. In his third RMP statement Lance Corporal F described firing two shots at a window, with Private G firing one shot at the same window. It is not clear whether Lance Corporal F was referring in his oral evidence to the second or third set of shots he had previously stated that he had fired at windows.

[1] WT14.61-63

123.134 Lance Corporal F said to the Widgery Inquiry that the first time he fired at the windows he had not seen anyone fire but had seen a weapon, or "*possibly*" a weapon, though he saw nothing protruding from the window. It appears from this account that this was the target he said had been identified by the radio operator.[1]

[1] WT14.64-65

123.135 Lance Corporal F was asked at the Widgery Inquiry[1] about the written statement he had made for that Inquiry:[2]

> "Q. Now the shooting at the Rossville flats: do you remember that you told my Lord in evidence this morning that the second time that you fired at a window at the Rossville flats it was one window along from the first window at which you fired?
>
> A. Yes.

Q. That is not, you remember, what you told the Treasury Solicitor when you made a written statement to him.

A. I may have got the windows confused.

Q. May I refresh your memory. Did you say this in the written statement you made to the Treasury Solicitor (paragraph 9): 'I jumped out of the vehicle and ran to the front of the vehicle and asked the radio operator where the gunman was. He indicated where the gunman was and I fired three rounds in the direction of the window he pointed out where I saw a movement. I saw all of my shots strike the window. It was a second floor window'. Do you remember saying that to the Treasury Solicitor?

A. Yes.

Q. Then you go on: 'I then moved forward to the front vehicle and observed the flats. I spotted a man with a rifle at a third floor window and I fired three rounds at this window'. Do you remember saying that?

A. Yes.

Q. Now that you have refreshed your memory, which is it? Is it one window along or is it the floor below or indeed the floor above?

A. With the number of windows I was confused.

Q. Are you confused now; have you any clear recollection of which windows you shot at?

A. It was the second floor window.

Q. It was the same floor?

A. The same floor the third window along.

Q. It was the same floor on both occasions but not the same window?

A. Yes.

Q. Then do you remember in your statement to the Treasury Solicitor you went on to the third occasion when you fired at the window: 'I then saw a gunman appearing on the top floor of Rossville flats. He had a rifle'. That was clearly, according to your evidence, a very different window altogether?

A. Yes."

1 WT14.74

2 B137

123.136 We have set out in some detail the accounts that Lance Corporal F gave of firing at windows of Block 1 of the Rossville Flats. It will have been noted that these are materially inconsistent. We have already pointed out some of those inconsistencies. In summary his accounts are as follows:

1. **First RMP statement**

   a) Three aimed shots, after disembarking, from what appear to have been the low walls of the Kells Walk ramp at what he said was a sniper firing at him from the third window along on the second floor of the flats.

   b) After returning from Glenfada Park North and after getting back into his vehicle and then disembarking again, approximately four aimed shots at a sniper at a window identified by a radio operator, although the statement does not describe the position of the target.

   c) After changing his position to near the vehicle in front of the one he had previously been in, four aimed shots at a man in a window on the second from top floor of the flats who had fired two rifle shots at his position.

   On the basis of this account, Lance Corporal F fired 11 shots at windows in the Rossville Flats in three sets, the second set at a target identified by a radio operator.

2. **Third RMP statement**

   a) Two shots at what he described as about the fifth window from the southern end of Block 1 of the flats on the second floor, from which three shots had been fired in his direction as he entered the vehicle in Rossville Street; with Private G firing one shot at the same window.

   In this statement, Lance Corporal F described only one incident in which he fired two shots.

3. **Statement to Colonel Overbury**

   a) Three aimed shots at a second floor window after he had returned from Glenfada Park North, these being the shots that he had previously described firing before he went into Glenfada Park North.

b) Five aimed shots on two separate occasions at different windows, in each case at a man with a rifle who had fired in his direction.

On the basis of this account, Lance Corporal F fired eight shots, on each occasion at someone who had previously fired in his direction.

4. **Written statement for the Widgery Inquiry**

a) Three shots at a window on the second floor identified by a radio operator, and at which he saw a movement.

b) After changing his position to the vehicle in front of the one he had previously been in, three shots at a window on the third floor where he had seen a man with a rifle.

c) Two shots at a window on the top floor where he had seen a man fire a rifle.

According to this statement, Lance Corporal F fired a total of eight shots at three windows. He claimed to have seen a movement at one of the windows where the radio operator had told him there was a gunman, and to have seen a man holding a rifle at the second window and a man firing a rifle at the third.

5. **Oral evidence to the Widgery Inquiry**

a) Three shots at the third window from the south end of Block 1 of the Rossville Flats on the second floor, where a radio operator had identified a gunman and at which he had seen a movement of someone pulling something back from an open window which looked like a rifle and was possibly a weapon, though he saw nothing protruding from the window.

b) After changing his position to the vehicle in front, three shots at the next (fourth) window along on the same floor, which was open and where there was a man pointing but not aiming a rifle out of the window in his general direction.

c) After a pause, two shots at a gunman who had fired to Lance Corporal F's left up Rossville Street from a top floor window.

d) One shot fired by Private G from the side of the vehicle behind, although Lance Corporal F did not see where Private G was firing. It is not clear at what stage Lance Corporal F meant to say that Private G had fired.

In this evidence, Lance Corporal F again said that he had fired a total of eight shots at three windows. He claimed to have seen the movement of something that may have been a weapon at one of the windows, where the radio operator had told him there was a gunman, and to have seen a man holding a rifle at the second window and a man firing a rifle at the third. He also described the firing of a shot by Private G.

123.137 One of Lance Corporal F's trajectory photographs, which was seemingly intended to show the shots that he said that he fired at the Rossville Flats, indicates lines of fire from two positions on Rossville Street to three different places on the west side of Block 1 of the Rossville Flats. The position of the targets shown on this trajectory photograph is not consistent with any of the accounts given by Lance Corporal F.

123.138 We have already referred to the 12th entry in Major Loden's List of Engagements when considering the accounts given by Lance Corporal D and Private C. This entry is in the following terms:[1]

> "12. 1 gunman with pistol at GR 43261684 (3rd floor of Rossville Flats) shot at from GR 43261692. Possibly hit."

1 ED49.2

123.139 As we have observed, the grid reference for the firer or firers indicates a location close to the position described by Lance Corporal D and Private C. In none of his accounts did Lance Corporal F describe firing at a man who had a pistol. Unlike the shot that Lance Corporal F undoubtedly fired over the rubble barricade, which hit and killed Michael Kelly, it seems that Lance Corporal F probably did give Major Loden an account of shooting in Glenfada Park North. If this is so, then it follows that while Lance Corporal F told Major Loden of some of his shooting, he failed to inform him not only of his shot at the rubble barricade, but also of any of the shots that he later said that he had fired at windows in Block 1 of the Rossville Flats and (as we discuss in the context of Sector 5) any of the shots that he later said that he had fired along the south side of Block 1 of the Rossville Flats. If, on the other hand, Lance Corporal F did not report to Major Loden at all, there is nothing to indicate why he failed to report any of his shots. As will have been seen from our consideration of the events of Sector 5, there is nothing in Major Loden's List of Engagements that corresponds with the shots that Lance Corporal F stated he had fired on the south side of the Rossville Flats.

123.140 Lance Corporal F gave written and oral evidence to this Inquiry. He told us that his "*mate*" was Private G and that the two of them worked as a pair on the day. He also told us that he remembered firing his weapon, "*but I do not know when, where or why I fired it*";[1] and that he had no recollection either of the radio operator saying that there was a sniper up in the flats or of firing at any gunmen in the flats.[2]

1 B167.004

2 B167.004

123.141 In his oral evidence to this Inquiry, Lance Corporal F maintained that he had no memory of his shots. We have referred above[1] to what he said when asked why there was no mention in his first RMP statement either of firing a shot at the rubble barricade before going into Glenfada Park North or of his Sector 5 shots on the south side of the Rossville Flats. He was also asked why there was no mention in his third RMP statement of this firing:[2]

> "Going over the page, you went on to say:
>
> 'We were ordered to remount our vehicles and withdraw. The vehicles were positioned level with the north east wall of Block 1 ... As we entered the vehicles, three shots were fired at us from a window.'
>
> Then you went on to say:
>
> 'I returned two rounds at the gunman and I saw 'G' return one shot. I saw all three bullets strike the windows.'
>
> So on this occasion, you are giving a further account of your firing. How does it come about that by now – we do not know precisely when it was, but it must be some days after your original statement – it still had not occurred to you to mention either firing at the barricade or firing from Glenfada Park towards the Rossville Flats?
>
> A. All I can say is that it must have been an error at the time and I must have forgot and then later on, when more statements was required, obviously it was to come to light. I have no explanation for it.
>
> Q. Is the reason why there is no explanation for it that in these statements you were telling lies in order to conceal the truth and, therefore, got in trouble with the details of what had happened?
>
> A. That is not correct."

[1] Paragraph 81.18 [2] Day 375/144-145

123.142 Lance Corporal F was unable to provide any explanation as to why his accounts of firing at the Rossville Flats contained inconsistencies.[1] He rejected the suggestion that these arose because he was making up his accounts as he went along and said that it was a "*possibility*" that he was simply confused.[2]

[1] Day 375/171-172 [2] Day 375/173

Consideration of the evidence of Lance Corporal F

123.143 We have examined in considerable detail the accounts Lance Corporal F gave in 1972. We have also considered his repeated assertion before us that he had little or no memory of events and no memory at all of the circumstances in which he fired his rifle.

123.144 His accounts of firing at the Rossville Flats contain, as pointed out earlier, numerous inconsistencies. The only common thread running through his accounts is that in the course of the day he fired in all 13 rounds. We have no evidence that suggests that he fired more rounds than this on Bloody Sunday. Initially he stated that 11 of these shots were at Block 1 of the Rossville Flats and two in Glenfada Park North. Eventually he told Colonel Overbury that on looking at maps and photographs of the area he realised "*that I have mistaken the sequence of events*".[1] In fact the account he then gave did not merely change the timing of the first group of shots that he had said he fired at the Rossville Flats from before he went into Glenfada Park North to after he had come back, but also gave details for the first time of his firing both at the rubble barricade and at the end of the southern side of the Rossville Flats, in which he stated that he hit someone on both occasions; as well as adjusting the number of shots he had said he fired at the Rossville Flats, so as to keep the total to 13. Again, his later accounts to the Widgery Inquiry contain inconsistencies with all his former accounts, including that given to Colonel Overbury.

1 B135

123.145 We find it unbelievable that Lance Corporal F could have forgotten firing what he later told the Widgery Inquiry was one aimed shot a man at the rubble barricade who fell, as well as two aimed shots at a man at the south of the Rossville Flats whom he also hit; and that because of his forgetfulness he told the RMP only that he had fired at the Rossville Flats and in Glenfada Park North. We also find unbelievable that it was through confusion that he proceeded to give a number of inconsistent accounts of his firing at the Rossville Flats. In our view Lance Corporal F lied to the RMP and lied in his later accounts; and did so because for a significant time he did not wish to admit to any firing other than in Rossville Street and Glenfada Park North, and thus invented an account of firing 11 shots at Block 1 of the Rossville Flats. Whether he fired any shots (and if so how many) at the Rossville Flats and what his targets in truth were are matters we consider later in this part of the report.

123.146 We find it equally unbelievable that by the time he came to give evidence to us, Lance Corporal F had forgotten about the shooting of two people he had described to Colonel Overbury and to the Widgery Inquiry. We have already expressed the view that Lance Corporal F lied to us when asserting that this was the case and we accordingly reject as untruthful his professed almost total loss of memory.

123.147 It was submitted on his behalf that since a substantial number of other witnesses had no recollections of the day, we should not reach this conclusion. It is true that many witnesses had no or only very slight independent recollections of the day, in some cases

notwithstanding their accounts in 1972. But in Lance Corporal F's case, it seems to us that his 1972 accounts demonstrate that he gave untruthful evidence then; and furthermore that, unlike the witnesses upon whom his representatives relied, he was on his own accounts responsible for the shooting of a number of people. It was not suggested that he suffered from any medical condition that could have caused him to forget such truly memorable conduct on his part.

123.148 In the present context these matters lead to the conclusion that in the absence of supporting evidence, we can place no reliance on the accounts Lance Corporal F gave of firing at Block 1 of the Rossville Flats. There is, however, other evidence that he did so.

Other evidence of Lance Corporal F firing at Block 1 of the Rossville Flats

123.149 We now turn to consider evidence, apart from that of Lance Corporal F himself, that he did fire at Block 1 of the Rossville Flats from Rossville Street when he was near Army vehicles that had been brought up to the north end of that block. It will be noted that in some of this evidence reference is made to Private G, who claimed to have fired one shot at a window in Block 1 of the Rossville Flats. We consider the evidence given by Private G on this matter later in this part of the report.

Private 147

123.150 In his RMP statement[1] Private 147, who was a radio operator in the second of the Anti-Tank Platoon vehicles, gave this account:

> "We stopped the APC on a pavement at the North end of Rossville Flats, on the right of the street at MR 43251686 I heard the sound of shooting in the general area and on looking up at the flats I saw a window open. This window was on the second floor about five or six windows along from the southern end. I saw the outline of a man in the window. Simu[l]taneously I saw the muzzle flash of a weapon and heard the report. The round passed very close over the roof of our vehicle. The gunman was only about 30–40 yds away from me. I saw the window move downwards shortly after the shot. My impression was that it was a .22 calibre weapon. I did not actually see the weapon.
>
> Within seconds of the first shot I saw the window move again. A second shot was fired from the same window and I again heard the round pass near us and hit the ground near the front of the vehicle. I did not see either the gunman or the weapon.

> I shouted a warning to other members of my unit and pointed to the window showing 'F' where it was. I did not see any return fire.
>
> A few minutes later I saw an apparently lifeless body being carried from this block of flats and placed in an ambulance by a group of civilians.
>
> I estimate the position of this gunman to be 43251685, and in the location which I have described."

[1] B1886

123.151 The map reference MR 43251686 refers to a position on the west side of Rossville Street approximately opposite the north end of Block 1 of the Rossville Flats. The mention of a body being carried from Block 1 of the Rossville Flats to an ambulance is undoubtedly a reference to Kevin McElhinney, one of the casualties in Sector 3. We describe later in this part of the report how he was taken from Block 1 of the Rossville Flats to an ambulance.

123.152 Private 147 said in his written statement for the Widgery Inquiry[1]:

> "2. Sometime afterwards I received an order that the vehicles should be moved further up Rossville Street and I conveyed this order to the driver. This was done and from where I was I had a clear view of Rossville Flats. Eventually my platoon returned and some of them got into my vehicle. One of these was soldier 'F'. The soldiers were sitting behind me in the armoured vehicle and I was placed just behind the front seat. There was nobody sitting in the front seat and I could see Rossville Flats, at least that part of Block 1 which faces on to Rossville Street. I suddenly saw a second storey window in the flats open, the window had no curtains and I saw the shape of a man at the window. All of a sudden a shot passed very close over the armoured vehicle, then the window seemed to shut by itself. Within seconds of the first shot I saw the window move again and the shape of a man in the window, a second shot was fired from the same window and this shot hit the ground to the front and slightly to the left of my vehicle. I shouted a warning to other members of my unit and pointed out to 'F' where the shots had come from. He got out of the vehicle. In fact I think a couple of soldiers jumped out of the vehicle but I cannot be sure. I heard a couple of shots but I can't be sure who fired them. I cannot remember when 'F' returned to the vehicle or whether I discussed the matter with him afterwards. A few minutes later I saw an apparently lifeless body being carried from the front entrance of Block 1 Rossville Flats and placed in an ambulance by a group of civilians."

[1] B1889

123.153 In his written statement to this Inquiry,[1] Private 147 told us that having re-read his RMP statement he remembered that someone fired from the window, but he did not remember speaking to Lance Corporal F about it, and was surprised that he had done so because he and Lance Corporal F disliked each other. In his oral evidence to this Inquiry,[2] he said that he did not remember shouting a warning about anyone at a window to any members of his platoon. He denied that he had given a false account to support Lance Corporal F's evidence,[3] and said that he would not have gone out of his way to make any statement, true or false, to assist Lance Corporal F because there was personal animosity between them.[4]

1 B1891.005-6
2 Day 359/23
3 Day 359/29
4 Day 359/76-77

123.154 Although the 1972 accounts of Private 147 to a degree support Lance Corporal F's account of being in the APC and hearing a warning shouted by the radio operator, they leave unanswered the question whether Lance Corporal F fired at this time. It is noteworthy that Private 147 recorded hearing only "*a couple of shots*" after what he thought were two soldiers jumped out of his vehicle.

Private H

123.155 In his RMP statement taken by Warrant Officer Class II INQ 1835,[1] Private H recorded that some 15 minutes after the incidents in which he opened fire in Glenfada Park North he returned with other soldiers to his vehicle in Rossville Street. When they were inside the vehicle they came under fire. The sentries outside the vehicle, Lance Corporal F and Private G, returned fire immediately. Private H did not know how many shots had been fired at the soldiers, nor did he know how many shots Lance Corporal F and Private G had fired or with what result. He understood from what was said at the time that fire was being directed at the soldiers from Block 1 of the Rossville Flats.

1 B226

123.156 In his written statement for the Widgery Inquiry,[1] Private H recorded that while sitting in the back of the forward Anti-Tank Platoon vehicle in Rossville Street he heard firing and saw Lance Corporal F engaging a target out of his sight. He did not refer to firing by Private G.

1 B235

123.157 In his oral evidence to the Widgery Inquiry,[1] Private H said that when he was in Rossville Street, back inside the vehicle in which he had entered the Bogside, he heard firing and saw a member of his platoon returning fire. He could not see the target of the soldier's firing. He said that he was unable to remember the cipher of this soldier. Private H said that another soldier, the guard of the vehicle, was also firing at this stage.

1 WT14.101

123.158 In his written statement to this Inquiry,[1] Private H told us that Lance Corporal F and Private G were standing sentry behind the rear mudguards of his vehicle, one on each side. Private H heard one or other or both of them fire some shots, but from his position inside the vehicle Private H could not see them firing, nor could he see their targets. He could not remember how many shots he had heard them fire. In his supplementary statement to this Inquiry,[2] Private H told us that he believed that the vehicle in which he was sitting was Sergeant INQ 1694's vehicle, but that he was not absolutely sure about this.

1 B264.003; B264.008 2 B264.053

123.159 In his oral evidence to this Inquiry,[1] Private H denied that he had been asked to give an account of this incident in his RMP statement taken by Warrant Officer Class II INQ 1835, in order to corroborate the evidence of Lance Corporal F and Private G.

1 Day 378/35-39

123.160 Although there are doubts about much of Private H's evidence, as we discuss elsewhere in this report, it seems to us that these parts of his accounts provide some support for Lance Corporal F's account of firing from near the Army vehicles in Rossville Street at a late stage, though none for the targets that Lance Corporal F said that he engaged or for the number of shots that he said that he fired. It will be noted that Private H's evidence was to the effect that Lance Corporal F and Private G fired at about the same time.

Lance Corporal J

123.161 In his second RMP statement,[1] Lance Corporal J recorded that two sentries were posted "*alongside both vehicles*" of his platoon on Rossville Street. He did not say who the sentries were. He stated that when he was inside one of the vehicles, he heard two to three low velocity shots fired from the north end of the second floor of the Rossville Flats. Lance Corporal J did not see the gunman but Lance Corporal F and Private G located him and returned fire.

1 B270

123.162 In his written statement for the Widgery Inquiry,[1] Lance Corporal J recorded that there were two sentries posted outside the vehicles of his platoon on Rossville Street. When he was inside one the vehicles, shots came from the direction of the Rossville Flats. One of the soldiers who was sitting forward in the vehicle located the gunman. Fire was returned. Then another gunman, or perhaps the same gunman, fired from the Rossville Flats, and again fire was returned. Lance Corporal J did not in this statement identify either the sentries or the soldier or soldiers who returned fire.

1 B273-B274

123.163 In his oral evidence to the Widgery Inquiry,[1] Lance Corporal J said that he was inside the rear vehicle of his platoon in Rossville Street. There were some sentries posted outside. He heard shooting from the Rossville Flats. A soldier who was sitting forward in the vehicle pointed out the source of the shots to the sentry. Lance Corporal J thought that the soldier who had indicated the source of the shots was the radio operator (Private 147). The sentry was out of sight of Lance Corporal J. Then Lance Corporal J heard someone fire. This might have been either of the sentries. Shortly after this another couple of shots were fired from what was pointed out as a different window. Lance Corporal J did not see the window but heard shots being returned.

1 WT15.33

123.164 In his written statement to this Inquiry,[1] Lance Corporal J recorded that he did not now recall being in one of the vehicles of his platoon after they had moved down Rossville Street, nor did he recall any firing at or from the vehicles.

1 B289.005

123.165 In his oral evidence to this Inquiry,[1] Lance Corporal J said that he could not really recall this incident.

1 Day 370/77-78

123.166 Like that of Private H, the evidence of Lance Corporal J on the point under discussion lends support to Lance Corporal F's account of firing from near the Army vehicles in Rossville Street at a late stage, though again it provides none for the targets that he said that he engaged or for the number of shots that he said that he fired.

Lance Corporal 018

123.167 In his RMP statement,[1] Lance Corporal 018 recorded that while inside the forward vehicle of two that were positioned on Rossville Street facing south, level with the north-east wall of Block 1 of the Rossville Flats, he saw Lance Corporal F and Private G engage a gunman at the fifth window from the south end of Block 1 on the second floor. The gunman fired three shots, all of which passed high over the vehicles. Lance Corporal 018 saw three rounds fired by Lance Corporal F and Private G strike and pass through the window. He could not say whether they hit the gunman.

1 B1487

123.168 In his written statement to this Inquiry,[1] Lance Corporal 018 told us that his current recollection was that he was sitting in the back of a vehicle, immediately behind the front passenger seat. The vehicle was parked at the junction of William Street and Rossville Street, and he was looking north out of the open rear doors. Lance Corporal F and Private G were a short distance behind the vehicle. Lance Corporal 018 heard two or three high velocity shots but could not locate their source. He then saw Lance Corporal F and Private G fire in the general direction of the Rossville Flats, with their rifles slightly elevated. He did not recall how many shots they had fired, but each fired at least once. Lance Corporal 018 was not in a position to see whether there was a gunman in the Rossville Flats when the shots were fired, nor could he see that the shots passed through a window. He told us that the RMP investigator told him that this information needed to be included in his statement in order to substantiate the accounts of Lance Corporal F and Private G and show that their shots did not hit anyone; and that he was led to believe that the details about the location of the gunman and the area to which fire was returned were true, and agreed to put them into his statement.

1 B1491.003

123.169 This evidence in our view also supports the account of Lance Corporal F that he fired from near the Army vehicles at a window in Block 1 of the Rossville Flats. However, this witness in his 1972 account referred to Lance Corporal F and Private G firing three shots between them. Since, for reasons given later in this chapter when discussing the evidence of Private G, we are satisfied that Private G fired only one shot at this time, it follows that Lance Corporal 018's 1972 account indicates that Lance Corporal F fired two shots.

Lance Corporal 036

123.170 In his RMP statement,[1] Lance Corporal 036 recorded that, accompanied by another soldier, he drove his vehicle to grid reference 43251686 (the west side of Rossville Street approximately opposite the north end of Block 1 of the Rossville Flats) and parked it on the pavement. As he parked the vehicle, he and his companion came under fire. Lance Corporal 036 saw a window being moved upwards at the south end of the second floor of Block 1, about 35 to 40 yards away from him. He then heard a high velocity shot, which passed over his vehicle very close to its roof, and the window was immediately closed. He did not see a muzzle flash. Very shortly after this, he heard another high velocity shot. He looked up at the window and again saw it move. He did not see a weapon on either occasion. According to this account, Lance Corporal F and Private G also saw the movement of the window. Lance Corporal F fired two shots at the target and Private G fired one. Lance Corporal 036 saw all three rounds hit the window but did not see anyone hit.

1 B1629-1630

123.171 In the unredacted version of his RMP statement, Lance Corporal 036 referred to his companion in the vehicle as a private soldier and gave his surname. In the redacted version, the cipher of Private U was inserted in place of the surname. Private U was not a member of Anti-Tank Platoon but shared a surname with Private 147 who was. In his oral evidence taken on behalf of this Inquiry in a foreign jurisdiction,[1] Lance Corporal 036 said that he believed that a mistake had been made in the redaction of his RMP statement and that Private 147 was more likely than Private U to have been his companion. It seems to us that this was indeed the case.

1 B1631.16

123.172 In his oral evidence taken on behalf of this Inquiry,[1] Lance Corporal 036 said that he remembered the movement of a window described in his RMP statement, but did not remember hearing a high velocity shot. At first he said that he did not think that members of his platoon had fired at the Rossville Flats, but then he said that he thought that "*people did fire back*" but that he could not remember which soldiers had done so, or how many rounds they had fired. He said that, from his knowledge of Lance Corporal F and Private G, he thought that they "*would have fired if they had seen something*". He did not see any movement at any other window, nor[2] did he see any gunmen.

1 B1631.18-B1631.19

2 B1631.22

123.173 On the basis of his 1972 evidence, Lance Corporal 036's account is accordingly similar to that of Lance Corporal 018, namely of seeing Lance Corporal F fire two shots and Private G one, at the same window in Block 1 of the Rossville Flats.

Lieutenant 119

123.174 Lieutenant 119 was the commander of Anti-Tank Platoon. He did not refer to firing by Lance Corporal F or Private G at Block 1 of the Rossville Flats in his first RMP statement,[1] in his second RMP statement,[2] in his written statement for the Widgery Inquiry[3] or in his written statement to this Inquiry.[4]

1 B1752.041
2 B1752.039
3 B1752.043
4 B1752.009

123.175 In his oral evidence to the Widgery Inquiry,[1] Lieutenant 119 said that after he had handed over the group of civilians arrested in Glenfada Park North to members of the Composite Platoon, he returned to his vehicle in Rossville Street. The radio operator said that shots were being fired from Block 1. Lance Corporal F and Private G disembarked. Lance Corporal F went to the offside front wing of the vehicle for observation. Lieutenant 119 thought that Private G had gone to the nearside of the vehicle. Lieutenant 119 heard firing from the direction of Block 1 and saw Lance Corporal F fire two rounds in return. These were the last shots fired by a member of Anti-Tank Platoon. Lieutenant 119 did not say whether or not Private G also opened fire.

1 WT14.15-WT14.16

123.176 In his oral evidence to this Inquiry,[1] Lieutenant 119 said that he no longer recalled this incident.

1 Day 363/177-178

123.177 The 1972 evidence of Lieutenant 119 was, therefore, that he saw Lance Corporal F fire two rounds at Block 1 of the Rossville Flats.

Conclusions on the evidence of firing at Block 1 of the Rossville Flats by Lance Corporal F

123.178 In our view the evidence discussed above shows that at a late stage Lance Corporal F fired at Block 1 of the Rossville Flats. This evidence is to the effect that he fired two shots, while Private G fired one.

123.179 It is noteworthy that this evidence supports the account given by Lance Corporal F in his third RMP statement, that he fired two shots and Private G one shot, at the same window. This evidence is, however, inconsistent with any of the other accounts Lance Corporal F gave.

123.180 Later in this part of the report we consider whether there was incoming fire that caused Lance Corporal F and Private G to fire at Block 1 of the Rossville Flats and at what window they fired. We also consider later whether Lance Corporal F fired other shots at other windows in Block 1 of the Rossville Flats.

Private G

123.181 Private G was a member of Anti-Tank Platoon who appears to have travelled into the Bogside in the second of the APCs of this platoon.[1] We have already referred to his accounts when considering the events of Sector 4.

[1] B185

123.182 As we have already noted, in his first RMP statement timed at 0215 hours on 31st January 1972[1] Private G described coming under fire after he had debussed, from a gunman positioned in Block 1 of the Rossville Flats: "*[A]bout three shots were fired at us.*" He continued by describing further fire from the same location and "*about six of us*" taking cover behind a low wall: "*Fire was returned by some of the men when the gunman was located.*"

[1] B168

123.183 Private G then described moving forward from the low wall, firing two rounds at a gunman in an alleyway and then going into Glenfada Park North, where he said he fired another three rounds. We have dealt with this part of his account and what he stated happened in Glenfada Park North when discussing the events of Sector 4.

123.184 Having described what he saw and did in Glenfada Park North, Private G stated that he and others were recalled to Rossville Street, to which he then returned. His account continues:[1]

> "Our vehicles had been moved up Rossville St and were positioned on the street opposite the east corner of Block 1 of the flats. We all mounted the vehicles, I myself was in the rear of the rear vehicle. We were there about two minutes when we were fired on by a gunman from a window on the second storey of Block 1 of the flats, about 3 windows from the Western corner.
>
> I got out of the vehicle and took up a position behind the front right wheel and faced the flats. I located the gunman and saw a muzzle flash coming from his position. I fired one aimed shot at the gunman but I cannot say that I definitely hit him. The gunman fired approximately 5 rounds at us. All his shots went high over the vehicle.
>
> I fired a total of six rounds 7.62 mm during the action."

1 B169-B170

123.185 Private G made further RMP statements to which we have referred when considering the events of Sector 4. He also made a written statement for and gave oral evidence to the Widgery Inquiry.

123.186 In his written statement for the Widgery Inquiry, Private G said that after he had accompanied the party escorting arrested civilians from Glenfada Park North to Columbcille Court "*we moved to our vehicles, which had come up Rossville Street*". He continued:[1]

> "10. The vehicles were then in the area of the Glenfada Park east building in the position shown at the end of line No 1 on the second photograph. I got in the back and while I was in there we came under fire again. I got out and ran round the vehicle to the right of the driver. I said to the driver, 'Where from?' and he indicated an open window – I think it was on the second floor about three windows in from the southern end. I heard more shots fired and saw the window move. I made out someone standing slightly back from the window which had been pointed out to me and fired one round at him. I cannot recall any further firing and I fired no more rounds. I had fired a total of six rounds during the afternoon."

1 B187

123.187 The reference to a photograph in this statement appears to be to one of Private G's trajectory photographs, which is reproduced below.

123.188 In his oral evidence to the Widgery Inquiry, Private G confirmed that his partner (his "*pair*") was Lance Corporal F.[1]

1 WT14.75

123.189 After he had told that Inquiry what he then saw and did and what he said had happened when he and others (including Lance Corporal F) went into Glenfada Park North (which we consider in the context of the events of Sector 4), he gave the following answers:[1]

> "Q. When you got back to your own vehicle did anything else unusual happen?
>
> A. We had been in the vehicles for a minute or so and we were fired on again from the flats.
>
> Q. How did you know that?
>
> A. The driver had actually seen where the shots had come from. I jumped out of the vehicle and ran round the front right hand. We said to the driver 'Where?' and he indicated an open window. I believe it was on the second floor about three windows in from the right hand end – somewhere about this side.
>
> Q. Did you know what F was doing at that moment?
>
> A. I think he was in front of the vehicle. F went in front of the other vehicle.
>
> Q. Did you know whether he was firing or not?
>
> A. I did not take note.
>
> Q. Or what he was firing at?
>
> A. No, I did not take no notice.
>
> Q. What did you do?
>
> A. I took up a position. The driver had told me where the fire was coming from because he had seen it, so I watched this window. The window was open. It was one of the windows that opens that way.
>
> LORD WIDGERY: A sash window?
>
> A. No.
>
> LORD WIDGERY: Which swivels.
>
> Mr. GIBBENS: I do not know what you call them.
>
> LORD WIDGERY: What did you do?
>
> A. I saw the window move again and we were fired on again from there. Somebody stood back from the window, seeing it was tilted inside, and we were fired on again from this position.

Q. Not too fast. You were fired on again?

A. We were fired on again from this position. I could make out somebody stood back, so I fired just one aimed shot at this position.

Q. I want to know how positive you are that you were fired on from the window. What did you see which gave you reason to think that was the truth?

A. When I saw the window move I could tell where the shot was coming from because I was watching it. I was actually watching where it came from.

Mr. GIBBENS: Did you see any weapon protruding from the window or was it someone standing back?

A. It was somebody stood back from the window.

Q. You fired one aimed round?

A. Yes.

Q. What happened to that round?

A. I did not see nothing else, sir.

Q. Did it go through the window, or what happened to it?

A. I believe it struck just slightly above the window.

Q. You do not think it went in?

A. I do not think it did. I could not be sure of that, but that is what I thought on my own."

[1] WT14.81-82

123.190 Later in his oral evidence to the Widgery Inquiry,[1] Private G said that he did not see any strikes on the window. In contrast to his earlier oral evidence, he said that he did not know where Lance Corporal F had been at the time and "*couldn't be sure*" whether Lance Corporal F had fired at this time.

[1] WT14.89

123.191 Private G was shown photographs of a window in an attempt to see whether he could recognise it as the kind of window at which he said he had fired. It is not entirely clear what photographs he was shown, but in the transcript one is described as taken from the inside, and Private G said he thought that it could be a similar window.[1]

[1] WT14.89-90

123.192 The photographs that were used during the Widgery Inquiry included the following two taken by Larry Doherty of the *Derry Journal*, the second of which was taken from the inside of the flat at which firing had been directed.[1]

1 Day 27/68

123.193 The transcript appears to indicate that Private G was shown more than two photographs, but though it seems likely that the two shown above were among these, we do not know what other photographs were shown to him. We return to reconsider these and other photographs below,[1] in the light of the evidence of people who were in this flat on Bloody Sunday.

1 Paragraphs 123.212–263

123.194 So far as Major Loden's List of Engagements[1] is concerned, we have already considered the 12th entry, "*1 gunman with pistol at GR 43261684 (3rd floor of Rossville Flats) shot at from GR 43261692. Possibly hit.*"

1 ED49.12

123.195 As already observed, the grid reference for the firer or firers in this engagement indicates a location close to the position described by Lance Corporal D and Private C, ie the Kells Walk walkway. It does not correspond with the position in Rossville Street where Private G said that he was when he shot at a window. Furthermore, nowhere in his evidence did Private G describe firing at a man with a pistol. It seems, however, as we discuss elsewhere in this report, that it is possible that he did give a description of what he said he did in Glenfada Park North to Major Loden. It thus appears that while Private G may have given an account of some of his firing to Major Loden, he said nothing about firing at a window in the Rossville Flats. In addition, as will have been seen during our consideration of the events of Sector 4, there is nothing to suggest that Private G told Major Loden of the two shots that he said that he had fired into an alleyway at a gunman as he moved forward on his way to Glenfada Park North, or of the two shots that, for reasons we have given earlier in this report,[1] we are sure he fired in Abbey Park.

1 Chapter 107

123.196 Private G is dead and gave no evidence to this Inquiry.

Summary of Private G's accounts of firing at a window in Block 1 of the Rossville Flats

123.197 On the basis of the accounts given by Private G, he fired one shot at a window on what he described as the second storey of Block 1 of the Rossville Flats, near the southern end of that block. He originally stated that he located a gunman, saw a muzzle flash and fired one aimed shot, but could not say that he had definitely hit the gunman; and described the gunman as firing approximately five shots, all of which went high over the vehicle. In his written statement for the Widgery Inquiry, Private G stated that he was in

the vehicle, came under fire, got out and was told by the driver from where the fire was coming, heard more shots, saw the window move and fired at someone standing slightly back from the window, but believed that his shot had struck just above the window. He eventually told the Widgery Inquiry that he did not know where his "*pair*" Lance Corporal F was at the time and could not be sure whether Lance Corporal F had fired at this time.

Consideration of this evidence of Private G

123.198 For reasons we gave when considering the events of Sector 4, we take the view that Private G consistently lied in his 1972 accounts: in his description of what happened in that sector, in his description of the circumstances in which he fired in Glenfada Park (where people were killed and injured) and in his denial of shooting in Abbey Park, where we are sure he killed two people. In those circumstances, we take the view that in the absence of supporting evidence we cannot place reliance on what he said about firing at a window in Block 1 of the Rossville Flats. Since we have taken the same view of the evidence of Lance Corporal F, we do not regard this soldier's evidence of observing Private G firing in Rossville Street as providing support for Private G's account. The two were colleagues and worked as a "*pair*", and (again for reasons that we have given) we are of the view that they lied in an attempt to support each other's accounts of what happened in Sector 4, while in addition Private G lied in support of Lance Corporal F's account of why the latter fired in Sector 5.

123.199 However, there is other evidence that Private G did fire a shot in Rossville Street at a late stage, when vehicles of Support Company had moved southwards down Rossville Street.

123.200 We have already referred in this chapter to some of this evidence when considering Lance Corporal F's account of firing at the same time as Private G. In particular the 1972 account of Lance Corporal 036 was that he saw Private G fire one shot and Lance Corporal F fire two at the same window in Block 1 of the Rossville Flats, while Private H described these two soldiers firing three shots between them.

123.201 We should also note the evidence of Private 027, while bearing in mind (as we have pointed out elsewhere in this report[1]) that there are difficulties in accepting much of what he has said over the years.

1 Chapter 179

123.202 Private 027 did not refer to firing by Lance Corporal F or Private G at Block 1 of the Rossville Flats in his RMP statement,[1] in his supplementary written statement taken by John Heritage on 8th March 1972,[2] or in his written statement for the Widgery Inquiry.[3]

1 B1546
2 B1565.114
3 B1551

123.203 In his account written in or about 1975,[1] Private 027 recorded that after his platoon had withdrawn from Glenfada Park North, soldiers fired one or two more shots from the street at the Rossville Flats, but he gave no further details.

1 B1565.008

123.204 In his draft for a proposed book written in or about 1999,[1] Private 027 wrote that he was standing among a group of vehicles that had moved forward and were stationary in the road. Various officers were present, including Colonel Wilford and Warrant Officer Class II Lewis. A soldier leaned across the bonnet of a vehicle and fired at a high angle up into the Rossville Flats. In an exasperated tone, Warrant Officer Class II Lewis shouted at the soldier "*That's enough*". This was the last shot that Private 027 stated that he recalled being fired.

1 B1565.313

123.205 In his written statement to this Inquiry,[1] Private 027 told us that he recalled standing near Major Loden beside the latter's vehicle, which had been moved to about the point marked K on the plan attached to his statement[2] (the west side of Rossville Street opposite the northern part of Block 1 of the Rossville Flats). Private 027 saw Private G leaning over the bonnet of the vehicle. Private G fired a shot into Block 1. From the angle at which Private G was holding his rifle, Private 027 believed that Private G had fired "*4 or 5 storeys up into the block*". Colonel Wilford and Warrant Officer Class II Lewis were nearby. When Private G fired, Warrant Officer Class II Lewis turned to him and said in an agitated tone "*that's enough*". There was no incoming fire at this stage. Private 027 told us that Private G's shot was the last that he recalled being fired.

1 B1565.046
2 B1565.095

123.206 In his oral evidence to this Inquiry,[1] Private 027 said that while other soldiers may have fired at the same time, the only shot that he could specifically recall being fired at this stage was the shot fired by Private G, who had been leaning over the bonnet either of Major Loden's vehicle or of "*the next one in line*".

1 Day 246/105-107

123.207 In his oral evidence to this Inquiry,[1] Colonel Wilford said that he had no recollection of this incident and that he had not heard Warrant Officer Class II Lewis speak to a soldier in the manner described by Private 027.

1 Day 314/11-12

123.208 In his written statement to this Inquiry,[1] Warrant Officer Class II Lewis said that he had no recollection of Private G firing into Block 1 of the Rossville Flats at a late stage of the operation.

1 B2111.019

123.209 Despite the difficulties about accepting much of what Private 027 has written and said over the years, his account of Private G firing a single shot up at Block 1 of the Rossville Flats bears similarities to the evidence of the other soldiers to whom we have referred above.

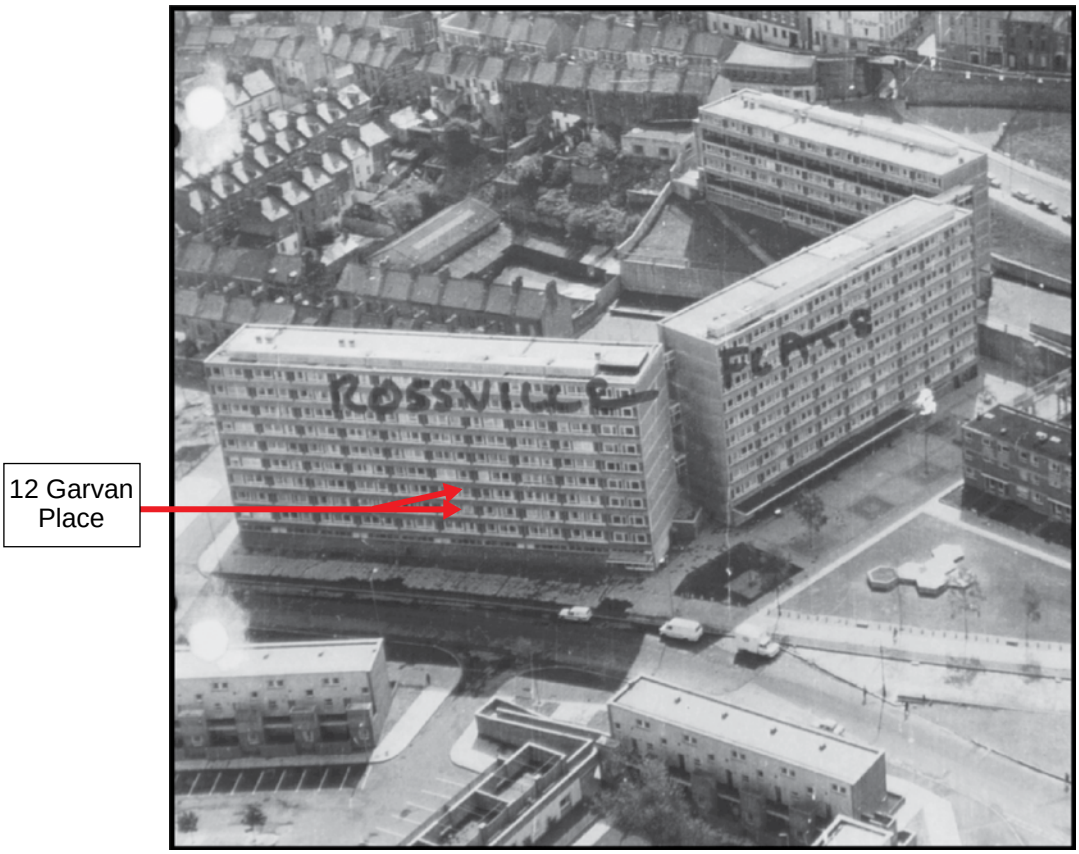
123.210 On the basis of the evidence we have examined, we are sure that Private G fired a shot at a window in Block 1 of the Rossville Flats at about the same time that Lance Corporal F fired two shots at the same target.

123.211 Later in this part of the report we consider two further questions, namely whether there was paramilitary shooting or activity that caused Private G and Lance Corporal F to fire, and the target or targets at which they fired. We start with the firing at 12 Garvan Place in Block 1 of the Rossville Flats.

12 Garvan Place

123.212 12 Garvan Place was a maisonette on the second and third floors of Block 1 of the Rossville Flats,[1] which at the time of Bloody Sunday was occupied by the McCrudden family. It is marked on the following photograph.

1 GEN3.12



123.213 The photographs taken by Larry Doherty that we have reproduced above[1] when considering the evidence of Private G are of the more southerly window on the lower floor of this maisonette. Another photograph of this window was taken by Fulvio Grimaldi, to whose evidence we refer below.

1 Paragraph 123.191

123.214 As can be seen from these photographs, there are what appear to be six bullet holes in the glass of this window. As can be seen rather more clearly from the first of Larry Doherty's photographs, there also appears to be damage both to the masonry immediately above the window and to the sill below, which in our view could have been caused by the impact of bullets.

123.215 In addition to these photographs there is a section of news footage taken for Independent Television News (ITN) shortly after Bloody Sunday[1] that gives a wider view of the damaged window and of the mullion to the right (ie to the southern side of the window), and shows that there were two further marks of damage on this mullion, one of which is out of view in Larry Doherty's photograph. The following photograph is a still taken from this footage.

[1] Vid 4 08.48

123.216 It seems to us from these photographs that at least six, and probably a further four, shots had been directed at this window.

123.217 John McCrudden, then 12 years old,[1] made a NICRA statement in which he described looking out of 12 Garvan Place.[2] He gave an account of seeing the APCs come into the Bogside, going to the back window and witnessing events in the car park; then returning to the front windows, witnessing events in Glenfada Park North and seeing an APC come up to the rubble barricade, about six soldiers collecting three bodies lying there and putting them into the APC, and then the APC returning along Rossville Street.

1 His NICRA statement described him as 14, but John McCrudden told us that this was wrong and that he was 12 at the time (AM152.1; Day 95/91).

2 AM152.10

123.218 After giving this account and describing what he then saw in Glenfada Park North, John McCrudden continued:

> "An Italian cameraman and girl from Wales was taking photographs from our house. They were taking photos of the Saracens. One bullet came up Rossville into our window. It hit the frame. The cameraman moved back and then 6 more came up one after another. They came through the window and hit the wall."

123.219 In his written statement to this Inquiry,[1] John McCrudden confirmed that the window through which the bullets passed was on the lower floor of the maisonette (ie the second floor of the block). In his oral evidence to this Inquiry,[2] John McCrudden said that the photograph taken by Fulvio Grimaldi and reproduced above[3] showed the window in question with six bullet holes.

1 AM152.1; AM152.5
2 Day 95/119-120
3 Paragraph 123.213

123.220 In his oral evidence to this Inquiry,[1] John McCrudden said that Fulvio Grimaldi was actually taking photographs at the time when the first shot was fired.

1 Day 95/117-124; Day 95/154-161; Day 95/170-171

123.221 John McCrudden also told us that he remembered his mother, who was in the flat, "*shouting furiously at the journalist because she felt it was his fault that the shots had been fired*".[1]

1 AM152.5

123.222 We have no doubt that the Italian cameraman was Fulvio Grimaldi and the girl from Wales Susan North, to some of whose evidence we have already referred. In his written statement for the Widgery Inquiry,[1] Fulvio Grimaldi described how he went from the Rossville Flats car park through the gap between Blocks 2 and 3 to the front (ie the south) of the Rossville Flats. He described seeing there the bodies of Patrick Doherty and Bernard McGuigan, the two people killed in Sector 5. We consider his accounts of what he saw in this area when discussing the events of Sector 5. Fulvio Grimaldi said in his written statement for the Widgery Inquiry that he knew that there was a telephone in a flat on the second floor. He stated that when he and Susan North entered Block 1 of the Rossville Flats they saw a body on the landing covered with a yellow blanket, and were told that this was the body of a dead man:[2]

> "9. We went to the flat on the 2nd floor and booked a phone call. I then took a few pictures from the window overlooking Rossville Street. I then moved a couple of yards into the room and turned to talk to Susan. Then a shot came through the window. We all went down and a woman with us shouted. Then more shots – 5 or 6 – came through the window. We crawled out of the room, shouting at everyone to take cover. I crawled back and took my booked phone call, which came through (it was to a paper in Rome)."

1 M34.2
2 This was the body of Kevin McElhinney.

123.223 According to notes made by Peter Pringle of the *Sunday Times* Insight Team,[1] Fulvio Grimaldi told him the following:

> "At this time I decided to make a telephone to Italy using the phone of a woman I knew was living on the second floor (see diagram) of the block of flats facing onto Rossville Road. When I was on the phone shooting broke out opposite and I went to the window and started taking some pix. Almost immediately a shot hit the window above my head. My wife and I and the woman in the flat threw ourselves to the floor and in quick succession five more shots were pumped through the window (PP: There six neat bullet holes in this window. The woman living in the flat is still under sedation and was not interviewed)."

1 M34.11

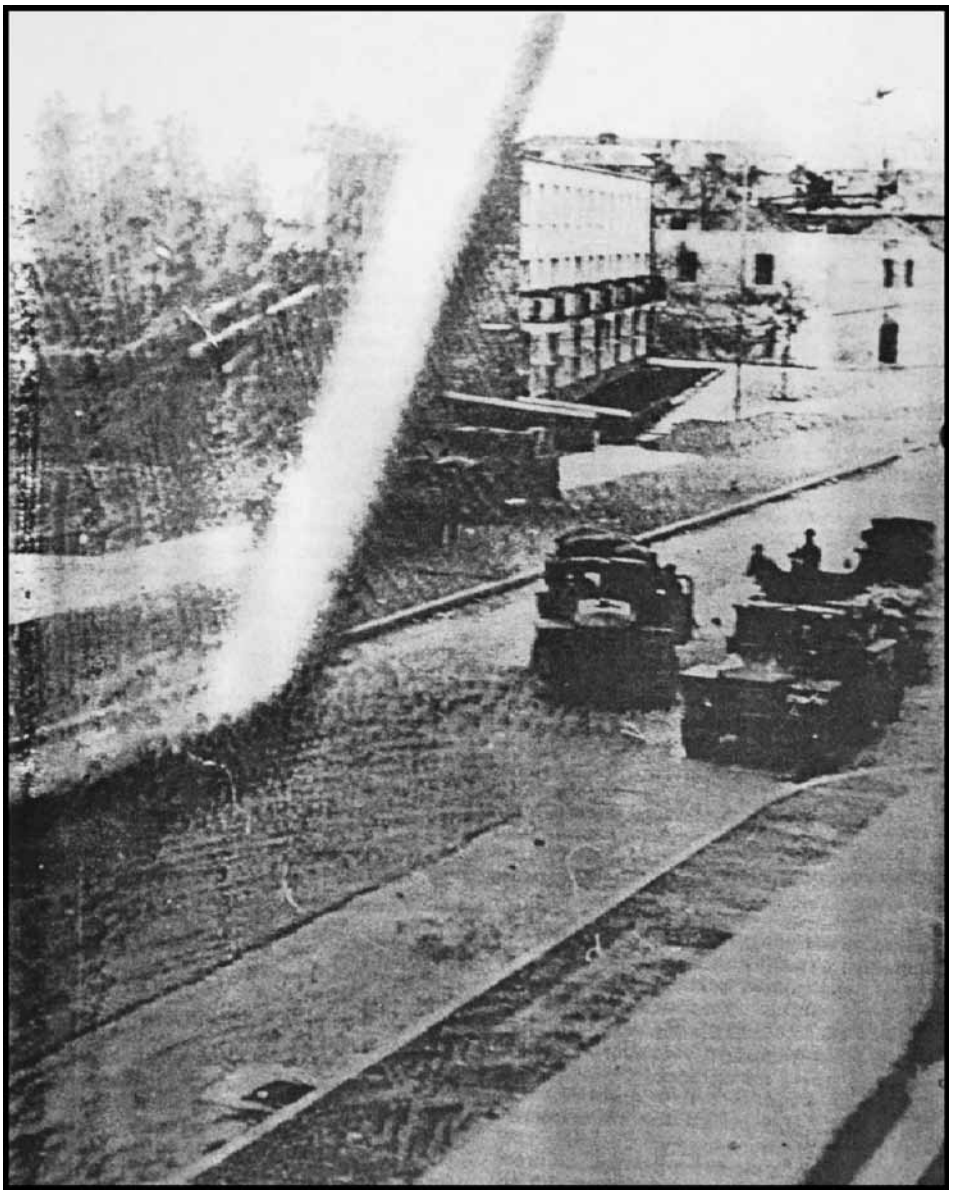
123.224 Fulvio Grimaldi gave oral evidence to the Widgery Inquiry. He first told that Inquiry that he had "*slightly opened the window, enough to put my camera through*", and then, having taken three photographs, turned back inside the flat, when a shot came through the window, followed by another. Everyone got down on the floor, including his "*wife*", and "*as we were crawling through the bedroom into the hall at the back, four more shots crashed through the window and hit the wall to the left of the window facing the street, which means that they were shot from the right hand side looking out from the window – from the area where I had photographed the Saracens.*"[1]

1 WT7.60

123.225 In his written statement for the Widgery Inquiry, Fulvio Grimaldi recorded that he took "*a few*" photographs from the window.[1] He told the *Sunday Times* that he took some pictures.[2] One of these photographs, reproduced below, was of an Army ambulance in Rossville Street. This Inquiry did not have copies of any other photographs taken by Fulvio Grimaldi from the flat before shots were fired through the window.

1 M34.2

2 M34.7; M34.11



123.226 Later in Fulvio Grimaldi's oral evidence to the Widgery Inquiry he gave the following answers:[1]

> "Q. We have had photographs taken of a window at these flats. Perhaps you would be good enough to identify whether or not this photograph refers to the flat in question. Look at that one.
>
> A. Yes; it is my photograph in fact.
>
> Q. Would you look at that close-up of the bullet hole and this close-up. That is three photographs altogether showing bullet holes in a window. Would you hand those in to my Lord.
>
> A. I certainly identify this one. These are details, it could be any window; but this is the window where I was standing behind.
>
> Q. You told my Lord that there were six bullets altogether – one shot, then a second shot and four more shots you described.
>
> A. Yes.
>
> Q. Are those the six shots in that window?
>
> A. Yes.
>
> Q. From your investigation of the line of fire would it appear that those bullets were fired from Rossville Street?
>
> A. Yes, quite clearly; it faces Rossville Street and it hit the wall to the left of this window. That means an inclined direction from the William Street end.
>
> Q. Fired from somewhere on your right as you would look out of the window?
>
> A. Yes.
>
> Q. Did you open the window and actually put your head out of the window?
>
> A. I opened the window, I put my head and the camera out of the window. I peacefully terminated my photographing, I turned back inside the room, when the shots rang out.
>
> Q. How many seconds elapsed between your bringing your head in and the first of these bullets striking the window?
>
> A. 15 to 20.

Q. And how long after the first shot was it that the second shot was fired?

A. Four seconds.

Q. Was there any gap between the second shot and the other four shots which you mentioned?

A. Yes, there was another gap of about 10 seconds.

Q. Then the final four shots came altogether?

A. Yes, almost together; they were single shots but they came very close one to the other."

1 WT7.63

123.227 In his and Susan North's interview with Paul Mahon,[1] Fulvio Grimaldi said that Susan North, who was working as his assistant, switched on her tape recorder after the first couple of shots were fired.

1 X4.48.67-77

123.228 In his written statement to this Inquiry,[1] Fulvio Grimaldi told us that when the first bullet came through the window, the woman who lived in the flat started yelling, as could be heard on Susan North's tape recording. Susan North shouted to the woman's young children to get down. About 10 seconds later, a second bullet came through the window. Susan North said something about being hit, but found that she had been hit by a splinter of glass. About 20 seconds later, four more shots were fired in rapid succession. Susan North yelled to the woman and her children to go into the bathroom. The woman started repeatedly yelling such things as "*this is at you for taking those photos*" and "*you must tell them that you are a photographer*", as recorded on the tape. Then an Army recruitment broadcast was shown on the television, again as recorded on the tape. According to Fulvio Grimaldi, some time later, Susan North left the flat to find a photographer with another film. While she was doing this, Fulvio Grimaldi made his telephone call. When Susan North returned, she said that the body on the stairs had gone. They then both left the flat. Fulvio Grimaldi told us[2] that he did not remember that he had gone to the window of the flat because he had heard shooting break out, as suggested in Peter Pringle's interview note. He told us he went to the window in order to see what was happening.

1 M34.64-M34.66; M34.72

2 M34.75

123.229 In his oral evidence to this Inquiry,[1] Fulvio Grimaldi said that he thought that he had put his head out of the window to take photographs for not more than 20 to 30 seconds.

1 Day 131/71-76; Day 131/152-155; Day 131/165-173

123.230 Susan North was at the time Fulvio Grimaldi's partner, not his wife, though they subsequently married. At the time she was also working as Fulvio Grimaldi's assistant.[1]

1 M35.2

123.231 Susan North made a written statement for the Widgery Inquiry,[1] though she did not give oral evidence. In the written statement she said that she had seen and heard some events as Fulvio Grimaldi had described in his written statement, including what happened in the flat. She stated that while Fulvio Grimaldi was waiting for his telephone call, she went downstairs to find more film. This was before the shooting at the window occurred. As she passed the first landing, the body that had been there was being moved. She believed that those moving the body were ambulance men. She also told the Widgery Inquiry that she had a tape recorder with her and recorded, among other things, "*Shooting at the flat window, and the army advertisement on TV*".

1 M35.1

123.232 Peter Pringle of the *Sunday Times* made a note that:[1]

> "Susan Grimaldi remembers that while they were in the Rossville flat the TV was on and there was an ad for joining the army. 'Good pay and good prospects.' Apart from obvious irony it can also be used to confirm the exact time they were there."

1 M35.76

123.233 There are a number of transcriptions of Susan North's tape, with some differences between them,[1] but at least as far as that part of the tape recording what happened in 12 Garvan Place is concerned, we prefer as the most accurate (having listened to the recording) the most recent version of the one produced by experts retained by this Inquiry, Network Forensics.[2]

1 Day 130/1-4

2 E11.102-106

123.234 In her written statement to this Inquiry,[1] Susan North again said that she left the flat to find film, saw the body on the landing being moved, and saw Fr Daly giving a television interview before the incident in which shots were fired into the flat.[2] She thought that when she returned to the flat Fulvio Grimaldi had made his telephone call. He went to the window to take some photographs. He drew back from the window. Very soon after that,

a bullet came through the window. Fulvio Grimaldi immediately moved away from the window. The woman of the flat became very upset and kept repeating "*That's at you for taking the photos*". Susan North switched on the tape recorder. A second shot came through the window, as can be heard on the tape. Susan North initially thought that she had been hit in the left arm by this shot, but it turned out that she had been hit by a splinter of glass. The television in the flat was on and an Army recruitment broadcast was being shown. Two more shots came through the window. These were not recorded. Then two further shots were fired. Susan North had the impression that in total seven bullets had been fired, one of which had hit the window frame. When she and Fulvio Grimaldi left the flat, someone told them that they had heard or intercepted "*messages of soldiers who were going to be taking photographic equipment as they would not want film to get out of Derry of what had happened that day*". Neither the Army radio logs nor the Porter tapes contain any such message. In our view no such message was sent.

1 M35.8-M35.10

2 For reasons given later in this report, we consider that Susan North was mistaken in believing that she had left the flat before the shots were fired.

123.235 In her oral evidence to this Inquiry,[1] Susan North said that quite a few seconds passed after Fulvio Grimaldi had drawn back from the window before the first shot was fired. She confirmed that the first shot was not recorded because the tape recorder was switched off.

1 Day 130/42-48; Day 130/72-77; Day 130/102-104; Day 130/125-133

123.236 In her undated statement given to Jane Winter of British Irish Rights Watch,[1] John McCrudden's sister Margaret McCrudden, now Margaret Fetherston, who was 15 years old at the time, said that a reporter was taking photographs from the window. She did not know his identity at the time but now believed that he was Fulvio Grimaldi. She heard a single shot, which she thought had hit the metal frame of the window. She went down onto the floor. Six more shots then came through the windowpane. The only person injured was her mother, who was hit on the nose by a piece of shrapnel.

1 AF5.13-AF5.14

123.237 In her written statement to this Inquiry,[1] Margaret McCrudden gave a similar account. She said that the six shots that came through the window were fired in quick succession:

> "Things also happened inside the flat. I remember a photographer came in. We were in my mother's bedroom which overlooked Rossville Street. I remember being at the foot of the bed and I have a sense of my mum being nearer or sitting on the bed somewhere to my left. The phone is the centre piece of my memory because the photographer had come in to use it. He had spoken to someone and was waiting for someone to call him back; his paper or something. I have the sense that he was on the left-hand side of the window and there was a dresser in front of the window. While he was waiting for his phone call, he started to take some photographs through the window. He didn't have a pistol, just a camera, and I was not conscious of anything else happening in the block such as a weapon being fired from another window.
>
> I heard a single shot which sounded as if it had hit the metal frame of the window. We all hit the deck; there was a split second which gave us the opportunity to all get down on the floor. There were then six other shots in quick succession. I remember the number specifically. The bullets came straight through the window and hit the wall above the head of the bed. I remember there were neat holes in the glass of the window and splinters of metal all over the room. One splinter hit my mum in the nose and I remember her nose bled."

1 AF5.4-AF5.5

123.238 On the tape can be heard the sound of the advertisement for the Army to which Fulvio Grimaldi and Susan North referred.[1]

1 E11.106

123.239 According to a note made by the *Sunday Times* Insight Team, the Army recruitment broadcast was shown at 4.44pm.[1] We have no reason to doubt that information. Because of the breaks in the recording, it is impossible to be sure how much time elapsed after the firing of the earliest shot recorded on the relevant part of the tape before the Army broadcast was picked up in the background, but it cannot have been less than the period for which the tape recorder was switched on, which was just under three-and-a-half minutes. Thus the first shot into the window must have been fired before 4.41pm.

1 Day 130/75

123.240 The relevant part of Susan North's tape records[1] the sound of one shot just after a break in the recording, which then continues for approximately 29 seconds before another apparent break. During that period, Mrs McCrudden can be heard repeating "*That's at you for taking the photos*", but no further shots are recorded. We set out below part of the transcript including this passage. As noted above, on Susan North's evidence to this Inquiry, the tape recorder was not switched on when the first shot was fired through the window, so that the first recorded shot was the second to be fired.

1 Aud 9 40.39

123.241 When the tape recorder was switched on again,[1] Susan North can be heard, as she confirmed in her oral evidence to this Inquiry,[2] referring to the shot that she initially thought had hit her, until she realised that she had been hit by a splinter of glass. This may be an indication that a shot was fired into the flat during the break in the recording. After approximately seven seconds, it appears that two further shots are fired in quick succession, followed by approximately 41 seconds of dialogue before the tape recorder is switched off, during which no more shots are fired but voices are heard saying that there is firing at the windows, Mrs McCrudden says that she has been hit on the head, and Fulvio Grimaldi says that Mrs McCrudden has been hit by glass.

1 Aud 9 41.08
2 Day 130/77

123.242 When the recording begins again,[1] Fulvio Grimaldi is heard to ask whether those firing are out of their minds. In her written statement to this Inquiry,[2] Susan North told us that during the break in the recording prior to this remark, a further shot had been fired into the flat even though she had thought that the action was over. The recording then continues for approximately 125 seconds, with no more shots audible, until the tape recorder is switched off and on again. The Army recruitment broadcast can then be heard playing in the background.[3]

1 Aud 9 41.57
2 M35.13; M35.63
3 Aud 9 44.03

123.243 John McCrudden's recollection of his mother shouting furiously at someone who must have been Fulvio Grimaldi is borne out by the tape recording.[1] A female voice that (as will be seen) John McCrudden identified as that of his mother can be heard blaming Fulvio Grimaldi, in a highly agitated way, immediately after the sound of gunshots. This part of the transcript reads as follows:[2]

> "[Sound of gun shots]
>
> [Sound of TV in background]
>
> FG Here
>
> F That's at you for taking the photos ... that's at you [for] taking the photos ... that's at [you] for taking the photos ...
>
> FG Yes I know I know
>
> [Pause]
>
> F That's at you for taking the photos that's what that is ... that was at you
>
> FG We won't take any photos any more"

[1] Aud 9 40.39 [2] E11.103

123.244 Later the same voice can be heard saying "*Don't you go out with that camera near our windows again please*".[1]

[1] E11.106

123.245 John McCrudden listened to the tape in the course of giving his written statement to this Inquiry. He told us:[1]

> "I have been played an excerpt of a tape recording that was made on the day by Susan North. I did not realise a tape was being made and had not heard the tape before coming in to make this statement. The relevant part of the transcript is pages 32–35. I can identify my mother's voice on the tape. First she is shouting at the journalist because he caused the shots to be fired at the window and then she asks him to make a call to explain that he was taking photographs, so that no one would think that there was firing from our flat. I can also identify my sister Adeline's voice commenting that my other sister, Louise, was scared."

[1] AM152.5

123.246 Susan North told us[1] that she did not record the first shot that came through the window. She also told us that Fulvio Grimaldi had moved away from the window when the first shot came through.[2]

[1] Day 130/76 [2] Day 130/128

123.247 On the basis of this evidence, it appears that John McCrudden, his mother and three sisters were in the flat, together with Fulvio Grimaldi and Susan North. There may have been others there as well, though Susan North's recollection was that there were not.[1]

1 Day 130/125-126

123.248 Although Fulvio Grimaldi and Susan North said that the former had moved back before any shots came through the window, this may not have been so, since John McCrudden's 1972 account and his evidence to us is that Fulvio Grimaldi was taking photographs at the time of the first shot; and since the account Fulvio Grimaldi gave to the *Sunday Times* seems to be to similar effect.

123.249 As we have noted above, Susan North told us that it was after the Army recruitment broadcast that four of the shots were fired. In our view this is likely to be a false memory. We accept that the first of the shots was fired before the tape was switched on. For the reasons we gave above, it must have been fired before 4.41pm. The Army recruitment broadcast was at 4.44pm. The impression we gain from the evidence as a whole from those in the flat is that the firing at the flat is unlikely to have lasted more than three or four minutes.

123.250 In view of the fact that there were four young children in the flat and in the light of the evidence to which we have referred, we reject any suggestion that a gunman fired from this flat and that Army gunfire was in consequence returned. Whether soldiers mistakenly thought that Fulvio Grimaldi was a gunman and fired at the window in that mistaken belief is a matter that we consider later in this part of the report.

Consideration of the evidence about firing at the west side of Block 1 of the Rossville Flats

123.251 With the exception of the shot that Corporal E told the Widgery Inquiry that he fired at an early stage from the Kells Walk ramp at a window on the next-to-top floor of Block 1 of the Rossville Flats, all the shots described by soldiers who said that they fired at windows in that block were fired at a late stage, after the other firing in all the sectors and after the Army vehicles had moved forward (southwards) from their original positions.[1] Firing at this stage is supported by the evidence we have discussed in relation to 12 Garvan Place. In particular, according to John McCrudden, shots came through the window after an APC had gone forward to the rubble barricade and soldiers had collected and put in

the APC three bodies that were lying there. There is a considerable body of other evidence, to which we refer below, of firing at this stage, as well as of further firing some minutes later.

[1] As will have been seen, Lance Corporal F resiled from his original account of firing at Block 1 at an early stage. Private L told Captain 200 that he fired at the same target as Private C and Lance Corporal D, who fired at a late stage.

123.252 Apart from the window damage to 12 Garvan Place, we have found no evidence that any window on the west side of Block 1 of the Rossville Flats was damaged by gunfire on Bloody Sunday. As already noted, the window identified by Lance Corporal D and Private C was in 8 Garvan Place, but the occupant of that flat (Eileen Gallagher) made no mention of any of her windows being damaged on the day.

123.253 We are sure from the photographic and other evidence we have set out above that six shots were fired through the southern window of 12 Garvan Place. As already noted, there was damage to the masonry immediately above the window, to the sill below and to the mullion to the side, which to us would appear to have been bullet strikes. As we have also noted, three soldiers (Private C, Lance Corporal D and Private G) each gave evidence that one of their shots missed a window but hit close by.

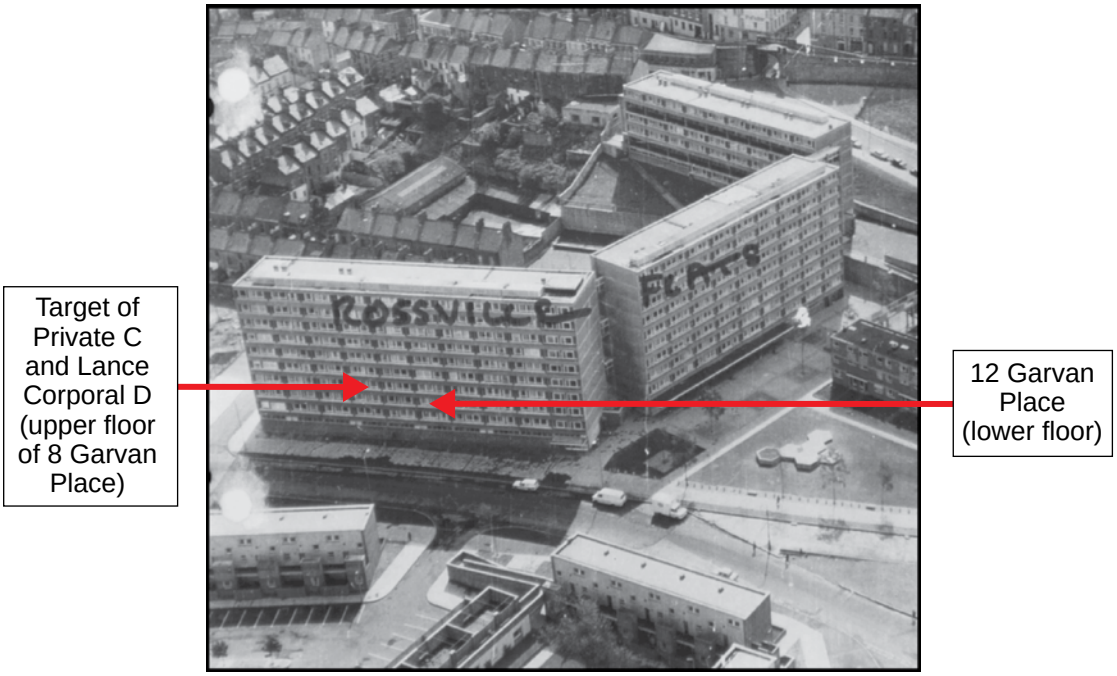
123.254 Again leaving aside the shot that Corporal E claimed he fired at a higher window at an early stage, there are, as will have been observed, a number of soldiers who gave accounts of firing at a late stage at this side of Block 1 of the Rossville Flats.

123.255 As to the soldiers who gave accounts of firing at the west side of Block 1 of the Rossville Flats, it seems to us for reasons given earlier in this report that Private C fired three shots from the Kells Walk walkway at a window, one of which, according to him, hit the wall above the top right-hand corner of the window; that Lance Corporal D fired two shots from the same place at the same window, one of which, according to him, hit the wall to one side of the window; and that Private L probably fired one shot at the same window. Private G fired one shot from near the Army vehicles in Rossville Street at a window identified by an Army driver, but according to the former hit above the window. Despite his other accounts of firing more shots, the evidence we have examined leads us to conclude that Lance Corporal F fired only two shots at the same window as Private G, as indeed he recorded in his third RMP statement.

123.256 On this basis, nine shots were fired at a window or windows on the west side of Block 1 of the Rossville Flats.

123.257 On the basis of the evidence that we have considered, we have concluded that it is probable that six shots entered the window, one hit the masonry above the window, another the sill beneath the window and one to the side of the window. The photographs support this, though one of them seems to show that another shot may also have hit to the side of the window. There is nothing to suggest that more than ten shots at most were directed at this window.

123.258 As we have observed, we have found no evidence that any other window was damaged by gunfire. The window identified by Private C and Lance Corporal D does not appear to have been damaged. In our view they were mistaken in identifying this window as the one they had fired at and in fact they had fired at 12 Garvan Place. We set out below a photograph that shows the target identified by Private C and Lance Corporal D and the position of the window of 12 Garvan Place.



123.259 As can be seen, although these soldiers identified a different window from that of 12 Garvan Place that was fired at, the two positions are not far apart and in our view it would not be surprising, by reason of the large array of identical windows, if they had made a mistake when later giving an account of where they had fired.

123.260 Private G's trajectory photograph[1] shows a target close to 12 Garvan Place. Private G stated that he hit above the window with his shot. In our view the shot he fired was directed at the lower floor window of 12 Garvan Place, as were the shots fired by Lance Corporal F.

[1] Paragraph 123.187

123.261 In our view therefore, Private C, Lance Corporal D, Private L, Private G and Lance Corporal F all fired at 12 Garvan Place. The first two of these each described one of their shots missing the window but hitting close by, as did Private G in respect of the one shot he fired.

123.262 Private C, Lance Corporal D, Private L, Private G and Lance Corporal F in our view account for nine of the shots fired at 12 Garvan Place.

123.263 If all the marks shown in the photographs above and below the window and on the mullion to the side of the window represent bullet damage, this analysis fails to account for one shot. It is possible that one of the marks is not that of a bullet strike. It is also possible, though contrary to the view we have expressed earlier in this report, that Private Longstaff fired a shot at this window, which at the time he failed to acknowledge, or that Private INQ 449 did so. As we have pointed out earlier, Lance Corporal F claimed to have fired three shots at the same window as Private G, but the evidence of others of Lance Corporal F's firing makes us sure that he only fired two.

Lance Corporal F and firing at other windows

123.264 As to Lance Corporal F, we have already pointed out that he gave a number of inconsistent accounts of firing at the Rossville Flats and that, for the reasons we gave, we consider that no reliance can be placed on his accounts in the absence of supporting evidence.

Firing at another window on the second or third floor of Block 1

123.265 We have found no evidence at all from any source to support Lance Corporal F's account that he fired three further shots at another window, which in his various accounts he put on either the second or the third floor of Block 1, and in his evidence to the Widgery Inquiry stated to be next to the window at which he had fired shortly before. On the contrary, in our view the evidence we have considered above shows that he fired only two shots, both at 12 Garvan Place, the same window as Private G.

Firing at a window on the top or second-from-top floor of Block 1

123.266 Again we have found no evidence at all from any source that persuades us that Lance Corporal F fired, or even might have fired, further shots (either two or four, depending on which of his accounts is examined) at a further window, which in his various accounts he put either on the top or the second-from-top floor of Block 1. No soldier gave evidence of witnessing either Lance Corporal F's alleged target, the shots allegedly fired by Lance Corporal F at this target, or the shot or shots allegedly fired by this target; and to our minds the evidence we have considered from other soldiers satisfies us that Lance Corporal F fired only two shots, both at 12 Garvan Place.

Conclusions on the firing by Lance Corporal F at Block 1 of the Rossville Flats

123.267 Lance Corporal F's original assertion that he fired 11 shots at Block 1 of the Rossville Flats was untrue. He abandoned this claim when interviewed by Colonel Overbury and said then that he fired only eight shots, having fired one shot at the rubble barricade, hitting a nail bomber, and two shots on the south side of Block 2 of the Rossville Flats, hitting a man with a pistol. We express elsewhere in this report our view that his shot at the rubble barricade, which killed Michael Kelly, was unjustified. We also consider in the context of Sector 4 the shots that Lance Corporal F said he fired in Glenfada Park North, and in our consideration of the events of Sector 5 his shooting on the south side of Block 2 of the Rossville Flats, and we express our view that all those shots were unjustified.

123.268 Despite Lance Corporal F abandoning what in our view was his initial attempt to conceal the fact that he had shot people elsewhere, we consider that he continued to lie about the number of shots that he had fired at Block 1 of the Rossville Flats. In our view he exaggerated the number of shots that he had fired by six (to eight in all) in order to conceal the fact that he had fired six shots elsewhere on Bloody Sunday. We have in the context of our consideration of the events of Sector 5 concluded that it was in this sector that he fired those shots.

The reason soldiers fired at 12 Garvan Place

123.269 Private C, Lance Corporal D and Private INQ 449 stated that they fired at a man with a pistol who had fired at the soldiers in Rossville Street. Private G originally stated that he located a gunman and saw a muzzle flash, and then fired one aimed shot; but he could not say that he had definitely hit the gunman, whom he described as firing approximately five shots, all of which went high over the vehicle. In his written statement for the Widgery Inquiry he recorded that he was in the vehicle, came under fire, got out and was told by the driver from where the fire was coming, heard more shots, saw the window of the flat move and fired at someone standing slightly back from it, but believed his shot had struck just above the window. Lance Corporal F stated that he saw something that looked like a rifle being pulled back from the window identified to him by a radio operator. However, we have rejected his account of firing at riflemen at other windows in Block 1 of the Rossville Flats.

123.270 In our view Private C, Lance Corporal D, Private L, Private G and Lance Corporal F fired at the 12 Garvan Place window. In our view they were unjustified in doing so, since we are equally sure that the only movement at that window was that of Fulvio Grimaldi taking photographs. We thus reject their accounts of seeing a man firing a pistol before they fired, as well as Private G's original account of locating a gunman and seeing a muzzle flash and Lance Corporal F's account of seeing something that looked like a rifle. We also reject for the same reason the radio operator Private 147's account of seeing a muzzle flash and shots from the window that he said he then pointed out to Lance Corporal F.

123.271 The question remains whether, albeit mistakenly, any of the firing soldiers was satisfied at the time that he was justified in firing, and later embellished his accounts with false details in order to strengthen his evidence.

123.272 We are not persuaded that this was the case with those firing from the Kells Walk walkway. They, or one or more of them, may well have seen a flash from sunlight reflecting from the window as Fulvio Grimaldi opened it and may also have seen his camera, but to our minds this could not have made them satisfied that this was a gunman at whom they were justified in shooting. It is possible that one or more of them thought that there might be a gunman; but in our view, since we consider that they could not have been satisfied of this, such a suspicion cannot justify what they did. As to Private G and Lance Corporal F, it seems to us that they probably fired simply on the say-so of another soldier, without bothering to satisfy themselves that they had found a legitimate target.

123.273 That other soldier may have been Private 147. As stated, we have rejected his account of observing firing from the window. In his case, however, there is the possibility that what he saw was the flash of the window opening and what he heard were two of the shots fired by soldiers from the Kells Walk walkway, which would have passed overhead quite close to him, a fact which may have led him to believe that they were hostile shots. As we have described when considering the events of Sector 2, those in the military ambulance that arrived in Rossville Street at this stage also mistakenly thought that they had come under paramilitary fire.

123.274 We now turn to consider other evidence of the situation in Sector 3 after all the casualties in that sector (and indeed in all the other sectors) had been sustained, and of the events that then occurred.

123.275 Before we do so, however, it is important to record that there are three significant reasons why we have considered at length the firing in Rossville Street at 12 Garvan Place in Block 1 of the Rossville Flats, despite the fact that this resulted only in minor injuries to two of the people in that flat.

123.276 The first is that this was firing by soldiers who mistakenly and unjustifiably engaged a target who was posing no threat of any kind to them or their colleagues.

123.277 The second is that Lance Corporal F gave a knowingly false account of where he had fired six (and orginally nine) of his shots, something that we have taken into account when considering what he did in Sector 5.

123.278 The third is that the firing at 12 Garvan Place demonstrates how Army fire can be (and was) mistaken by other soldiers for fire by paramilitaries.

Chapter 124: The arrival of the ambulances and other firing

Contents

124.1 There is further evidence of the situation in Rossville Street, which, as will be seen, helps to establish the timing of events and shows that several minutes after the firing at 12 Garvan Place those in the area heard more firing. We start with evidence relating to three ambulances that arrived to collect casualties.

The ambulances

124.2 As will be seen, the evidence relating to the two ambulances that stopped in Rossville Street to take casualties to Altnagelvin Hospital provides assistance on the timing of the later events in Sector 3. There was a third ambulance, but although this ambulance came down Rossville Street, it went into Glenfada Park North and did not collect any casualties in Rossville Street.

124.3 The *Irish Press* staff photographer Colman Doyle's photograph (reproduced below) shows the ambulance with registration number 5986 UZ and the number 352 on the nearside rear door passing through the gap in the rubble barricade on its way south down Rossville Street. In his written statement for the Widgery Inquiry,[1] Colman Doyle identified the cameraman shown in this photograph standing near the entrance to Block 1 of the Rossville Flats as Fulvio Grimaldi.

[1] M23.2

124.4 An enlargement of part of this photograph shows the registration number of this ambulance.

124.5 Two series of images, on contact sheets of photographs taken by Colman Doyle and John Walters (of the *Daily Mail*), show the body of Hugh Gilmour and the wounded Michael Bradley being wheeled to this ambulance, while it was parked in Rossville Street near the south end of Block 1 of the Rossville Flats, and Patrick McDaid walking to it. Patrick McDaid's arrival at the ambulance can also be seen in the BBC footage.[1] The Independent Television News (ITN) footage[2] shows Hugh Gilmour's body being brought to the ambulance.

1 Vid 1 06.50

2 Vid 3 06.58

124.6 The third entry in the emergency calls log[1] records that this ambulance was called at 4.25pm to deal with "*Riot injuries at Glenfadda [sic] Pk*", reached the scene of the emergency at 4.28pm and arrived at Altnagelvin Hospital at 4.45pm carrying "*2 DOA 3 injured*". The two fatalities were Hugh Gilmour and Patrick Doherty, and the three wounded Michael Bradley, Patrick McDaid and Alexander Nash.

1 D500.26-D500.27

124.7 The ambulance attendant John Gilchrist recorded in a statement made to the Royal Ulster Constabulary (RUC)[1] that he and the driver Harry Wray were at Gransha Hospital at about 4.20pm when they received a call to return to Altnagelvin Hospital. When they reached Limavady Road they received a message to go to Fahan Street where someone had been shot. At Castle Gate a policeman told them that the casualty in Fahan Street had been lifted. Their controller told them to proceed to Chamberlain Street, where they were again redirected to Rossville Street. Harry Wray stopped the ambulance at the main entrance to the Rossville Flats, ie the entrance to Block 1 on Rossville Street. In due course they conveyed two dead men, including a man with a droopy moustache, and three injured men to Altnagelvin Hospital. The man with the moustache was Patrick Doherty, who was shot and mortally wounded in Sector 5, as we have described earlier in this report.

1 ED33.7

124.8 It is clear that this evidence relates to the call recorded in the third entry in the log, despite the reference in that entry to "*Riot injuries at Glenfadda Pk*", since neither the log nor the evidence of any of the ambulance drivers or attendants refers to any other call in which as many as five casualties were carried to the hospital. In his written statement to this Inquiry,[1] John Gilchrist told us that he thought that the photograph attached to his statement[2] (the Colman Doyle photograph shown above) showed his ambulance. He

stated[3] that he thought that the journey to Altnagelvin Hospital had taken about five to six minutes. If so, and if the arrival time recorded in the log is accurate, the ambulance would have left Rossville Street at about 4.39pm or 4.40pm.

1 AG65.6
2 AG65.10
3 AG65.7

124.9 We refer hereafter to this ambulance as the first ambulance.

124.10 Captain INQ 2054 reported from his helicopter on the Brigade net at 1635 or 1636 hours[1] that a large crowd was circling what was presumably a body at grid reference 43141684 (between Abbey Park and Glenfada Park South); at 1639 hours[2] that an ambulance was stationary in Rossville Street near the Rossville Flats while another ambulance was dealing with the body previously mentioned; and at 1645 hours[3] that both ambulances had left the area of the Rossville Flats and were proceeding along Great James Street. The BBC footage[4] shows these two ambulances leaving almost simultaneously, one from Glenfada Park North and the other from Rossville Street. It also seems likely that they are the two ambulances shown moving north up Rossville Street in the ITN footage.[5] If the times of the radio messages are accurately recorded in the Brigade log, Harry Wray and John Gilchrist may have left Rossville Street slightly later than 4.40pm.

1 W49 serial 188; W135 serial 484
2 W49 serial 191; W136 serial 502
3 W49 serial 197; W137 serial 516
4 Vid 1 06.59
5 Vid 3 07.15

124.11 The ambulance that preceded them up Rossville Street is likely to have been the ambulance with registration number 7449 WZ, which according to the fourth entry in the emergency calls log[1] was called at 4.30pm to deal with two injured people in Rossville Street, reached the scene of the emergency at 4.37pm and arrived at Altnagelvin Hospital at 5.00pm carrying casualties named McKinney, Kelly and Devenney. This is consistent with the evidence of the ambulance driver Ronald Moore, who recorded in a statement made to the RUC[2] that a call was received at 4.30pm to the effect that an ambulance was required in the Rossville Street area. When he reached Rossville Street, a crowd waved him into Glenfada Park, from where he drove three casualties to the hospital. He was told that one of them was Gerald (sic) McKinney and another was named Kelly. The ambulance attendant John Rutherford said in a statement made to the RUC[3] that he was told that the third casualty was thought to be called Devenney, but he said that this may not have been accurate. In fact the casualties in this ambulance were Michael Kelly and Gerard McKinney, who had been killed, and Joe Mahon,[4] who had been wounded.

1 D500.26-D500.27
2 ED29.5-ED29.6
3 ED36.8-ED36.9
4 AC68.6; AM18.14-16

124.12 We refer hereafter to the ambulance that went to Glenfada Park North as the third ambulance.

124.13 The ambulance attendant Samuel Hughes recorded in a statement made to the RUC[1] that following a call received at 4.39pm for an ambulance in Glenfada Park, he and the driver John Rafferty proceeded to Rossville Street and stopped outside the main entrance to the Rossville Flats. He saw a body lying covered by a blanket about eight to ten yards from the entrance. Someone told him that there was another body in Glenfada Park. He called another ambulance to deal with that casualty. Some bystanders told him that the name of the man whose body was covered by a blanket was McGuigan. He and Samuel Hughes then conveyed two dead men, including Bernard McGuigan, and an injured man and an injured woman from the area of the Rossville Flats to Altnagelvin Hospital.

1 ED39.6-7

124.14 This is consistent with the fifth entry in the emergency calls log, which records that the ambulance with registration number 7689 EZ was called at 4.38pm to deal with "*Riot injuries Glenfadda Pk*", left at 4.39pm, reached the scene of the emergency at 4.51pm and arrived at Altnagelvin Hospital at 5.15pm carrying "*2 DOA 2 injured*". This in turn is consistent with a report from Captain INQ 2054 at 1652 hours[1] that another ambulance had arrived outside the Rossville Flats. Captain INQ 2054 reported at 1705 hours[2] that an ambulance was just leaving and proceeding north up Rossville Street. It seems likely that this report refers to the same ambulance.

1 W49 serial 202; W138 serial 533

2 W50 serial 212; W140 serial 565

124.15 We refer hereafter to this ambulance as the second ambulance.

124.16 Colman Doyle recorded in his written statement for the Widgery Inquiry[1] that after taking the photograph shown above of the first ambulance he went around the south corner of Block 1 of the Rossville Flats and photographed the body of Bernard McGuigan (photograph reproduced below). After that he heard six to eight rifle shots being fired but was uncertain of the source or direction of the fire. He said that his next photograph (also reproduced below) showed people taking cover behind "*the ambulance*" after this firing broke out. The context suggests that he believed that this next photograph showed the same ambulance as the one he had photographed passing through the gap in the rubble barricade on its way south down Rossville Street, ie the one in the photograph shown above.

1 M23.2

124.17 However, in our view Colman Doyle was wrong in thinking that this was the same ambulance. A series of images on one of his contact sheets[1] (frames 6–14) shows an ambulance parked in Rossville Street near the north end of Joseph Place, facing south. The enlargements of frames 7 and 10 show that this ambulance had the number 231 on the rear door, and hence that it was not the ambulance shown passing through the gap in the rubble barricade in the photograph reproduced above in paragraph 124.3. In our view

it must have been the second ambulance to arrive in this area, which, as noted above, had the registration number 7689 EZ and was manned by John Rafferty and Samuel Hughes. The second of the two photographs shown above[2] is an enlargement of the first of frames 31A–32A, which appear from the numbering to have been taken on a different film. Although the number on the rear door is not legible, these frames show an ambulance in exactly the same position near the north end of Joseph Place, which indicates that this is also the second ambulance. This is supported by consideration of the preceding frame, frame 30A, which shows the same group as is seen in a photograph taken by James Dakin of the *Daily Express.* Frame 30A is shown below, followed by James Dakin's photograph.

1 P233.11

2 Paragraph 124.16

124.18 The Order of Malta Ambulance Corps volunteer James Norris attached a copy of James Dakin's photograph to his written statement to this Inquiry and told us[1] that it showed him helping to carry the body of Kevin McElhinney from Block 1 of the Rossville Flats. In his statement made to the RUC,[2] John Rafferty recorded that he helped to put into his ambulance a man aged between 16 and 20 years who was brought, covered in a blanket, by a group of about six men from the direction of "*the entrance between the two blocks of flats*". After the ambulance reached Altnagelvin Hospital, John Rafferty was instructed to take this man to the mortuary. This man must have been Kevin McElhinney. It follows that the photograph shown above,[3] of the ambulance that Colman Doyle thought was the same as the first he had photographed, was taken after Kevin McElhinney was brought out of Block 1 and in fact shows the second ambulance, with the registration number 7689 EZ.

1 AN20.5
2 ED39.8-ED39.9
3 Paragraph 124.16

124.19 The BBC footage shows the bodies of Kevin McElhinney[1] and Bernard McGuigan[2] being brought to the second ambulance.

1 Vid 1 07.12
2 Vid 1 07.52

124.20 In addition to Kevin McElhinney and Bernard McGuigan, who had been killed, Alana Burke, who had been injured, was taken to hospital in this ambulance.[1]

1 ED39.6-7; ED39.8-9; AB101.2; GEN3.10-11

The timing of the arrival and departure of the first and second ambulances

124.21 On the evidence considered above, it appears that the first ambulance, manned by Harry Wray and John Gilchrist, was parked near the entrance to Block 1 of the Rossville Flats from 4.28pm until somewhere between 4.39pm and 4.45pm, and that the second ambulance, manned by John Rafferty and Samuel Hughes, was parked near the north end of Joseph Place from 4.51pm until, probably, about 5.05pm. Colman Doyle's photograph of this ambulance shows, as noted above, people taking cover in front of this second ambulance after shooting had broken out.

124.22 A photograph taken by Constable A Brown of the RUC (reproduced below) shows Michael Bradley being put into the first ambulance; while another photograph taken by Constable Brown (also reproduced below) shows Fr Mulvey and Fr Irwin near the north end of Block 1 of the Rossville Flats at the time when they were seeking access to the bodies in Lieutenant N's Armoured Personnel Carrier (APC), in circumstances we have considered earlier in this part of the report.

124.23 In his undated statement,[1] Constable Brown recorded that he saw Fr Mulvey approaching, and being allowed with another priest into the back of an APC, after he had seen a man being put into an ambulance. This tends to confirm that the two photographs he took were taken in the order shown above,[2] and hence that Fr Mulvey went to see the bodies in the APC after Hugh Gilmour and Michael Bradley had been put into the first ambulance.

1 JB13.1-JB13.2

2 Constable Brown's contact sheet at first appears to indicate that the photographs were taken in the opposite order. However, consideration of the sequence of photographs on his other contact sheet suggests that his film was wound from back to front, so that the numbering of the negatives is misleading.

Evidence relating to the situation while ambulances were in Rossville Street

Fr Vincent Anthony Mulvey

124.24 In his written statement for the Widgery Inquiry,[1] Fr Mulvey recorded that an ambulance had pulled up at the rubble barricade before he went to see the bodies in the APC. Having seen these bodies, he was filmed by Gerald Seymour of ITN and protested about how these casualties had been treated. He said in his statement that after he had seen the bodies, spoken to Gerald Seymour and made an unsuccessful attempt to go to the bodies again, he left the scene at about 4.30pm and returned to the rubble barricade,

where another ambulance had pulled up. He then went to look at the bodies lying on the pavement in front of Block 2 of the Rossville Flats and spoke to several people. While he was there, he heard about four or five reasonably close shots but he did not know from which direction they had come.

1 H15.13-14

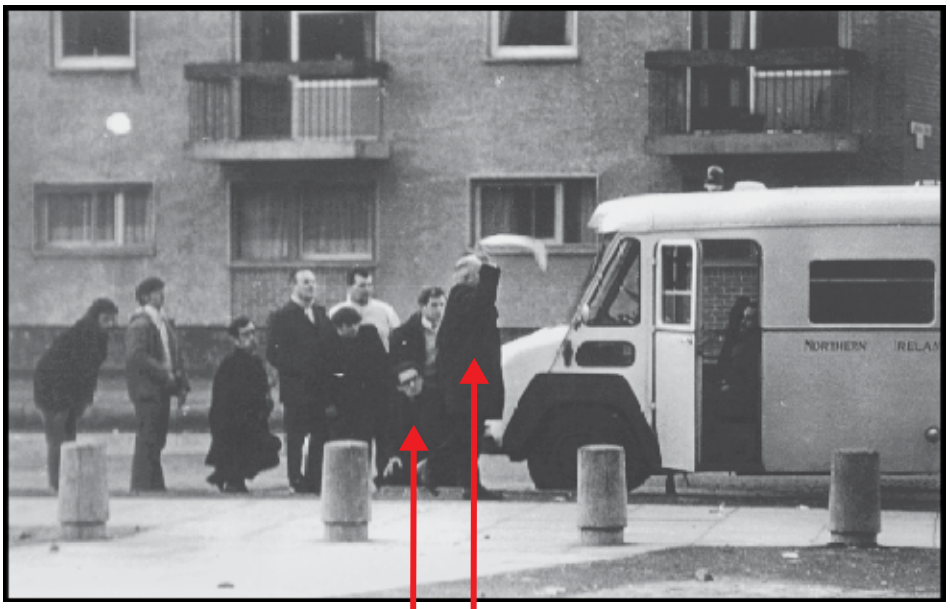
124.25 Fr Mulvey said in his written statement for the Widgery Inquiry that he then went over to 7 Abbey Park, where he found William McKinney (one of the casualties in Sector 4) still alive but unconscious. He then returned to Rossville Street where an ambulance had pulled up next to Joseph Place. The ambulancemen were lifting one of the casualties near the shops when further shooting started. At least six shots were fired. With others, Fr Mulvey took cover at the front of the ambulance. Although he did not see the shots being fired he formed the firm impression that they had been fired by soldiers at the north end of Block 1 of the Rossville Flats. The sound came from that direction and was very close. In order to allow the ambulancemen to bring the casualty to the ambulance, Fr Mulvey rose from the front of the ambulance and waved a white handkerchief. There was no more firing. He thought that these had been the last shots fired in Rossville Street. The time was about 4.45pm or maybe a little later. Fr Mulvey gave a similar account in his oral evidence to the Widgery Inquiry.[1]

1 WT4.30

124.26 The ambulance that Fr Mulvey saw before he approached the soldiers was in our view the first ambulance as it reached the rubble barricade, since this ambulance was logged as arriving at 4.28pm. It is not entirely clear how he can have seen another ambulance on his return from the soldiers at about 4.30pm. This may have been the same ambulance as he had seen earlier, but it may instead have been the third ambulance that did not collect casualties in Rossville Street but went into Glenfada Park North. Since the second ambulance was logged as arriving at 4.51pm, it cannot have been that ambulance that he saw at this time. This ambulance subsequently arrived outside Joseph Place while Fr Mulvey was in Abbey Park. It was in front of this ambulance that Fr Mulvey, having returned from Abbey Park, took cover when shots were fired. His estimated timing of the shots at 4.45pm, or perhaps a little later, is close to the arrival time of 4.51pm recorded in the emergency calls log.

124.27 Fr Mulvey is shown at the front of the second ambulance, and moving alongside and behind it waving his handkerchief, in several photographs (reproduced below) and in the BBC footage.[1]

1 Vid 1 07.30



Fr Bradley

Fr Mulvey

Fr Mulvey

Fr Denis Bradley

124.28 Fr Bradley said in his written statement for and oral evidence to the Widgery Inquiry[1] that he accompanied Fr Mulvey back to Rossville Street from Abbey Park. When they arrived, Patrick Doherty's body was still lying on the ground and the first ambulance had not yet left. After the departure of the first ambulance, an injured man was taken from the main entrance of the Rossville Flats to the second ambulance. As Fr Bradley entered the ambulance with the casualty, more gunfire rang out. Fr Bradley went to the front of the ambulance to take cover, as he had the impression that the shooting was coming from the north end of Rossville Street.

1 H1.43-H1.44; WT4.54

124.29 In his interview with Peter Taylor,[1] Fr Bradley said that shooting had broken out while he and Fr Mulvey were standing by an ambulance at a late stage of the afternoon. He said that he was told in the week after Bloody Sunday that "*what had happened was that the Provisional IRA had come back with guns*".

1 I21

124.30 In his interview with Paul Mahon,[1] Fr Bradley said that the incident occurred a considerable time, perhaps 45 minutes, after the main shooting was over, and perhaps 15 to 20 minutes after the Army had been pulled back towards William Street. He and another priest were helping an injured man into an ambulance when a shot was fired. They knew that the shot had not come from the Army. They took cover behind the ambulance. He thought that at this stage all the dead had been taken away.

1 X4.1.36-X1.4.38

124.31 In his written statement to this Inquiry,[1] Fr Bradley told us that he remembered being next to Fr Mulvey on the east side of Rossville Street in front of Block 2 of the Rossville Flats. He appeared not to recall having entered one of the ambulances, but stated that someone had told him afterwards that he had done so. He recalled that Fr Mulvey had a handkerchief but was not sure whether this was something that he had seen on television. He remembered that he and Fr Mulvey took cover when shots were fired from Free Derry Corner. He thought that the Provisional IRA had arrived. There were probably five to seven shots fired over a period of 30 to 40 seconds. No fire was returned. The Army had pulled out by this stage.

1 H1.16-H1.17

124.32 Fr Bradley gave a similar account in his interview with Jimmy McGovern.[1]

1 H1.88-H1.89

124.33 In his oral evidence to this Inquiry,[1] Fr Bradley said that he and Fr Mulvey had taken cover first at one end of the ambulance and then at the other. They moved round to the north side of the ambulance because they thought that the shots were coming from a different direction from before. They thought that between four and seven shots had been fired from the direction of Free Derry Corner and Westland Street. Fr Bradley was surprised that he had said in his statement for the Widgery Inquiry that the shots were coming from the north. If shots were fired from both directions, it was not necessarily in the course of the same incident. He believed that he had been in shock at this stage of events. He was shown[2] the BBC footage[3] of him, Fr Mulvey and others taking cover at the front of the second ambulance, and it was suggested to him that the shots that he attributed to the Provisional IRA might have been fired in a later incident. He said that he thought that there had been two incidents. Later in his evidence,[4] he said that it was now reasonably clear to him that when he and Fr Mulvey had taken cover at the front of the ambulance, as shown in the BBC footage, Fr Mulvey had been waving his handkerchief

at the soldiers to tell them to stop firing or that a body was being brought out. There was a separate incident at a later time when shots were fired from Free Derry Corner and he took cover at the back of the ambulance.

1 Day 140/154-158
2 Day 140/177-179
3 Vid 1 07.30
4 Day 140/239-240

124.34 Fr Bradley is shown taking cover in front of the second ambulance in photographs that we have shown above and in the BBC footage.

John Rafferty

124.35 John Rafferty, the driver of the second ambulance, recorded in his statement made to the RUC[1] that after he had helped to put the young man covered in a blanket into the ambulance, he went into the Rossville Flats to find a stretcher that two Order of Malta Ambulance Corps volunteers had taken in order to assist a girl with leg and spinal injuries. When he was inside the Rossville Flats and about to lift the stretcher, he heard about six single shots.

1 ED39.8

Samuel Hughes

124.36 Samuel Hughes, the attendant in the second ambulance, recorded in his statement made to the RUC[1] that he heard about six single shots while he was waiting with the ambulance for the casualty to be brought out of the Rossville Flats on the stretcher. Most of the people around him took cover.

1 ED39.6

The BBC television crew

124.37 In his written statement for the Widgery Inquiry,[1] the reporter John Bierman recorded that he was behind the rubble barricade and saw a body being put into an ambulance near the Rossville Flats. He went over to the area and was shown another body, that of a man under a blanket without shoes on his feet. This was recorded on his crew's film.[2] Firing broke out again and the crowd scattered, as shown on the film.[3] A group of people including a priest stood behind the ambulance taking shelter. They clearly thought that the shooting was coming from the direction of the soldiers, as did John Bierman, judging

by the sounds that he heard. He did not hear any return fire. It was a "*burst of intermittent firing*". This and a later burst of firing interrupted his first two attempts to interview Fr Edward Daly.

1 M6.6
2 Vid 1 07.24
3 Vid 1 07.29

124.38 In his oral evidence to the Widgery Inquiry[1] John Bierman said that the firing seemed to be coming from the direction of Eden Place and Pilot Row. It consisted of a few single shots.

1 WT1.45-46

124.39 In his written statement to this Inquiry,[1] John Bierman told us that he saw the body of the man without shoes and the body of another dead man. As his cameraman was filming the scene, he could still hear occasional shots being fired. There was another volley of probably half a dozen shots as he started to interview Fr Daly. His impression was that the shots had been coming south down Rossville Street, but it was impossible to be precise.

1 M6.30

124.40 In his oral evidence to this Inquiry,[1] John Bierman said that he was pretty sure that the shooting heard on the soundtrack of the film where the camera shows the body of Bernard McGuigan (shot dead in Sector 5)[2] had been live fire. He confirmed[3] that he heard two volleys of shots, one while the body of Bernard McGuigan was being filmed and one while he was trying to interview Fr Daly.

1 Day 111/29-30
2 Vid 1 07.29
3 Day 111/67-68

124.41 In his written statement for the Widgery Inquiry,[1] the cameraman Cyril Cave recorded that quite a few shots rang out after he had been filming the body of the man without shoes for three or four seconds. He kept the camera running until the crowd had all taken cover. He then filmed the ambulance, the crew of which were sheltering with a priest below its bonnet.[2] The priest waved a white handkerchief but firing continued. When the shooting stopped, the priest ran in a crouching position to the back of the ambulance, waving his handkerchief. The body was then lifted and carried to the ambulance. More firing broke out as John Bierman was about to start an interview of Fr Daly. A second attempt to

interview Fr Daly was also interrupted by firing. Cyril Cave could hear the whine and whistle of the bullets and thought that they were passing close to him. We have no doubt that the man without shoes was Bernard McGuigan.

1 M13.7
2 Vid 1 07.30

124.42 In his oral evidence to the Widgery Inquiry,[1] Cyril Cave said that he believed that the shots had come from the north end of Rossville Street. The first attempt to interview Fr Daly was not recorded on the film. The film showed the second attempt,[2] which was interrupted, and the third attempt, which succeeded.[3]

1 WT1.55
2 Vid 1 08.17
3 Vid 1 08.24

124.43 In his written statement to this Inquiry,[1] Cyril Cave told us that a priest appeared from behind an ambulance with a piece of white cloth attached to a stick. Cyril Cave stopped by the body of the man without shoes. Firing started as the priest came out. People ran for cover except for one man who crouched over the body with outstretched arms. The priest came out again and the firing stopped. Two or three people lifted another body into the ambulance. This ambulance drove off and was replaced by a second ambulance. Firing then started from the area of Glenfada Park North. Cyril Cave thought that this firing was aimed at the crowd on the south side of Block 2 of the Rossville Flats. The priest appeared again and the firing stopped. The body of the man without shoes was loaded into the second ambulance. Firing then broke out again on three separate occasions as John Bierman tried to begin an interview of Fr Daly. This firing was "*from a high powered gun*" and was coming from the direction of the City Walls. It could not have come from the area of Kells Walk. Cyril Cave had the impression that it was intended to disrupt the crowd rather than to hit anyone.

1 M13.27

124.44 In his oral evidence to this Inquiry,[1] Cyril Cave said that there were two occasions on which the priest came out and the shooting stopped. He thought that he had been mistaken when he said in his oral evidence to the Widgery Inquiry that the shots fired while John Bierman was attempting to interview Fr Daly had come from the north. He now believed that the shots had come from behind him and that they must therefore have come from the City Walls. He agreed[2] that the soundtrack of the film had picked up a voice saying "*Take cover, they're shooting from the walls*" while the camera showed the body of the man without shoes[3] and another voice saying "*Get in from the wall*" just before the beginning of the (successful) interview of Fr Daly.[4] He could not tell from where the shots were being fired while he filmed the body, but again said that he believed

that the shots immediately prior to the interview had come from the City Walls. As the soundtrack showed, people around him at the time had believed that there was shooting from the City Walls.

1 Day 141/98-110
2 Day 141/121-123
3 Vid 1 07.29
4 Vid 1 08.24

124.45 We formed the view that Cyril Cave was muddled in the accounts that he later gave – not surprisingly, since at the time he was doubtless concentrating on filming.

124.46 In his written statement for the Widgery Inquiry,[1] the sound recordist Jim Deeney stated that he heard single rifle shots as his colleague was filming the body of a dead man covered with a blanket. He could not say how many shots were fired, but they were fired towards Free Derry Corner from the direction of the Army vehicles in Rossville Street and from somewhere around Kells Walk. People crouched around the ambulance. John Bierman made three abortive attempts to interview Fr Daly and on each occasion was interrupted when shots were fired. These shots seemed to have been fired from the same area and in the same direction as the earlier shots.

1 M20.3-M20.4

124.47 Jim Deeney did not refer to this shooting in his written statement to this Inquiry.[1]

1 M20.5

Fr Edward Daly

124.48 Fr Daly recorded in his written statement for the Widgery Inquiry[1] that one or two ambulances arrived when he was in the area of Joseph Place. With Fr Mulvey and others he helped to bring casualties to the ambulances. On several occasions during this operation he heard gunfire. He felt that it was coming along Rossville Street from the direction of the Army positions. A shot rang out just as he was about to begin an interview with John Bierman. In his oral evidence to the Widgery Inquiry,[2] he said that there was gunfire at the time when Fr Mulvey waved his handkerchief from the corner of one of the ambulances. Although not sure, he thought that the start of his interview with John Bierman had been interrupted twice by the firing of a shot.

1 H5.20
2 WT4.13

124.49 In his *Sunday Times* interview,[1] Fr Daly said that gunfire seemed to come from the area where the soldiers were posted towards the parked ambulance. He referred to one shot at the beginning of his interview with John Bierman.

1 H5.62

124.50 In his interview with Peter Taylor,[1] Fr Daly said that he thought that his interview with John Bierman had been interrupted a couple of times by gunfire.

1 I72

124.51 In his written statement to this Inquiry,[1] Fr Daly told us that there was firing from "*further over Rossville Street*" when bodies were being taken to the ambulance, and a single shot at the beginning of his interview with John Bierman.

1 H5.6-H5.7

124.52 In his interview with Jimmy McGovern,[1] Fr Daly said that the shot fired at the beginning of his interview with John Bierman was a high velocity shot. He thought that it had come from the City Walls but he was not sure.

1 H5.87

124.53 In his oral evidence to this Inquiry,[1] Fr Daly again referred to one shot being fired at the beginning of his filmed interview.

1 Day 75/77

Colman Doyle

124.54 We have referred above to Colman Doyle's evidence in his written statement for the Widgery Inquiry. In his oral evidence to the Widgery Inquiry,[1] he said that shots were being fired when he took the photograph shown above, which for convenience we show again here.

1 WT7.54

124.55 For reasons we have given earlier in this chapter, we are of the view that this photograph was of the second ambulance, which according to its log entry arrived in Rossville Street at 4.51pm.

124.56 In his written statement to this Inquiry,[1] Colman Doyle told us that he heard about three single rifle shots just after an ambulance had pulled up on Rossville Street near Joseph Place. He threw himself to the ground when he heard the first shot. He took the photograph shown above[2] while he was on the ground. He did not know from where the shots had been fired. He looked towards the ambulance and saw a priest waving a white handkerchief. In his oral evidence to this Inquiry,[3] Colman Doyle said that at first he had thought that about eight shots were fired, but that he now thought that he could have been misled by echoes and that there might have been only four. He could not tell whether or not they were all coming from the same direction.

1 M23.21
2 M23.33
3 Day 72/102-108

Jeffrey Morris

124.57 Jeffrey Morris, a *Daily Mail* staff photographer, recorded in his written statement for the Widgery Inquiry[1] that firing broke out as the second ambulance was being loaded. He attributed this to "*a sniper in the direction of Free Derry Corner*". The soldiers started

firing again. People panicked. He threw himself down. The shooting lasted for half a minute. While it was going on, he took the following two photographs. The first of these we have shown above, but for convenience we show it again here.

1 M57.3-M57.4

124.58 According to Jeffrey Morris a priest holding a white handkerchief was by the ambulance facing the soldiers. When the firing stopped, the priest moved towards the back of the ambulance, as can be seen in the following photograph, shown again here for convenience.

124.59 In his oral evidence to the Widgery Inquiry,[1] Jeffrey Morris said that there seemed to be shooting from both the south and the north, but he could not say which came first. The shooting definitely lasted for no more than one minute. He identified the priest as Fr Mulvey. He said[2] that shooting was still going on when he took this photograph, showing Fr Mulvey moving up the side of the ambulance towards the soldiers waving his handkerchief.

1 WT2.54-WT2.56

2 WT2.60-WT2.62

John Walters

124.60 John Walters, Jeffrey Morris's colleague on the *Daily Mail*, gave a similar account in his written statement for the Widgery Inquiry.[1] He did not know from where or from whom the shooting had come, although when people waved handkerchiefs they all waved them towards the soldiers.

1 M80.2-M80.3

William Rukeyser

124.61 The freelance photographer William Rukeyser took two photographs (reproduced below), which show the second ambulance parked near the north end of Joseph Place. The first of these we have shown above but show again here for convenience.

124.62 As already noted, Fr Mulvey can be seen in the first of these photographs. William Rukeyser told us in one of his written statements to this Inquiry[1] that he took these photographs in fading light.[2] He told us that while he was taking photographs in this area,

after he had seen the body of Bernard McGuigan, he heard a burst of intense shooting from the direction of the soldiers.[3] The fire sounded as though it all came from the same type of weapon and the same direction.

1 M70.8
2 Sunset on Bloody Sunday was at 5.00pm (E26.1).
3 M70.2; M70.7-M70.8

Eugene Lafferty

124.63 Eugene Lafferty told us in his written statement to this Inquiry[1] that he helped to carry the body of Bernard McGuigan to the ambulance. Fr Mulvey was on the north side of the ambulance waving a white handkerchief. Odd shots were being fired at this stage but they were "*not near us*". He attached to his statement[2] a copy of a photograph showing this scene, taken by James Dakin of the *Daily Express* (reproduced below).

1 AL1.11
2 AL1.14

124.64 In his oral evidence to this Inquiry,[1] Eugene Lafferty said that he could not recall from where the shots had come, or whether they had come from more than one direction.

1 Day 64/98-99

Hugh Logue

124.65 Hugh Logue told us in his written statement to this Inquiry[1] that he helped to carry two dead bodies into an ambulance. He believed that these had been the bodies of Kevin McElhinney and Bernard McGuigan. After he had done this, shooting started again. He thought that one shot had come "*from the Free Derry Corner side and one from the City or William Street side*". One of these shots made a sharper sound than the other. Although he was not certain, he thought that he was shown sitting in the passenger seat of the ambulance in the photograph taken by Jeffrey Morris, shown above.[2] In his oral evidence to this Inquiry,[3] he said that he thought that this photograph had been taken before the shooting broke out, because when the shooting started he knelt and put his head under the seat. He was not aware of Fr Mulvey's presence. He could not be sure from which direction the duller sounding shot had come, but suspected that it had come from the south. He said[4] that he thought that it had come from Free Derry Corner or beyond, and that he assumed that the sharper shot had been closer.

1 KL2.14-KL2.15
2 Paragraph 124.58
3 Day 126/72-73

James Norris

124.66 James Norris (a volunteer in the Order of Malta Ambulance Corps) recorded in his report to that organisation[1] that he and a cameraman had carried the body of Kevin McElhinney to the ambulance. As they were returning from the ambulance, paratroopers suddenly fired at them. They dropped to the ground. Thanks to Fr Mulvey and a few men waving white handkerchiefs, the shooting stopped. In his written statement to this Inquiry,[2] James Norris told us that a single high velocity shot was fired after he and others had carried Kevin McElhinney out of the Rossville Flats. He believed that it had come from an Army rifle, perhaps from the direction of William Street. He heard the bullet hit metal. He thought that it had hit a lamp post. Just after the shot was fired, he saw Fr Mulvey waving his handkerchief. In his oral evidence to this Inquiry,[3] he said that the shot was fired just after he had put Kevin McElhinney's body into the ambulance. He said[4] that he thought that the cameraman mentioned in his report to the Order of Malta Ambulance Corps was Liam Mailey.

1 AN20.22
2 AN20.5
3 Day 147/119-120
4 Day 147/95

Paddy Morrow

124.67 Paddy Morrow told us in his written statement to this Inquiry[1] that he and others took a stretcher from an ambulance man and used it to carry a male casualty to an ambulance. As they were carrying the stretcher he heard shots. Fr Mulvey walked in front of them waving a handkerchief as they carried the casualty. He identified himself as being on the far right of the group carrying the stretcher in the photograph[2] taken by James Dakin of the *Daily Express*. We have shown this photograph above.[3]

1 AM485.4-AM485.5
2 AM485.9
3 Paragraph 124.63

124.68 In his oral evidence to this Inquiry,[1] Paddy Morrow said that the shots were not close to him. He had no idea from which direction they had come.

1 Day 122/19-20

Firing recorded on the BBC footage

124.69 The BBC footage records[1] the sound of one shot fired while a group of people is gathered around the body of Bernard McGuigan.

1 Vid 1 07.29

124.70 No shooting is heard as the body is moved to the ambulance and Fr Mulvey walks to the back of the ambulance waving his handkerchief.[1]

1 Vid 1 07.52

124.71 A further shot is heard[1] during what on Cyril Cave's evidence would appear to be the second attempt to interview Fr Daly.

1 Vid 1 08.17

The ITN television crew's evidence of firing while they were at the north end of Block 1 of the Rossville Flats

124.72 In his written statement for the Widgery Inquiry,[1] the ITN reporter Gerald Seymour recorded that after the filming of his interview with Fr Mulvey, in which Fr Mulvey made an allegation about the way in which the paratroopers had handled the bodies in the APC, he made a report on camera. While he was making this report, shots were fired and an officer shouted "*Hold your fire*". Gerald Seymour did not know whether any soldiers had been firing "*immediately beforehand*". Then three more shots were fired, one of which he thought hit the wall above his head at the north end of Block 1 of the Rossville Flats.

The same officer then shouted that the soldiers were only to fire at identifiable targets. The time was now about 4.30pm. Gerald Seymour then returned to William Street and interviewed Colonel Wilford in failing light at about 4.45pm.

1 M72.3

124.73 In his oral evidence to the Widgery Inquiry,[1] Gerald Seymour said that there were "*a couple of shots*" before the officer shouted his first order. He could not identify the source of these shots. Within a minute or so, he heard three more shots fired before the officer shouted his second order. When the first of those shots was fired, he heard a noise that he took to be the sound of the bullet hitting masonry above him.

1 WT2.29

124.74 In his written statement to this Inquiry,[1] Gerald Seymour said that he was unable to remember specific details of events. He did not give oral evidence to this Inquiry.

1 M72.11

124.75 In his written statement for the Widgery Inquiry,[1] the ITN cameraman Peter Wilkinson said that after he had crossed Rossville Street to "*a block of flats in front of a Car Park*" he had started filming paratroopers taking up firing positions when he heard four high velocity shots from the direction of Free Derry Corner. The paratroopers ducked and the officer in command ordered them to hold their fire until a specific target was seen. The firing then stopped. During a lull, a priest arrived and saw the bodies in the APC. Peter Wilkinson filmed Gerald Seymour's interview of the priest. During the interview, he heard the sound of firing, but he was not sure whether this had been live firing or baton gun fire, or even the firing of CS gas. He then returned to William Street where Gerald Seymour interviewed Colonel Wilford. He thought that by the time that interview was over it was "*getting on for six o'clock*".

1 M82.2-M82.3

124.76 In his oral evidence to the Widgery Inquiry,[1] Peter Wilkinson said that the number of high velocity shots that he heard from the direction of Free Derry Corner was two.

1 WT2.30-32

124.77 In his written statement to this Inquiry,[1] Peter Wilkinson told us that he was unable to add to the evidence that he had given to the Widgery Inquiry. He did not give oral evidence to this Inquiry.

1 M82.9-M82.11

124.78 In his written statement for the Widgery Inquiry,[1] the ITN sound recordist Robert Hammond told that Inquiry that he was not sure whether there had been firing as he crossed Rossville Street to the Rossville Flats. He and his colleagues spent five to ten minutes at the north end of Block 1. He stated 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. While this was taking place, he heard a single shot with a duller sound. This shot did not seem to be very far away, but he could not say from where it had been fired. He also saw the legs of a dead man sticking out of the rear of an APC. He saw a male casualty being placed into a Volkswagen car just south of the rubble barricade. An ambulance pulled up in roughly the same position. Robert Hammond thought that two injured or dead men were 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. This interview was filmed. The crew then returned to William Street and interviewed Colonel Wilford.

1 M37.2-M37.3

124.79 In his oral evidence to the Widgery Inquiry,[1] Robert Hammond said that firing occurred while Gerald Seymour was giving his report on camera. Robert Hammond thought that he had seen shots fired from a Browning machine gun on an Army vehicle towards Glenfada Park. 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*" 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 WT2.37-WT2.46

124.80 In his written statement to this Inquiry,[1] Robert Hammond told us that while he was at the north end of Block 1 of the Rossville Flats he occasionally heard noises that he thought were the sounds of baton rounds being fired. He thought that his statement for and evidence to the Widgery Inquiry about the firing of a Browning machine gun might have been based on a mistaken interpretation of these sounds. He no longer recalled hearing

the shot with a duller sound described in his written statement for the Widgery Inquiry, but had no reason to believe that his earlier evidence about it was inaccurate. He no longer recalled Gerald Seymour giving his report on camera or interviewing the priest.

1 M37.16-M37.18

124.81 In his oral evidence to this Inquiry, Robert Hammond again said[1] 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, but he also said[2] that he could not be sure about this. He said[3] that he no longer remembered seeing a casualty being loaded into a Volkswagen in Rossville Street.

1 Day 154/17-19; Day 154/41-42
2 Day 154/37-38
3 Day 154/19-21

124.82 It appears possible that Robert Hammond could have heard the firing of a baton round into an APC, which was described by Captain 200 in his 1972 statement,[1] in his written statement to this Inquiry[2] and in his oral evidence to this Inquiry.[3] We have referred to this incident earlier in this report.[4] It is not clear what, if any, other baton rounds Robert Hammond could have heard being fired at this stage.

1 B1980-B1981
2 B2022.007
3 Day 367/108-111
4 Paragraphs 43.16–23

124.83 We have concluded that Robert Hammond was indeed mistaken in thinking that the Browning machine gun was fired. In our view he is likely to have heard some of the firing described by his colleagues. We accept the evidence of Corporal INQ 1826, the commander of the Ferret scout car carrying this gun, that it was not fired on Bloody Sunday. We return below to the evidence given by Corporal INQ 1826.

124.84 In his written statement for the Widgery Inquiry,[1] the ITN producer David Phillips recorded that he ran towards the Rossville Flats with the camera crew. As he arrived at the corner of the flats, he heard a loud single rifle shot above his head. A paratrooper ordered him to get down in a corner. The shot had certainly been coming towards him but he did not know from which direction. A priest then approached one of two APCs in Rossville Street and spoke to a soldier. David Phillips heard the priest tell Gerald Seymour that there were three bodies in the second APC and others elsewhere. Peter Wilkinson looked into the second APC and confirmed that what the priest had said was true. After the priest had left, another single rifle shot passed overhead, which was louder than the first shot. Again the shot certainly came towards David Phillips, but he did not know from which direction. It was answered by two single shots fired by two paratroopers crouching by the first APC. They were immediately told to cease fire by an officer who added a further order to fire

only on order or at identifiable targets. Shortly after this, the soldiers withdrew. David Phillips and the camera crew ran back with them to William Street, where Gerald Seymour interviewed their commanding officer.

1 M66.3-M66.4

124.85 In his oral evidence to the Widgery Inquiry,[1] David Phillips said that a burly paratrooper ordered him to get down when the first incoming shot was fired. The second incoming shot seemed to come towards the north-west corner of Block 1 of the Rossville Flats. The two soldiers who fired their rifles were crouching by the leading vehicle of those by the Rossville Flats.

1 WT2.15-WT2.18; WT2.22-23

124.86 In his written statement to this Inquiry,[1] David Phillips said generally that he could add nothing to the evidence that he gave to the Widgery Inquiry. He recalled hearing two rifle shots. He did not know from which direction the first had come, but knew that the second had come in his direction. He remembered being ordered to get down by a burly paratrooper.

1 M66.19-M66.20

124.87 In his oral evidence to this Inquiry,[1] David Phillips said that he thought that the second incoming shot had occurred within three minutes of the first. He thought that the whole episode was over by 4.40pm or 4.45pm. He said that he had no recollection of seeing a machine gun fired from the turret of an Army vehicle in the direction of Glenfada Park or Columbcille Court.[2] When the relevant section of the ITN footage[3] was played to David Phillips,[4] he acknowledged that the film recorded two shots followed by the order "*Cease firing*" and then three shots followed by an order like "*Do not fire unless you can identify a target*", but he said that his recollection of the number of shots that he had heard remained as described in his evidence to the Widgery Inquiry.[5] The shot that he could definitely say had passed over his head from in front of him was the shot that led the burly paratrooper to tell him to get down. He said that the burly paratrooper had clearly interpreted the shot in the same way.[6] He said that the vehicle from beside which the soldiers fired was somewhere on the east side of Rossville Street near the corner of

Block 1 of the Rossville Flats.[7] He rejected the suggestion that all the shots that he heard were fired by soldiers. He said that he thought that the vehicle from beside which the soldiers fired would have been one of those shown in the ITN footage.[8]

1 Day 139/20-23
2 Day 139/28-29
3 Vid 3 05.55
4 Day 139/34-35
5 Day 139/75-87
6 Day 139/201-202
7 Day 139/168-174
8 Day 139/197

Firing recorded on the ITN footage

124.88 No firing is heard on the ITN footage during Gerald Seymour's interview of Fr Mulvey.[1]

1 Vid 3 06.12

124.89 The ITN footage records[1] the sound of two shots in quick succession, followed immediately by the order "*Cease firing*", while Gerald Seymour gives his report on camera. Approximately 14 seconds then elapse before the end of the report, during which no shooting is heard. In their oral evidence to this Inquiry, David Phillips[2] and Robert Hammond[3] confirmed that there was a cut, and hence an interval of time, between this clip and the next.

1 Vid 3 05.38
2 Day 139/76-79
3 Day 154/31-32

124.90 The next clip records within its first four seconds the sound of three shots, followed quickly by the order "*Do not fire back for the moment unless you identify a positive target*".

124.91 Gerald Seymour interviewed Colonel Wilford after he had interviewed Fr Mulvey and after the report he broadcast during which shots can be heard. Fr Mulvey had given his interview after going to the APC containing casualties. Those casualties had been picked up from the rubble barricade after the shooting in Sector 5 had finished, as we have described earlier in this part of the report. Fr Mulvey returned to the south of Block 2 to see casualties there after talking to Gerald Seymour, and at that stage he heard four or five shots. In our view these were some of the shots fired at 12 Garvan Place; as were the shots that can be heard on the ITN footage while Gerald Seymour was reporting after he had spoken to Fr Mulvey.

The evidence of Major Loden about the orders recorded on the ITN footage

124.92 In his statement dated 17th February 1972,[1] Major Loden recorded that by 1635 hours the situation had stabilised and that, although several more high velocity shots were fired up Rossville Street at his company, he gave orders to cease firing because the rate of incoming fire had diminished and the gunmen had generally withdrawn. In his supplementary written statement for the Widgery Inquiry,[2] Major Loden recorded that there was further incoming fire over a period of five to ten minutes after his soldiers had ceased firing on his orders.

1 B2222

2 B2242

124.93 In his oral evidence to the Widgery Inquiry,[1] Major Loden said that he gave the order not to fire back for the moment unless a positive target had been identified, as recorded on the television footage. He could not recall whether he had given the other recorded order to cease firing. He thought that the soldiers to whom his order had been addressed had been firing towards the south end of Block 1 of the Rossville Flats. He did not say where these soldiers were. He was asked whether they had been firing "*down the pavement direction*" and said that they had. He was not able to see their targets. At the time when the order was given, there was only very light incoming fire, consisting of one or two shots coming up Rossville Street. He said that he gave an order to cease fire at 1635 hours, but it was not clear whether he meant that this was a different order from either of those recorded on the television footage.

1 WT12.14-WT12.16; WT12.30-WT12.31

124.94 In his written statement to this Inquiry,[1] Major Loden confirmed that he gave the order that the soldiers should not fire back "*for the moment*", with the caveat "'*unless you identify a positive target*'". However, he did not say when the order was given or where the soldiers were to whom it was addressed.

1 B2283.008

124.95 In his oral evidence to this Inquiry,[1] Major Loden said that he did not now recall that soldiers had been firing towards the south end of Block 1 of the Rossville Flats before he gave his order. He said that he thought that the order to cease fire given at 1635 hours was the order not to fire back unless there was a positive target identified, since he did not recall giving any other order. Major Loden was also asked about the other order

recorded on the television footage, "*Cease firing*".[2] Although he thought that he had not heard that clip before, he said that it was probably his voice giving the order. Major Loden said that he had no recollection of soldiers on his right discharging shots up into Block 1.[3]

1 Day 343/60-65
2 Day 346/54-65
3 Day 346/67-71

Other evidence of firing at or about the time of the orders recorded on the ITN footage

124.96 We summarise below the evidence of Corporal INQ 1826 and Private INQ 993. Much of it was concerned with earlier matters, but what they told us about the period under consideration should be read in the context of their evidence as a whole.

124.97 Corporal INQ 1826 told us in his written statement to this Inquiry[1] that he was in command of the Ferret scout car. When the vehicle was at the north-west corner of Block 1 of the Rossville Flats, he saw a group of eight or nine soldiers lying prone behind a wall at about the point marked C on the plan attached to his statement[2] (on Rossville Street in front of the north end of the eastern block of Glenfada Park North). The wall was only about 18–24in high. He attached to his statement a photograph of the low wall at the south end of Kells Walk[3] but stated that he did not believe that the soldiers had been behind this wall. The soldiers had their rifles in their shoulders and were firing towards Free Derry Corner. Corporal INQ 1826 thought that more than ten and fewer than 25 rounds were fired.

1 C1826.1-C1826.7
2 C1826.14
3 C1826.12

124.98 According to this account, when the soldiers began firing, most of the civilians in Rossville Street ran away and others dropped to the ground. Corporal INQ 1826 assumed that the soldiers had identified a target although he could not see any civilian with a weapon. While this was happening, he heard the sound of between five and eight single shots and saw puffs of smoke coming from an alleyway to the south of the soldiers behind the wall. He assumed at the time that a paramilitary gunman was firing from that position, but it had since occurred to him that if these shots had been fired at the soldiers he would have been able to see the gunman. Hence he believed that these shots had been fired towards the south. He sighted and cocked the Browning machine gun mounted on the Ferret car, but Major Loden then shouted to him "*Don't you dare fire that fucking thing!*", having presumably seen the turret of the Ferret car moving. Corporal INQ 1826 then disarmed the Browning machine gun. He then saw three casualties lying at about the point marked

E on the plan[1] (south of the rubble barricade). After this, a priest appeared, as shown in another photograph attached to the statement, which is one we have shown above, but show again here.[2]

1 C1826.14

2 C1826.11

124.99 Corporal INQ 1826 told us that he saw the priest flinch when high velocity shots were fired. There were no more than two of these shots. Corporal INQ 1826 assumed that they had been fired by the soldiers he had seen on the west side of Rossville Street, but he could not be certain of this. The priest went over to the three casualties and shouted for help. Three or four civilians picked up one of the casualties. The priest led them north up Rossville Street. A soldier tried to stop the priest, but Corporal INQ 1826 thought that the priest had continued to lead the group away to the north.

124.100 Corporal INQ 1826 gave a similar account in his oral evidence to this Inquiry,[1] in which he said that the shots that were fired when he saw the puffs of smoke were high velocity rounds. He also said that he had no idea at all of the timescale within which the events described in his statement had occurred.

1 Day 341/127-152

124.101 We took the view that Corporal INQ 1826 had a muddled recollection of events. We accept that he did not fire the Browning machine gun, but otherwise take the view that it would be unwise to rely on his account of what happened at the stage under

consideration. For example, we are sure, from the other evidence we have discussed above, that no priest led people carrying a casualty north up Rossville Street as Corporal INQ 1826 described.

124.102 Private INQ 993 told us in his written statement to this Inquiry[1] that he was the driver of the Ferret scout car. The Browning machine gun was not fired. However, he recalled that while the Ferret car was in Rossville Street he saw rioters behind the rubble barricade. He drew the attention of Corporal INQ 1826 to a gunman who walked out to the area of the rubble barricade and fired at least a couple of shots towards the soldiers with a rifle. Fire was returned at the gunman but Private INQ 993 did not know from where this fire came. The gunman "*absolutely disintegrated*". Private INQ 993 said that "*either the Company Commander or the Sergeant Major*" had shouted the order "*Do not fire your weapon*". He thought that this order might have been given because Corporal INQ 1826 had trained the Browning towards the gunman's position.

1 C993.1-C993.4

124.103 Private INQ 993 gave a similar account in his oral evidence to this Inquiry,[1] in which he said that he could not recall the relationship in time between the sighting of the gunman and the order that he believed had been given to Corporal INQ 1826. He had heard what he thought was gunfire before the order was given.

1 Day 340/7-32; Day 340/37-69

124.104 In his oral evidence to this Inquiry,[1] Corporal INQ 1826 said that he had no recollection of seeing the gunman described by Private INQ 993.

1 Day 341/134-135

124.105 In our view Private INQ 993 was also muddled in his recollection and it would be unwise to rely upon his evidence.

124.106 In his written statement to this Inquiry,[1] Warrant Officer Class II Lewis said that at one point Corporal INQ 1826 put his Sterling sub-machine gun through an aperture of the Ferret car, but did not fire it. Warrant Officer Class II Lewis identified himself as the soldier shown in the ITN footage walking across the picture from left to right as the ceasefire order was given.[2] He said that two or three incoming high velocity rounds were fired after that order was given. They passed close to Warrant Officer Class II Lewis, but he did not know from where they had come. Corporal INQ 1826, who according to Warrant Officer Class II Lewis's recollection was the driver of the Ferret car, said

something like: "*'I think those shots were aimed at me sir.'*" Major Loden gave an order not to fire back, which Warrant Officer Class II Lewis may have repeated. Warrant Officer Class II Lewis told us that he did not recall the firing of any further shots after this.

1 B2111.013 2 B2111.019

124.107 In his oral evidence to this Inquiry,[1] Warrant Officer Class II Lewis said that he thought that Corporal INQ 1826 had put his Sterling sub-machine gun through the flap at the front of the Ferret car. This occurred when the vehicle was at the north end of Block 1 of the Rossville Flats, as part of the sequence of events in which Major Loden gave an order not to fire back. Warrant Officer Class II Lewis thought that Corporal INQ 1826's account of sighting the Browning machine gun referred to a separate incident, and did not recall Major Loden shouting "*'Don't you dare fire that fucking thing!'*". Warrant Officer Class II Lewis said that the ceasefire order was given "*simply to get the … soldiers to stop shooting*".[2] It was "*within five, ten, 15 minutes*" of that order that there was more incoming fire and Major Loden gave the order not to fire back, which was not addressed solely to Corporal INQ 1826.

1 Day 373/32-37 2 Day 373/80-83

124.108 In his oral evidence to this Inquiry,[1] Private INQ 993 said that he did not think that either his or Corporal INQ 1826's Sterling sub-machine gun would have been visible at any stage to those outside the Ferret car.

1 Day 340/30-31

124.109 Earlier in this part of the report[1] we have considered the evidence given by those who were in 12 Garvan Place in Block 1 of the Rossville Flats when shots were fired through a window in that flat.

1 Paragraphs 123.212–250

124.110 On the evidence of the BBC television crew, John Bierman's interview of Fr Daly took place after the episode in which shots were fired while Fr Mulvey was by the second ambulance parked in Rossville Street. According to the emergency calls log, that ambulance arrived at 4.51pm. Hence Susan North's evidence that she saw Fr Daly giving his television interview when she went downstairs to find film, and that this took place before the shots were fired up at 12 Garvan Place, suggests that these shots were fired some time after 4.51pm, which is inconsistent with the evidence as to the timing of the shots in relation to the Army recruitment television broadcast. On the other hand, Fulvio Grimaldi's evidence was that Susan North went downstairs after the shots had been fired at the window. In that case, the shots would have been fired into 12 Garvan Place some

time before Fr Daly gave his television interview. In our view, on the basis of the timing of the television broadcast and that of the arrival of the second ambulance, Susan North was mistaken in her recollection that she went downstairs for film before these shots were fired and must have done so afterwards.

The evidence of the firing soldiers about the presence of ambulances

124.111 Private C told us in his written statement to this Inquiry[1] that he did not see, or did not remember seeing, any ambulances.

1 B68.004

124.112 Lance Corporal D told us in his written statement to this Inquiry[1] that he saw an ambulance outside the entrance to the Rossville Flats, and[2] that it was in roughly the same position as the ambulance shown in a photograph attached to his statement (reproduced below),[3] and may in fact have been that ambulance.

1 B85.006
2 B85.008
3 B85.018

124.113 In his oral evidence to this Inquiry,[1] Private D said that the ambulance did not arrive until after he had fired his shots. He said that he had no idea of how much time had passed between the firing of the shots and the arrival of the ambulance.[2] He was asked whether

he remembered any shooting "*associated with ... the ambulance*".[3] He said that he did not, and rejected a suggestion that he had fired his shots at a time when ambulance staff and others were attending to casualties.

1 Day 355/34
2 Day 355/36
3 Day 355/55-57

124.114 Corporal E recorded in his written statement for the Widgery Inquiry[1] that while he was inside his vehicle in Rossville Street he saw Private G fire his rifle. He also saw ambulances coming and going while he was inside the vehicle.

1 B95

124.115 Neither Lance Corporal F nor Private G said whether they saw any ambulances.

124.116 Private INQ 449 told us in his written statement to this Inquiry[1] that before the incident in which he said that he fired a shot, he saw an ambulance driven from Abbey Street along the north side of Columbcille Court and parked at about the point marked E on the plan attached to his statement[2] (towards the north-east corner of Columbcille Court). As he saw the ambulance, he heard two shots that seemed to have been fired from north of Columbcille Court. After the incident in which he said he opened fire, Private INQ 449 saw two ambulancemen carrying a body covered in a dark blanket into the ambulance. Private INQ 449 had not seen the body before but it might have been there when he arrived in the area. There were a couple of civilians beside the ambulance and possibly a priest as well. He did not see the ambulance leave. In his oral evidence to this Inquiry[3] he said that although he was not absolutely sure he thought that it had been a white civilian ambulance. The two shots that he heard were low velocity shots. He said that he was not sure whether the sequence of these events had been correctly described in his written statement to this Inquiry.[4]

1 C449.5-C449.6
2 C449.9
3 Day 357/22-23
4 Day 357/36

124.117 We have considered the evidence of Private INQ 449 earlier in this part of the report.[1] For reasons given there, we are of the view that Private INQ 449 was probably mistaken in his evidence that he had fired on Bloody Sunday. Thus, although he may be correct in recalling that he saw an ambulance, it is not clear which this ambulance was and when he saw it.

1 Paragraphs 123.69–95

Radio communications and the evidence of Lieutenant Colonel Wilford

124.118 We now turn to consider an entry in the 1 PARA log timed at 1645 hours,[1] recording that Support Company had reported "*Sniper Flats Kells [W]alk – no cas*". In his written statement to this Inquiry,[2] the battalion Signals Officer Captain INQ 2033 said that this entry was probably heavily abbreviated. Lance Corporal 033, who was Major Loden's signaller on the battalion net, confirmed in his oral evidence to this Inquiry[3] that the report would have been made from the Support Company command vehicle (which was in Rossville Street), but did not think that he had made it himself.

1 W90 serial 40
2 C2033.7
3 Day 324/89

124.119 The obviously abbreviated message could possibly be read as referring to fire directed towards Kells Walk from the "*Flats*", meaning the Rossville Flats, but in our view this was not what it meant. Colonel Wilford, according to his oral evidence to the Widgery Inquiry, understood the radio message from Support Company (Bravo 5) as reporting fire from Kells Walk:[1]

> "Q. Then at 1645 Bravo 5 reports 'Sniper in flats, Kells Walk. No casualties'?
>
> A. Yes.
>
> Q. Again, as regards timing, is that about right?
>
> A. Yes, it would be about right. In fact, that particular one I recall quite well, because I was back at around about that time, having spoken to the General and the Press; and just after that Bravo 5 came up on the air and said 'You are still under sniper fire from Kells Walk.' I said 'O.K. Make sure you identify the targets.' I can remember saying that, and I believe in fact it appeared on television."

1 WT11.49; W90 serial 40

124.120 To our minds it is unlikely in the extreme that there could have been paramilitary sniper fire from Kells Walk at this time, since there were soldiers on the walkway and indeed close by in Rossville Street. The soldiers on the walkway reported no such fire and in our view there was none from Kells Walk.

124.121 There is no evidence to suggest that the soldiers further south in Rossville Street would have known that there were other soldiers who had fired from the walkway. If, as we consider to be the case, the radio message was referring to the shooting from the

walkway, then in our view what happened was that soldiers further south mistakenly assumed and reported that what was in fact (as we have described earlier[1]) Army gunfire from the Kells Walk walkway was paramilitary sniper fire.

1 Chapter 123

124.122 A little later in Colonel Wilford's oral evidence he gave the following answers:[1]

> "Q. After 4.35 did you hear shooting?
>
> A. At about that time, I cannot recall the time exactly, but I had just spoken to General Ford and I had just spoken to the television who had hounded me to give a quick sitrep, I am sorry, situation report, of what was going on, and just at that moment call sign 5 came up again and said they were still under fire, that two shots had been fired. At this stage I said okay, because you remember at this stage I had already told them to reorganize and to sit tight, that they were to identify their targets and to continue watching.
>
> Q. But you did not go back down yourself?
>
> A. No, I didn't.
>
> Q. So you were the Commanding Officer and it had been reported to you that some of your units were under fire?
>
> A. Yes, right.
>
> Q. Did you hear that fire?
>
> A. Yes, I did.
>
> Q. How many shots did you hear?
>
> A. Two.
>
> Q. Was that all you heard after 4.35?
>
> A. Yes.
>
> Q. Where did you go then from that point we have been discussing?
>
> A. I went back down into the William Street area. I saw the RSM, the second-in-command. I discussed the redeployment, moving back to the Foyle car park.
>
> Q. You did not hear any shooting when you were there?
>
> A. Not that I can recall.

> Q. Is it the position, then, that so far as you were concerned you did not hear any shooting except the two shots you have mentioned after 4.35?
>
> A. I cannot swear to 4.35.
>
> Q. We will give or take a few minutes, about that time. You did not hear any shooting whatsoever?
>
> A. As far as I can remember, no."

1 WT11.71-72

124.123 Although in this passage Colonel Wilford referred to Support Company coming up "*again*" and saying that two shots had been fired, we are of the view that he was still referring to the radio message he had discussed earlier, as in both cases he described receiving this message just after he had spoken to General Ford and as or just after he had spoken to a television crew. Whether he was correct in his recollection that it was the message logged by 1 PARA at 1645 hours is a matter that we consider below.

124.124 As we have noted above,[1] the ITN producer David Phillips told the Widgery Inquiry that he heard a rifle shot coming over his head as he arrived at the corner of the Rossville Flats and another after Fr Mulvey had left Gerald Seymour. According to David Phillips's account, this second shot was answered by two single shots fired by two paratroopers crouching by an APC.[2] It was after this that the soldiers withdrew and he and the camera crew went back with them to William Street, where Gerald Seymour interviewed Colonel Wilford on television.

1 Paragraph 124.84

2 M66.3-M66.4

124.125 For reasons that we give below, we are of the view that the shots that David Phillips recalled passing above him were two of the Army shots fired from Kells Walk, and that the two shots fired by two soldiers crouching by an APC were two of those fired from Rossville Street, in both cases at 12 Garvan Place.

124.126 According to Colonel Wilford, the radio message referred to above was received after he had spoken to television reporters and after he had heard the two shots to which the message referred. It is not clear from his evidence when he heard these shots, though on his account this must have been before he received the radio message.

124.127 The entry in the 1 PARA log contains nothing about the number of shots fired, though the way it was recorded shows that it was referring to paramilitary fire. However, since (as Captain INQ 2033 told us and as appears to be the case) the log entry was clearly

abbreviated, the radio message recorded in this log may have included information about two shots, as indeed Colonel Wilford recalled. The radio message itself must, of course, have been sent after the incident to which it referred, though it is not clear how long after. As we have already noted, most of the entries in the 1 PARA log were timed to the nearest five minutes.

124.128 1 PARA reported on the Brigade net, in a message timed at 1654 hours,[1] that two shots had been fired at Support Company from the area of "*Rossville*". The initial report was that no fire had been returned. Brigade then asked 1 PARA for the location of Support Company and was told that this company was "*at William Street/Kells Walk*".[2] 1 PARA then informed Brigade that "*Reference shots in area of Rossville Flats, our call sign Bravo 5 [Support Company] returned 2 rounds. No casualties, ah, so far.*"[3] In his written statement to this Inquiry,[4] Captain INQ 2033 told us, having listened to James Porter's tape recording, that he gave the confirmation that two shots had been returned,[5] but said that he did not recognise the voice of the person who had made the initial report[6] or of the person who had confirmed the location of Support Company.[7] Captain INQ 2033 commented[8] that these messages appeared to relate to the same incident and in our view this is likely to be the case.

1 W50 serial 205; W138 serial 540
2 W138-139 serials 543-544
3 W139 serial 546
4 C2033.8-C2033.10
5 W139 serial 546
6 W138 serial 540
7 W139 serial 548
8 C2033.8

124.129 There is nothing in the 1 PARA log, apart from the entry timed at 1645 hours, recording any previous or subsequent message from Support Company (or indeed anybody else) about incoming or return fire, or recording any message to Brigade about incoming or return fire.

124.130 In short, therefore, according to Colonel Wilford the information he received from Support Company was of sniper fire from Kells Walk, which he had heard himself. The later messages from 1 PARA to Brigade appear to relate to shots fired at members of Support Company in the area of "*William Street/Kells Walk*" from "*Rossville*" which might have meant the Rossville Flats, and describe not only two incoming rounds but, in a separate later message, two rounds returned.

124.131 In these circumstances it appears that the messages from 1 PARA to Brigade must have been based, to a degree at least, on further or other information supplied by Support Company to 1 PARA but not recorded in the 1 PARA log. That the 1 PARA log was not

a complete record of messages is apparent from the fact that neither the initial report to Brigade of two incoming shots nor the later report to Brigade of return fire appear in that log.

124.132 In our view the message from Support Company to 1 PARA timed at 1645 hours must have referred to the firing at 12 Garvan Place and not to the later firing after the second ambulance had arrived, since that ambulance did not arrive until 1651 hours.

124.133 We have no reason to doubt that Colonel Wilford heard this message. We do, however, doubt his recollection that it was this message that he received after talking to General Ford and Gerald Seymour. We also doubt that this message included the information that two shots had been returned.

124.134 In his undated 1972 statement,[1] Colonel Wilford recorded that after he had given a hurried report to General Ford in William Street, in which he told him that he was preparing to withdraw his battalion, Support Company reported that they were still coming under fire. This fire stopped soon afterwards. As we have noted above, Colonel Wilford told the Widgery Inquiry that the message he received was to the effect that Support Company were still under fire, and that he heard no further shots after the two to which he referred.

1 B952

124.135 As we have described earlier in this part of the report,[1] the firing at 12 Garvan Place took place over a short period, starting before 1641 hours and ceasing before the Army recruitment broadcast at 1644 hours. We consider that in these circumstances the message from Support Company, logged at 1645 hours as "*Sniper Flats Kells [W]alk – no cas*"[2], is unlikely to have referred to Support Company as being still under fire.

1 Paragraphs 123.212–249

2 W90 serial 40

124.136 The firing heard by David Phillips after Fr Mulvey had spoken to Gerald Seymour was in our view some of the firing at 12 Garvan Place from the Kells Walk walkway and from Private G and Lance Corporal F at ground level in Rossville Street. It was after this that David Phillips went with Gerald Seymour to interview Colonel Wilford. This interview[1] lasted for at least 90 seconds. We consider it most unlikely that these two could have reached Colonel Wilford and finished interviewing him before Support Company sent the message logged at 1645 hours.

1 Vid 3 07.36

124.137 We have already expressed our view that there must have been further messages from Support Company to 1 PARA on the basis of which the latter reported to Brigade.

124.138 The subsequent firing took place after the arrival of the second ambulance, ie after 1651 hours.

124.139 In our view everything points to the conclusion that Colonel Wilford, although he no doubt received the Support Company message logged as "*Sniper Flats Kells [W]alk – no cas*", heard a later message from Support Company reporting that it was still under fire; and that this message was reporting the subsequent firing that broke out after 1651 hours. Whether Colonel Wilford heard two of the shots at 12 Garvan Place or two shots fired after 1651 hours is less certain, though since the former were fired some minutes before Gerald Seymour interviewed him, we are of the view that it is more likely that the latter was the case.

124.140 In his oral evidence to this Inquiry,[1] Colonel Wilford said that he did not now recall this incident.

[1] Day 314/13-16

The firing in Rossville Street while the first ambulance was present

124.141 As discussed above,[1] on the basis that the *Sunday Times* Insight Team was correctly informed about the transmission time of the Army recruitment broadcast (4.44pm), Susan North's tape recording shows that the first shot was fired into 12 Garvan Place before 4.41pm. The tape appears to record the sound of three shots fired towards 12 Garvan Place before the Army broadcast was transmitted and, in conjunction with Susan North's evidence, to suggest that at least another three shots were fired before that transmission in periods when her tape recorder was switched off. As we have previously observed, we consider that Susan North was mistaken in recollecting that there were more shots at 12 Garvan Place after the Army broadcast. In our view all the firing at 12 Garvan Place occurred before the Army broadcast.

[1] Paragraph 123.239

124.142 On the evidence as to the timings of the movements of ambulances and the other evidence considered above, we are of the view that the shots heard while the first ambulance was parked near the entrance to Block 1 of the Rossville Flats were the shots fired by soldiers into 12 Garvan Place.

124.143 According to Major Loden, it was at 4.35pm that he gave the order not to fire back unless there was a positive target identified, though this timing may well not be exact. As will have been seen from our consideration of the evidence from those in 12 Garvan Place and the timing of the Army recruitment broadcast, the first shot at 12 Garvan Place must have been fired before 4.41pm. In view of the evidence we have considered we are of the view that the shooting into 12 Garvan Place accounts for the five shots recorded on the ITN footage immediately prior to Major Loden's orders to cease firing and not to fire back unless there was a positive target identified.

124.144 This conclusion is to our minds supported by the ITN producer David Phillips's evidence that he saw two soldiers each fire one shot from beside a vehicle in Rossville Street just before the order to cease firing was given.

The firing while the second ambulance was present

124.145 The BBC footage records the firing of a shot while a group of people was gathered around the body of Bernard McGuigan, shortly before he was carried to the second ambulance, which had arrived and parked near the north end of Joseph Place. As the body was carried to the ambulance, Fr Mulvey emerged from a position of cover in front of the ambulance and moved towards the soldiers near the north end of Block 1 of the Rossville Flats, waving his handkerchief. The evidence of a large number of witnesses, including priests, ambulancemen, members of the BBC television crew, photographers and civilians, suggests that several shots were fired while this second ambulance was parked in Rossville Street. The BBC footage records the firing of one more shot as John Bierman attempted to interview Fr Daly.

124.146 The second ambulance was logged as arriving on the scene at 4.51pm. We have no reason to suppose that this timing is incorrect. The shooting that took place while this ambulance was parked in Rossville Street must therefore have occurred no earlier than that time.

124.147 It follows that the firing that occurred while the second ambulance was present was not the firing at 12 Garvan Place, which had taken place some minutes before.

124.148 While the actions of Fr Mulvey and those who took cover with him by the bonnet of the second ambulance suggest that they believed themselves to be under fire from the north, the evidence of Fr Bradley, Cyril Cave, Jeffrey Morris and Hugh Logue must be taken into account, in so far as it suggests that shots may also have been fired from other directions at this stage.

124.149 We now turn to consider the source of this firing.

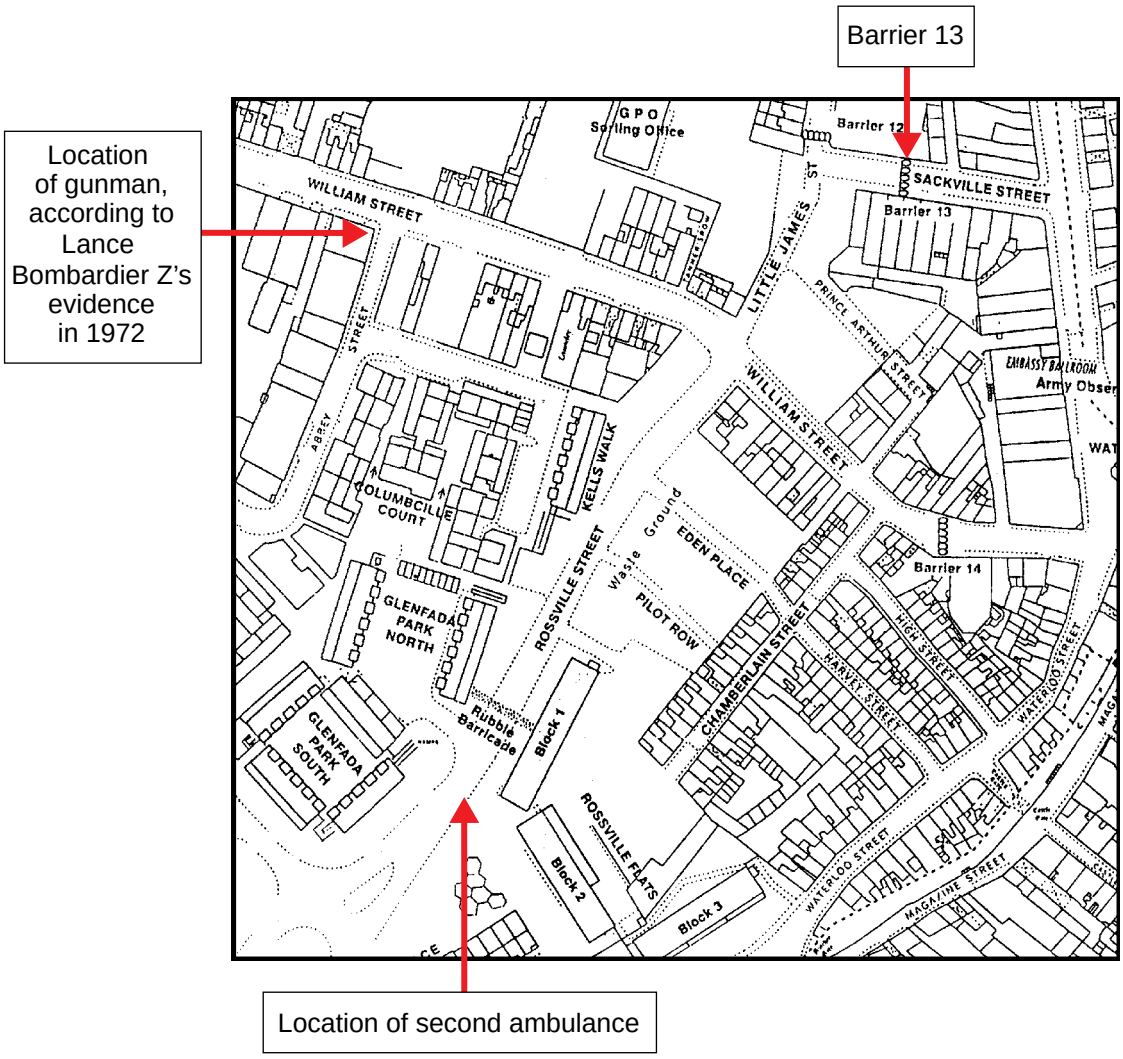
124.150 There was firing from the area to the north, and possibly from the area to the south, of the second ambulance while it was parked on Rossville Street.

Firing from the north

Lance Bombardier Z

124.151 As we describe in more detail later in this report,[1] one shot was fired from the area of Abbey Street, which hit a wall near Barrier 13, which was in Sackville Street, to the north of William Street, as shown on the following map; and Lance Bombardier Z fired one shot in return, from a position near the corner of the buildings on the south side of Sackville Street, to the west of Barrier 13.

[1] Paragraphs 151.165–192



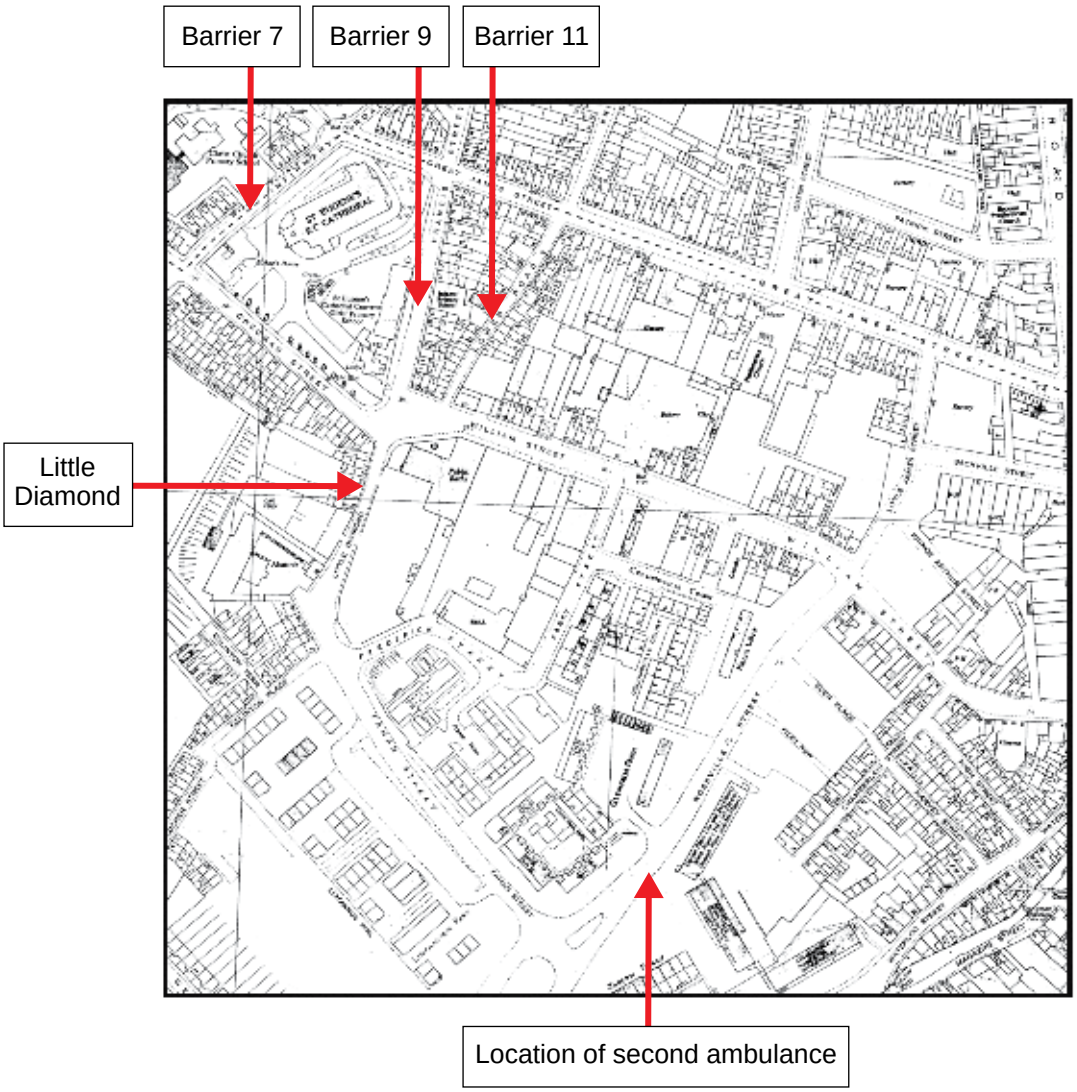
124.152 From the radio logs and other evidence (discussed elsewhere in this report[1]), we are satisfied that this exchange of shots occurred shortly after the arrival of the second ambulance.

1 Paragraphs 151.165–192

1st Battalion, The Coldstream Guards

124.153 In the Brigade Log there is a record of two messages timed respectively at 1653 and 1655 hours[1] from 1st Battalion, The Coldstream Guards, whose soldiers were manning Barriers 7, 9 and 11 in the vicinity of St Eugene's Cathedral. These messages described hearing in total four to six shots from the area of the Little Diamond. The positions of the barriers and the Little Diamond are shown on the following map.

1 W50 serial 203; W50 serial 206



124.154 We have no further information about these shots. They may have been, in part at least, those fired in the incident concerning Lance Bombardier Z.

Stephen Peak

124.155 Elsewhere in this report[1] we consider the evidence of Stephen Peak of witnessing a shot from the Abbey Street area at about the time under consideration. For the reasons we give, we are not persuaded by his account, though he may well have heard one of the other shots fired at this time.

1 Paragraphs 151.193–197

Johnny White

124.156 The *Observer* newspaper galley proofs contain the following passage, which was attributed, in our view correctly, to Johnny White, the Officer Commanding the Official IRA in the city:[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.
>
> '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.'"

1 ED24.9

124.157 It is possible that this was a shot fired near the junction of Rossville Street and William Street. However, the reference to a gunman "*covering Rossville Street*" and firing a shot at a soldier on the street would seem to be more likely to be a reference to an incident concerning Reg Tester in the area of Free Derry Corner, which we consider elsewhere in this report.[1]

1 Paragraphs 148.139–149

Consideration of the firing from the north

124.158 The shooting from the Abbey Street area and by Lance Bombardier Z described above would in our view have been audible from positions near the south end of Block 1 of the Rossville Flats. The same may be true of the shots, or some of them, reported by 1 CG, though if these shots were fired in the Little Diamond area, they would have been further away.

124.159 It should be borne in mind at this point that in a built-up area it is very difficult to tell from where fire is coming. As Colonel James Ferguson told us:[1]

> "I think I must make a general point ... that in a built-up area like Derry, it was almost impossible at any stage to – from sound – to know where the firing was coming from and I remember on one classic occasion ducking and sort of hiding behind something here when in fact I was totally – I was exposing myself rather than protecting myself. So it is extremely difficult to know in these circumstances from where fire is coming, purely from sound."

1 Day 281/67

124.160 In such circumstances it is not in our view surprising that some witnesses thought that soldiers in Rossville Street had fired again. Apart from Private L, whose account of firing at a building in Abbey Street we have rejected, we have no evidence to suggest that any soldier fired in Rossville Street at this stage. No witness described seeing this happen. In our view what the witnesses recalled as firing from the north was some at least of the firing that we have described above.

Firing from the south

124.161 Elsewhere in this report[1] we consider the firing by Sergeant AA and Private AB in the Barrack Street area. It is possible that some of this firing occurred shortly after the second ambulance had arrived in Rossville Street. If this was the case, then to our minds it seems that this was some at least of the firing that some of the witnesses recalled coming from the south.

1 Paragraphs 151.102–164

Summary of conclusions concerning the firing while ambulances were in Rossville Street

124.162 On the basis of our analysis of firing during this period and the evidence relating to the firing at 12 Garvan Place, we have concluded that there was no paramilitary fire directed at the soldiers in Rossville Street that caused soldiers to fire into 12 Garvan Place.

124.163 This firing into 12 Garvan Place occurred before the arrival of the second ambulance. The firing that then took place could have come from a variety of sources. It is possible that it was or included paramilitary firing, though it seems to us that most if not all of it was firing by soldiers from various locations. Again it must be borne in mind, as Colonel Roy Jackson, Commanding Officer of 1 R ANGLIAN, told us, that "*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] We have referred above to a similar remark by Colonel Ferguson.[2] Thus while there was undoubtedly firing after the arrival of the second ambulance, it would be unwise to accept at face value the evidence of where that firing was coming from, or indeed of the number of shots fired.

1 Day 287/8

2 Day 281/67

Gerald Donaghey and the Nail Bombs

Contents

Chapter 125: Introduction

125.1 As described earlier in this report,[1] Gerald Donaghey was shot near the northernmost set of steps in Abbey Park. We begin this chapter by describing in outline what then happened, before looking in detail at the evidence.

1 Chapter 107

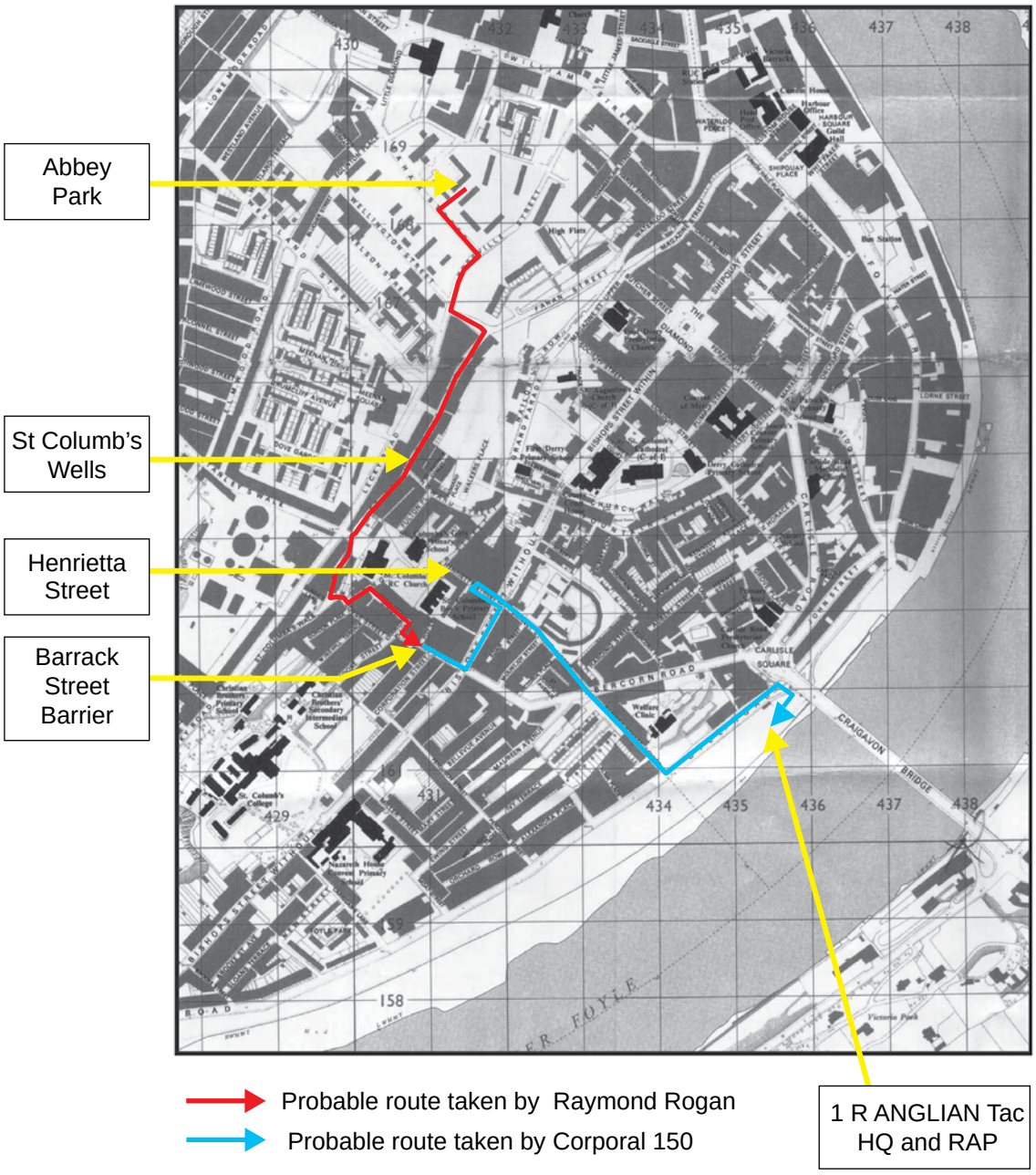
125.2 After he had been shot, Gerald Donaghey was carried by civilians into 10 Abbey Park, the house of Raymond Rogan, where he was placed on his back on the floor of the living room, which was to the left of the front door.[1] There Dr Kevin Swords examined him, in the presence of a number of other civilians. Dr Swords recommended that Gerald Donaghey be taken to hospital without delay.[2] Raymond Rogan reversed his car, a white Ford Cortina, registration number 3955 PZ, from the yard behind the house, and Gerald Donaghey, still alive but unconscious, was carried from the back door of the house and put onto the back seat of the car.[3] By this stage someone had brought a blanket or counterpane to cover Gerald Donaghey's body, and this too was carried into the car.[4] Hugh Leo Young sat with Gerald Donaghey in the back of the car, which Raymond Rogan drove, setting off for Altnagelvin Hospital.[5]

1 Day 388/56; AS42.3
2 AS42.9; AS42.3
3 WT5.60; AS42.9; WT6.30; AS42.3
4 WT6.15-16; B1833
5 AY1.9; WT6.13; WT6.16; AY1.4; WT5.57; WT6.3; AR24.29; AR24.11; AR24.3

125.3 The car was stopped in Barrack Street at Barrier 20, which was manned by soldiers of 1 R ANGLIAN. The soldiers present made Raymond Rogan and Hugh Leo Young get out of the car and arrested them. Corporal 150 then drove the car, with Gerald Donaghey still in the back, first to the Company Headquarters at Henrietta Street, and then to the Regimental Aid Post (RAP) of 1 R ANGLIAN. The RAP was a temporary post manned by the battalion Medical Officer. It was set up in order to deal with minor injuries that might be sustained by soldiers.[1] The RAP was situated within the Tactical Headquarters (Tac HQ) of 1 R ANGLIAN, which on Bloody Sunday was positioned on a site at the south side of the western end of Craigavon Bridge. This site is often described as the "Bridge Location" or the "Bridge Camp". In addition to the soldiers at the Bridge Camp, the Royal Ulster Constabulary (RUC) were manning a temporary Detention Centre there for the purpose of dealing with people who had been arrested. This is sometimes described as the "Foyle Road Detention Centre".[2] Following their arrest, Raymond Rogan and Hugh Leo Young were taken to this centre in an Army vehicle.

1 B1859.001
2 JD3.1; JD3.3; JD3.5; JH3.2; JH9.4; JM41.1

125.4 The probable route taken by the vehicle carrying Gerald Donaghey from Abbey Park to the RAP is depicted on the following map.



125.5 At the RAP, the Medical Officer of 1 R ANGLIAN, Captain 138, examined Gerald Donaghey and found him to be dead.[1]

1 B1844; B1847; WT15.20-21; B1859.002

125.6 At this location a nail bomb was found on Gerald Donaghey, in one of the pockets of his jeans. 1 R ANGLIAN radioed for an Ammunition Technical Officer (ATO), in other words a bomb disposal expert. The ATO, Captain 127, arrived from Victoria Barracks at about 1710–1715 hours. He moved the car from the Bridge Camp to a car park on the north side of the bridge. There he removed the nail bomb and three others that he found, of which one was in the other pocket of the jeans and one was in each of the side pockets of the denim jacket. Captain 127 then defused and dismantled the bombs.

125.7 The four bombs were improvised hand grenades, each of which consisted of nails strapped with adhesive tape around a core of high explosive, with a detonator and fuse in the centre.

125.8 The autopsy report on Gerald Donaghey records his clothing as including a jacket and trousers of blue denim.[1] The laboratory notes[2] confirm this and indicate that the trousers were Wrangler jeans but that the jacket was labelled “Malport”. Ann Priston of the Forensic Science Service informed us[3] that this was a trading name of Mallett, Porter and Dowd Ltd. Gerald Donaghey’s sister told us that Gerald Donaghey was wearing a Wrangler jacket and jeans.[4] Her recollection therefore is correct save that the denim jacket was of a different make. What Gerald Donaghey was wearing can be seen from three of the photographs that we show below.

1 D369
2 D358-360
3 E18.7.1
4 AD86.2

125.9 Constable Robert S Simpson, an RUC photographer, took the following five photographs after Captain 127 had moved the car to the car park on the north side of Craigavon Bridge. These photographs were given, in the order in which we show them, the respective references EP5.25, 26, 27, 28 and 29. As will be seen, these references appear in the evidence of a number of witnesses, which we consider below.

125.10 The first photograph was taken from outside the rear door on the nearside of the vehicle, and shows Gerald Donaghey lying along the back seat. His belt and trousers are undone, his jacket is open and folded back on itself, and a blanket or counterpane is visible on the floor beside him.

125.11 The second and third photographs are close-ups of an object, later identified as a nail bomb, in the right pocket of Gerald Donaghey's jeans. Both photographs were taken from inside the car, with the photographer looking over the driver's seat.

125.12 The fourth photograph was taken after the four nail bombs had been removed from Gerald Donaghey's pockets and dismantled. The photograph shows the components of the bombs – the explosives, the detonators, and the nails and tape – separated into four clear plastic evidence bags which have been placed on the ground in the car park.

125.13 The last photograph shows Raymond Rogan's Ford Cortina. The car is parked with its doors closed, and is apparently empty.

125.14 According to the evidence that Captain 127 gave to the Widgery Inquiry,[1] the bombs were "*the size of a small cocoa tin – four or five inches long and two inches in diameter*".

1 WT9.57

125.15 Captain 127 removed the explosive cores of the nail bombs when he dismantled them in the car park. The nails and tape from each bomb were sent to the Department of Industrial and Forensic Science (DIFS) in Belfast. According to a DIFS report dated 15th February 1972,[1] the nail bomb in the left trouser pocket contained 1lb of 4-inch round wire nails, that in the right trouser pocket ¾lb of the same kind of nails, that in the right jacket pocket being similar to that in the left trouser pocket and that in the left jacket pocket containing nearly 2lb of the same kind of nails. From Captain 127's Royal Military Police (RMP) statement[2] it would appear that the explosive in the nail bombs would have made each about 4oz heavier.

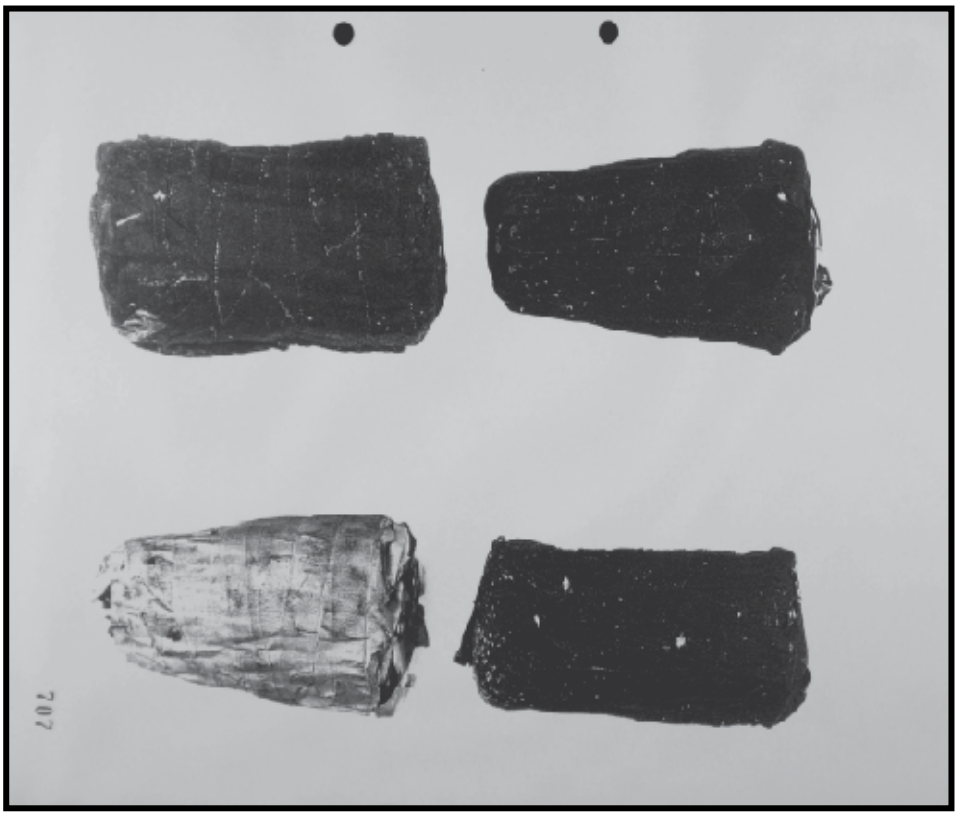
1 D336-337
2 B1783

125.16 It can be seen from Constable Simpson's photograph of the components[1] that the explosive used in one of the bombs was Gelamex. It is known from an 8th Infantry Brigade intelligence summary dated 2nd February 1972[2] that the other three bombs contained Quarrex. Dr John Lloyd, the scientific expert engaged by this Inquiry, informed us[3] that Gelamex and Quarrex were trade names for explosives commercially available for quarrying and similar purposes.

1 Paragraph 125.12
2 G108.654
3 E18.5.1-18.5.2

125.17 We give further details of the nail bombs found on Gerald Donaghey later in this report.[1] We show here a photograph of them, apparently reconstituted without their explosive cores, taken by a photographer at the Department of Industrial and Forensic Science (DIFS).[2]

1 Chapters 138, 139 and 140
2 Day 224/141



125.18 There has been controversy since Bloody Sunday over the question of whether the nail bombs were in the possession of Gerald Donaghey when he was shot or whether the security forces or someone else planted them on him at some stage after the car was stopped at Barrier 20 in Barrack Street. No-one has ever suggested that a civilian might have planted them on him after he was shot but before the car reached Barrier 20: a suggestion that finds no support in the evidence.

Chapter 126: Gerald Donaghey's background

126.1 Gerald Donaghey was just short of his 18th birthday when he was shot.[1]

1 D329; D368

126.2 A short biography of Gerald Donaghey appears in the Provisional Republican publication *Tírghrá*, which commemorates the lives of those members of the Provisional Republican movement who died between August 1969 and February 1999 and who were included on the roll of honour.

126.3 The entry in *Tírghrá* contains the following passages:

> "He [Gerald Donaghey] joined the Na Fianna Éireann early in 1971 and in April of that year he was arrested and charged with riotous behaviour, which then carried a mandatory sentence of six months in prison. He had not been involved in rioting and this trumped-up arrest was enough to convince Gerard to go full-time with Republicanism. He went on the run, spending a lot of time in the South, where he attended training camps and did fund-raising work for the nationalist community in the North ... Following Internment and the shooting dead of Volunteer Eamonn Lafferty in Derry, Gerard travelled back to Derry. He ended up in prison in October of that year and spent some months in Crumlin Road Gaol. He was released in December 1971."

126.4 We discuss elsewhere in this report[1] the organisation and role of the Fianna. At the time of Bloody Sunday it was deemed to be an unlawful association under Regulation 24A in the Schedule to the Civil Authorities (Special Powers) Act (Northern Ireland) 1922.[2]

1 Chapter 149

2 LAW2.17-2.18

126.5 Mary Doherty, the sister of Gerald Donaghey, told us that she had no direct knowledge of her brother's Fianna membership and was not in a position to dispute that he was a member at the time of Bloody Sunday.

126.6 Gerald Donaghey was convicted of the offence of disorderly behaviour (not "*riotous behaviour*") on 24th May 1971 and sentenced to six months' imprisonment.[1] According to his sister, he was convicted in his absence and imprisoned when he gave himself up in August 1971; and was released from prison on 31st December 1971.

1 ED47.33

126.7 We are satisfied that after Gerald Donaghey had come out of prison he associated with a group who had defected from the Official Fianna to join the Provisional Fianna.[1] Though there is some material from security sources to the effect that Gerald Donaghey was an active member of the Official Fianna in early 1972, it seems to us that by Bloody Sunday his involvement was with, or principally with, the Provisional Fianna, of which he was by then a member.

1 AO79.13; Day 406/108

Chapter 127: Gerald Donaghey's movements on the day

Contents

Patrick Ward

127.1 According to Patrick Ward, who claimed, controversially, to have been the officer commanding the Provisional Fianna on Bloody Sunday, Gerald Donaghey was one of a group of Fianna members who were armed with nail bombs on Bloody Sunday and who intended to use them to attack buildings in the area of the Guildhall Square (Shipquay Place). However, for reasons that we have given elsewhere,[1] we place no reliance on this part of Patrick Ward's evidence. In the present context it is to be noted that Patrick Ward told us that he was sure that Gerald Donaghey was wearing a parka on Bloody Sunday.[2] In our view this was not the case, since the evidence to which we have referred above establishes that he was wearing a denim jacket and jeans and there is no other evidence to suggest that at any stage he was wearing a parka.

1 Chapter 149

2 AW8.18

127.2 A number of witnesses have told us that they were with Gerald Donaghey on Bloody Sunday before he was shot.

Gearóid Ó hEára

127.3 Gearóid Ó hEára told us that he went to Central Drive to join the march and there fell in with a number of people, including Gerald Donaghey, Hugh Patrick O'Donnell, Ciarán Mac Lochlainn, Frank McCarron and Donncha MacFicheallaigh. He said he was later with Gerald Donaghey on the corner of Chamberlain Street and High Street while there was rioting at Barrier 14 but fled south as the soldiers came into the Bogside.[1] While this witness did not say when he lost touch with Gerald Donaghey, he did not describe being with him after they were both in Chamberlain Street, and so it is likely (on the basis of this account) that they separated at about the time when the soldiers entered the Bogside.

1 AO79.3

127.4 In a supplementary statement to this Inquiry dated 17th October 2003, Gearóid Ó hEára acknowledged that he was a member of the Provisional Fianna at the time of Bloody Sunday.[1] In that statement, he said that he had not referred to this fact in his first statement to the Inquiry because he had then thought that it was not relevant.

1 AO79.9

127.5 Elsewhere in this report[1] we consider the evidence of Gearóid Ó hEára in detail. He told us that in October or November 1971 he became leader of the Provisional Fianna. He also told us that neither Gerald Donaghey nor any other member of the Provisional Fianna had access to explosives. In his oral evidence to this Inquiry,[2] Gearóid Ó hEára said that he would probably have known if Gerald Donaghey had been carrying nail bombs because Gerald Donaghey would have told him and also because of the tightness of the clothing.

1 Chapter 149

2 Day 406/132

Donncha MacFicheallaigh (formerly known as Denis McFeely)

127.6 Donncha MacFicheallaigh, who at the time of Bloody Sunday was known as Denis McFeely,[1] told this Inquiry that Gerald Donaghey had called at his home that day, possibly at some time between 1.30 and 2.00pm.[2] In his oral evidence to us, he said that he and his brother Conal went on the march with Gerald Donaghey, James Begley and

Frank McCarron, and that he thought that during the course of the march he had met up with Hugh Patrick O'Donnell, Ciarán Mac Lochlainn and Patrick "Pudger" O'Hagan.[3] He said that he had gone with Gerald Donaghey along William Street towards Barrier 14 to find out what was happening. Having heard that someone had been shot, he retraced his steps and returned to the junction of William Street and Rossville Street. It was at this stage that he became separated from Gerald Donaghey.[4] Later in his account he told us of discovering Gerald Donaghey lying shot in Abbey Park, an account we consider elsewhere in this report.[5]

1 AM7.12
2 AM7.87
3 Day 409/90-91
4 AM7.8
5 Chapter 107

127.7 Donncha MacFicheallaigh told us that he also thought it possible that when he was in Glenfada Park North he had seen Gerald Donaghey among a group of people who ran from the north-east corner to the north-west corner and left through the exit that led to Columbcille Court. He said he saw this before any soldiers came into Glenfada Park North. He was not sure that the man whom he had seen was Gerald Donaghey; he had seen someone with fairly long hair, wearing blue denim.[1] In an interview with Jimmy McGovern[2] and in his oral evidence to this Inquiry,[3] Donncha MacFicheallaigh pointed out that he was used to seeing Gerald Donaghey with long hair but that in January 1972 Gerald Donaghey, recently released from prison, had short hair.

1 Day 409/103
2 AM7.71
3 Day 409/160-161

127.8 During the course of his oral evidence to us, Donncha MacFicheallaigh said that he thought that Ciarán Mac Lochlainn and Patrick "Pudger" O'Hagan were in the area at about the time when Gerald Donaghey was in 10 Abbey Park after he had been shot.[1]

1 Day 409/132-133

127.9 Donncha MacFicheallaigh told us in his written statement to this Inquiry[1] that he was sure that Gerald Donaghey would have confided in him if he had been carrying nail bombs while they were together. He was also sure that he would have seen the nail bombs because of the tightness of Gerald Donaghey's jeans. He added that Gerald Donaghey would not have been able to run properly with nail bombs in his pockets.

1 AM7.6

Conal McFeely

127.10 Conal McFeely, the older brother of Donncha MacFicheallaigh, confirmed that his brother was a close friend of Gerald Donaghey. His recollection was that Gerald Donaghey had called at the McFeelys' home between 11.00am and midday to ask whether the McFeelys would be going on the march and, on learning that they would, returned at about 1.45–2.00pm in order to accompany them.[1] Conal McFeely recalled being on the march with his brother Denis (Donncha), Gerald Donaghey, Frank McCarron and James Begley.[2] He thought that he had seen Hugh Patrick O'Donnell at Bishop's Field.[3] He did not recall seeing Ciarán Mac Lochlainn or Patrick "Pudger" O'Hagan but said that he would not have been surprised to see them there.[4]

1 Day 407/64
2 AM216.6
3 Day 407/65
4 Day 407/65-66

127.11 Conal McFeely told Peter Taylor that he went on the march with his brother Denis (Donncha), Gerald Donaghey and Frank McCarron and that they met Patrick "Pudger" O'Hagan, James Begley and Hugh Patrick O'Donnell.[1]

1 I210-211

127.12 Conal McFeely's evidence was that he wanted from the outset to go to the front of the march and participate in any confrontation with the security forces should the route of the march be blocked. He said that there was no organised plan for rioters to break through a barricade in order to reach the Guildhall Square (Shipquay Place) but that he, and others, felt that no-one had the right to prevent them from marching in their own city centre.[1] He admitted to Peter Taylor that he had thrown stones on Bloody Sunday in an attempt to break through Barrier 14.[2] He also told Peter Taylor that he assumed, knowing the other members of his group as he did, that they had also thrown stones.[3] In evidence to this Inquiry, he said that he did not see Gerald Donaghey throwing stones on the day.[4] Conal McFeely said that he made his way to the front of the march and confronted the soldiers at Barrier 14. By this time, he had lost contact with his companions, including Gerald Donaghey.[5]

1 AM216.6; Day 407/83
2 I214
3 I214-215
4 Day 407/87
5 AM216.2

127.13 Conal McFeely said in his oral evidence to this Inquiry[1] that he would have seen nail bombs if Gerald Donaghey had been carrying them because they could not have been concealed in his tight trousers.

1 Day 407/66

Ciarán Mac Lochlainn

127.14 Ciarán Mac Lochlainn said in his first written statement to this Inquiry that he recalled going on the march with a group that included Gerald Donaghey, Denis McFeely (Donncha MacFicheallaigh) and Patrick "Pudger" O'Hagan.[1] He said that he had met Gerald Donaghey at Central Drive as the marchers assembled and did not know how Gerald Donaghey had spent the day before joining the march.[2]

1 AM12.1 2 Day 415/99

127.15 Ciarán Mac Lochlainn described the route that he and his friends, including Gerald Donaghey, took.[1] They met at Central Drive and followed the march to William Street. On reaching the junction of William Street and Rossville Street, they paused, seeing the barrier across Little James Street, people gathering further east down William Street and stewards encouraging marchers to move down to Free Derry Corner:

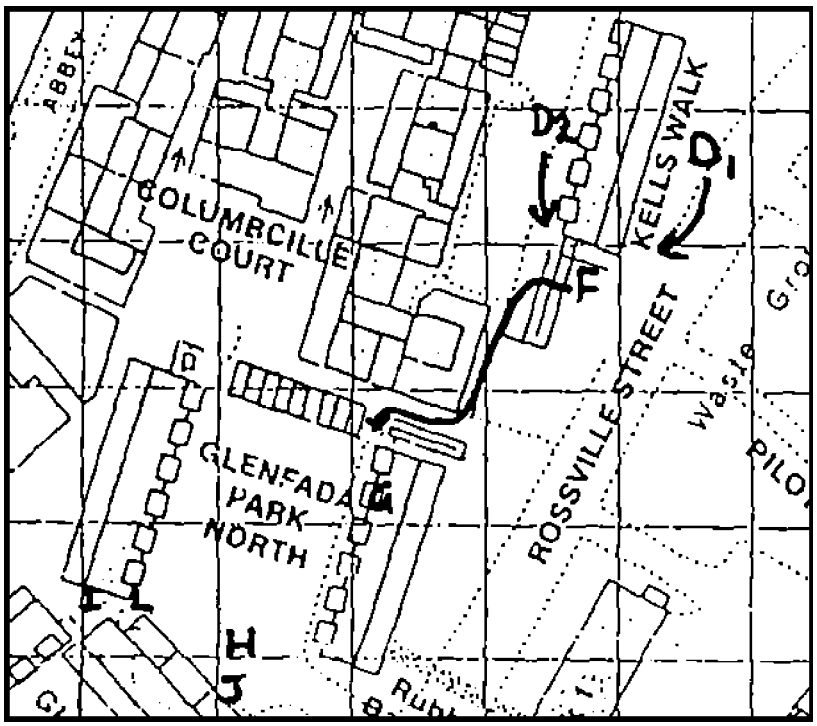
> "I was still with Gerard Donaghy and Dennis [Donncha MacFicheallaigh] and Pudger [Patrick O'Hagan] at this time. We were all feeling the same fears and tensions about the riot situation and we decided between ourselves that we did not want to get involved in any rioting and so we would go and hear the speeches at Free Derry Corner. As young men, we were all used to rioting in Derry at that time … However, on that day we wanted to go to the rally because so many leading Nationalists were going to speak and it was important that we heard what they had to say.
>
> I think Gerard Donaghy had previously been arrested for rioting and as we had seen it all before we just did not want to know on that particular day. In fact we were definitely more interested in hearing the speeches."

1 AM12.1-3

127.16 In his first written statement to this Inquiry, Ciarán Mac Lochlainn recalled that as he reached the south end of Kells Walk he heard that Margaret Deery and two others had been shot.[1] However, in his oral evidence he agreed that it was possible that he learned then only that two men had been shot (presumably John Johnston and Damien Donaghey). He thought that Gerald Donaghey and Donncha MacFicheallaigh were still

with him at that time.[2] He told us that he then heard the sound of Army vehicles coming from the north and heard rifle fire. He and Gerald Donaghey ran into Glenfada Park North, taking the route marked from point F on the map below and ending up sheltering behind a garden fence at point G.[3]

1 AM12.3
2 Day 415/103
3 AM12.4; AM12.10; Day 415/106-107



127.17 Ciarán Mac Lochlainn's evidence was that as he and others crouched at point G he saw a man (Michael Kelly) at about point H being carried by a group of men across the south side of Glenfada Park North from the direction of Rossville Street towards Abbey Park. He said that he could not see any soldiers but could hear shooting which appeared to be very close. He told us that he ran towards the Abbey Park entrance at the south-west corner of Glenfada Park North and that as he ran he heard the sound of SLRs (self-loading rifles) being fired. He said that although he did not see any soldiers, he felt that there were soldiers behind him.[1] He reached point I on the map but Gerald Donaghey did not join him there. He thought, but was not sure, that Gerald Donaghey had run to the north-west corner of Glenfada Park North.[2]

1 AM12.5
2 AM12.6

127.18 Ciarán Mac Lochlainn told us in his written statement to this Inquiry[1] that he was sure that Gerald Donaghey would have told him if he had been carrying nail bombs (although in his oral evidence[2] he said that Gerald Donaghey had never told him that he was a member of

the Fianna). Ciarán Mac Lochlainn also said[3] that he would have seen that Gerald Donaghey was carrying nail bombs if that had been the case, but that there were no bulges in his pockets.

1 AM12.8
2 Day 415/119
3 AM12.9

Hugh Patrick O'Donnell

127.19 Hugh Patrick O'Donnell said in an interview with Kathleen Keville that he threw stones at the soldiers in Sackville Street shortly before Support Company entered the Bogside.[1] He ran south when they did so, but he told this Inquiry that he and others, including James Begley, subsequently threw more stones while advancing towards the troops on Rossville Street from the rubble barricade.[2] Hugh Patrick O'Donnell told us that he recalled going on the march with James Begley but had no specific recollection of seeing Gerald Donaghey at any point on Bloody Sunday.[3]

1 AO32.18
2 AO32.11; Day 405/32; Day 405/47-48
3 Day 405/33-34

Patrick "Pudger" O'Hagan and James Begley

127.20 Both Patrick "Pudger" O'Hagan and James Begley are dead and gave no evidence to this Inquiry.

Frank McCarron

127.21 Frank McCarron told us that he thought he had been alone on the march on Bloody Sunday, though he considered it possible that he had met one or two of those who thought they had been with him during the march. He was accordingly unable to help on the movements of Gerald Donaghey.[1] He said that he did not know whether or not Gerald Donaghey was carrying nail bombs.[2]

1 AM82.1; Day 389/173; Day 389/184
2 Day 389/175

Kathryn Johnston and Liam Clarke

127.22 In a revised edition, published in 2003, of the book *Martin McGuinness: From Guns to Government*,[1] the authors Kathryn Johnston and Liam Clarke refer to a witness who was reported to have said that he had seen Gerald Donaghey with nail bombs outside a bookmaker's. The notes made by Kathryn Johnston[2] from which this reference seems to have been drawn[3] were in the following terms:

> "High St full of people
>
> Gerard Donaghy had several nail bombs, S McCallion wanted them.
>
> Throw nail bombs over roof.
>
> Knows nothing about bomb."

1 T477; paragraphs 147.276–288
2 M112.50
3 Day 387/131-133

127.23 Kathryn Johnston dated her handwritten notes to about February 2002.[1] She said that she knew the source or sources from whom she had obtained the information recorded in the notes, but that she was not prepared to reveal who they were.[2] We concluded that the prospects of discovering the sources by ordering Kathryn Johnston to disclose them and if necessary certifying, as a contempt of the Tribunal, her refusal under section 1(2) of the Tribunals of Inquiry (Evidence) Act 1921 were so slight that it was not worth taking this course of action. The Inquiry was unable to establish reliably the identity of the "*S McCallion*" named in the extract above.

1 Day 387/43-48
2 Day 387/43-48; Day 387/130-140

Assessment of the foregoing evidence

127.24 There are some inconsistencies in the accounts of those who say that they were with Gerald Donaghey on Bloody Sunday. However, there is no evidence (apart from the unreliable account of Patrick Ward) that indicates that any of them engaged in any form of paramilitary activity during the day. Those acting on behalf of the majority of represented soldiers drew our attention to the fact that, on their own accounts, several of those who were with Gerald Donaghey ended up in areas where paramilitary activity is said to have taken place or in close proximity to known casualties when they were shot.[1] It is also the case that Donncha MacFicheallaigh,[2] Ciarán Mac Lochlainn,[3] Frank McCarron,[4] Hugh Patrick O'Donnell[5] and Patrick "Pudger" O'Hagan[6] were all later convicted of offences

relating to paramilitary activity that took place after Bloody Sunday; and that there is little doubt that Patrick "Pudger" O'Hagan was a member of the Fianna or the Provisional IRA at the time of Bloody Sunday.[7]

1 FS7.2090
2 Day 409/134-136
3 Day 415/120-122
4 Day 389/169-170
5 Day 405/34-35
6 Patrick "Pudger" O'Hagan did not give evidence to this Inquiry, but his criminal record is referred to at CS6.754.
7 I253; T471.1

127.25 We have borne these matters in mind, but they fail to persuade us that these individuals, including Gerald Donaghey, were engaged in any form of offensive paramilitary activity during the day, let alone provide us with any indication that Gerald Donaghey was in possession of nail bombs when he was shot. As to Kathryn Johnston's notes, since we have no means of checking this author's source, we are unable to assess the accuracy of what she was told; and accordingly we take the view that we should not place any reliance on what she wrote.

Chapter 128: The sighting of nail bombs

128.1 In the course of considering the question of paramilitary activity in Glenfada Park North elsewhere in this report,[1] we referred to evidence about the sighting of nail bombs. Of that evidence it seems to us that the accounts given by Michael Quinn (one of those wounded in Glenfada Park North) are of particular relevance in the present context.

1 Chapter 111

128.2 In the *Sunday Times* notes of an interview with Michael Quinn, to which we have already referred when discussing how he came to be wounded in Sector 4, the following passage appears:[1]

> "NOTE: Under guaranty of total anonymity, quinn told us the following;
>
> 1. there were two 'IRA cars' parked in glenfadda [sic] park. he knows they were IRA men, known in the district. two were in one, unknown in the other. he saw no guns.
>
> 2. while standing between the fences on the south side of glenfadda he saw two youths carrying nail bombs in their hands. one had long fair hair and was wearing a blue denim jacket; the other had very black hair, shortish, and was wearing a fawn jacket. the boms [sic] were cyclindrical [sic] shape with a black fuse projecting from the top; they were about 6 ins long he estimates. at no time did he see the bombs lit but he is adamant that he saw them. one description fits gerard donaghy perfectly.
>
> 3. he says that he heard from close source that a senior Official IRA man arrived on the scene and told the nail bombers to take them away as there was too much danger to other civilians."

1 AQ11.12

128.3 Although Philip Jacobson and Peter Pringle, the *Sunday Times* journalists who compiled this note, recorded that the description of one of the men "*fits gerard donaghy perfectly*", Peter Pringle, in his evidence to this Inquiry, accepted that the description did not fit Gerald Donaghey since, as they later learned, "*he does not have long fair hair*".[1] We have examined the morgue photographs (which we have decided not to exhibit in this report), which in our view show that Gerald Donaghey's hair was dark brown and that on Bloody Sunday it was fairly short.

1 Day 190/61

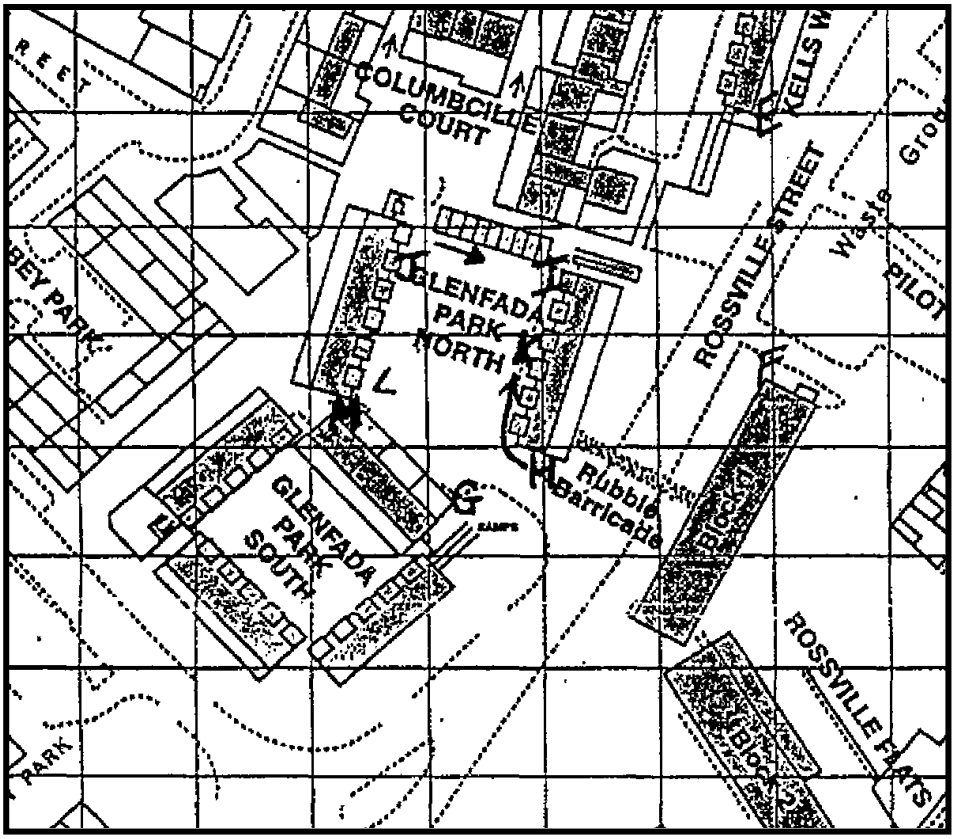
128.4 In his written evidence to this Inquiry, Michael Quinn stated that after soldiers had come into Rossville Street he decided to take cover in Glenfada Park North. He continued:[1]

> "I do not know how long I was in Glenfada Park North, but I remember after some time seeing two young fellows in the northeast corner at the point marked I in grid reference J13 (and on photograph MQ1) who were looking round the corner of the flats into Rossville Street. They were only young, about my age or a little bit older, and I did not know them. I was concerned in case they did anything. They were clearly nervous too, looking out and back again. I recall one of them having a denim jacket and dark hair and one with fair hair and a quilted anorak. The boy with the fair hair and quilted anorak had something which might have been a nail bomb in his left side pocket. I had not seen one before and didn't know what it looked like but I remember something like a Coke tin with grey tape and a piece of material coming out of the top. Coupled with the fact that they were peering out towards the army and seemed very nervous and were keeping a look out I was very frightened by what I saw. It was then I saw a man coming from the northwest corner of Glenfada Park North walking in the direction of the arrow I have marked on the map into Glenfada Park North at grid reference I13 towards these two boys. I remember hearing him say words to the effect of 'Put those away, you will only get people killed'. My only recollection is of seeing what I took to be a nail bomb in a pocket, but my memory of these words suggests to me that the boys may have had something in their hands which I saw, but cannot now remember seeing. The shooting in Rossville Street was going on at this time and was reasonably intense and the boys did as they were told and left by the northwest corner of Glenfada Park with this man back the way he had come. I did not recognise the man, or know whether he was an IRA man but concluded later that the man probably was a member of the IRA – by virtue of the way the boys unquestioningly did what he told them. The man was older than we were and was wearing a long coat. I would say he was in his mid twenties but I had never seen him before or since."

1 AQ11.22

128.5 We reproduce below the map and photograph to which Michael Quinn was referring in this passage.[1]

1 AQ11.29; AQ11.31



128.6 It will be noted that in his account to this Inquiry, Michael Quinn described the youth in a denim jacket as having dark hair.

128.7 In his oral evidence to this Inquiry, Michael Quinn said that what the *Sunday Times* journalists had noted about the hair colour of the youth in the denim jacket might have been wrong and that his memory now was that set out in his written statement.[1] He also told us that, though he did not know Gerald Donaghey, on the day after Bloody Sunday

he was given a newspaper containing photographs of people shot on Bloody Sunday, and "*I did not recognise Gerard Donaghy as anyone who was in Glenfada Park or was one of the two that I considered might be carrying nail bombs*".[2]

1 Day 169/71-72

2 Day 169/122-123

128.8 On the basis of the account Michael Quinn gave to the *Sunday Times*, it seems to us probable that he did see two youths with nail bombs in Glenfada Park North. His evidence to this Inquiry is to the effect that he saw these youths after shooting had broken out in Rossville Street; and that before soldiers had come into Glenfada Park North the youths had left by the north-western entrance on the instructions of an older man. From this entrance it is possible to get into Abbey Park on its northern side.

128.9 Although Michael Quinn told us that he did not recognise Gerald Donaghey as one of the two youths, it seems to us to be possible, though far from certain, that the youth wearing the denim jacket was Gerald Donaghey. There is accordingly some support, albeit in our view slight, for the view that shortly before he was shot Gerald Donaghey was seen in possession of nail bombs in Glenfada Park North; and that he then went in a direction that would have enabled him to reach Abbey Park, where he was shot in circumstances that we have described elsewhere in this report.[1]

1 Chapter 107

128.10 In our analysis of the events of Sector 4 we also considered the evidence of Danny Craig, Charles McGill and Benn Keaveney.

128.11 Danny Craig told us that while he was in Glenfada Park North he saw a "*kid of about 10*" carrying a tray made of a biscuit tin lid which looked to be full of petrol or nail bombs. Danny Craig said that he knocked the tray out of the boy's hands and told him to get out.[1] Charles McGill told us that, long after the shooting was over, he saw three young men in the Abbey Park area, who had a tray holding about ten nail bombs.[2] Benn Keaveney spoke of seeing two to four nail bombs in a box, not a tray.[3]

1 AC111.3; Day 135/71

2 Day 69/116; Day 69/156-164

3 AK2.21-22; AK2.12; Day 160/45-55; Day 160/107-109

128.12 It seems to us that although none of these witnesses said anything that suggests that Gerald Donaghey was seen with nail bombs, and thus that their evidence does not link Gerald Donaghey with the possession of nail bombs, the fact that civilians were seen in the area with such devices forms part of the general background against which to assess the likelihood that Gerald Donaghey had nail bombs in his pockets.

128.13 We now turn to discuss the evidence of witnesses who saw Gerald Donaghey in the immediate aftermath of his shooting, and of those who were involved in moving him from the Bogside to the RAP at Craigavon Bridge.

Chapter 129: Civilian evidence about the aftermath of the shooting of Gerald Donaghey

Contents

129.1 Gerald Donaghey fell on the shallow steps in Abbey Park after being shot. From there, he was carried into Raymond Rogan's house, where, as a number of other civilians looked on, he was attended by Dr Kevin Swords, a medical practitioner who happened to be in the area after having taken part in the civil rights march. Dr Swords recommended that Gerald Donaghey be taken to hospital, and Raymond Rogan and Hugh Leo Young subsequently drove him from Abbey Park to Barrier 20. There Raymond Rogan and Hugh Leo Young were arrested. In the following paragraphs we consider those witnesses who have given evidence of being with or near Gerald Donaghey in this period. They include Dr Swords, who examined Gerald Donaghey; Hugh Leo Young, who searched some of his pockets in the hope of identifying him; Raymond Rogan and others who touched or carried Gerald Donaghey; and a number of bystanders who were present in the house or nearby at the relevant time.

Raymond Rogan

129.2 There are *Sunday Times* notes, which may be a transcription of a tape recording, of what we are satisfied was an interview with Raymond Rogan.[1] According to these notes he told the journalists that after he had been arrested and taken to the Foyle Road Detention Centre an RUC detective had told him that the injured person in his car had a nail bomb in his pocket. The notes continued:[2]

> "I was very surprised at this because there was no evidence at all of the young boy having had anything in his pockets mainly because he was dressed in such a manner that it would have been immediately noticeable. He had a short denham jacket on and denham jeans and I think that anything such as a nail bomb would have been immediately noticeable. When the youth was carried into my house, this doctor who was there told us to stretch him out flat. We placed a stool under his fee [sic] to raise him up. The doctor then looked at the wound, which was in the lower left side and very serious … Although we did not search the youth when we dragged him in the nature of his clothing would indicate that it was not apparent that he had anything in his pocket."

1 AR24.41-46

2 AR24.43-44

129.3 In his evidence to the Widgery Inquiry, Raymond Rogan said that Dr Swords had searched Gerald Donaghey for identification. He also said that it would have been impossible for Gerald Donaghey to have been carrying four nail bombs without him noticing, though this was said in the context of also saying that Dr Swords had searched the body for identification.[1] He also told the Widgery Inquiry that he had never seen nail bombs and did not know what they looked like.[2]

1 WT5.59

2 WT6.3

129.4 In his written statement to this Inquiry,[1] Raymond Rogan told us that after Gerald Donaghey was brought into his house a doctor had searched him for identification and that Raymond Rogan and his wife also searched Gerald Donaghey. He only patted the pockets of the trousers but the doctor and Raymond Rogan's wife put their hands into the pockets. Raymond Rogan thought that they had found a religious medal in one of the pockets, but nothing else. Raymond Rogan gave oral evidence to this Inquiry to the same effect except to say that it was his recollection that the religious medal had been found around Gerald Donaghey's neck.[2]

1 AR24.3

2 Day 184/18-19; Day 184/47-58

129.5 Raymond Rogan stated to the Widgery Inquiry and to the present Inquiry that he would not have allowed Gerald Donaghey to be placed in his house or in his car if he had been in possession of nail bombs.[1]

1 WT5.60; AR24.5; WT6.5

Dr Kevin Swords

129.6 In his written statement for the Widgery Inquiry,[1] Dr Swords said that he felt over the whole of Gerald Donaghey's body to check for other gross injuries: "*If he had any bulky object in his pockets I could not have missed it. I am sure there were none.*" He also said that he had been shown photographs "*26 and 27*", which seem to correspond with two of Constable Simpson's photographs. He was sure that the bombs appearing in those photographs were not there when he examined Gerald Donaghey. He added that there was a fire burning in the room, people were smoking and that "*If there had been bombs in Donaghy's pocket I would have wanted them removed because I would have thought them dangerous*".[2]

1 AS42.9

2 AS42.9

129.7 In his oral evidence to the Widgery Inquiry, Dr Swords said that he had not searched Gerald Donaghey for identification, but somebody had gone through his pockets for this purpose.[1]

1 WT6.29

129.8 Dr Swords repeated that Gerald Donaghey did not have nail bombs on him when he examined him and, after being shown photograph 26 (probably the second of the photographs shown above[1]), that he could not have failed to notice the bomb shown in that photograph.[2] He also said that he could not have failed to notice 4¾lb of nails and some explosives in Gerald Donaghey's pockets.[3]

1 Paragraph 125.11

2 WT6.27

3 WT6.29

129.9 In reply to questions from counsel for the Ministry of Defence, Dr Swords agreed that the first thing he did was to open the belt of Gerald Donaghey's trousers and pull up the bottom of his shirt and that he could see at once that he was very seriously injured. He said that he had felt Gerald Donaghey all over to see if he had any other wounds, though it was too dangerous to roll him over on his face; and that in doing so he had touched his clothing. He said: "*I frisked his whole body to see if there was the possibility of any other injury.*" A little later he said that he had done this before the body had been

brought into the house, although it seems from his evidence as a whole that Dr Swords made a further examination of the whole body after Gerald Donaghey had been brought in.[1]

1 AS42.9; WT6.29-33

129.10 Dr Swords gave a written statement to this Inquiry,[1] but declined to come from the Republic of Ireland to give oral evidence. We had no means of securing his attendance.

1 AS42.1

Hugh Leo Young

129.11 In his written and oral evidence to the Widgery Inquiry,[1] Hugh Leo Young, who said he had helped to carry Gerald Donaghey into 10 Abbey Park, also said that he tried to identify him by searching the two top pockets of his blue denim jacket, but found nothing. These top two pockets were not the ones in which the nail bombs were later found.

1 AY1.9; WT6.12

129.12 In his oral evidence to the Widgery Inquiry, Hugh Leo Young said that there was nothing in any of Gerald Donaghey's pockets, though he agreed that he had only looked in the top two pockets.[1] He said that after he had pulled Gerald Donaghey towards him along the back seat of the car he was almost sitting on Gerald Donaghey's right hip and he could not possibly have missed a package containing ¾lb of 4-inch wire nails.[2] He also said that if there had been anything in the left trouser pocket "*I would most certainly have noticed it*". Later in his evidence he said that "*If he were carrying as much explosive as they say I am afraid I would not have dragged him on the ground, dragged him in the back door, dragged him in the car or sat along with him in the car*" and that "*I only examined his top two pockets, but if there had been anything else protruding out of his pockets I am certain I would have noticed it*".[3] In his oral evidence to this Inquiry, Hugh Leo Young said that he did not drag Gerald Donaghey into the house but that he and others lifted and carried him.[4]

1 WT6.12
2 WT6.17
3 WT6.19
4 Day 388/57-58

129.13 Hugh Leo Young also told the Widgery Inquiry that he had never seen a nail bomb in his life and would not have recognised one on sight.[1]

1 WT6.19

129.14 In his written evidence to this Inquiry, Hugh Leo Young stated that there was no way he could have missed seeing nail bombs on Gerald Donaghey.[1] A note of Hugh Leo Young's Praxis interview given in 1991[2] records: "*Donaghy had no nail bombs. Nowhere to put them, and he would not have got in car with them if had had – be suicide.*"

1 AY1.6 2 AY1.30

129.15 After he had been arrested at Barrier 20 in Barrack Street, Hugh Leo Young was taken to the Bridge Camp, from there to Victoria Barracks and then to the Police Holding Centre at Ballykelly. There he had a "*casual conversation*" with a police officer, Detective Constable McNulty.[1] Detective Constable McNulty subsequently recorded in a report that Hugh Leo Young had told him:[2]

> "that the wounded youth had a nail bomb in his pocket but he did not know this until after he had been put into the car. The car and all the occupants were taken to the holding centre at the bottom deck of Craigavon Bridge."

1 Day 388/42 2 JM40.1

129.16 Hugh Leo Young explained to this Inquiry, and we accept, that he was passing on information that had been given to him by Detective Sergeant Eugene McTeggart during the course of an interview held at the Foyle Road Detention Centre.[1] We also accept that Hugh Leo Young had not himself seen any nail bomb, and never believed that any had been on Gerald Donaghey when the latter was in Abbey Park or in the car.[2]

1 Day 388/62-64; AY1.5; AY1.7 2 Day 388/37-46

Gerald McCauley

129.17 Gerald McCauley said in his written statement for the Widgery Inquiry dated 23rd February 1972[1] and in his oral evidence to the Widgery Inquiry[2] that he and a man in a blue anorak, but no-one else, had helped to carry Gerald Donaghey into 10 Abbey Park. From Gerald McCauley's written statement it seems that the man in the blue anorak was Dr Swords. Gerald McCauley said nothing in the evidence that he gave in 1972 about anyone searching Gerald Donaghey to try to identify him, and he was not asked about this when he gave oral evidence to the Widgery Inquiry. In his evidence to this Inquiry he said that the doctor was the only person to touch Gerald Donaghey when he was in the

house and he did not recall anyone looking through his pockets.[3] However, in his written statement for the Widgery Inquiry, he had said that the "*woman of the house*" had put rosary beads in Gerald Donaghey's hand.

1 AM95.8
2 WT6.24-25
3 Day 173/127

129.18 In that statement,[1] Gerald McCauley described Gerald Donaghey as wearing a very close-fitting denim jacket and jeans. He added: "*I would have noticed if he had anything in his pockets of either trousers or jacket. They were perfectly flat and I know I would have felt them when I carried him into the house.*"

1 AM95.8

129.19 In his oral evidence to the Widgery Inquiry,[1] Gerald McCauley said that Gerald Donaghey had nothing protruding from his pockets and that he was confident that if there had been "*a pound of nails in the right pocket of the jacket and two pounds of nails in the left pocket of the jacket*" he would have noticed as he carried him into the house.

1 WT6.24-25

129.20 In his evidence to the present Inquiry, Gerald McCauley maintained that if there had been anything in Gerald Donaghey's pockets he would have noticed it.[1]

1 AM95.3; Day 173/130

John Stevenson

129.21 In his written statement for the Widgery Inquiry dated 23rd February 1972,[1] John Stevenson recorded that he was in Raymond Rogan's house and that while Gerald Donaghey was lying in the house "*he was searched for identification … The doctor and one other person searched him. There were no means of identification and there was no sign of any nail bombs or weapons on him*".

1 AS33.5

129.22 John Stevenson repeated this when he gave oral evidence to the Widgery Inquiry. He said he did not know the other person who had searched the body.[1] In addition, he said that he was sure that he would have noticed if Gerald Donaghey had had anything on him like nail bombs or weapons, "*owing to his tight fitting clothes*". "*… there was nothing in his pockets at all.*"[2]

1 WT6.9-6.10
2 AS33.5; WT6.9-6.10

129.23 John Stevenson gave written and oral evidence to this Inquiry in which he said he recalled Dr Swords searching Gerald Donaghey for identification.[1] He said that no-one undid Gerald Donaghey's trousers and belt while he was present, although he accepted that they could have done "*after I turned away*".[2] We formed the impression that John Stevenson had now no clear recollection of events.

1 AS33.2; Day 166/7

2 AS33.2; Day 166/9-10; Day 166/25-26

Charles Haslett

129.24 Charles Haslett was a reporter on the staff of the Londonderry office of the *Belfast Telegraph*. In his oral evidence to the Widgery Inquiry[1] he said that he was in the house when Dr Swords examined a young man. This was undoubtedly Gerald Donaghey. He was asked "*Did you see any nail bombs or anything in his pocket when in the house?*" to which his answer was "*I do not think anybody examined his clothing to that extent, but I certainly did not see anything*". He was then asked: "*But did you see anything projecting from his pocket?*" He answered: "*I did not see anything projecting from his clothing.*"[2]

1 WT3.76

2 WT3.80

129.25 Charles Haslett gave written and oral evidence to this Inquiry,[1] but we formed the impression that the accounts that he gave at the time were likely to be more accurate than some of his present recollections after so long, and it seems that he shared this view.[2]

1 M38.4-8; M38.19; Day 166/85-114

2 Day 166/98-99

Donncha MacFicheallaigh (formerly known as Denis McFeely)

129.26 Donncha MacFicheallaigh, who was then 17 years old, gave a Keville interview[1] in which he described a few men bringing "*the young fella into the house who was shot through the stomach*". He did not identify this person in this interview.

1 AM7.100-101

129.27 The transcription of this Keville interview incorrectly ascribed it to "*Desmond Feeley*" and it was not until after Donncha MacFicheallaigh had given evidence to this Inquiry that it was appreciated that it was probably he who had given this interview. The Inquiry accordingly contacted Donncha MacFicheallaigh, who confirmed in a further written statement[1] that he had given this interview. He also told us that the person he had

described in his Keville interview as shot through the stomach was Gerald Donaghey.[2] His explanation for not identifying this casualty in his Keville interview was that he had already told Kathleen Keville (apparently before his account was recorded) that one of the people shot was Gerald Donaghey and that although he had not witnessed this shooting he had later come across him with a stomach wound. "*Any omission of detail was not deliberately intended.*"[3]

1 AM7.102
2 AM7.104
3 AM7.106

129.28 According to a number of accounts he has given in recent years, Donncha MacFicheallaigh did at the time recognise the casualty as his friend Gerald Donaghey, who he said had been with him earlier that afternoon.[1] In his written statement to this Inquiry he described seeing Gerald Donaghey lying "*only a couple of yards away from the top of the shallow steps*".[2] He said he followed those carrying him into a house[3] and watched someone who was, or claimed to be, a doctor examining Gerald Donaghey.[4] He also said he saw a woman placing rosary beads in Gerald Donaghey's hand.[5] In his oral evidence to us he said he recalled someone asking who the casualty was, though he did not suggest that he then told the people there that it was Gerald Donaghey. In his further written statement[6] he told us that he was in a very emotional state and that what was in his mind was that he had first to tell Gerald Donaghey's sister Mary what had happened and that to that end he went out of the house without telling the people there that he knew the casualty.

1 AM7.28.1; AM7.28.3; AM7.29-30; AM7.38; AM7.44-45; AM7.47-48; AM7.7; AM7.11; Day 409/90-91; Day 409/129-132; Day 401/151-156
2 AM7.11
3 AM7.11; AM7.28.3; AM7.23; AM 7.47; Day 409/130-131
4 AM7.11; AM7.28.3; AM7.23; Day 409/130-132
5 AM7.11; AM7.28.3; AM7.23; AM7.47; Day 409/131
6 AM7.106

129.29 Donncha MacFicheallaigh told this Inquiry that he knew what nail bombs looked like and that if he had seen any on Gerald Donaghey's person as he lay in Abbey Park, he would have removed them himself.[1] He said something similar when being filmed for Peter Taylor's documentary *Remember Bloody Sunday*[2] and in his interview with Jimmy McGovern and Stephen Gargan.[3]

1 AM7.12
2 AM7.24
3 AM7.50

Patrick (Patsy) Bradley

129.30 In his written statement to this Inquiry,[1] Patrick (Patsy) Bradley told us that he saw a young man being carried out of the front door of a house in Abbey Park and put onto the back seat of a white Cortina. The young man was wearing a denim jacket and very tight jeans. Patrick (Patsy) Bradley did not see anything in the pockets of his jacket or jeans. He later found out that the young man was Gerald Donaghey. In his oral evidence to this Inquiry,[2] Patrick (Patsy) Bradley said that he saw Gerald Donaghey from a distance of less than four feet and thought that he had had a good view. He believed that he was in a position to say not merely that he saw nothing in Gerald Donaghey's pockets but that there was nothing in Gerald Donaghey's pockets.

1 AB68.4

2 Day 153/138-139

Ursula Clifford

129.31 At the time of Bloody Sunday, Ursula Clifford was 30 years old and a theatre sister at Altnagelvin Hospital. In her Northern Ireland Civil Rights Association (NICRA) statement dated 4th February 1972,[1] she described being at Free Derry Corner to hear the speeches when shooting broke out. Her statement continued:

> "D) I made my way in stages between volleys of shots back to Glenfada Park which took approximately five minutes. On entering Glenfada Park I saw a man who was being given artificial respiration. I went forward, looked at his colour, took his pulse, noticed his lack of respiration and decided that he was dying. As he was already being treated I then made my way into my aunt's flat which overlooks Rossville Street. On looking out the window I saw two bodies lying beside the gable wall of the multi-story flats – the Lecky Road side.
>
> My aunt and I took blankets and went across Rossville Street. The first casualty we encountered was a youth named Hugh[2] Gilmore who had a bullet wound through the left side of his chest. On further observation I concluded that he was dying. I covered him with a blanket.

There was another casualty lying at an angle to him. I observed that he had been shot on the side of the head, with approximately three pints of blood lying around the head area. He was definitely dead. A man had a coat over this corpse. I replaced it by a blanket. I heard a shout[3] from Glenfada and observed Lawrence Doherty(?) who enquired if a priest was required. I ran across the street and observed Father A. Mulvey and replied that a priest was urgently required. Father Mulvey placed his hands on his head and crossed the street.

Shortly later two ambulances arrived. One was directed into the courtyard of Glenfada and the other pulled up at the corner of the flats. I called to the ambulance man to bring a 'minute man' and they followed us to the patient lying in Glenfada Park. I helped to carry him to the ambulance and at this stage I was accompanied by Dr. Kevin Swords. There was a patient already in the ambulance. Someone shouted that there were some in a house behind us but on the way to the house we encountered a youth who was shot in the legs so we had him placed on the floor of the ambulance. The ambulance then went off.

We entered a house and there was a youth lying face down on the floor. He had been shot through the scapula. He also appeared to be dying. Dr. Swords then remained and I went back to my aunt's house. Shortly afterwards we observed another ambulance pulling up at the flats and it was driven by the ambulance controller.

They started bringing out patients from the maisonettes adjacent to Joseph's Place. While they were putting the patients in the ambulance, accompanied by Father Mulvey, shots were fired from the direction of the army, and they had to dive for cover in front of the ambulance which was facing Lecky Road.

My overall comment was that the army obviously knew that people were injured due to the fact that they saw me with the blankets, first aid people clearly marked and clergymen going back and forth, and they offered no assistance whatsoever and then they callously stood by and watched us in our distress. Some of these people needed blood transfusions and drugs (e.g. morphine) which we had not got and which the army could have got in record time."

1 AC68.10-11; AC68.18.1

2 Although the typed version of the statement AC68.10 refers to "*Philip Gilmore*", we believe that this was a transcription error, as the manuscript version AC68.19 appears to read "*Hugh Gilmore*".

3 Although the typed version of the statement AC68.10 refers to a "*shot*", we believe, having considered Ursula Clifford's written evidence to this Inquiry AC68.5, that this is a transcription error and that the word in the manuscript version AC68.19 should be read as "*shout*".

129.32 There is nothing in this long and detailed statement that appears to refer to Gerald Donaghey. In her written evidence to this Inquiry, Ursula Clifford acknowledged this[1] but said "*I am sure I referred to him when I gave my previous statement although I have no idea why it does [not] appear in that earlier statement*". She also said that she must have returned to her aunt's house for the second time after the boy with tight jeans had been taken away, rather than doing so after she had seen the other boy lying in the hall with a shot through the scapula.[2]

1 AC68.7

2 AC68.8

129.33 Ursula Clifford told us that her aunt's flat was on the eastern side of Glenfada Park South.[1] She described approaching a group of people around a body and, after being told that the man had had a heart attack and concluding that there was nothing she could do to help, going to her aunt's flat.[2] There she saw from the window two bodies lying close to the southern end of Block 1 of the Rossville Flats. She continued by giving a very similar account to her NICRA statement of what she then saw and did, including going to a house where she saw a youth lying face down in the hall with half his body in a doorway. Ursula Clifford then told us this:

> "Someone then asked us to take a look at another person. We were taken to a sitting room which may have been in this house or possibly a different house. I simply do not remember. I saw a youth lying on his back on a couch, who seemed the youngest of all the casualties I saw that day. He looked about thirteen or fourteen. The boy was wearing very tight blue jeans. I remember seeing the zip of the jeans being fully opened, so that it formed a v-shape. I have no memory of seeing the boy's underpants and I don't recall whether he had a belt around his trousers. Dr Swords may have pulled the boy's jeans down. As I looked at the boy, all I can remember is focusing on his abdomen, which was where he was wounded. Dr Swords checked his vital signs. He palpated the boy's abdomen, which meant he felt around the area of the wound to see if he could feel the boy's organs and used the timpani method to check abdominal signs. I think that the wound to the abdomen was the entry wound as it was a fairly clean wound. There was not a lot of bleeding around the wound, although this may have been because of the way the boy was lying. He was on his back, but was not totally stretched out because of the length of the couch.

I have no memory of what the boy was wearing on his upper body. Other people may have examined him earlier but no-one knew who he was and I do not recall seeing anyone going through his pockets trying to find some identification. I saw nothing bulky in his pockets. His jeans were so tight that I do not know how I could have failed to notice any bulky items in his pockets. They were that tight.

I refer to photographs numbered 3 and 4 attached to this statement. I believe that these are photographs of the boy I have been describing though my recollection is that the boy I saw had jeans that were tighter than this. These photographs appear to show objects in his trouser pockets, although at the time I saw him I do not remember seeing anything in his pockets. As I have said, although I was concentrating on the boy's abdomen at the time, I don't see how I could have missed seeing objects in his pockets. I refer to the photograph numbered 5 attached to this statement.

After Dr Swords had carried out his examination of the boy, he said 'Ursula, I think this boy has a chance if we could get him to hospital'. Someone volunteered to take the boy by car to hospital. I recall people carrying the boy out of the house, and again I was shepherding the body. As the boy was carried out of the house, I remember seeing a car arrive which backed towards us. The boy's body was placed in the car. Everyone with us realised that the boy was badly injured and he was gently placed in the car. There may even have been too many people trying to help carry him, but I didn't say anything because I knew I wouldn't be listened to. The people placed the boy in the back seat of the car, although the seat wasn't long enough to allow him to lie out completely out flat. I cannot remember the make of car or the colour of it. I saw the car drive away but I don't know in which direction it went."

1 AC68.2 2 AC68.3-7

129.34 In her oral evidence to this Inquiry[1] Ursula Clifford gave a similar account. She said that the boy with the abdominal wound was "*lying awkwardly on the sofa, probably because it was not long enough maybe and he was, he was not – you know, his head would have been at the area where you sit rather than up on the arm, so that left that there was not room for him to be spread out lengthwise*".[2] Her recollection was that the boy's jeans were unzipped when she first saw him.[3] She also said that she would "*rather doubt*" that she might have missed an object in the front pocket of his jeans and that if she had noticed something that looked like what has been described as a nail bomb, she would have asked for it be removed for the safety of everyone in the room. She told us that she had seen nail bombs in pictures.[4] She added that if she had noticed any kind of bulky

object she would have removed it herself or asked for it to be removed.[5] She agreed that the photographs showing Gerald Donaghey in the car showed the jeans as looser than she remembered them.[6]

1 Day 165/79-136
2 Day 165/117
3 Day 165/134-35
4 Day 165/119
5 Day 165/20
6 AC68.7; Day 165/135

129.35 We have no doubt that Ursula Clifford was doing her best to assist this Inquiry. It is a matter of regret that there is no reference in her NICRA statement to seeing Gerald Donaghey. The omission may be due to the fact, as Ursula Clifford told us, that she gave this statement at a time when she had been working very hard at the hospital and "*if you look at the post traumatic stress thing, the immediate amnesia does occur*".[1] Be that as it may, her present account is one given decades after the event and, as she herself acknowledged, memory can play tricks.[2]

1 Day 165/128
2 Day 165/131

129.36 Notwithstanding this, having listened to her current recollections, we are of the view that it is unlikely that Ursula Clifford's memory has played such tricks that she is wrong to believe that she was ever in 10 Abbey Park or that she saw Gerald Donaghey there. In a number of respects her account corresponds with what others have said. However, in a number of other respects her evidence differs from that of those who gave accounts at the time.

129.37 We put on one side the fact that her recollection of the sequence of events would seem to put her in 10 Abbey Park after Gerard McKinney had been taken to an ambulance, which is at odds with much of the evidence of the events in Abbey Park that we have discussed earlier in this report.[1] As we have observed elsewhere, we are not surprised that people had difficulty in recalling the precise order of events. However, her recollection of going with Dr Swords to another body which had already been brought into a house, and of seeing that body lying awkwardly on a sofa with the jeans already undone, is in sharp conflict both with what Dr Swords said at the time and to us and with Gerald McCauley's evidence that he helped Dr Swords carry Gerald Donaghey into 10 Abbey Park. There is also the fact that at no time has Dr Swords suggested that he saw Ursula Clifford in 10 Abbey Park, though, in her recollection, he knew her well.[2]

1 Chapters 106–108
2 AC68.5

129.38 These matters are not, in our view, sufficient to reject Ursula Clifford's evidence as a whole. However, they are such that we have concluded that it would be wrong to place much weight on her recollections so long after the event.

Assessment of the foregoing evidence

129.39 We accept Hugh Leo Young's evidence that he searched the two top pockets of Gerald Donaghey's jacket for identification. In the light of the evidence considered above, we are not persuaded by either the accounts given at the time or the evidence given to us that others searched the body for this purpose. Those who suggested that Dr Swords did so were in our view in error, as we accept the evidence given by Dr Swords in 1972 that he did not conduct a search. It seems to us likely that these witnesses confused Dr Swords' examination of the body with a search for identification. Although in his written statement for the Widgery Inquiry Dr Swords had recorded that "*people*" had gone through Gerald Donaghey's pockets for identification, in his oral evidence he said that "*somebody*" had done so.[1] In our view that person was Hugh Leo Young.

[1] AS42.9; WT6.29

129.40 However, all these witnesses have given accounts rejecting the suggestion that there were nail bombs on Gerald Donaghey at this time.

129.41 As will have been seen, although we have reservations over Ursula Clifford's evidence, there is a substantial body of evidence, including accounts given in 1972 and accounts given in the course of this Inquiry, which can be said to indicate that Gerald Donaghey did not have nail bombs on him when he was carried into 10 Abbey Park.

129.42 If a nail bomb had been visible as shown in the second and third of the photographs taken by Constable Simpson, we are sure that those carrying Gerald Donaghey into 10 Abbey Park or in the room where he was taken would have realised or suspected what it was. We are equally sure that all the nail bombs would then have been discovered and removed without delay. However, it must be borne in mind that these photographs were taken after the nail bomb shown in them had been discovered; and since the very process of discovery might have made the bomb visible, it cannot be assumed that at any earlier stage this bomb or any of the others was clearly visible.

129.43 Since this assumption cannot be made, it seems to us that the true question is not whether people saw or suspected nail bombs when Gerald Donaghey was carried into 10 Abbey Park, while he was in that house, or while he was being driven to Barrier 20, but whether they could have failed to notice heavy and bulky objects in Gerald Donaghey's pockets if the nail bombs had been there. There is, of course, the evidence we have set out above that witnesses would have noticed such objects. At the same time, it must be borne in mind that those who carried him into and out of the house, many of

those who were in the house and Hugh Leo Young when he was in the car, were primarily engaged in seeking to help a person obviously very seriously injured. In the house there was, as Hugh Leo Young described, "*panic, squealing and roaring*"[1] in a small and crowded room.[2] To our minds, in such circumstances the attention of witnesses, if they were able to see Gerald Donaghey at all, would have been more likely to be directed at his wound and how to help him than to what was, *at the time*, the hardly relevant matter of what was in his pockets. Thus while we have no doubt that the witnesses believed that they would have noticed such objects, we cannot eliminate the possibility that they did not.

1 AY1.4; Day 388/58

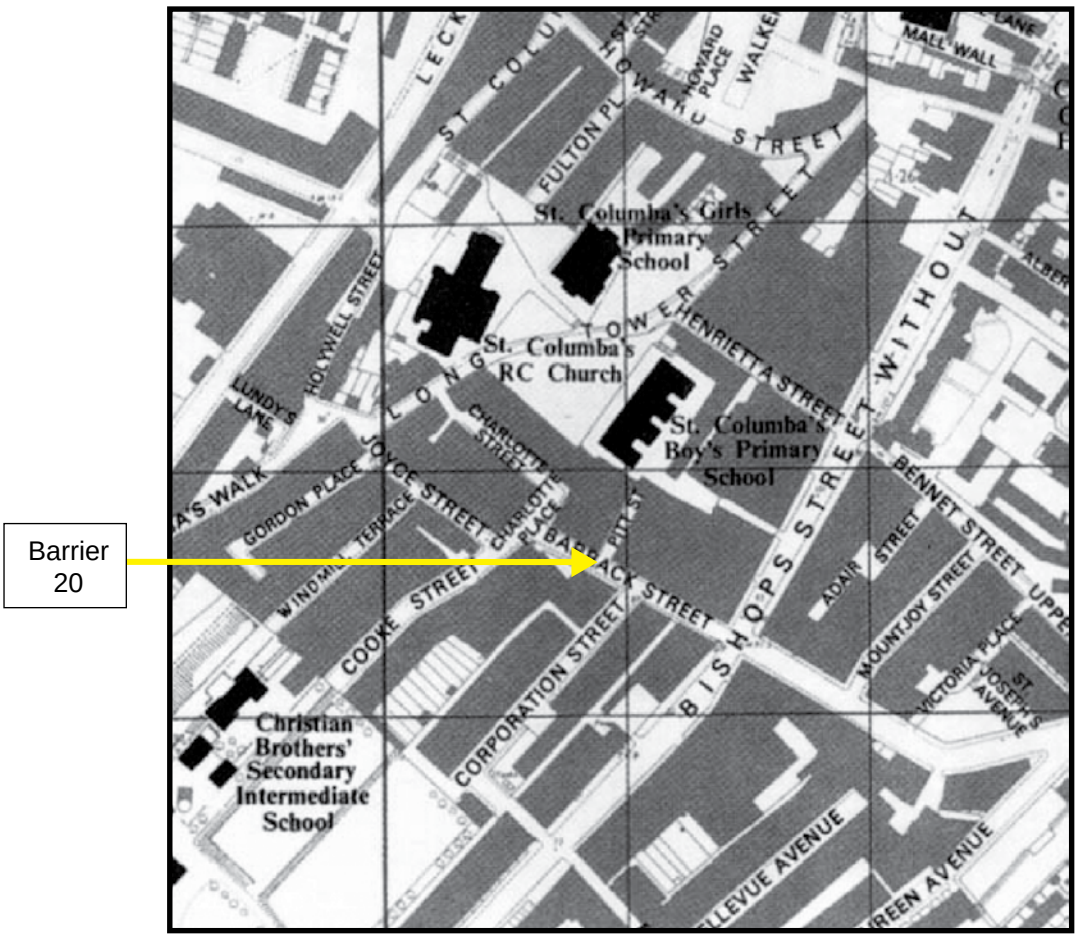
2 Day 388/67

129.44 We now turn to consider whether it is possible that the nail bombs were planted later on Gerald Donaghey.

Chapter 130: Barrier 20 in Barrack Street

Contents

130.1 The following map shows the approximate position of Barrier 20 in Barrack Street. It also shows Pitt Street and Henrietta Street.



130.2 As we have already mentioned, Raymond Rogan drove the car containing Gerald Donaghey and Hugh Leo Young to Barrack Street, where he stopped at Barrier 20, an Army barrier manned by soldiers of 7 Platoon, B Company, 1 R ANGLIAN. Two other vehicles arrived at this barrier at about the same time. On the south side of the road, on the left of the carriageway as seen from the position of the soldiers behind Barrier 20, was another Cortina, registration number HGB 992D, which was driven by CIV 1 and carried the injured Joe Friel, as well as Manus Morrison and Eugene O'Donnell. On the nearside of this vehicle, further to the north (the soldiers' right), was a Hillman. This car, which contained an older couple whom the Inquiry has been unable to identify, was reversed and driven back into the Bogside soon after arriving in Barrack Street. Raymond Rogan's Cortina was on the nearside of the Hillman (thus further to the north, and to the soldiers' right), and was probably slightly behind the other two vehicles.[1]

[1] B1586-1587; B1665-1666; B1832-1833; B1876; B1898; B1909; WT6.13; AY1.4; WT6.3-4; AR24.3-4; Day 184/22-23; Day 184/41-44

130.3 We have set out in some detail in our consideration of the events of Sector 4 what happened when the vehicles reached Barrier 20. As we there stated, shortly before the vehicles arrived a crowd of about 20 to 40 civilians had approached Barrier 20 and asked to be let through. Initially the soldiers refused to lift the barrier, but after about five minutes they agreed to do so. It seems that the vehicles arrived just as the barrier was about to be moved and that a number of civilians remained in the area.[1]

[1] B895; B1586; B1665; B1680; B1690; B1832; B1876; B1898; B1909; WT16.52; B1918.002; AO63.1; AO63.6; Day 184/42

130.4 Soldiers initially approached the car driven by CIV 1. In a brief and disputed incident one of the passengers, Manus Morrison, fled from the car, and a baton round was fired by Private 135. CIV 1 and Eugene O'Donnell were detained and led away and the car, which briefly began to roll backwards when CIV 1 alighted, was driven through the barrier by Lance Corporal 104. Several soldiers then moved to the car driven by Raymond Rogan, which contained Gerald Donaghey. Their evidence is considered below.

Private 135

130.5 Private 135 was one of the first to reach this car.[1] He described the subsequent events in his RMP statement:[2]

> "… I told the driver to turn the engine off and put the handbrake on. He refused and stated that he had no handbrake. I could see a front seat passenger and something on the back seat covered by a blanket. The driver told me, 'I've got a dead man in the back'. At this I opened the back door behind the driver and saw a body on the back seat. The body was that of a youth of about 15–17 yrs, he was covered up to the neck by a dark blanket, his head being behind the driver. I did not touch the body. I noticed the eyes were almost shut, and the face was white. I shut the door, went to the front and told the driver and passenger to get out of the car. This they did and I was left at the car, holding the wing mirror to prevent it from rolling back down Barrack St. The driver and passenger were taken away to Pitt St and I shouted to 150 to assist me. He came down, got into the car and drove it up through the barrier …"

1 B1832; B1835.001

2 B1833-1834

130.6 Private 135 gave written and oral evidence to this Inquiry.[1] We formed the view that the evidence that he gave in 1972 was generally to be preferred to his present recollection. When he gave evidence to this Inquiry, he could only remember one car coming to the barrier and he described firing a baton round into the vehicle carrying Gerald Donaghey, something which neither Raymond Rogan nor Hugh Leo Young has ever suggested happened and which we are satisfied did not. However, we should note that Private 135 was sure that he moved the blanket and saw the wound on Gerald Donaghey's stomach, though he said nothing about this in the statement that he made at the time.[2] In view of the evidence of Corporal 150, which we consider below, Private 135's recollection on this point was probably correct.

1 B1835.004; Day 379/132-182

2 B1835.007; Day 379/144

130.7 Raymond Rogan and Hugh Leo Young were taken to a wall in nearby Pitt Street and there held with CIV 1 and Eugene O'Donnell, (the two men who had been removed from the car carrying Joe Friel). They were then taken to the RAP at Craigavon Bridge and from there to the RUC station at Victoria Barracks.

Corporal 150

130.8 Corporal 150 (a member of 7 Platoon, B Company, 1 R ANGLIAN) gave two RMP statements. In the first of these,[1] he described arresting two men from the first vehicle to which he went (clearly that containing Joe Friel) and taking them to Pitt Street. He stated that he returned to the barrier, which by then was open, and saw the same car being driven through by Lance Corporal 104:

> "Looking beyond him, I saw 135 holding on to the wing mirror of the second car. He shouted to me that the car had no brakes and that there was a dead body in the back. I went over to him and glanced into the back seat. I saw an apparently lifeless body of a young male lying on the back seat. He appeared to have sustained a gunshot wound in the lower abdomen.
>
> I got into the driver's seat and drove the car forward through the barrier. I then reported to my platoon commander who told me to take the car and body to Coy HQ location at Henrietta Street. Both cars then drove to Coy HQ … Here, I was directed to go to Bn HQ at 'The Bridge' [Craigavon Bridge]."

1 B1899-1900

130.9 In his second RMP statement,[1] Corporal 150 explained that the two arrested civilians from the second car (the one he drove) were not arrested by him but by other members of his platoon. However, the arrest papers relating to Raymond Rogan and Hugh Leo Young include statements signed by Corporal 150, which record that Corporal 150 was the arresting soldier. In his written statement for the Widgery Inquiry, Raymond Rogan recorded that while he was at the Bridge Camp he was photographed with Corporal 150, who was wrongly "*put down as the arresting soldier*"; and that when he queried this, Corporal 150 "*just said that he was there*".[2] Corporal 150 was not asked about this when he gave evidence to this Inquiry. What seems to us might well have happened is that Corporal 150 was put down as the arresting soldier simply on the basis that he had participated in the detention; but later made clear in his second RMP statement that he was not among the soldiers who initially detained Raymond Rogan and Hugh Leo Young.[3]

1 B1902

2 AR24.29

3 In his RMP statement B1834, Private 135 said that he ordered the driver and passenger to get out of the car; they were then taken (by implication, by others) to Pitt Street. Later he went to Pitt Street to guard those detained there. It seems to us likely that Private 135 was the arresting soldier. However, in his statement to this Inquiry he made no reference to arresting anyone and said that he could not recall going to Pitt Street (B1835.008-009).

130.10 Corporal 150 gave a further account in his written and oral evidence to the Widgery Inquiry, in the course of which he said that his Platoon Commander had ordered him to drive the car to the Company Headquarters in Henrietta Street, "*a matter of about two or three hundred yards … round the corner*". He said that he followed the other car to the headquarters and that when he got there he believed that it was the second-in-command of the company who instructed the drivers of both cars to go on to the RAP. He also said it took him about five minutes to get to the bridge.[1]

1 B1909; WT16.53-54

130.11 Corporal 150 also gave written and oral evidence to this Inquiry.[1] In his written statement, he described having difficulty getting into the car because of all the gear he was wearing, and said that he had to remove his helmet, after which he turned to look at the body in the back. He stated:

> "A crowd was gathering and I felt the pressure on me. I tried to get the car started but, with all the equipment I was wearing and being in an unfamiliar car, I stalled the car three times before I finally got it started. The car kept slipping back. Once I managed to get it started, I drove it through the barrier. I seemed to recall I clipped the barrier as I drove the car through; I was in a hurry."

1 B1918.002; Day 380/6-86

130.12 In his oral evidence to this Inquiry, Corporal 150 gave a similar account. He told us that after he had taken the two men (CIV 1 and Eugene O'Donnell) to Pitt Street and handed them over to other soldiers, it was only seconds before he returned to the vehicles.[1]

1 Day 380/83

130.13 We return to the accounts given by this soldier a little later in this part of the report, when we consider his evidence about what happened when he reached the Bridge Camp. However, it is convenient to record here that we formed the view that we could place substantial reliance both on the evidence that Corporal 150 gave in 1972 and on his evidence to this Inquiry. We accept what he said about the circumstances surrounding the arrival of the car carrying Gerald Donaghey, and what he then saw and did. His accounts relating to Gerald Donaghey have been consistent throughout and are supported not only by Private 135's RMP statement but also by the written statements made in 1972 by Lieutenant 145, the Platoon Commander at Barrier 20.[1] Lieutenant 145 is deceased, and he gave no evidence to this Inquiry. In view of Corporal 150's evidence

about seeing the wound, its seems that Private 135's present memory of pulling the blanket off Gerald Donaghey is probably correct, though, as we have said, in other respects his current recollections are unreliable.

1 B1876-1881

130.14 Corporal 150 has maintained throughout that he did not see any nail bombs on Gerald Donaghey.[1]

1 WT16.57; B1918.003-1918.005; Day 380/47-48; Day 380/59-61

Lance Corporal 104

130.15 It is convenient to deal at this point with the evidence about a nail bomb given by Lance Corporal 104. It was he who drove the car containing the injured Joe Friel from Barrack Street to the RAP.

130.16 As we have said earlier in this report,[1] we do not accept the evidence given by this soldier about a confession, allegedly made by Joe Friel while he was being driven to the RAP, that he had been armed with a gun. At the end of the RMP statement in which he gave that account,[2] Lance Corporal 104 stated:

> "The only other thing I can add is that the youth who was lying on the seat of the second car which was eventually driven to the bridge location by 150 of my unit appeared to be dead and, when I looked into the car, immediately after it had stopped at the Barrack Street road block, I saw that there was a nail bomb in the front pocket of his trousers."

1 Paragraphs 104.123–137

2 B1681-1682

130.17 In his written statement for the Widgery Inquiry, Lance Corporal 104 said nothing about seeing a nail bomb when the car was in Barrack Street. Instead he recorded that he saw something in the pocket of the man, meaning Gerald Donaghey, when the vehicle was at the Bridge Camp and realised from the talk of those round the car at that stage that it "*must have been a nail bomb*".[1] In his oral evidence he told the Widgery Inquiry that what he had said about seeing a nail bomb in Barrack Street was a mistake and that he had not seen the man in the second car (Gerald Donaghey) until he reached the Bridge Camp.[2]

1 B1691

2 WT17.49

130.18 We have noted in the course of our earlier discussion[1] of Lance Corporal 104's evidence about Joe Friel confessing to having been in possession of a gun that, while he had given a written statement to this Inquiry,[2] we also wished to hear his oral evidence. However, he stopped communicating with his legal representatives, went abroad, did not respond to letters from the Inquiry, and could not be traced.[3]

1 Paragraphs 104.123–137
2 B1705.1
3 Day 380/1-6; Day 382/131

130.19 In his written statement to this Inquiry, Lance Corporal 104 sought to explain why his evidence as to where he saw Gerald Donaghey and the nail bomb changed between his RMP interview and his Widgery Inquiry statement. He stated that he changed his account because the solicitor taking his Widgery Inquiry statement told him that all the other soldiers were saying that they did not see the nail bomb until the car reached Craigavon Bridge, and so he decided to say the same on the basis that he must have made a mistake in his RMP interview.[1]

1 B1705.5

130.20 We reject Lance Corporal 104's evidence that he saw a nail bomb in Gerald Donaghey's pocket when the car was at Barrack Street. Had he done so, he would hardly have kept the fact to himself or let one of his colleagues drive a car containing a potentially lethal device, but would in our view at once have told his Platoon Commander or his colleagues what he had seen. As it is, no other soldier who was at Barrier 20 has said that he saw or was told by Lance Corporal 104 that there was a nail bomb. On the contrary, in his written statement for the Widgery Inquiry,[1] the Platoon Commander, Lieutenant 145, said: "*We made no search of the people in the vehicles at all, and no-one said anything to me about there being a nail bomb on the persons of either of them. 104 told me when he came back that a nail bomb had been found in the dead man's pocket.*"

1 B1881

130.21 In addition to the foregoing, we accept the evidence of Basil Hall, who took Lance Corporal 104's Widgery Inquiry statement, that he would not have told Lance Corporal 104 that other soldiers were saying something different about the discovery of a nail bomb.[1]

1 Day 250/7-13

130.22 We are satisfied that no soldier saw a nail bomb or bombs in any of Gerald Donaghey's pockets when he was at Barrier 20. However, no-one at that barrier seems to have looked more than quickly at Gerald Donaghey or searched him. So the evidence of the soldiers does not necessarily show that the bombs must have been planted on him later.

Police officers

130.23 We should note at this point that there is no evidence dating from 1972 to suggest that there were any police officers close to Barrier 20 or either of the cars while they were there, though there were six RUC officers from County Fermanagh stationed at the corner of Barrack Street and Bishop Street about 40 yards from Barrier 20 when the cars arrived there.[1]

1 The six RUC officers were Sergeant HF Keys (JK5.1), Constable Robert Carson (JC5.1), Constable WJ Gawley (JG3.1), Constable Alexander Malone (JM5.9), Constable DC McVeigh (JM42.1) and Constable Frederick Scott (JS2.1).

130.24 In written evidence to this Inquiry[1] Constable Scott stated that he moved to the cars before they went through the barrier, but this is inconsistent with the accounts given by the police officers at the time, and since this witness also said that one of the cars was driven through the barrier by the civilian driver and that "*no-one from the army or police went with the car*"[2] his present recollections are clearly faulty and we place no reliance on them. Nothing in the evidence of these police officers assists on the question as to whether Gerald Donaghey had nail bombs in his possession or had them planted on him at this stage.

1 JS2.1

2 JS2.3

The time spent at Barrack Street

130.25 The 1 R ANGLIAN radio log records the following messages:[1]

Serial 82 timed at 1631 hours from B Company (at Henrietta Street) to Battalion Tactical Headquarters (at the Bridge Camp):

> "Car at Blk 20 containing 1 dead 1 serious wounded sending to Bridge loc."

Serial 83 timed at 1635 hours from Battalion Tactical Headquarters to B Company:

> "Check car for weapon."

Serial 84 timed at 1636 hours from the second-in-command of 1 R ANGLIAN to Battalion Tactical Headquarters:

> "Car as in 82 now escorted by 29A to your loc."

[1] W103; W106.7

130.26 "*29A*" in the last of these messages was the call sign of the second-in-command of B Company in a roving unit.[1] An incident report submitted by 1 R ANGLIAN to Brigade Headquarters on 4th February 1972 recorded that the two cars were driven to Craigavon Bridge escorted by B Company's second-in-command;[2] Captain INQ 1343 (the Company Commander of B Company) also gave evidence to this effect.[3] It seems that the two cars were escorted to Craigavon Bridge by the second-in-command of B Company in a separate vehicle: there is no suggestion from either Lance Corporal 104 or Corporal 150 that the second-in-command travelled in the same car as either of them.

[1] W345
[2] G114C.743.9
[3] C1343.2

130.27 Serial 471 in the Porter tape of radio communications on the Brigade net[1] recorded the following message from 1 R ANGLIAN (at the Bridge Camp) to Brigade Headquarters:

> "Ah, 54 Alpha. A car has just pulled up to block figure 20. Ah, in the car was one dead man and one wounded man. He is being sent now to this location so that Starlight can have a look at him before transferring on to Altnagelvin Hospital."

[1] W134

130.28 The Brigade log recorded the time of this message as 1630 hours.[1] "*Starlight*" was a reference to the Medical Officer of 1 R ANGLIAN.[2]

[1] W48 serial 181
[2] W344; B2162.003

130.29 The 1 R ANGLIAN incident report records that the two cars approached Barrier 20 at "*1625 approx*" and that they were driven away to Craigavon Bridge at 1636 hours.[1] The schedules of baton rounds fired and arrests made that accompanied this report indicate that Private 135 fired his baton gun at 1624 hours and that the cars had arrived at Barrier 20 by 1623 hours.[2]

[1] G114C.743.9
[2] G114C.743.13; G114C.743.14

130.30 It was submitted on behalf of the police officers, on the basis of the 1 R ANGLIAN incident report, that the cars were at Barrack Street for some 11 minutes.[1] Though (as we explain below) this period is probably approximately correct, the submission assumes, in our view incorrectly, that the last of the messages (at 1636 hours) was sent when the cars left Barrier 20 rather than when they left Henrietta Street.

1 FS16.13

130.31 The first of the messages discussed above was timed at 1631 hours. This report to Battalion Tactical Headquarters must have preceded the report conveying the same information to Brigade Headquarters. The report to Brigade Headquarters was timed at 1630 hours. One or other of these timings cannot therefore be accurate. Since the report to Battalion Tactical Headquarters came from Company Headquarters in Henrietta Street it is reasonable to infer that those manning Barrier 20 had informed them shortly before of the casualties. Battalion Tactical Headquarters then informed Brigade Headquarters.[1]

1 W48 serial 181

130.32 The message informing Battalion Tactical Headquarters that the casualties were on their way to the Bridge Camp was timed at 1636 hours. This came from the second-in-command of 1 R ANGLIAN and referred to the second-in-command of B Company, the officer Corporal 150 believed was at Company Headquarters in Henrietta Street when he arrived there.[1] We have not been able to identify or obtain evidence from this officer, who does not appear to have made any statement at the time. Corporal 150 gave evidence in 1972 that he believed that it was this officer who instructed him at Henrietta Street to go to the RAP,[2] though it seems that it might in fact have been the Company Commander.[3] On this basis the message at 1636 hours was sent after the car had reached Henrietta Street and was being escorted from there. According to the written statement for the Widgery Inquiry[4] of Lieutenant 145, the Platoon Commander, it was about a minute and a half after he had ordered the cars to be driven to Henrietta Street that he saw them "*come back and turn at the crossroads down Abercorn Road – obviously going to battalion headquarters*".

1 WT16.54
2 B1909; WT16.54
3 C1343.2
4 B1881

130.33 In the light of this evidence it seems to us that the cars might have arrived as early as 1623 hours but left a minute or so before 1636 hours.

Conclusions on Barrack Street and Henrietta Street

130.34 Corporal 150 stated in his written evidence for the Widgery Inquiry that he did not "*put a nail bomb or any similar object in his [Gerald Donaghey's] pocket, and no-one else had an opportunity to do so*".[1] He gave similar oral evidence to the Widgery Inquiry.[2] He told this Inquiry that he had "*no idea*" how the nail bombs got into Gerald Donaghey's pockets.[3]

1 B1910
2 WT16.56
3 B1918.004

130.35 We are convinced that nail bombs could not have been planted on Gerald Donaghey when he was at Barrier 20. We do not see how, at this temporary location, any soldier could have been in possession of nail bombs, or how any of them could have had the opportunity to place four of them in Gerald Donaghey's pockets without others, including the civilians still in the area and close to the cars, being likely to observe what was happening. Furthermore, any soldier or soldiers planting nail bombs on Gerald Donaghey would have to have been content to see a colleague then drive the car with these devices on board. We accordingly reject the submission made on behalf of a number of former and serving police officers that the planting of nail bombs by soldiers at Barrack Street was "*a credible possibility that cannot be dismissed*".[1]

1 FS16.13

130.36 We are sure that nail bombs were not planted on Gerald Donaghey when the car carrying him was in Henrietta Street. This could only have been done by or with the connivance of Corporal 150 and we accept his evidence that from the time he got into the car at Barrack Street until he left the car at Craigavon Bridge no-one touched the body or could have done so without him knowing; and that he put nothing into the pockets.[1] He told us that he did not get out of the car in Henrietta Street and was there for a very short time.[2] As mentioned above, Lieutenant 145 also indicated in his written statement for the Widgery Inquiry that the car was only in Henrietta Street for less than a minute and a half.

1 B1909-1910; WT16.55; WT16.56; B1918.5
2 Day 380/69

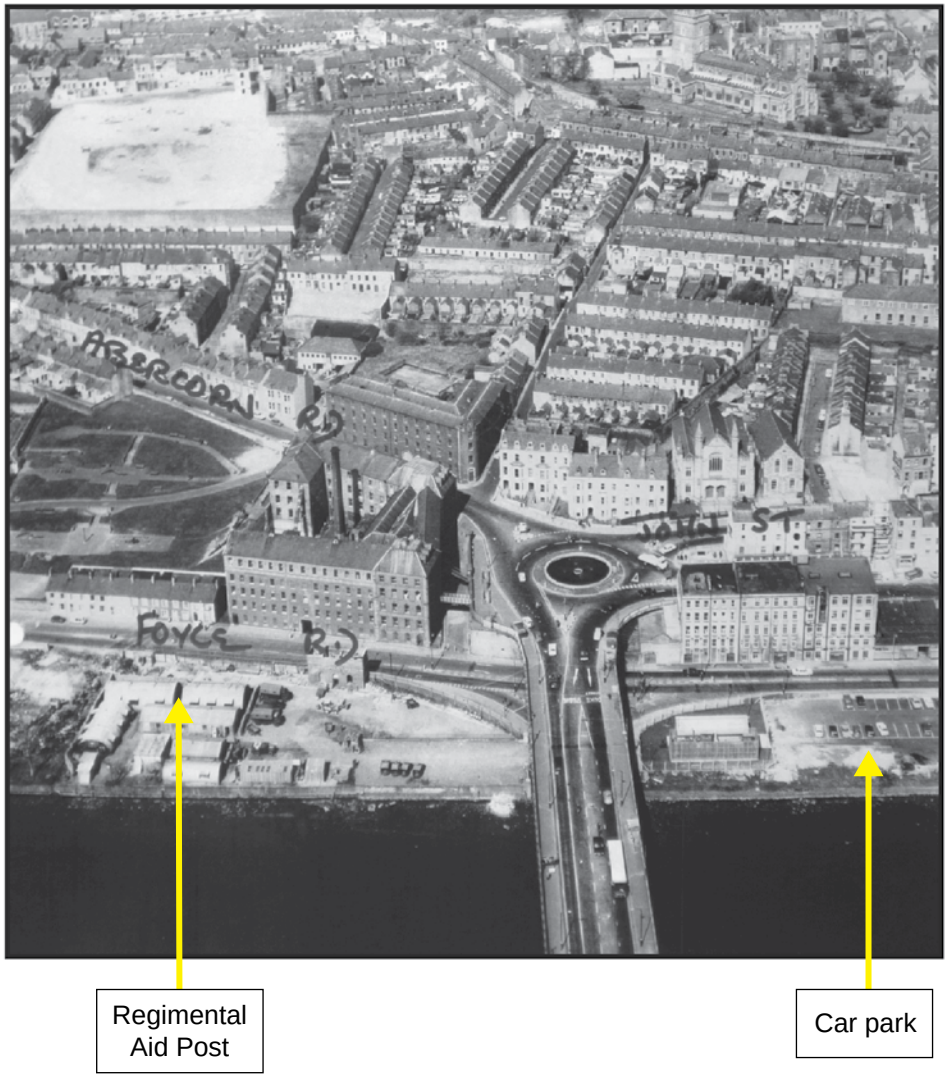
130.37 In view of Corporal 150's evidence, and the fact that at best they had only a very short time close to the car as it was driven from Barrier 20, there can be no question of the police at the junction of Bishop Street and Barrack Street having planted the nail bombs. Furthermore, as already noted, the officers there were from County Fermanagh, and so any suggestion to the contrary involves the highly implausible, and to our minds unacceptable, proposition that one or some of them either brought the bombs or their components from there or somehow obtained them when they arrived.

Chapter 131: The Regimental Aid Post at Craigavon Bridge

131.1 The site known as the “Bridge Camp”, in which the Regimental Aid Post (RAP) of 1 R ANGLIAN was situated, is shown in the photograph below. It was located immediately to the south of Craigavon Bridge, just off Foyle Road.[1] The Bridge Camp consisted of a number of buildings, many of which were huts or temporary cabins.[2] To the north of the bridge and across the road from the Bridge Camp was a car park, which is also visible in the photograph.

1 B1859.001; Day 383/14-15; C1924.4; Day 380/120

2 B1859.001; JD3.5; JH3.2; Day 212/2-4; JT7.3; JH9.4; Day 213/134-136



131.2 The Tactical Headquarters of 1 R ANGLIAN was positioned at the Bridge Camp on Bloody Sunday. The battalion command vehicle was parked there.[1] The RAP was manned by the battalion Medical Officer, Captain 138.[2]

1 C1924.4

2 B1844; B1847; B1859.001

131.3 Part of the Bridge Camp was also used that day as the Foyle Road Detention Centre, where those who had been arrested were processed by members of the RUC before being moved on to Victoria Barracks in Strand Road.[1] For this reason, although the Bridge Camp was an Army post, a number of police officers were on duty there, under the command of Inspector Harry Dickson.[2]

1 JD3.1; JD3.3; JD3.5; JH3.2; JM41.1; JH9.4

2 JD3.1; JD3.3; JD3.5

Chapter 132: The arrival of Corporal 150 and Gerald Donaghey at the Regimental Aid Post

132.1 As we have already noted, according to Corporal 150 it took about five minutes to drive from Henrietta Street to the RAP. According to Inspector Harry Dickson, whose evidence we consider below, it would have taken about two to three minutes.[1]

1 Day 212/119

132.2 In his first RMP statement,[1] Corporal 150 said that he arrived at the RAP at about 1615 hours, but, in view of the radio messages considered above, this estimated time cannot be right. It seems to us that the car must have arrived around 1640 hours. This is supported by an entry in the RUC Incident Book, timed at 1644 hours:[2] "*Army has one dead man and two injured at underdeck of Bridge.*" The entry records that this information was supplied by Sergeant Vernon Carson, a police officer who was present at the Bridge Camp, to the RUC Communications Centre at Victoria Barracks. We have no reason to doubt the accuracy of the timings in the RUC Incident Book. The Porter tape of the RUC radio communications does not record a message corresponding to this entry, which means that the communication was probably made by telephone. We return to the significance of this message later in this part of the report.

1 B1900

2 W161

132.3 The Brigade log recorded a message from 1 R ANGLIAN at Craigavon Bridge to Brigade Headquarters timed at 1650 hours.[1] The Porter transcript of this message[2] is: "*Hello, Zero, this is 54 Alpha. Ah, one dead person who was returned to this location has a nail bomb in his pocket. We request Felix to come down and sort it out.*" There was then a radio message from Brigade Headquarters to 22 Lt AD Regt instructing them to send "Felix" to 1 R ANGLIAN.[3]

1 W49

2 W138 serial 527

3 W138 serial 531

132.4 "Felix" was the Ammunition Technical Officer, Captain 127, who, as we have already mentioned, was a bomb disposal expert.

132.5 There was also a radio message to the Communications Centre at Victoria Barracks timed at 1652 hours:[1] "*Delta 7 to November. Send an experienced police officer to the bridge. There's a body there with a nail bomb in its pocket. We want the continuity of rules of evidence maintained.*" The response was to suggest that Inspector Bell, who "*is on the bridge*", could deal with this.[2]

1 W161; W209 serial 632

2 W161; W209 serial 633

132.6 This message was from "*Delta 7*". This was Superintendent J Johnston, who told us that his personal call sign was "November Delta 7" and that he was "*acting as Liaison Officer between Brigade Headquarters and Communications Centre, R.U.C. Londonderry*".[1] From the radio transcripts we consider that what probably happened was that the Army called for an experienced police officer to attend and this request was relayed by Superintendent Johnston to the RUC Communications Centre, who suggested Inspector Bell. This suggestion might have been made because it was thought that the body was on Craigavon Bridge itself rather than at the Bridge Camp. What then happened is made reasonably clear by the messages recorded on the Porter tape.[2] Inspector Bell was initially told to contact the Army about an "*ambulance*" carrying a dead person with a nail bomb. He went down to the lower deck of Craigavon Bridge to find the ambulance. "I23" (likely to be Inspector Dickson) then reported that there was a dead man at his location in a "*car*" with a bomb in his pocket and that there might have been a "*mix-up*". Superintendent Johnston and the Communications Centre confirmed that this was the vehicle with which they were concerned. Inspector Bell was told that he did not now need to go to the lower deck, but replied that he was on the lower deck with a military ambulance. He was then told: "*You can cancel that. It's already been dealt with.*"

1 JJ3.1

2 W211 serials 633 to 672

132.7 On the basis of these messages it would seem that the car carrying Gerald Donaghey was at the Bridge Camp for something of the order of ten minutes before the nail bombs were reported by the Army and the RUC.

132.8 Two other vehicles arrived at the Bridge Camp at approximately this time. One was the light-coloured Cortina, containing Joe Friel, which had been driven by Lance Corporal 104 from Barrier 20. The other was a silver Cortina with the registration number NSC 149G. This car was driven by Bernard McMonagle, and carried two passengers, Kathleen Doherty and the injured Patrick Campbell. It is not entirely clear in which order the three Cortinas arrived at the Bridge Camp, but the car transporting Gerald Donaghey probably arrived shortly before the other two.[1]

1 JN1.1; B1844; B1847; WT15.25; B1909; B1900; B1918.3; B1690; WT17.43; B1705.3; JH3.2; AM366.2-3

Chapter 133: Events after the arrival of Corporal 150 and Gerald Donaghey at the Regimental Aid Post

Contents

Corporal 150

133.1 According to Corporal 150's first RMP statement,[1] once he had arrived at the Bridge Camp "*the MO [Medical Officer] examined the dead man. The MO pronounced the man dead and I drove the car to one side whilst the injured person in 104 car was re-examined. I then returned to the barrier in Barrack Street …*"

1 B1900

133.2 In his written statement for the Widgery Inquiry,[1] Corporal 150 recorded that it was the Medical Officer who told him to move the car out of the way "*to make room for another car that was coming in*". In this statement he added that when he had reached the Bridge Camp and was waiting for the Medical Officer to come, no-one touched the body except that "*I tried to feel the man's pulse but could feel nothing*". He had been shown Constable Simpson's photograph of Raymond Rogan's car and said that this car looked very like the one he had driven. He had also been shown Constable Simpson's photograph of Gerald Donaghey's body, and said that it was:

> "… almost certainly a photograph of the body which was in the car I drove. The arms are in the same position as I remember his to have been. I looked at him, however, from a different angle, from the off side of the car. My recollection is that the zip of his trousers was slightly open as is shown in the picture and his clothes were disarranged in that area where there seemed to me to be blood so that I supposed that he had been shot in that area."

1 B1909-1910

133.3 He continued: "*I have also been shown photograph EP5A/26. I cannot remember seeing any object sticking out of his pocket, but looking at photograph 25 I suppose that it is possible that his hand is concealing it.*"

133.4 In his oral evidence to the Widgery Inquiry, Corporal 150 said that he was not sure which wrist he felt for a pulse but thought it was the right hand, that he was at the Bridge Camp for two minutes before the Medical Officer arrived, and that he distinctly remembered seeing the top part of the zip of Gerald Donaghey's trousers undone and that part of the clothes were disarranged when he first saw the body.[1] We should note at this point that Corporal 150's apparently affirmative answer to the question as to whether he saw the nail bombs when he got into the car to drive[2] was clearly either not responsive to this question or a transcription error, since a few answers later he replied "*That is correct, sir*" to the question "*You did not notice any bomb on the body at any time?*"[3]

1 WT16.54-58
2 WT16.56
3 WT16.57

133.5 Corporal 150 also told the Widgery Inquiry that after the Medical Officer had pronounced Gerald Donaghey dead and he had moved the car as requested, he had nothing to do with the car or the body, and did not speak to any police officer.[1] We have no doubt that, as Corporal 150 recorded in his RMP statements, he then returned to Barrier 20 and escorted the four men who had been arrested there, namely CIV 1 and Eugene O'Donnell from the car carrying Joe Friel, and Raymond Rogan and Hugh Leo Young from the car carrying Gerald Donaghey, to the RMP control point for identification.[2]

1 WT16.56-57
2 B1900; B1902

133.6 Corporal 150's written and oral evidence to this Inquiry was consistent with his previous accounts.[1] As already observed, we were impressed by this witness, who we are sure was doing his best to give us an accurate account of what he saw and did that day. Understandably, there were some details in his previous accounts that he said that he could no longer recall, but his evidence was convincing. In the course of it he told us that after he moved the car at the Bridge Camp he was still in sight of the second car, to which the Medical Officer had gone.[2] He explained to us that he believed that the Medical Officer had later conducted a second examination of the body, but that this was on the basis of the Medical Officer telling him that he would go and check the other casualty and then come back; and that he was not present at any second examination.[3] He also said that while he was with the car, he was not aware of other soldiers gathering round and that his recollection was that he and the Medical Officer were alone.[4] He said that he

"*must*" have notified somebody when he arrived that there was a dead body in the car, but had no memory of doing so and no recollection of speaking to any police officer on his arrival.[5]

1 B1918.001; Day 380/6-85
2 Day 380/28-29
3 Day 380/32-33
4 Day 380/33
5 Day 380/34-37

133.7 Corporal 150 was asked about some of the evidence that Sergeant Vernon Carson, one of the police officers on duty at the Bridge Camp, had given to the Widgery Inquiry, namely that when this officer searched the body he found a nail bomb which he then showed to the soldier who had driven the car to the Bridge Camp, which caused the latter to say "*F--- me*". When asked whether anything like that had occurred, Corporal 150 replied "*No*".[1] He also said that while he was in control of the car, there was no incident such as that described by Woman Constable Clara Hamilton, another police officer on duty at the Bridge Camp, of the discovery of a nail bomb and of a soldier identifying it as such with a shout, "*Get out, it is a bomb*".[2] We consider the evidence of these and other police officers below.

1 Day 380/40-41
2 Day 380/43-44

133.8 Corporal 150 also told us that he did not recall seeing anything in Gerald Donaghey's pockets[1] and that he had only learned that there had been nail bombs in Gerald Donaghey's pockets when he was "*at the Widgery Tribunal*".[2] He also said[3] that he was certain that he had not seen the object shown in Gerald Donaghey's pocket in the second of Constable Simpson's photographs. He confirmed that it was his evidence, as he had simply expressed it in his written statement,[4] that the nail bombs were not there.

1 Day 380/47
2 Day 380/48
3 Day 380/60-61
4 B1918.005

133.9 As we have already indicated, we are sure that Corporal 150 did not plant nail bombs on Gerald Donaghey. We are also sure that Corporal 150 did not know until much later that a nail bomb or bombs had been discovered.

133.10 As with the civilians at 10 Abbey Park, we are sure that if a nail bomb had been visible in one of Gerald Donaghey's pockets as shown in the photographs taken by Constable Simpson in the car park on the north side of Craigavon Bridge, Corporal 150 would have noticed it. Again, as with the civilians, the true question is not whether Corporal 150 saw a nail bomb or bombs in Gerald Donaghey's pockets, but whether he could have failed to notice heavy and bulky objects if they had been there. Since Corporal 150 only had a

quick glance at the body before he left Barrier 20,[1] only touched the body to take the pulse, and did not move the body[2] it is unlikely that he would have noticed such objects had they been there but out of sight in the pockets.

1 B1899

2 WT16.54-58

Captain 138

133.11 According to his RMP statement dated 2nd February 1972, the Medical Officer of 1 R ANGLIAN (Captain 138) was at the RAP when three civilian cars arrived almost simultaneously:[1]

> "The first car I looked at was a white Mk 1 Cortina GT with a red stripe on the side. Lying on the back seat of the car with his left side against the back of the seat was a youth of approximately 15 or 16 years of age, I do not remember how he was dressed. I examined him and he was dead. There was no obvious cause of death on a very quick examination, so rather than waste time I proceeded to treat the other two injured persons who had arrived at the same time.
>
> After transferring the two injured persons to hospital, I returned to the dead body to try and determine cause of death. It was then that I heard that there was some sort of explosive device on the body, so I decided not to move the body for closer examination until it had been cleared by the ATO [Ammunition Technical Officer]. After the ATO had examined the explosive devices which turned out to be four nail bombs, the body was transported direct to the Mortuary at the ALTNAGELVIN HOSPITAL by Army transport, before further examination by myself."

1 B1844

133.12 In his written statement for the Widgery Inquiry dated 8th March 1972,[1] Captain 138 said that he had examined the body for colour, pupils, breathing and pulse.

> "I made no further examination. I did not at that stage see a nail bomb on his person. I have never seen a nail bomb so that I would not have known one if I had seen it. I have, however, been shown a photograph EP5A/26. I did not notice any such object as is shown in that picture, but I cannot say that I wouldn't have noticed this if it had been there. I cannot recall that he had any bulky articles in his coat, but the nature of my preliminary examination was such that I would not necessarily have felt them had they been there."

1 B1847-1848

133.13 It seems to us that what Captain 138 meant to record in this passage was "*I cannot say that I would have noticed this if it had been there*". That would be more consistent with his comment about the second examination[1] ("*Again, in making this second examination I did not notice any bulky objects … but from the nature of the examination there was no reason why I should*") and with his oral evidence to the Widgery Inquiry,[2] in which he said that if there had been a bomb in one of Gerald Donaghey's pockets when he made his first examination he did not think that he would have seen it.

1 B1848
2 WT15.21

133.14 Later in this statement Captain 138 told the Widgery Inquiry that he had made a further examination of the body after he had tended to the two casualties who had arrived in the other cars. He stated that he had conducted this examination through "*the right-hand door*"[1] and that the examination did not reveal the cause of death.

1 B1848

133.15 Captain 138 then stated that about five minutes after he had finished his second examination he heard someone say that a nail bomb had been found "*either on the man's person or in the car, I cannot remember which. As a result there was a delay in the time before the body left for the Mortuary, because a bomb disposal officer was sent for.*"[1]

1 B1848

133.16 In his oral evidence to the Widgery Inquiry, Captain 138 said that he was notified over the radio that casualties were coming in, so that he was "*virtually*" at the doorway of the RAP when they arrived, and first saw the Cortina with the body when he was 25 paces away.[1]

1 WT15.22

133.17 Captain 138 told the Widgery Inquiry that he opened the rear door of the car so that he could see the face of the casualty immediately beside him.[1] He repeated his description of the steps he took to ascertain whether the casualty was dead.[2] He said that having regard to the nature of his examination he would not have seen a nail bomb in the casualty's pocket if one had been there.[3]

1 WT15.20
2 WT15.20-21; WT15.22-26
3 WT15.21

133.18 Captain 138 also told the Widgery Inquiry that it was difficult to say how long he spent with the other casualties before he returned to the dead person, but estimated that he had spent "*say 6 minutes for each of them*".[1] He said his second examination took about eight to ten minutes, but that he was unable to determine the cause of death. He said he did

not see a wound on the left side of the body because in order to examine the left side he would have had to shift the body and he did not think that it was worth moving the body at this stage. He said that he did not notice anything in the pockets. "*I was not looking in his pockets. I was trying to determine the cause of death.*"[2]

1 WT15.25
2 WT15.21

133.19 Captain 138 was asked about the fact that the trousers are shown unzipped in the first photograph[1]. He said that the trousers were originally zipped up and that he unzipped them.[2] Captain 138 may have been wrong about this, as Dr Swords told the Widgery Inquiry that he had undone the trousers.[3]

1 It seems clear that this was Constable Simpson's first photograph, which we have reproduced in paragraph 125.10.
2 WT15.21
3 AS42.14; AS42.3; AS42.5

133.20 Captain 138 gave written and oral evidence to this Inquiry.[1] We formed the view that Captain 138 no longer had a clear recollection of events. He was asked about the fact that it appeared from his RMP statement that he had been told of explosive devices on the body when he returned after going to the two injured men,[2] whereas in his evidence to the Widgery Inquiry, he said that he learned of this after he had conducted a second examination of the body. Captain 138 was unable to explain this discrepancy.[3] He told us that he still had a vague memory of conducting a second examination but agreed that it was possible that this could have been a cursory one.[4]

1 B1859.002-008; Day 383/12-86
2 B1844; Day 383/33
3 Day 383/47
4 Day 383/33-34; Day 383/51

133.21 Captain 138 was also asked about the fact that in his written evidence to us[1] he stated that he would have noticed at least one of the four bombs had they been there, whereas he told the Widgery Inquiry that there was no reason why he should have noticed bulky objects in the pockets. Again Captain 138 was unable to provide an explanation.[2] He accepted that it was possible that he had conducted a second examination of the body after Captain 127, the ATO, had removed the bombs, since he did not (despite what he said in his RMP statement[3]) conduct any examination at the hospital. In this regard he agreed that it was possible that the phrase "*before further examination by myself*" in that statement should have read "*after further examination by myself*".[4]

1 B1859.006
2 Day 383/48-49
3 B1844
4 Day 383/52-53

133.22 Captain 138 also told us that his memory now was that he had stopped the second examination because someone had told him that there was possibly a nail bomb on the man, but could not explain why he had told the Widgery Inquiry that he learned this some minutes after he had completed his second examination.[1]

1 B1859.007; Day 383/84-85

133.23 In his written statement to this Inquiry, Captain 138 told us that the time taken to treat the two living casualties might have been only six to ten minutes in total, rather than six minutes each as he had told the Widgery Inquiry; and that his second examination of Gerald Donaghey might have taken only five to eight minutes, rather than eight to ten minutes as he had told that Inquiry.[1] In his oral evidence to the present Inquiry, Captain 138 accepted that the times could have been shorter still.[2]

1 B1859.003; B1859.007-008

2 Day 383/42

133.24 We have no doubt that Captain 138 made an initial examination of Gerald Donaghey in order to check whether he was dead, and did not notice any nail bomb or bombs in his pockets. His evidence in this regard is supported by that of Corporal 150. In our view, however, this evidence does not establish the absence of nail bombs on Gerald Donaghey at this time. If they were there, but at this stage they were out of sight in Gerald Donaghey's pockets, it seems to us that Captain 138's "*very quick*" examination for signs of life might well not have revealed their presence. The same, however, could not be said if one of the nail bombs was visible as shown in the photographs[1] though it must again be kept in mind that these photographs were taken after a nail bomb had been discovered in this pocket and so do not necessarily represent the scene at an earlier stage. Thus the evidence of Captain 138 about his initial examination does not establish whether or not Gerald Donaghey then had nail bombs in his pockets.

1 Paragraph 125.11

133.25 It is far from clear from Captain 138's evidence as a whole whether he did in fact conduct any sort of a second examination in order to ascertain the cause of death. It seems to us very unlikely that it could have been after the nail bombs had been discovered and Captain 127 had removed them, since the latter, as will be seen from his evidence (considered below), saw the wound on Gerald Donaghey's abdomen[1] and it is difficult to see how a trained doctor could then have failed to do so.

1 B1783

133.26 Captain 138 has throughout maintained that he did not discover any wound on Gerald Donaghey's body. His original explanation for this was that the body was on its left side, so concealing the wound on the left side of the abdomen, and that he chose not to move the body.[1] It might be, as Captain 138 now says he seems to recall, that he embarked or was about to embark on a second examination but stopped before discovering the wound when told that there might be a bomb.

1 B1848; WT15.21

133.27 Such a possibility is consistent with Captain 138's RMP statement[1] and with an entry in the incident report dated 4th February 1972 prepared by 1 R ANGLIAN subtitled "*3 Cars Containing Dead/Wounded Men at Br Location (Extract from MOs Notes)*",[2] which recorded, so far as Gerald Donaghey was concerned:

> "White Cortina GT Mk 1 with Red Flash (now known to be 3933 PZ Owned/Driven by Raymond Rogan, 10 Abbey Pk). Youth inside aged 16 yrs approx. Dead on examination. Exact location of wound not visible from front and MO did not turn over the body because of nail bomb in pocket."

1 B1844

2 G114C.743.11

133.28 Captain 138 told this Inquiry that he would normally have made notes of an examination of the type he conducted, but he did not recall supplying any such notes to anyone compiling an incident report and could not help in interpreting the entry in this report.[1]

1 Day 383/86; Day 383/36-37

133.29 The difficulty with the possibility that Captain 138 did not carry out a second examination or only started to do so is that it is inconsistent with his evidence to the Widgery Inquiry that he spent some eight minutes doing so, though this evidence in turn is hard to reconcile with his RMP statement. In our assessment, Captain 138 was a confused witness whose recollections lacked clarity, leading to the discrepancies and inconsistencies in his evidence that he was unable to explain. Despite his evidence to the Widgery Inquiry, it seems to us on the whole that Captain 138 did not conduct a second examination or had only started to do so when informed of the discovery of a nail bomb.

133.30 In this regard, we accept the evidence of Inspector Dickson, which we consider below, that if a nail bomb had been discovered a Medical Officer would not have been allowed to carry out an examination of the body except possibly to confirm that the person was dead.[1] In view of the timings in the logs of the arrival of the car bearing Gerald Donaghey

and the report of a nail bomb, together with the time Captain 138 said that he spent examining the two injured, Captain 138 could hardly have done much more than return to the car, which once again is consistent with his RMP statement.

[1] Day 212/102-103

133.31 In these circumstances and in view of the discrepancies and inconsistencies in his evidence, we have concluded that it would be unwise to rely on Captain 138's evidence to draw any conclusions about what he did or did not see when he returned to the body of Gerald Donaghey.

Chapter 134: Evidence from Royal Ulster Constabulary officers

Contents

134.1 For the sake of clarity and consistency, the police officers are referred to by the rank they held on 30th January 1972.

Sergeant Vernon Carson

134.2 Sergeant Vernon Carson was the only police officer on duty at the Bridge Camp when the cars arrived who gave both written and oral evidence to the Widgery Inquiry about the discovery of nail bombs on Gerald Donaghey.[1] He later made a deposition for the coroner's inquest into the death of Gerald Donaghey.[2] He also gave a written statement to this Inquiry,[3] but died before he had signed it.

1 JC6.2-3; WT16.58-64
2 JC6.11
3 JC6.12-19

134.3 Before giving evidence to the Widgery Inquiry, Sergeant Carson wrote a report to the Station Sergeant at Victoria Barracks dated 7th February 1972.[1] In this report Sergeant Carson recorded that he was on duty in the Detention Centre at the Army post, Foyle Road (ie the Bridge Camp) and that it was about 3.55pm[2] when a soldier came into the building and said that there were two injured men outside in cars. He stated that he went outside with Inspector Harry Dickson and saw:

> "… an Army Medical Team rendering First Aid on placing the two men into a Military Ambulance. Then an Army Officer pointed to a Ford Cortina G.T. car Reg. No. 3955 PZ and said there is a dead man in the back seat. I went over to the car and saw a youth lying face up on the rear seat. He appeared to be dead. He was wearing Blue Denim Jeans and Blue Denim Jacket. He had a white handkerchief tied round his neck. I started to search his clothes for identification and when I looked into his left hand trouser pocket I found what I thought to be a Nail Bomb. I informed an Army Sergeant and requested him to send for the A.T.O. [Ammunition Technical Officer]"

1 JC6.1

2 This timing cannot be correct and in our view was probably an error of recollection.

134.4 For reasons given below, it is possible that the "*Army Officer*" to whom Sergeant Carson referred in this passage was Lance Corporal 104.

134.5 Sergeant Carson then stated that he remained with the car until Captain 127 arrived at approximately 5.15pm and moved the car to the car park in Foyle Road. He described how Captain 127 examined the car for explosives, including by blowing open the boot, and then examined the body and found four nail bombs, "*one in each trouser pocket and one in each Jacket pocket*". Sergeant Carson continued by stating that Captain 127 removed the detonator and explosives from the nail bombs and handed him the remains of the nail bombs, which at approximately 6.45pm he took back to the Bridge Camp and handed over to Detective Sergeant Eugene McTeggart. In the statement this name is added in manuscript over a crossing out of the name "*D/Const. Neilly*". We do not know why this was done, but it seems reasonable to conclude that it was to correct an error.

134.6 In his written statement for the Widgery Inquiry,[1] Sergeant Carson stated that he was normally employed as an explosives inspector but on 30th January 1972 was on ordinary duty at the Foyle Road Detention Centre. In this statement he said that he was "*out in the yard*" when two cars were brought in and a soldier told him that there was a dead person in one of the cars. He gave a similar account of seeing the body and discovering a nail bomb. He added in this statement that he had opened the rear offside door of the car and removed a blanket that was covering the top half of the body, including the head. Sergeant Carson then continued:

> "I began to search the body looking for identification starting with his left hand trouser pocket. As soon as I opened the pocket I saw the fuse of the nail bomb. As soon as I saw it I stopped searching the body. I said to the soldier who had brought the car in 'Do you see what you have been driving?' He replied 'F--- me'. There were a number of other soldiers watching and I recall seeing woman Constable H there. I asked a soldier who was standing nearby to contact the ATO (Army [sic] Technical Officer). I also informed the officer in charge of the police at the detention centre who was in the yard at the time."

1 JC6.2

134.7 "*Woman Constable H*" was a reference to Woman Constable Clara Hamilton, whose evidence we consider below.

134.8 Sergeant Carson stated that he kept the car in sight until Captain 127 arrived and that "*I don't remember seeing PN48 approach it*".[1] "*PN 48*" was the Widgery Inquiry cipher for Detective Sergeant McTeggart. Having described following Captain 127 to the car park, Sergeant Carson stated that Captain 127:[2]

> "… examined the car, undoing the bonnet and opening the boot with a small explosive charge. He then started to examine the body in the car. He removed a nail bomb from each of his four pockets – one in each of his jacket breast pockets and one in each of his trouser pockets. He then removed the detinators, fuses and explosives. He handed the remains to me and I took the car and the remains of the bombs back to the army post, where I handed the remains of the nail bombs over to PN 48 – each nail bomb being in a separate polythene bag."

1 JC6.2
2 JC6.3

134.9 Sergeant Carson added that he thought that the position of the body had been slightly changed by the time the first of the photographs shown above[1] was taken, and that the body had been more on its side when he first saw it. By this he appears to have meant that the body was more on its right side, since he had stated earlier[2] that the body had originally been lying "*half on his back and half on his right side*". He repeated[3] that he thought that the bomb he saw when he searched the body had been in the left pocket. He then stated that the fourth of the photographs shown above[4] "*shows what appear to be the bags in which I packed the remains of the bombs after the ATO had removed the explosives, detinators and fuses*".

1 Paragraph 125.10
2 JC6.2
3 JC6.3
4 Paragraph 125.12

134.10 In his oral evidence to the Widgery Inquiry,[1] Sergeant Carson again said that he was in the yard when two cars were brought in. He said that he could not say for sure whether the Medical Officer had examined the body before he started to search, but thought that he had.[2] He said later that he had never seen the Medical Officer and that "*If the MO was there he must have gone to the vehicle immediately, because I was there in half a minute*".[3] He also said that he could not see the nail bomb he discovered until he searched the pocket.[4]

1 WT16.58-64
2 WT16.58
3 WT16.61
4 WT16.59

134.11 Sergeant Carson told the Widgery Inquiry that although there were quite a few soldiers round the car nobody else got into the car until Captain 127 arrived, that the car "*was brought in to the yard at Foyle Road and it was not moved until the ATO moved it*" and that nobody could have planted nail bombs on the body without his knowledge.[1]

1 WT16.59; WT16.64

134.12 When questioned about what he saw Captain 127 doing after the car had been moved, Sergeant Carson said that he saw him go into the car and take a nail bomb from each of the trouser pockets and one from each of the breast pockets of the denim jacket. He repeated that it was the breast pockets when Lord Widgery queried this answer, but added that Captain 127 had to cut at least one of the pockets to get the nail bombs out.[1] He also said to the Widgery Inquiry that Captain 127 then "*removed the explosive and detonator and fuse from each of the four nail bombs and put the remainder of the nail bombs in polythene bags*".[2]

1 WT16.60
2 WT16.61

134.13 In the course of his oral evidence to the Widgery Inquiry, Sergeant Carson said that "*The driver of the car was there when I was there*" and that "*He told me he had driven the car and I showed him the nail bomb I saw in the pocket*". When it was pointed out to him that the soldier who had driven the car had given evidence that he did not see a bomb, so that "*it must not have been the driver of the car*", Sergeant Carson replied "*That would appear to be so*". Later he said that "*He [the soldier to whom he spoke after discovering the nail bomb] was with the car. I may have assumed he was the driver quite wrongly.*"[1]

1 WT16.61; WT16.64

134.14 Sergeant Carson also told the Widgery Inquiry that he was not an explosives expert and that his role was "*checking with quarries, etc., people using explosives for legitimate purposes*", and though he agreed that he had access to explosives and had gelignite at times, he did not have any on the day.[1]

1 WT16.62

134.15 Sergeant Carson's deposition for the coroner's inquest into the death of Gerald Donaghey[1] added nothing to his previous evidence.

1 JC6.11

134.16 In his unsigned statement for this Inquiry,[1] Sergeant Carson gave an account that differed in a number of respects from his previous evidence. He recalled that he first became aware of the nail bombs when he saw round objects in Gerald Donaghey's breast pockets, and he no longer recalled seeing a blanket covering the body. He also stated that until he was shown the statements that he had made at the time he had believed that the nail bombs were pointed out to him by a soldier.[2] Sergeant Carson denied that he planted the nail bombs on Gerald Donaghey, and commented that if they were planted on him, then this must have happened before he went to the vehicle at the Bridge Camp.[3] In our view, without the opportunity to question Sergeant Carson further, this statement made a long time after the event provides us with little assistance. However, he did give us this account of his role as explosives officer:[4]

> "... I was given the role of explosives officer. This was basically an administrative job. I carried out this duty in addition to my other duties. I applied for the permits which authorised people to handle explosives and blast a quarry. My job was to then go to the quarry to ensure that everything was done in a proper manner. The police and military would escort the explosives to the quarry. If there was a large amount of explosives left over, these would be given to the army for disposal. If it was only a matter of a few pounds of explosives being left over, then these would be exploded at the quarry.
>
> In the quarries at that time was ordinary gelignite. I did not deal with explosives myself and I never handled them. I never encountered stolen explosives. The quarries were leak proof. A person would have needed the collusion at the different levels of police officer, army officer and the quarry owner in order to obtain stolen explosives."

1 JC6.15
2 JC6.18
3 JC6.19
4 JC6.14

134.17 Sergeant Carson also told us:[1] "*I was … asked about access to explosives. I could not have got explosives from a cupboard, so to speak, but I did have access to quarries. I could have handled and lifted explosives, but I would not have been able to take them away.*" He stated:[2] "*I cannot see any way in the world that the army and the police could have got access to explosives.*"

1 JC6.18-19 2 JC6.19

134.18 There are some difficulties with the accounts that Sergeant Carson gave at the time, quite apart from the fact that his evidence about discovering a nail bomb differs from that of other police officers, which we consider below.

134.19 In the first place, according to Sergeant Carson's report to the Station Sergeant[1] he was inside the Detention Centre. While there, he was told that there were two injured men outside in cars, and when he went outside he saw two injured men being put into an ambulance and was told of a dead man in a car. He told the Widgery Inquiry that he was outside in the yard when the cars arrived. He also told the Widgery Inquiry that he reached the car with the body very shortly ("*half a minute*") after the car had arrived and that it was not moved until Captain 127 arrived. On the face of it, there is an inconsistency between his report and his Widgery Inquiry evidence as to where he was when the cars arrived. More importantly, his evidence that the car was not moved is inconsistent with the evidence of Corporal 150 (which we accept) that the car was moved after Captain 138 had ascertained that Gerald Donaghey was dead.[2] However, this inconsistency could be resolved if Sergeant Carson first saw the car after Corporal 150 had moved it, which would also be consistent with him having by that time already seen the injured men being put into an ambulance.

1 JC6.1 2 B1909; WT16.54; B1918.005; Day 380/31-32

134.20 In the second place, Sergeant Carson told the Widgery Inquiry that the soldier he spoke to had told him that he had driven the car.[1] We are satisfied that Sergeant Carson did not speak to the driver, Corporal 150. Although Sergeant Carson, in his later evidence to the Widgery Inquiry, accepted that he might have been mistaken about the soldier he spoke to being the driver, this would not explain how, when asked how he identified the soldier as the driver, he came to tell the Widgery Inquiry that the soldier had told him that he had driven the car. However, it seems to us that what might well have happened is that Sergeant Carson spoke not to Corporal 150, but to Lance Corporal 104, the driver of the other car that had carried Joe Friel, but then or thereafter misunderstood which car Lance Corporal 104 had been driving. As we have noted above, Lance Corporal 104 told the Widgery Inquiry that he had seen a nail bomb in the pocket of a dead man at the Bridge

Camp.[2] He also told the Widgery Inquiry that someone had been in the back of the car, apparently before he went over and saw the body, and that he thought that this had been a female police officer.[3] This evidence leads us to believe that it is possible that Lance Corporal 104 was the "*Army Officer*" who, according to Sergeant Carson's report to the Station Sergeant,[4] pointed out to Sergeant Carson the car containing the dead body.

1 WT16.61
2 B1691; WT17.44-45
3 WT17.44
4 JC6.1

134.21 Inspector Dickson, whose evidence we consider below, also told us that he was under the impression that a soldier present when he saw the nail bomb was the soldier who had driven the car and he might therefore also have mistakenly assumed that Lance Corporal 104 had driven the car containing Gerald Donaghey.[1]

1 JD3.11

134.22 In the third place, Sergeant Carson's evidence to the Widgery Inquiry was that when he saw the body it was covered with a blanket. This is in contrast to the evidence of Corporal 150, who told the RMP that when he looked into the car at Barrier 20 he saw an apparently lifeless body with a gunshot wound in the lower abdomen.[1] Corporal 150 confirmed this account in his evidence to the Widgery Inquiry[2] and in his written statement to this Inquiry;[3] and said in his oral evidence to this Inquiry[4] that the body had not been covered. However, it is possible that the blanket was put over the body after Captain 138 had completed his first examination and determined that Gerald Donaghey was dead; and that Corporal 150 either did not notice or did not remember that this had been done.

1 B1899-1900
2 B1909; WT16.53
3 B1918.002
4 Day 380/137-138

134.23 In the fourth place, as already noted, the RUC Incident Book recorded a message from Sergeant Carson at 1644 hours that "*Army has one dead man and two injured at underdeck of Bridge*". Unfortunately Sergeant Carson was not asked about this message when he gave evidence to the Widgery Inquiry. According to Inspector Dickson, whose evidence we consider below, Sergeant Carson was probably carrying the only Pocketfone radio at the Detention Centre.[1] However, the Porter tapes record the Pocketfone radio transmissions, but did not record this message, so that it seems to us that Sergeant Carson must have communicated this message by ordinary telephone. Inspector Dickson's evidence suggests that no other radio would have been available to Sergeant Carson.[2] On this basis, Sergeant Carson must have made this telephone call either before he went outside the Detention Centre, or must have returned there to make it.

1 Day 212/6
2 Day 212/5-6

134.24 What is important about this message is that it makes no mention of the discovery of a nail bomb. According to Sergeant Carson's evidence, it was a very short time indeed after the car had arrived and he was told there was a dead man in it that he went to the car and then discovered a nail bomb. It is possible that he made the telephone call before he went to the car, but if indeed he did discover a nail bomb it is reasonable to conclude that he could not have made the call afterwards, since it seems to us that he could not have failed to mention what he had found.

134.25 What Sergeant Carson did tell the Widgery Inquiry was that after he had found the nail bomb he asked a soldier to call the ATO and also informed the officer in charge of the police at the Detention Centre, "*who was in the yard at the time*".[1] The officer in charge was Inspector Dickson. According to the RUC Incident Book, the discovery of the nail bomb was reported to the RUC Communications Centre at Victoria Barracks at 1652 hours.[2] According to the Brigade log, the message from 1 R ANGLIAN to Brigade Headquarters reporting the discovery of a nail bomb was timed at 1650 hours.[3]

1 JC6.2
2 W161; W209 serial 632
3 W49; W138 serial 527

134.26 On the assumption that Sergeant Carson discovered the nail bomb immediately after making a report by telephone of the dead man in the car, and immediately after that told a soldier and Inspector Dickson of his discovery, there would have been a delay of some minutes before this information was passed on to Brigade Headquarters and the RUC Communications Centre. On the same assumption, it is possible that there might have been a similar delay before 1 R ANGLIAN at the Bridge Camp requested the ATO. However, whether there was such a delay depends upon whether these assumptions are correct. It is equally possible that having made the telephone call at 1644 hours Sergeant Carson went outside and saw the two injured men being put into an ambulance a minute later, reached the car containing Gerald Donaghey a minute after that, started searching at about 1647 hours, found the nail bomb at about 1648 hours, when he told the soldier to call the ATO, and about a minute later informed Inspector Dickson of his discovery. The discovery was then reported at 1650 hours.

134.27 In the fifth place, Sergeant Carson told the Widgery Inquiry that he saw Captain 127 remove bombs from the breast pockets of Gerald Donaghey's denim jacket. It might well be that Sergeant Carson was simply mistaken about this, since there is no doubt from other evidence that the bombs were in the side pockets of that jacket. However, as will be seen from the evidence considered below, Sergeant Carson's account of being handed the remains of the nail bombs by Captain 127 in the car par park, and then taking them to

the Bridge Camp and handing them to Detective Sergeant McTeggart, is on the face of it inconsistent with the accounts of both Captain 127 and Detective Sergeant McTeggart, which do not mention the presence or involvement of Sergeant Carson. Their evidence is to the effect that Captain 127 handed the remains of the nail bombs to Detective Sergeant McTeggart. However, Detective Sergeant McTeggart told us that Captain 127 passed the items to him at the Bridge Camp whereas Captain 127 never said that he returned to the Bridge Camp and his RMP statement implies that he did not.[1] It is possible, therefore, that Sergeant Carson took the items from Captain 127 to Detective Sergeant McTeggart, each of whom in effect regarded Sergeant Carson as the agent of the other.

1 JM41.3; Day 223/103; B1783

134.28 In the sixth place, there is an inconsistency between Sergeant Carson's written statement for the Widgery Inquiry[1] and his oral evidence to that Inquiry.[2] In the former he stated that he packed the remains of the nail bombs in bags, while in the latter he said that this was done by Captain 127. We are satisfied from the evidence of Captain 127, which we consider below, that the latter was the case.

1 JC6.3
2 WT16.61

134.29 In the seventh place, Sergeant Carson said that he found the nail bomb in the left pocket of Gerald Donaghey's jeans. In the photographs taken by Constable Simpson in the car park on the north side of Craigavon Bridge, a nail bomb is visible in the right pocket.[1] In his written statement for the Widgery Inquiry, Sergeant Carson described the body as lying half on its back and half on its right side.[2] In our view the photographs show Gerald Donaghey lying on his back.[3] The ATO, Captain 127, told the Widgery Inquiry that he did not disturb the body before the photographs were taken.[4] However, it is possible the body moved as the car was driven to the car park on the other side of Craigavon Bridge before the photographs were taken and Sergeant Carson might simply have confused right with left.

1 Paragraph 125.11
2 JC6.2
3 Paragraphs 125.10–11
4 WT9.55

Woman Constable Clara Hamilton

134.30 This police officer wrote a report to the Woman Inspector dated 5th February 1972.[1]

1 JH3.1

134.31 In this report Woman Constable Hamilton recorded that she was on duty at the Foyle Road Detention Centre, where Inspector Dickson was in charge, when two cars came into the centre:

> "One contained a young man who was shot in the left shoulder – he was taken to Altnagelvin Hospital by Army Ambulance. The other car contained the corpse of a young man, lying in the back seat. I looked into this car and saw an object protruding from his right hip pocket with what looked like a fuse sticking out of it. I informed Inspector Dickson of my observation and in due course the Army [sic] Technical Officer arrived at the scene and removed the car with the body still inside."

134.32 Woman Constable Hamilton also made a statement for the Widgery Inquiry dated 9th March 1972 though she was not called to give oral evidence.[1]

[1] JH3.2

134.33 In this she stated that she went over to the car containing the body, accompanied by the officer in charge of the police detachment. "*He said that we would have to find out if there was any identification on the dead body.*"

134.34 This statement then continued:[1]

> "I first went to the offside rear door and opened it. There was a body on the back seat with his head towards me. The head and shoulders were covered over with a light coloured blanket. I pulled down the blanket. The body was of a young man who appeared to be dead – his face was quite green. I replaced the blanket, closed the door and went round to the other side. I opened the near-side rear door; the lower part of his body was covered by a green candlewick bedspread. I pulled this off so that I could see down as far as his waist. His left hand had congealed blood on it. A soldier on the other side of the car looking through the offside windows said 'There is something in his pocket'. I could see that there was a bulge in the right pocket of his denim jeans. I leaned over him and felt with my left hand what was in the pocket.
>
> I tried to pull it out but it was difficult. I could feel that it was a round object covered with insulating tape. I leaned further over to see what it was and could see that it was an object covered with what appeared to be cream coloured insulating tape. I could see one width of insulating tape round it – about ½" in depth. From the centre I could see something sticking out like a thin piece of black licorice. The soldier then shouted 'Get out, its a bomb'. I covered the man again and closed the door gently. The officer in charge of the police detachment said something to the effect that I was to leave it to him and that he would see to it. I understood that he was sending for the ATO. I took a note of the numbers of the first and second Cortinas and went back into the Detention Centre to see if the owners could be traced. I told the RUC and RMP there what had happened – I believe that Sgt. Carson was there at the time.

I did not go near the car after that. I have been shown photograph EP5A/29, and it is the car I examined – I noticed the registration number. I believe photograph EP5A/25 is a photograph of the man I saw. He seems to me to be in exactly the same position as when I saw him. The covers have been removed. I could not see as much of the bomb as is shown in No 26 but the angle from which it is taken is different.

I remember seeing Sergeant McTeggart in the park but I did not see him examine the car."

1 JH3.2-3

134.35 Woman Constable Hamilton gave written and oral evidence to this Inquiry.[1] In her written statement she made clear that she was prepared to stick by her previous statements "*as being more accurate now that I have looked at them than my present memory*".[2] In her oral evidence she described her present memory as "*quite cloudy, actually, it is not that good*".[3] We formed the view that Woman Constable Hamilton was an honest witness trying to do her best to help us, but that understandably she had now little or no independent recollection of the matters under consideration.

1 JH3.4; Day 212/122-169
2 JH3.6
3 Day 212/124

134.36 In the course of her oral evidence Woman Constable Hamilton accepted that there were differences between her original report and her Widgery statement which she could not explain, in particular that the former recorded that she saw an object protruding from the right hip pocket when she looked into the car and made no mention of a soldier saying anything, while in the latter she stated that a soldier had said that there was something in the pocket which she then tried to pull out, after which the soldier had shouted that it was a bomb.[1]

1 Day 212/144-147

134.37 It seemed to be suggested during the course of the questioning on this topic that Woman Constable Hamilton had for some illegitimate reason chosen to alter her account. We are not persuaded that this was so. As she herself observed,[1] her report was a summary of events, while it is clear that her statement for the Widgery Inquiry was a much more detailed account.

1 Day 212/146

134.38 Woman Constable Hamilton told us that she would have told someone higher in authority "*which would obviously be a sergeant*" of her discovery but could not remember who it was.[1]

1 Day 212/137-139

134.39 Woman Constable Hamilton was unable to offer any explanation as to why her accounts differed from those given by Sergeant Carson.[1] However, it seems to us that this apparent conflict could be resolved if Woman Constable Hamilton had, unknown to Sergeant Carson, been the first to discover a nail bomb, and if Sergeant Carson arrived on the scene after Woman Constable Hamilton had gone off to report what she had found. To our minds, the evidence of Lance Corporal 104 to which we have already referred, that he saw what he thought to be a female police officer in the back of the car, apparently before he went over and saw the body, strengthens the possibility that this is what happened, and that he and Sergeant Carson reached the car after Woman Constable Hamilton had been there.

1 Day 212/166

Constable Douglas Hogg

134.40 Constable Douglas Hogg made a statement in 1972.[1] It is undated and unsigned but bears a PN reference that indicates that at least a copy of this statement was supplied to the Widgery Inquiry. This officer gave written and oral evidence to this Inquiry.[2] He told us that he believed that he would have compiled his statement within three weeks of Bloody Sunday.[3]

1 JH9.1
2 JH9.2; Day 213/132-176
3 Day 213/169-172

134.41 In this statement Constable Hogg recorded that in one of the cars brought into the Detention Centre that afternoon "*there was a body lying in the back seat, this person, a male, was looked at by W/Const. Hamilton who noticed that there was a nail bomb hanging out of his pocket*".[1]

1 JH 9.1

134.42 This statement does not indicate whether Constable Hogg actually saw Woman Constable Hamilton notice the nail bomb, though in his written evidence to this Inquiry he stated that he did approach the car, and that there were "*a number of us*" standing around the car, though he now only remembered Woman Constable Hamilton. He stated that but for seeing the statement that he had made at the time, he would have said that

the body had been in the boot. He then stated that Woman Constable Hamilton took it upon herself to search the body and in doing so "*discovered what I believe was a nail bomb in one of the front trouser pockets. I recall that having found it, she pulled it out of the pocket, but only far enough so that I was able to confirm that it was a nail bomb. She then pushed it back into the pocket.*"[1]

1 JH9.5-6

134.43 In his oral evidence to this Inquiry,[1] Constable Hogg said that Woman Constable Hamilton had opened the offside rear door of the car in order to search the body. As we have explained above, Woman Constable Hamilton recorded in her written statement for the Widgery Inquiry[2] that she first opened the offside rear door and pulled down the blanket from Gerald Donaghey's face, but that she then replaced the blanket, closed the offside door, walked around the car and opened the nearside rear door, and that she was searching the body from that side of the car when she discovered the nail bomb. It was put to Constable Hogg that Woman Constable Hamilton had recalled that "*although she had been on the driver's side of the car, when she searched the body she actually did it from the opposite side*" but Constable Hogg said that Woman Constable Hamilton had searched the body from the driver's side.

1 Day 213/143-144

2 JH3.2

134.44 Constable Hogg told us that his recollections of what happened after that were very vague.[1] He also said that he could not remember whether there was anyone else around when he reached the car.[2]

1 Day 213/146

2 Day 213/147

134.45 Though we have no doubt that Constable Hogg was doing his best to assist us, we concluded that it would be unwise to place much reliance on the evidence he gave to us about the discovery of the nail bomb. He may well have observed Woman Constable Hamilton going to look at the body and discovering a nail bomb, but it is equally possible that in the account he gave at the time he was reporting what he had been told, or partly what he had seen and partly what he had been told, though this account (even if it or some of it was second-hand) does provide some support for Woman Constable Hamilton's account of being the one who discovered the nail bomb. It is noteworthy that Inspector Dickson, whose evidence we consider below, had no recollection of seeing Constable Hogg in the vicinity.[1]

1 Day 212/135

Inspector Harry Dickson

134.46 Inspector Harry Dickson wrote a report to the Superintendent at Victoria Barracks dated 14th February 1972.[1] He also gave a written statement (but no oral evidence) to the Widgery Inquiry.[2] This statement was undated but seems to have been made on or about 10th March 1972. This is because it bears the reference SP39, while that of Chief Superintendent Frank Lagan bears the reference SP38 and was dated 10th March 1972. Sergeant Carson's, Detective Sergeant McTeggart's and Woman Constable Hamilton's statements bear the respective references SP35, SP36 and SP37 and were all dated 9th March 1972.

1 JD3.1 2 JD3.3

134.47 In his report to the Superintendent, Inspector Dickson recorded that he was the officer in charge of the Detention Centre on 30th January 1972. After providing some details irrelevant to the present Inquiry, Inspector Dickson continued:[1]

> "At about 4:30.pm I was informed by D/Sergt. McTeggart that three cars had been brought to the Army Command Post at my location. The D/Sergt. further informed me that one of the cars contained a dead body and each of the others a wounded man.
>
> On emerging from the Detention Centre I was in time to see one of the wounded men being placed in an Army Ambulance. The Ambulance left almost immediately for Altnagelvin Hospital with the two wounded on board.
>
> On making enquiries I established that a silver coloured cortina, reg. No. N.S.C. 149.G. had been used to convey one of the wounded. The owner of this car, Bernard McMonagle … was with his vehicle. There was also a Mrs. Kathleen Doherty … present, Mrs. Doherty had been a passenger in the car. Both were subsequently interviewed by D/Sergt. McTeggart.
>
> Another car, a light blue cortina, reg. No. H.G.B. 992.D. had been used to convey the second wounded man. At this stage I was not aware of the identity of the driver or occupants of this vehicle.
>
> D/Sergt. McTeggart told me that the body, in the rear seat of a white Ford cortina car, Reg. No. 3955.P.Z., had an object protruding from the trouser pocket which he took to be a 'Nail Bomb'.

> On examination of this car I found the body of a youth lying across the rear seat of the car. The head was resting against the rear door behind the drivers seat. The feet were on the floor to the rear of the front passenger seat. The body was covered with a rug.
>
> On pulling back the rug I was satisfied that the object protruding from the right trouser pocket of the deceased was in fact a 'Nail Bomb'.
>
> I established that an Army Medical Officer, Capt. [138], had examined the body and had pronounced life extinct. On learning this, I immediately requested the presence of the A.T.O.
>
> Capt. [127], A.T.O arrived and proceeded to examine the vehicle and defuse four 'Nail Bombs' found on the body. This was carried out at the car park on the city side of Craigavon Bridge.
>
> The body was subsequently conveyed to the Mortuary, Altnagelvin."

[1] JD3.1-3.2

134.48 In his written statement for the Widgery Inquiry,[1] Inspector Dickson stated that at about 4.40pm Sergeant Carson told him that there was a dead man outside, and that they all went out. He then described seeing a blue Cortina on the right and a grey Cortina on the left. "*An injured man was being placed into an ambulance. There were a man and a woman near the blue Cortina. I told Sergeant […] CID to take them into the Centre and interview them. There was no one with the second vehicle and I was told that the military had driven it there. The military were searching both vehicles.*" We have no doubt that, as Inspector Dickson confirmed,[2] the "*Sergeant […] CID*" referred to in this statement was Detective Sergeant McTeggart, whose cipher has been inserted in place of the name in one of the copies of the statement obtained by the Inquiry. The statement then continued:[3]

"I then saw another Cortina about 30 paces from me down a slope with half a dozen soldiers round it looking into the back. I walked down to it. There was a body inside on the back seat completely covered with a blanket. I could only see the top of his head which was on the offside. I tried to open the offside rear door but could not. I inquired whether a doctor had seen him and was told by an Army Officer there that an army medical officer had seen him and had pronounced him dead. I recall telling a police constable (I think Constable Trotter) 'There is a body in that car. Keep an eye on it until we make arrangements to have it taken to the morgue.' I went back to where the other two vehicles were and about five minutes later Sergeant [Carson][4] came to me and told me that the dead man had a nail bomb in his pocket. As soon as I heard that I went back to the car with Carson. I again tried the rear offside door but it was still locked. Then Carson said that the rear nearside door was open and went round to that side. I followed him. He opened the door, reached in and pulled back the blanket, and indicated to me the right trouser pocket. I could see that there was something in the pocket from the bulge but could not see what it was until I lent right over the body. I could only see the top but it appeared to me from the wrapper to be gelignite. I made no attempt to get the object out of his pocket. Quite apart from the danger it would have been difficult to extract it. The way in which he was lying meant that it was very tightly gripped in the pocket. I cannot remember seeing any fuse.

I asked if the army technical officer had been called. I was told by a soldier that he had. He arrived very shortly after. He asked me where the owner of the vehicle was. I couldn't tell him. I made inquiries but no-one could give me information. He asked me then about a safe place to take it to and I suggested the car park on Foyle Road, about 100–150 yards away. He drove it there, and I followed on foot with Sergeant Carson. I had previously sent for photographers and the police photographers arrived while we were in the car park. I made arrangements to keep Foyle Road clear of pedestrians and vechular [sic] traffic while the ATO made his examination. He could not open the boot so he blew it open with a controlled charge. I then got a message saying that other persons had been brought to the Detention Centre, and I left leaving Sergeant Carson there.

About 1 hour later I was shown four packages which I was told contained nails and tape which I was told had made up four nail bombs found on the dead body. I did not see Sergeant McTeggart CID or woman Constable [Hamilton][5] make a search of the car.

I have been shown photograph EP5A/29 which appears to be a photograph of the car which contained the body. EP5A/25 may be a picture of the man but the offside door has been opened and his head allowed to fall down. EP5A/26 and 27 show the object which I saw. It has been pulled more out of the pocket and seems to me to be of a slightly different angle. The black object at the top I saw but at the time I did not think it was a fuse but a projecting nail."

1 JD3.3
2 Day 212/11
3 JD3.3-3.4
4 We are satisfied that Sergeant Carson's name should appear here, since his cipher was inserted at this point in another copy of this statement.
5 There is neither a name nor a cipher in the copies we have of this statement, but we are satisfied that Woman Constable Hamilton's name should appear here as she was the only Woman Constable on duty at the Detention Centre (Day 212/138).

134.49 Inspector Dickson gave written and oral evidence to this Inquiry.[1] In his written evidence, he stated that at about 4.30pm Sergeant Carson came into the hut where he was and told him that a dead body and two wounded persons had been brought into the Detention Centre. Inspector Dickson recalled that on going out he saw an ambulance, with one injured person already on board and another being helped in.

1 JD3.10-13; Day 212/1-122

134.50 As to the car containing Gerald Donaghey, Inspector Dickson said that he recalled a soldier standing near it, who he believed was the driver. Inspector Dickson then stated that he walked round the front of the vehicle. "*I cannot remember what Sergeant Carson was doing at this time but I remember that Detective Sergeant McTeggart was there. I do not remember where he came from or whether he was already at the car when I arrived at it or whether he arrived after me.*"[1]

1 JD3.11

134.51 Inspector Dickson then described looking into the car from the outside and seeing a body covered with a rug from the knees to the upper chest. He continued:[1]

> "As I was looking into the car, Detective Sergeant McTaggart [sic] lifted the blanket or rug. I had the impression he was showing me something which he had already seen. I saw that the young man was wearing blue denim jeans and a blue denim top ... I saw an object protruding slightly from the right-hand trouser pocket at the front of his jeans. I took this to be a nail bomb. I could not see any nails, but I could see the end of the gelignite which looks like marzipan. I could not see any masking tape but I could see a blue-coloured safety fuse protruding from the gelignite. I remember the fuse was bent. I could also see a bulge underneath the fabric in the pocket area. I could only see the right-hand side of the body. The right arm was lying parallel to the body on the car seat. I could not see any wounds or blood …"

1 JD3.12

134.52 Inspector Dickson also stated that he believed that the soldier whom he had seen told him that a military medical officer had pronounced the man dead. He stated that he thought he asked the soldier to drive the car out of the Detention Centre, but he is clearly wrong about this, as we have no doubt that the car was eventually moved by Captain 127, as indeed Inspector Dickson had recorded in his Widgery Inquiry statement.[1] He later acknowledged that this part of his statement to us was incorrect.[2]

1 JD3.4

2 Day 212/36

134.53 Inspector Dickson's written evidence to this Inquiry did not deal with the written statement he had given to the Widgery Inquiry, which apparently was not available at the time.[1] As to his report to the Superintendent, he said that this would have been based on notes made contemporaneously in his pocket book.[2] Inspector Dickson told us that those notes had not survived.[3]

1 Day 212/58-59

2 JD3.13

3 Day 212/59

139.54 In his oral evidence to this Inquiry, Inspector Dickson said that when Sergeant Carson had come into the hut to tell him of the casualties, he did not say anything about a nail bomb.[1] He was then asked to look at his report to the Superintendent, in which he had stated that it was Detective Sergeant McTeggart who had informed him at about 4.30pm that casualties had arrived,[2] and to compare it with his statement to the Widgery Inquiry, in which he said that Sergeant Carson had told him at about 4.40pm that there was a dead man outside, and that he thought but was not sure that this officer had told him that there were also some injured persons.[3]

1 Day 212/7

2 JD3.1

3 JD3.3

134.55 Inspector Dickson said that he thought his report to the Superintendent was probably the more reliable recollection, "*but what I am really saying there is that Sergeant Carson told me that we had a dead body and we had injured. When I came out of the complex then I had discussions with Sergeant McTeggart and he would have filled me in on the cars, et cetera.*"[1]

1 Day 212/8-9

134.56 Inspector Dickson then gave some evidence about the position of the cars, but in our view his recollections on this are not sufficiently clear for us to rely upon them.

134.57 Inspector Dickson was asked about the fact that in his written statement for the Widgery Inquiry[1] he described going twice to the car containing the body, the second time after he had been told that there was a bomb.[2]

1 JD3.3

2 Day 212/25-27

134.58 He told us that he first wanted to correct a mistake in this statement, namely references to the offside door should have been to the nearside door, and vice versa. Subject to that correction, he accepted that the sequence of events described in this account might be broadly correct, but said that it would not have been more than five minutes between his first and second visits to the car.

134.59 Inspector Dickson said[1] that he had absolutely no recollection of going over to the car with Woman Constable Hamilton, who had, as noted above, said that she had gone to the car with the officer in charge of the police detachment; nor of what she had said[2] about the discovery of a nail bomb.

1 Day 212/27-28

2 JH3.2

134.60 Inspector Dickson was unable to identify the person who radioed for an experienced officer to be sent to Craigavon Bridge, as there was a body there with a nail bomb in its pocket. This, as already noted, was the message recorded in the RUC Incident Book and timed at 1652 hours.[1]

1 W161; W209 serial 632

134.61 Inspector Dickson agreed that it would be standard practice on the discovery of nail bombs on a person to isolate the area and call the ATO.[1] He also agreed that upon the discovery of a nail bomb a medical officer would definitely not have been allowed to examine the body except possibly to confirm that the person was dead.[2]

1 Day 212/60

2 Day 212/102-103

134.62 Inspector Dickson was asked in some detail about the differences between his report to the Superintendent and his written statement for the Widgery Inquiry.

134.63 We see no significance in the fact that in his statement for the Widgery Inquiry he recorded that he had made two visits to the car with the body, whereas in his report to the Superintendent he referred only to going to examine the car when told of the discovery of a nail bomb; nor that from the report it might appear that he had no difficulty in identifying a nail bomb protruding from the pocket, whereas in his statement for the Widgery Inquiry he said that he could not see the bomb until he leaned right over the body.[1] We accept Inspector Dickson's explanation that in his statement for the Widgery Inquiry he was going into greater detail than he had in his report.[2]

1 Day 212/ 90-95

2 Day 212/94-95

134.64 Inspector Dickson was asked about some paragraphs in his signed statement to us that he later decided to omit. We accept that his reason for doing so was that on reflection he was not certain about what he had stated, and we draw no adverse inferences from these omissions.[1]

1 Day 212/69-82

134.65 Inspector Dickson told us that he regarded his report to the Superintendent as probably more reliable than his written statement for the Widgery Inquiry in indicating that Detective Sergeant McTeggart rather than Sergeant Carson had informed him that three cars had arrived, one containing a dead body, though he qualified that comment by agreeing that they might both have told him, one shortly after the other.[1] However, Inspector Dickson was not able to provide an explanation as to why he had stated in his report to the Superintendent that it was Detective Sergeant McTeggart who had told him of the nail bomb, whereas in his Widgery Inquiry statement he had identified Sergeant Carson as his informant. Inspector Dickson agreed that "*in terms of the personalities involved, these two statements are quite different*".[2] It is also the case that in his report to the Superintendent, Inspector Dickson did not mention that Sergeant Carson was with him when he examined the car and saw the nail bomb. How Inspector Dickson came to identify Detective Sergeant McTeggart in one account and Sergeant Carson in another remains uncertain. However, a possible explanation is that Woman Constable Hamilton found the nail bomb, went inside and reported the discovery to Detective Sergeant McTeggart; that while she was inside, Sergeant Carson found the nail bomb; Detective Sergeant McTeggart (whose evidence we discuss below) came out to the car as soon as he was told about the bomb;[3] meanwhile Sergeant Carson had gone over to Inspector Dickson to report the discovery;[4] Inspector Dickson then went to the car with Sergeant

Carson;[5] and when they arrived Detective Sergeant McTeggart told Inspector Dickson what he had seen.[6] This could explain why Inspector Dickson stated in his report that Detective Sergeant McTeggart had told him about the nail bomb but said in his written statement for the Widgery Inquiry that Sergeant Carson had told him about it.

1 Day 212/8-9
2 Day 212/89-90
3 JM41.10
4 JC6.2
5 JD3.3
6 JM41.10

134.66 We should note that in his written evidence to this Inquiry, Inspector Dickson said nothing about being told of the discovery of a nail bomb, but only stated that he went to the car and that Detective Sergeant McTeggart was there, and that he could not remember what Sergeant Carson was doing. He then gave the evidence that we have quoted above.[1]

1 JD3.11-12

134.67 When Inspector Dickson suggested that it could have been Detective Sergeant McTeggart who told him of the nail bomb,[1] he was reminded that according to his statement for the Widgery Inquiry he had already told this officer to take a man and woman near the blue Cortina into the Detention Centre and interview them.[2] Inspector Dickson replied that this did not mean that Detective Sergeant McTeggart left immediately to carry out this task. However, Detective Sergeant McTeggart told the Widgery Inquiry in his written statement that he was in the course of taking a written statement from one of the civilians (Bernard McMonagle) when Woman Constable Hamilton interrupted the interview to report her discovery of a nail bomb,[3] which suggests that Detective Sergeant McTeggart began the interview promptly and before he knew about the nail bomb. Detective Sergeant McTeggart (whose evidence we discuss below) told us that he knew about the discovery of the nail bomb by the time he interviewed Raymond Rogan and Hugh Leo Young.[4] However, these interviews were at a much later stage, since these two civilians did not arrive at the Bridge Camp until about 1725 hours.[5] It seems at least possible that Detective Sergeant McTeggart did tell Inspector Dickson about the nail bomb, after Woman Constable Hamilton had found it and had interrupted the interview of Bernard McMonagle to tell Detective Sergeant McTeggart.

1 Day 212/89
2 JD3.3
3 JM41.10
4 Day 223/131-132
5 G114C.743.9

134.68 At the end of his oral evidence Inspector Dickson said this:[1]

> "I would say to this Tribunal that if anyone had planted bombs on that body at the reception centre, they were taking an awful chance that they would not be spotted by either Army or police at that time. It would have been, it would have been a foolhardy thing to attempt, in my view, the activity that was taking place there at that particular time."

1 Day 212/121-122

Detective Sergeant Eugene McTeggart

134.69 Detective Sergeant McTeggart wrote two reports to the Detective Inspector, CID, at Victoria Barracks dated respectively 1st and 3rd February 1972.[1] He also gave a written statement dated 9th March 1972 (but no oral evidence) to the Widgery Inquiry.[2] He gave written and oral evidence to this Inquiry.[3] He also made a deposition for the coroner's inquest into the death of Gerald Donaghey[4] that contains only a summary of what he had said in his previous statements.

1 ED47.3; JM41.6-8
2 JM41.10
3 JM41.1; Day 223/84-147
4 JM41.12; Day 223/118

134.70 Detective Sergeant McTeggart's first report to the Detective Inspector contains some information about the nail bomb on Gerald Donaghey's body in similar terms to his second report, but was principally concerned with what he had been told by Hugh Leo Young and Raymond Rogan when he interviewed them and with other matters.

134.71 In his second report to the Detective Inspector, Detective Sergeant McTeggart described the three cars that had arrived at the Detention Centre. So far as the car containing the body of Gerald Donaghey is concerned, he reported:[1]

> "Vehicle No. 1 Car No. (1), a white Cortina with red flash down each side, Reg. No. 3955 PZ (rear number plate missing) was owned and driven by Mr. Raymond Manasus Rogan … The passenger in this car was Mr. Hugh Leo Young … On the back seat of this car was the body of a young man, whom I now know to be Gerald Donaghey, 17 years, Unemployed Labourer of 27(a) Meenan Square, Londonderry. Captain [138], an Army Medical Officer had examined the body and pronounced life extinct. The body was lying across the back seat of the car, the head was against the rear passenger's door behind the driver's seat and his feet were on the floor of the car behind the passenger's seat. I saw a cream coloured object sticking from the right hand trousers pocket of deceased's clothing. On further examination I saw that it had the appearance

of a nail bomb enclosed in masking tape. I informed Inspector Harold Dickson, who was Duty Inspector at the Detention Centre and arrangements were made to have Captain [127], the Army Technical Officer examine the object. Captain [127] found a total of four nail bombs in the deceased's pockets, these were defused and I retained the remainder of each bomb and later handed them to Constable J. Montgomery, Scenes of Crime Officer. The body was removed to the Mortuary at Altnagelvin.

I interviewed both Mr. Rogan and Mr. Young and obtained written statements from each of them. (Copies attached). They were both examined by the Army 'Sniffer' device for traces of explosives with negative result. Both men were then conveyed to Victoria R.U.C. Station on the instructions of Detective Constable McNulty, Special Branch. The car was brought to Victoria R.U.C. Station and examined by Constables Montgomery and McCormac, Scenes of Crime Officers. At approximately 10.30 p.m. both vehicles were released to their respective drivers.

I remained on duty at the C.I.D. Office Victoria until 11.45 p.m."

[1] JM41.7-8

134.72 Detective Sergeant McTeggart's written statement for the Widgery Inquiry was in the following terms:[1]

"1. I am an officer of the Royal Ulster Constabulary. On 30 January I was on duty at the detention centre at Craigavon Bridge. I, with a Police Constable, was given the duty of dealing with any case in which army or police personnel made an arrest in connection with firearms or explosive cases.

2. Three Cortinas were brought into the army post at Craigavon Bridge. Since I was not at the moment engaged in dealing with any weapon or explosives case I took a statement from the occupant of the first car and while I was doing so woman Constable [Hamilton][2] came in and said that the lad in the white Cortina was dead and that he had a nail bomb in his pocket. I at once went out to the car. I looked in from the near side and saw the body of a man lying across the back seat. His head was against the rear door, his body on the seat and the lower part of his leg hanging down so that his feet were on the floor behind the front passenger seat. The face and upper portion of the body was covered I think by a light covered [sic] bedcover. I opened the rear nearside door and bent in across the body. I removed the cover and looked at the face and upper portion of the body. It did seem to me that the man was dead. In the right hand trouser pocket I saw a cream coloured object sticking slightly from the pocket. I examined the

object further by touching it. It was covered by cream coloured masking tape which by the feel appeared to cover objects like nails. I have seen a good many types of nail bomb before and I have seen several made with adhesive tape. The only difference was that this object was covered with masking tape of the kind used when one sprays a vehicle. I thought it was a nail bomb and would not touch it any further.

3. I reported the matter to the Police Officer in charge of police personnel at the detention centre.

4. When I was examining the body there were a number of army and police personnel around the car and I recall someone saying that the army technical officer had been sent for, but I cannot recall who it was.

5. I did not examine the body to see if there were any other bombs. Once an explosive device has been found the normal procedure is to send for the army technical officer and to leave him to make further searches. I have seen photograph EP5A I believe this to a photograph of the car with the body in.

6. I have also photograph EP5A/25 which appears to show the body I saw. EP5A/26 shows the bomb sticking out of the pocket. My recollection is that the bomb when I saw it was protruding to about the extent as is shown on the photograph. After I had reported to the office [sic] in charge I finished taking the statement I was engaged on, and then took statements from Mr Rogan and Mr Young, the occupants of another car. I did not see the body again."

1 JM41.10

2 We are satisfied that Woman Constable Hamilton's name should appear here, as she was the only woman Police Constable on duty at the Detention Centre (Day 212/138).

134.73 In his oral evidence to this Inquiry, Detective Sergeant McTeggart recalled that he was only informed about the arrival of the cars at the Detention Centre after the injured people had been taken to hospital.[1] He explained that the reason he had gone out to look at the body after being told of a nail bomb, rather than speak to Inspector Dickson or call for an ATO, was that because there was a death he was going to have to appear at a coroner's court or possibly a higher court "*and when I would go there, I would be asked certain questions which I would have to answer and answer truthfully. That is why I examined the body and I examined the pocket.*"[2]

1 Day 223/88-89

2 Day 223/95-96

134.74 Detective Sergeant McTeggart told us that when he first spotted the bomb, he was being watched by Raymond Rogan and Hugh Leo Young.[1] This must be a faulty recollection, as these two had been taken from the car at Barrier 20 where they had been arrested and did not arrive at the Detention Centre for questioning until about 1725 hours.[2]

1 Day 223/98

2 G114C.743.9; Day 223/145

134.75 Detective Sergeant McTeggart interviewed Raymond Rogan and Hugh Leo Young when they were brought to the Detention Centre.[1] He agreed that the interviews took place after the "*nail bombs*" had been discovered.[2] However, given the timing of the discovery of all the nail bombs by Captain 127,[3] the fact that Detective Sergeant McTeggart told us that he was not present when Captain 127 discovered the additional bombs, and the fact that he also told us that he was not handed the components of the bombs until after he had finished interviewing Raymond Rogan and Hugh Leo Young,[4] we are of the view that it is much more likely that at the time he was conducting these interviews, Detective Sergeant McTeggart knew only that one bomb had been discovered.

1 JM41.8; ED47.3; ED47.6; ED47.7; AY1.5; AY1.9

2 Day 223/131-132

3 G114C.743.9; W103-104 serials 106-109

4 Day 223/102-103

134.76 He also agreed that he had asked neither Raymond Rogan nor Hugh Leo Young about this discovery.[1] His explanation for not doing so was that he was satisfied that neither of them had anything to do with nail bombs, and that they had been acting as "Good Samaritans" in seeking to take Gerald Donaghey to hospital. When it was put to him that Inspector Dickson had told the Inquiry[2] that it was inconceivable that senior police officers would not have made enquiries about that from the driver of the car and from the passenger who had travelled with the body, he answered as follows:[3]

> "A. But, sir, when you interview somebody and you are very happy with what they tell you, you agree to make a statement and you agree to take a statement from them, and you are happy they are not in any way involved with explosives or firearms –
>
> Q. How could you be happy unless you had asked them questions about it?
>
> A. Because when they told me their story, what they were doing that day and what they did do and what they did not do, I was very happy that they were not involved.

> Q. Could it be that those who were there present at the time knew perfectly well that there was not much point asking these two individuals about the nail bombs on the body because it was apparent to those who were there that they had been planted and that that is the reason for the absence of any questioning?
>
> A. No, sir, that is totally incorrect. Mr Rogan and Mr Young gave me very, very truthful and accurate statements. I had no reason to question them about explosives."

1 Day 223/131-132
2 Day 212/67
3 Day 223/134-135

134.77 A little later it was pointed out to Detective Sergeant McTeggart that in his first report to the Detective Inspector[1] he said, with regard to the statements he had taken: "*It will be noticed that there are some slight discrepencies between the stories of both witnesses, this could be as the result of the excited state of the witnesses at the time or that they were both only prepared to state what suited them.*" It was suggested to Detective Sergeant McTeggart that this showed a quite different picture of his view of Raymond Rogan and Hugh Leo Young from the one he was giving in his oral evidence. Detective Sergeant McTeggart replied that "*The one I am giving to the Tribunal today is 100 per cent and if anyone reads the statements you will see that they were trying to be helpful*".[2]

1 ED47.3
2 Day 223/137-138

134.78 We reject the suggestion that the reason Detective Sergeant McTeggart asked neither Raymond Rogan nor Hugh Leo Young about the nail bombs was that he knew or suspected that they had been planted on Gerald Donaghey, since in our view he neither knew nor suspected that this was the case. In the end it seems to us that, despite his comment about these witnesses only being prepared to state what suited them, he did not believe that either could have known about a nail bomb in Gerald Donaghey's pocket and for that reason (albeit a not very satisfactory one) did not question them about the discovery.

134.79 We accept Detective Sergeant McTeggart's explanation of the fact that he made no mention of Woman Constable Hamilton or of the cover over Gerald Donaghey's body in his two reports to the Detective Inspector, namely that these were reports of his duty on the day, whereas his statement for the Widgery Inquiry was a statement of evidence "*which would need to be more detailed than the original police report*".[1] That statement supports Woman Constable Hamilton's account of discovering and reporting the nail bomb. It is also in line with Inspector Dickson's report to the Superintendent.[2] As to the fact that in his written statement to the Widgery Inquiry,[3] Inspector Dickson recorded that

it was Sergeant Carson (not Detective Sergeant McTeggart) who reported to him the discovery of the nail bomb, we have already observed that this may be explicable on the basis that Sergeant Carson did tell Inspector Dickson about the nail bomb, before Inspector Dickson went to the car and was told by Detective Sergeant McTeggart what he had seen.

1 Day 223/136-137
2 JD3.1
3 JD3.3

Constable Sampson Trotter

134.80 This RUC officer wrote a short report to the Station Sergeant at Victoria Barracks that bears a stamped receipt date of 6th February 1972.[1] In it Constable Trotter recorded that he had been detailed for duty at the Detention Centre under the command of Inspector Dickson. His report was: "*During my turn of duty there several persons were brought in by army personnel and were processed by other police. I did not hear any shooting or witness any incidents. I heard an explosion around 5 p.m. and I later heard that the army had blown a boot lid open.*"

1 JT7.1

134.81 Constable Trotter made a written statement and gave oral evidence to this Inquiry.[1] In this evidence he said that he was ordered (probably by Sergeant McGoldrick) to go and try to identify the body in a car that had been brought into the Detention Centre. He said that he did so with a Woman Constable. His account continued by describing going to a car and seeing a bulge in the right trouser pocket of the body in the back of the car:[2]

> "I therefore leaned in and pulled his right-hand trouser pocket to one side. In doing this and stretching the entrance to the pocket, I could see quite clearly that there was a bunch of nails with black tape around them. The nails were not long six inch nails nor short half an inch nails – I would say that they were somewhere in between. Whilst I suspected that this might be a nail bomb, I wasn't sure what it was. All I could see were the nails and the black tape."

1 JT7.2; Day 231/54-96
2 JT7.4

134.82 Constable Trotter told us that he did not recognise what he had seen in any of Constable Simpson's photographs. In his oral evidence to this Inquiry, Constable Trotter said that when he looked into the right trouser pocket he saw the centre but not the ends of the nails, which were lying horizontally in the pocket, wrapped in a single piece of black tape.[1]

1 JT7.5; Day 231/60-65; Day 231/92-95

134.83 During the course of his oral evidence Constable Trotter suggested that it might have been the Woman Constable rather than he who had pulled back the pocket, though later in his evidence he said that he was convinced that it was he that had done so.[1] He also said that he did not recollect being instructed by Inspector Dickson or anyone else to keep an eye on the car after the nail bomb had been discovered.[2]

1 Day 231/69; Day 231/85

2 Day 231/77

134.84 Constable Trotter could not explain why his report to the Station Sergeant made no mention of the discovery of a nail bomb.[1] It seems to us that it might well be the case that he went with Woman Constable Hamilton (the only Woman Constable at the Detention Centre that day) and saw what she has told us she discovered. His evidence of seeing nails with a single piece of black tape around them does not (as he himself has said) correspond with the photographs taken by Constable Simpson[2] of a bomb wrapped in white tape in Gerald Donaghey's right trouser pocket. Nor does it correspond with the appearance of the other three bombs as they are shown, apparently reconstituted without their explosive cores, in the photograph that we have reproduced above taken at the DIFS,[3] which shows black tape covering the whole of each bomb. In our view, though we have no doubt that Constable Trotter believed what he told us, his memory has played tricks over the years and it would be wrong to rely on his evidence.

1 Day 231/71-72

2 Paragraph 125.11

3 Paragraph 125.17

Chapter 135: The Ammunition Technical Officer, Captain 127

135.1 Captain 127 was the Ammunition Technical Officer (ATO), referred to as “Felix” in radio messages. He gave an RMP statement[1] and oral evidence to the Widgery Inquiry[2] though there is no record that he gave a written statement to that Inquiry. He also made a further RMP statement on 30th August 1972, in which he recorded that he had compiled an Explosive Ordnance Disposal (EOD) report immediately after completing the task of removing and defusing the four nail bombs, and that he had sent that report to Headquarters Northern Ireland (HQNI). We do not have a copy of that report but we do have a copy of an EOD report of the incident issued by the Senior ATO at HQNI.[3] It seems to us that in all probability this was based on the report submitted by Captain 127.

1 B1783
2 WT9.54-65
3 B1798.026

135.2 Captain 127 gave written and oral evidence to this Inquiry.[1]

1 B1798.001-006; Day 380/135-199

135.3 In his first RMP statement, Captain 127 recorded that he was called to the Bridge Camp at 1705 hours. He then gave a short description of searching the car and then the body, and finding four nail bombs, one of which was clearly visible sticking out of the right trouser pocket.[1] Captain 127 also recorded seeing a wound on the left side of the body. He stated that he removed the explosive components of the bombs and handed the remaining components to Detective Sergeant McTeggart.[2]

1 B1783
2 B1783

135.4 Captain 127 gave a much more detailed account in his oral evidence to the Widgery Inquiry.[1] He said that he was at the RUC station at Victoria Barracks when he was told to go to the Bridge Camp.[2] When he reached the Bridge Camp he saw what appeared to be a dead body in the back of a Cortina and, since he considered it not to be a safe position in which to search the car, he drove the car across to a car park. He said that, having checked that the car was not booby-trapped, he searched the body. He told the Widgery Inquiry that photographs "*No. 1*" and "*No. 2*"[3] taken by the RUC showed the body before he had moved it during his search. He said that when he searched the body he found the nail bomb shown in photograph 26 (the second of the photographs shown above[4]). He commented: "*It is also in white tape, which is unusual for us.*"[5] A little later he said that he had not come across one with white tape before and that he had been in the area for 18 weeks. Asked to describe the tightness of the denim clothing, he replied: "*I think it was probably tight because the body was slumping. Had he been standing it probably would not have been very tight.*"[6]

1 WT9.54
2 WT9.58
3 Paragraphs 125.10–11
4 Paragraph 125.11
5 WT9.55
6 WT9.56

135.5 Captain 127 described how he eased out the nail bomb that was sticking out of the right trouser pocket, and then felt a lump in the right jacket pocket. He could not ease this out and so cut the pocket.[1] He then checked the other pockets and found two more nail bombs, one in the jacket and one in the trousers.[2] He then identified photograph 28 (the fourth of the photographs shown above[3]) as showing the various parts of the nail bombs that he had removed and put into plastic bags.[4]

1 WT9.56
2 WT9.58
3 Paragraph 125.12
4 WT9.58

135.6 In reply to questions from Mr McSparran QC, counsel for the families and the injured, Captain 127 said that when he reached the Bridge Camp a person introduced himself as a member of the Special Investigation Branch and told him that there was a car with a body in it and that "*they thought there was a nail bomb sticking out of one of the chap's pockets*".[1]

1 WT9.59

135.7 Captain 127 told the Widgery Inquiry that when he looked at the car he looked first of all through the window and saw a nail bomb sticking out of the right trouser pocket. It was covered in white tape and was clear and plain to be seen: "*Anyone with normal eyesight would not have missed it.*"[1]

1 WT9.59

135.8 Captain 127 said that the doors of the car were not locked.[1]

1 WT9.61

135.9 When it was suggested to him that it was very dangerous to carry a nail bomb in one's pocket, Captain 127 disagreed. He also said that it was extremely unlikely that the bomb would explode if hit by a bullet, unless the detonator, "*a very small item*", was hit.[1]

1 WT9.64

135.10 According to the EOD report from HQNI,[1] in the course of checking the car Captain 127 had opened the boot by using explosive. Raymond Rogan confirmed this in his evidence.[2] It appears that a number of soldiers and civilians heard this explosion, which was recorded in the 1 R ANGLIAN log at 1733 hours.[3] As is apparent from the entries in the log and from the evidence of CIV 1,[4] some at least of those who heard the noise mistakenly assumed or were told that the explosion was the destruction of the nail bombs.

1 B1798.026
2 AR24.5; AR24.29
3 W103-104 serials 106-109; W106.8-9
4 AD23.2

135.11 The EOD report also records Captain 127's "*time out*" as 1705 hours, his "*time in*" as 1900 hours and his mileage as four. Captain 127 told us that these times were from when he was tasked at Victoria Barracks to when he returned there. He also recalled that he travelled in a Land Rover, driven by his assistant.[1]

1 Day 380/184

135.12 We should note that in one answer to Lord Widgery, Captain 127 appeared to agree that he found a nail bomb in each of the "*breast pockets*" of the denim jacket.[1] In fact there is no doubt that the bombs were in the two side pockets, since these were the pockets that were cut open.[2] Later in his oral evidence Captain 127 agreed that the pockets in question were the lower pockets of the jacket.[3]

1 WT9.56
2 D358
3 WT9.62

135.13 Captain 127 gave written and oral evidence to this Inquiry.[1] He told us that in the event of any conflict he would prefer the accounts that he gave in 1972.[2] He said he no longer had an independent recollection as to whether he had noticed the nail bomb in the right trouser pocket before or after he moved the car,[3] though he said that his evidence to the Widgery Inquiry, which indicated that he had seen the bomb before he moved the car, would have been true.[4]

1 B1798.001; Day 380/135-199
2 Day 380/159; Day 380/179
3 Day 380/151-153; Day 380/197-198
4 Day 380/188-190

135.14 Captain 127 told us that he would only test any explosive retrieved from a nail bomb if it was not recognised or there was no technical literature on it, but that Gelamex was very commonly used.[1] He also said that if the RUC or the Army came into possession of nail bombs they would in the ordinary course ask for the ATO of the nearest military unit.[2] He told us that the normal routine for an ATO would be to keep the explosive components of a nail bomb (and eventually burn or detonate them) and hand over the non-explosive components, unless there was a scenes of crime officer present when he might supply that officer with a small sample of the explosive.[3]

1 Day 380/169
2 Day 380/171-172
3 Day 380/171-172; Day 380/194

135.15 Captain 127 was shown a report by Dr John Martin of the Department of Industrial and Forensic Science dated 21st February 1972[1] and the relevant part of the notes of the examination of Gerald Donaghey's clothing in that department,[2] which gave details of a bullet hole found in one of the pockets from which Captain 127 had removed a bomb. He said he could not recall any damage to any of the nail bombs he had removed.[3] He disagreed with the view of Dr John Lloyd, the scientific expert engaged by the Inquiry, whose evidence we consider below, that there was a significant chance that a bullet could have exploded a nail bomb had it been in the pocket.[4]

1 D354
2 D358
3 Day 380/174
4 Day 380/175-178

135.16 Captain 127 refused to accept that the bomb with white tape was "*unique*" because he did not know what other ATOs had recovered, but agreed that it was the first he had come across.[1] He agreed that Quarrex was a quarrying explosive but disagreed with the suggestion that it was not commonly used for nail bombs at the time.[2]

1 Day 380/181
2 Day 380/182-183

135.17 Asked about the fact that it appeared from his evidence that a large number of photographs was taken at the time but only five made available to the Widgery Inquiry, Captain 127 commented that his assistant would also have taken photographs as standard procedure but then discarded those that were of no use.[1] No photographs taken by Captain 127's assistant appear to have been supplied to the Widgery Inquiry and we have been unable to trace any. It appears likely that if the assistant took any photographs they were later discarded as being of no use. We reject the suggestion, which has no evidential basis, that the non-appearance of these photographs had a sinister connotation.

1 Day 380/186-187

Chapter 136: Royal Ulster Constabulary and Royal Military Police photographers

Contents

136.1 In the RUC Incident Book[1] there is an entry timed at 1702 hours from India 23 (probably the call sign for the RUC at the Foyle Road Detention Centre) to the RUC Communications Centre at Victoria Barracks.[2] The Porter transcript of this message[3] reads: "*Could you get as soon as possible a police photographer down here to photograph this chap in this car with the bomb?*" In the same transcript there is a later message that indicates that it took a little time to locate a photographer,[4] though a comparison of the messages in the Porter transcript with the times recorded in the Incident Book shows that there was only a slight delay.[5]

1 W162
2 Day 212/46
3 W215 serial 700
4 W217 serial 714
5 W217; W162

Sergeant SR Penney

136.2 Sergeant Penney, who at the time of Bloody Sunday was a member of the Photography Branch at RUC Headquarters in Belfast, made a written statement for the Widgery Inquiry dated 16th February 1972.[1] After giving an account of what he had observed during the course of the afternoon, Sergeant Penney stated that when he returned to Victoria RUC Station he was told that a photographer was required at the Detention Centre at Craigavon Bridge. His account continued:[2]

> "Warrant Officer Wood, S.I.B [Special Investigation Branch], was at the car park close to the bridge and he pointed out to me a white Cortina car. This car was first examined by Captain 127, A.T.O. [Ammunition Technical Officer], and when it was safe to approach it I saw the body of a young man lying in the back seat. There was a nail bomb clearly visible in the deceased's right trouser pocket. I instructed Constable Simpson to take the necessary photographs and I watched while Captain 127 searched the body. He found a further 3 nail bombs concealed about the clothing. All four nail bombs were de-fused and Constable Simpson photographed them. On completion of the photographic assignment at the car park, Constables Simpson, Brown and myself returned to Belfast."

1 JP7.11
2 JP7.12-13

136.3 Sergeant Penney did not give oral evidence to the Widgery Inquiry, but he did give written and oral evidence to this Inquiry.[1]

1 JP7.4; Day 219/62-114

136.4 In his evidence to us Sergeant Penney said that he had a clear recollection of Constable Simpson taking a photograph of all four nail bombs while they were still on the body.[1] However, in our view Sergeant Penney did not have a reliable recollection of events and his evidence about this is inconsistent with that of Constable Simpson, which we consider below. For example, he wrongly believed that he had given oral evidence to the Widgery Inquiry.[2] Sergeant Penney himself agreed that the statement he made at the time was likely to be very much more reliable on points of detail than his statement made 30 years later.[3] However, we accept his evidence that he did not himself touch the body.[4]

1 Day 219/80-83
2 Day 219/86-87
3 Day 219/89
4 JP7.8

Constable Robert S Simpson

136.5 Constable Simpson, who was also from Belfast,[1] made a short statement dated 9th February 1972[2] in which he described taking five photographs in a car park in the Foyle Road, "*one of the body, close-ups of a nail bomb in deceased's pocket, four nail bombs removed from deceased and a photograph of the Car*". These are the photographs we have shown above.[3]

1 JS10.10
2 JS10.15
3 Paragraphs 125.9–13

136.6 In a written statement for the Widgery Inquiry,[1] Constable Simpson recorded that, at Sergeant Penney's request, "*I took photographs of the body of a youth who had a nail bomb protruding from his trouser's pocket, another photograph of three further nail bombs which the deceased had in his possession*".

1 JS10.16

136.7 In his oral evidence to the Widgery Inquiry, Constable Simpson said that he had taken five photographs, giving the same description as that in his short statement.[1] He told Lord Widgery that those photographs were the five put before that Inquiry.[2] He also told Lord Widgery that he did not touch the body.[3]

1 WT8.80
2 WT8.81
3 WT8.81

136.8 Constable Simpson gave written evidence to this Inquiry[1] but his statement added nothing material to the evidence that he gave at the time. He denied that he knew about, or had played any part in, planting nail bombs on Gerald Donaghey.[2]

1 JS10.10
2 JS10.13

136.9 We should note at this point that it was submitted that the fact that Constable Simpson only took a photograph of one nail bomb on Gerald Donaghey's body amounted to a piece of powerful circumstantial evidence in support of the proposition that the nail bombs were planted.[1]

1 FS1.2532-3

136.10 We are not persuaded by this submission. It necessarily assumes that the other nail bombs were visible and could have been photographed; and that the photographs would or might have revealed that the bombs had been planted. As to the first assumption, the other bombs were not visible until after they were discovered by Captain 127, whereas the photograph Constable Simpson took was of the bomb as it was before it was moved by Captain 127. It is not clear what purpose would have been served by photographing the other bombs on the body after they had been moved and made visible by Captain 127 but before they were taken from the body. As to the second assumption, this necessarily implies that Constable Simpson refrained from taking further photographs for some sinister reason. We have found no evidence to suggest that this was the case, nor was it suggested to Captain 127 that he saw anything when he discovered and moved the bombs to suggest that they had been planted.

Warrant Officer Class I Wood

136.11 Warrant Officer Class I Wood gave written and oral evidence to this Inquiry.[1] He told us that at the time of Bloody Sunday he was the Regimental Sergeant Major of 178 Provost Company, whose members belonged to the Special Investigation Branch (SIB) of the Royal Military Police (RMP). He recalled learning that there was a dead body with nail bombs in its pockets at the Bridge Camp, and going to that location.[2] The ATO arrived at about the same time. Warrant Officer Class I Wood agreed that he might well have seen a nail bomb sticking out of a pocket of the body and told the ATO this when the latter arrived.[3] He also told us that as soon as the ATO arrived, he left him to do the necessary checks, as it was the ATO's responsibility.[4]

1 CW1.1; Day 383/86-188
2 CW1.6
3 Day 383/104-105
4 Day 383/103

136.12 Warrant Officer Class I Wood had no recollection of the ATO moving the car with the body in it.[1] He agreed that his recollection of the ATO blowing open the car doors with explosive could be a memory from another occasion, as it clearly was.[2] He also had no memory of a police photographer taking photographs.[3] In his written evidence to this Inquiry, Warrant Officer Class I Wood told us that he had taken Polaroid photographs "*when the bombs were in the top pockets of his jacket. I do not think that I took any photos of the bombs in the bottom pockets as there was nothing to see.*"[4] However, in his oral evidence Warrant Officer Class I Wood said that he recalled that he took some Polaroid photographs of "*the exit bits,*[5] *yes, not of the body or the car*"[6] and that he photographed the nail bombs after putting them on the bonnet of the car.[7] He said that he had given these photographs to the ATO.[8]

1 Day 383/108
2 Day 383/109
3 Day 383/110
4 CW1.7
5 This must be an error for "exhibits".
6 Day 383/110
7 Day 383/119
8 Day 383/119-120

136.13 We are sure that there were no nail bombs in the top pockets of Gerald Donaghey's jacket, as Warrant Officer Class I Wood originally recalled. Warrant Officer Class I Wood acknowledged in his written statement[1] that his ability to remember details had declined due to the passage of time and he readily agreed in his oral evidence that with the passage of time he could be wrong about the position of the nail bombs.[2] In the circumstances it is difficult to place much reliance on Warrant Officer Class I Wood's recollections of what he saw and did when he went to the Bridge Camp.

1 CW1.10
2 Day 383/118

136.14 It is possible that Warrant Officer Class I Wood did take some photographs, as Captain 127, in his first RMP statement,[1] recorded that "*All stages of the operation were photographed by SIB and RUC photographers*". If Warrant Officer Class I Wood did take photographs we do not know what became of them. It seems to us that the most likely explanation is that any photographs taken by Warrant Officer Class I Wood were discarded as being of no use. It is not clear whether it is suggested that there was any sinister reason for the non-production of these photographs.[2] No such suggestion was made either to Warrant Officer Class I Wood or to Captain 127, and we have found no evidence to support it.

1 B1783

2 FS1.2574

Chapter 137: Other witnesses

Contents

John Chartres

137.1 John Chartres, a staff reporter of the *Times*, gave written and oral evidence to the Widgery Inquiry.[1] He said that he met Captain Conder, the public relations officer of 1 R ANGLIAN, at the Bridge Camp, who told him that there was a body in a car and invited him to look at it as an independent eyewitness.[2] He examined the body and saw a nail bomb projecting from the jacket pocket of the corpse, after which he saw the car being driven away by a bomb disposal officer.[3]

1 M14.1; WT3.70-76
2 WT3.73
3 M14.2; WT3.72

137.2 In view of the evidence that we have discussed above, it seems to us that John Chartres's evidence of seeing a nail bomb in the jacket pocket was in error and that the bomb that he saw was in the right trouser pocket. John Chartres is dead and gave no evidence to this Inquiry.

Captain Conder

137.3 Captain Conder gave no evidence in 1972 but did give written and oral evidence to this Inquiry.[1] In this evidence he told us that he had a recollection of a car coming to a halt at a roadblock on Craigavon Bridge, of the driver running away, and of seeing a man slumped on the back seat of the car, with his feet in the footwell behind the driver's seat,

wearing a dark suit with two nail bombs in the lower jacket pockets.[2] In our view his recollections are clearly faulty and, apart from the fact that he did remember inviting John Chartres to see the body with the nail bombs as "*an independent witness*",[3] we found his evidence to be of no assistance.

1 CC1.1-19; Day 313/84-162
2 CC1.3-5; Day 313/99-120
3 CC1.5

Captain INQ 1924

137.4 Captain INQ 1924 gave written and oral evidence to this Inquiry.[1] He told us that on Bloody Sunday he was the Adjutant and Operations Officer of 1 R ANGLIAN stationed at the Bridge Camp in the battalion command vehicle. He recalled seeing vehicles with bodies in the back about 25 yards away from him.[2] "*There were a number of vehicles and one of the cars was side on to me at an oblique angle, almost parallel to my vehicle. The doors were open and I could see a teenage boy lying on his left side, with his head behind the passenger seat and his arms outstretched. He did not move so I assumed he was dead. I recall nothing in particular about him other than he was young. I believe he was wearing jeans, but what I remember best is that he had a small light coloured object sticking out of his right trouser pocket*."[3] He said that it was quite likely that the cars had been at the Bridge Camp for a few minutes before he noticed them.[4]

1 C1924.1; Day 380/118-135
2 C1924.4-5; Day 380/121-124
3 C1924.5
4 Day 380/123

137.5 Captain INQ 1924 told us that he recalled a woman police officer going up to the car and standing near it, obscuring his view of the body. He said that when she left and he could see the body again, the nail bomb had gone and he assumed that she had removed it.[1] He also said that he recalled that while he was in the command vehicle the Medical Officer asked him what he should do, and that he told him to go and see whether he could provide medical assistance to the bodies he had seen in the cars.[2]

1 Day 380/127
2 C1924.5; Day 380/130

137.6 We have no reason to doubt that Captain INQ 1924 was at the Bridge Camp that afternoon, but in our view it would be unwise to rely upon his recollections so long after the event, unsupported as they are by any statements or notes made at the time. For example, his recollection of a body with the head on the passenger side of the vehicle is to our minds clearly a false memory.

Lieutenant INQ 2107

137.7 Lieutenant INQ 2107, an officer of 22 Lt AD Regt who was stationed on Craigavon Bridge, stated to this Inquiry that he became aware that a dead body had been driven to the Bridge Camp and that, out of curiosity, he went there to look. As he walked across the car park he saw two male RUC officers, one of whom asked him whether he could recognise nail bombs. Lieutenant INQ 2107 replied that he could, and he and the RUC officers went to a parked car.[1] There were no other people around the car, and Lieutenant INQ 2107 looked into the vehicle and saw a body lying on the back seat. The body was wearing a casual jacket that did not match the trousers and Lieutenant INQ 2107 recalled seeing a cylindrical object in one of his jacket pockets, which had tape (possibly black) wrapped around it. Lieutenant INQ 2107 recognised this object as a nail bomb, and informed the RUC officer accordingly. He was thanked, and he then returned to the bridge. He did not call an ATO as he had the impression that the matter was already being dealt with.[2] Lieutenant INQ 2107 believed that the RUC officers knew about the presence of this object before they went to the car, and were looking for confirmation of their suspicions that the device was a nail bomb.[3] Lieutenant INQ 2107 kept a diary in which he recorded that after he had been told about the dead body, he:[4]

> "... went down to see, there was the car, complete with blanket-covered corpse on the back seat. It still had a nail bomb in its pocket, which the A.T.O. later removed and blew up, startling us all …"

1 C2107.4-5; Day 371/27-29
2 C2107.5; Day 371/29
3 Day 371/29-31
4 C2107.13

137.8 When asked why this entry contained no details about being asked to identify the nail bomb, Lieutenant INQ 2107 surmised that he was trying to record the events of the day as briefly as possible at the end of a long, tiring day.[1] Lieutenant INQ 2107 told this Inquiry that he no longer recalled that the corpse was covered in a blanket.[2]

1 Day 371/32
2 C2107.5

137.9 In view of his diary entry it is likely that Lieutenant INQ 2107 did see the body of Gerald Donaghey in the back of the car. It is possible that he did confirm to RUC officers that there was a nail bomb, though his descriptions of the clothes and of seeing a nail bomb in one of the jacket pockets are in our view false memories.

Chief Superintendent Frank Lagan

137.10 Chief Superintendent Frank Lagan told this Inquiry in his written statement that he remembered somebody from the RUC telling him on the evening of Bloody Sunday that there was a rumour going round that nail bombs had been planted on Gerald Donaghey,[1] but the other police officers do not mention the existence of such a rumour. Clearly, by the time of the Widgery Inquiry the question as to whether the nail bombs had been planted was a live issue, but to our minds even if a rumour to this effect had started as early as the evening of Bloody Sunday, it does not assist us in determining whether or not the nail bombs were planted.

1 JL1.19-20

David Mills

137.11 The former BBC television producer David Mills told us that he gained the impression from conversations that took place in 1972 with Colonel Overbury and Colin Wallace[1] that these two believed that the nail bombs had been planted, though neither had ever said so in terms.[2] However, both Colonel Overbury and Colin Wallace denied that they had ever either explicitly or tacitly accepted that the bombs had been planted.[3] We accept their evidence on this point.

1 Colonel Overbury held the post of Assistant Director Army Legal Services at the Ministry of Defence and was a member of the Army Tribunal Team during the Widgery Inquiry (CO1.1). Colin Wallace was a member of the public relations and information policy units at Headquarters Northern Ireland who was seconded to the Army Tribunal Team during the Widgery Inquiry (KW2.1-2.2; Day 235/136-139).

2 Day 235/26-95

3 Day 243/64; Day 236/128-129

Chapter 138: Scientific evidence

Contents

Examination of the bombs and Gerald Donaghey's clothing

138.1 Gerald Donaghey's clothing was sent to the Department of Industrial and Forensic Science (DIFS) for examination on 2nd February 1972.[1] DIFS also received some of the components of the four nail bombs; as is discussed below, the explosive cores and detonators had been removed and were not sent for testing with the rest of the material. Alan Hall, who was in 1972 a Senior Scientific Officer at DIFS, gave a physical description of the parts of the bombs that he saw in a report that was primarily concerned with the presence of explosive residues on Gerald Donaghey's clothing.[2] The Inquiry also has a more detailed description from handwritten notes that were probably made by one of Alan Hall's assistants.[3] These sources provide the following information.

1 D336
2 D336-337
3 D350-351; D624; Day 224/104-105

138.2 The nail bomb from the left trouser pocket consisted of black adhesive tape wrapped around 37 4-inch round wire nails, which weighed 1lb 1oz. The nails had two different headstamps. The bomb measured about 4½ inches with a diameter of 2 inches. On the inside of the tape there were a few small pieces of explosive residue. Alan Hall's assistant noted that the bomb seemed to have been "*made and left lying around for a few weeks because the nails are corroded and this has stuck to the inside of the tape*".[1]

1 D350; D336

138.3 The nail bomb from the right trouser pocket contained 30 4-inch round wire nails, which weighed about 14oz. They all had the same headstamp and were similar, but not identical, to the ones used in the other bomb taken from the trousers. The nails were wrapped in black adhesive cloth tape, which again had a few small pieces of explosive

stuck on the inside surface. The outer casing of the bomb consisted of white or cream masking tape, wrapped several layers thick, which was heavily soiled on the outside. The bomb measured about 4½ inches, and had a diameter of 1¾ inches.[1]

1 D350; D336-337

138.4 The nail bomb from the right jacket pocket was similar to that taken from the left trouser pocket. It contained 47 4-inch round wire nails weighing 1lb 5oz; from the headstamps it appeared that the nails came from the same batch as those in the device taken from the right trouser pocket. Black adhesive tape was wrapped around the nails, and the bomb was 4½ inches long with a diameter of 2 inches. Some tobacco particles, apparently picked up from the pocket, were found on the outside surface of the tape.[1]

1 D351; D336-337

138.5 The nail bomb from the left jacket pocket consisted of 64 4-inch round wire nails, and weighed 1lb 14oz. The headstamps of the nails were the same, but did not match those of the other bombs. Black adhesive tape and two small pieces of clear Sellotape were wrapped around the nails, and the device measured 4½ inches with a diameter of 2 inches. Particles of tobacco, apparently picked up from the pocket, were again found on the outside of the tape.[1]

1 D351; D336-337

138.6 In his RMP statement, Captain 127 recorded that each nail bomb had contained approximately ¼lb of explosive.[1] It follows that before they were dismantled, the nail bombs would have weighed about 1lb 2oz (in the case of the cream-coloured device from the right trouser pocket), about 1lb 5oz (left trouser pocket), about 1lb 8oz (right jacket pocket) and about 2lb 2oz (left jacket pocket).

1 B1783

138.7 Alan Hall tested Gerald Donaghey's clothing for the presence of explosive residues; his report noted that DIFS had not received any hand swabs.[1] He found that only one of Gerald Donaghey's pockets (the right side pocket of the jacket) contained traces of explosive residues, of "*a nitrate ester consistent with nitroglycerine*".[2] He described the parts of the nail bombs that he had received as "*consistent with the frequently encountered 'nail bombs'*".[3]

1 D337
2 D336
3 D336-337

138.8 Gerald Donaghey's clothing and the nails and tape from the four bombs found in his pockets were received at DIFS on 2nd February 1972.[1] Alan Hall told this Inquiry that it might have taken three or four days or longer to examine all the items of clothing that related to the casualties on Bloody Sunday that had been sent to his department.[2]

1 D336 2 Day 224/99

138.9 In a "Continuation" report dated 9th March 1972[1] Alan Hall observed that:

> "Since the 'nail bombs' items 12, 13, 14 and 15 were totally enclosed by tape the detection of explosive residues in the pockets from which they were taken depends on the evaporation of the more volatile constituents of the explosive charge and their absorption by the surface of the pocket. Such residues are small in quantity and are not normally detectable after a period of two days has elapsed since contact.
>
> In my view the absence of explosive residues in the pockets of the clothing of this deceased is not inconsistent with the pockets having contained the bombs since a period of three days had elapsed before the clothing was submitted for examination. The pocket of the jacket item 1 which bore traces of explosive residue had in my opinion sustained a slight spillage of explosive resulting in a more persistent residue."

1 D338

138.10 In his evidence to this Inquiry, Alan Hall accepted that there was a direct correlation between the length of time that a nail bomb was left in a pocket and the probability that the nail bomb would lead to contamination of the pocket by explosive residues. However, given that he might not have tested Gerald Donaghey's clothes until "*two or three days*" after 2nd February 1972, he did not think that anything could be deduced about the length of time that a nail bomb might have been in Gerald Donaghey's pockets.[1]

1 Day 224/102-103

138.11 Dr John Lloyd, one of the experts retained by this Inquiry, told us that Quarrex was less likely to transfer traces of nitro-glycerine to clothing than Gelamex because of its lower nitro-glycerine content.[1]

1 E18.5.3

138.12 In his report on Gerald Donaghey,[1] Alan Hall recorded 15 items, consisting of various pieces of clothing and the nails and tape from the four nail bombs that he had received from a scenes of crime officer, Constable Hugh McCormac. This officer had recorded, in a statement made at the time, that he had received these items from Constable John Montgomery, whose evidence we consider below.[2]

1 D336
2 D714

138.13 There is no reference in this list to the explosive cores of the nail bombs or any samples of that explosive. Alan Hall, in his written statement to this Inquiry, commented that in normal circumstances he would have expected samples of the explosive cores of the nail bombs to be sent to DIFS, for the purpose of trying to identify its source or origin; and he did not know why this had not been done on this occasion.[1] In his oral evidence to this Inquiry, Alan Hall appeared to agree that it was very unusual not to receive explosive samples.[2]

1 D624
2 Day 224/125

138.14 As noted above, in his report dated 3rd February 1972 Detective Sergeant Eugene McTeggart recorded that Captain 127 "*found a total of four nail bombs in the deceased's pockets, these were defused and I retained the remainder of each bomb and later handed them to Constable J. Montgomery, Scenes of Crime Officer*".[1]

1 JM41.7-8

138.15 In his evidence to this Inquiry, Detective Sergeant McTeggart recalled that the ATO (Captain 127) had defused the nail bombs and removed the explosives, and then handed him the masking tape and nails in separate, clear plastic bags. Detective Sergeant McTeggart said that he then passed these on to Constable Montgomery. He also told us that he was never in possession of any part of the explosives or the detonators.[1] He also said that he was not sure whether the explosive would normally go to "*forensics*" for testing,[2] but later agreed that it would be good practice for detonators and explosives to be forensically tested "*as everything like that is of evidential value*".[3]

1 Day 223/104-105; Day 223/128; Day 223/147
2 Day 223/107
3 Day 223/129

138.16 Detective Sergeant McTeggart said that he did not know why the ATO did not give the items directly to Constable Montgomery[1] though it seems to us that this might well be because the latter only arrived after the ATO had left. Captain 127 told us that he was used to working with Constable Montgomery but had no recollection of seeing him on Bloody Sunday.[2]

1 JM41.3; Day 223/103-106

2 B1798.004; Day 380/192-194

138.17 Detective Sergeant McTeggart's evidence is consistent with the evidence of the ATO, Captain 127, who had had recorded in his RMP statement[1] that he removed the explosive components and handed over the remaining items to Detective Sergeant "*McTaggart*", which in our view was a reference to Detective Sergeant McTeggart.

1 B1783

Constable John Montgomery

138.18 Constable Montgomery was a scenes of crime officer attached to Victoria RUC Station in Londonderry. He made a statement at the time[1] which is undated but which he probably prepared in early February 1972.[2]

1 D713

2 Day 225/14-15

138.19 In this statement Constable Montgomery described being detailed to go to the Foyle Road command post at the underdeck of Craigavon Bridge at approximately 6.30pm on 30th January 1972. He described seeing the body of a youth in the rear seat of a Ford Cortina car. He also stated that Detective Sergeant McTeggart told him that four nail bombs had been removed from the clothing of Gerald Donaghey and that "*he handed these to me*". In this statement Constable Montgomery identified these as exhibits 12–15. Constable Montgomery continued by describing how he had accompanied the body to Altnagelvin Hospital in an ambulance and how on the following day he was handed other items from the body of Gerald Donaghey, which he listed as exhibits 1–11. Constable Montgomery stated that all the exhibits were labelled and packeted and handed to Constable McCormac to be forwarded to the DIFS laboratory.

138.20 Although in this statement Constable Montgomery referred to receiving "*nail bombs*", items 12–15 of the list of exhibits contained in a DIFS form signed by Constable McCormac[1] referred in each case only to "*nails of bomb*", identifying the pockets from which they came. It is clear from this list, and indeed from the evidence of Alan Hall, Captain 127 and Detective Sergeant McTeggart, that only the nails and the tape used to make the bombs were handed to the RUC and sent to DIFS. We are satisfied that

Captain 127 retained all the explosive elements. Under the heading "*Forensic Evidence*" in the EOD report to which we have referred above, it was recorded "*Available if required*"[2] which indicates to us that, for a time at least, these items were retained. In his written evidence to this Inquiry, Captain 127 recalled that explosives would be taken back to a store and later burned or detonated if not required.[3]

1 D330
2 B1798.026
3 B1798.4

138.21 In his written statement to this Inquiry,[1] Constable Montgomery told us that he recalled being given a piece of the explosive in a plastic bag, "*presumably for tests*". However, in his oral evidence to this Inquiry he said that he was not sure about this, and that had he been given a piece of the explosive, he would have put it in a plastic bag, labelled it as to its origin and taken it to the forensic science laboratory for tests.[2] We formed the strong impression that Constable Montgomery now had little clear recollection of events; and we are satisfied from the evidence dating from 1972 to which we have referred that this officer was not given any of the explosive, but instead only the nails and tape which Alan Hall then examined at DIFS. It should be noted, however, that in his oral evidence Constable Montgomery said that normally he would have been given samples of the explosives.[3]

1 D721
2 Day 225/8-9
3 Day 225/8-9

Chapter 139: The explosives

139.1 It was submitted to us by those acting on behalf of the family of Gerald Donaghey that "*The fact that no explosive sample was forwarded to the Northern Ireland Forensic Science Department to enable the source of the explosives to be determined*" was one piece of "*powerful circumstantial evidence*" that the nail bombs had been planted on Gerald Donaghey.[1]

1 FS1.2532-2533

139.2 We do not accept this submission for a number of reasons.

139.3 In the first place, Captain 127 told us, and we accept, that he was not surprised that no explosive sample had reached DIFS, "*because if I had not been asked to provide some of that explosive, I would not have done so*".[1] Captain 127 also told us that he would normally have handed over a "*minute amount*" of the explosive core to the scenes of crime officers (SOCOs) had they been present.[2] We are satisfied that there was no SOCO present when Captain 127 dismantled the bombs. It seems likely from the Explosive Ordnance Disposal (EOD) report of HQNI that the explosive elements were kept available for scientific testing, at least for a time.[3]

1 Day 380/194
2 Day 380/192-194
3 B1798.026

139.4 In the second place, we accept the evidence of Peter Gurney, an expert on nail bombs engaged by the Inquiry, that, contrary to the view expressed by Alan Hall who in 1972 was a Senior Scientific Officer at DIFS, it was not normal practice to submit explosive samples from every recovered explosive device: "*… in my view, it was by no means exceptional not to forward explosive for forensic analysis.*"[1] Peter Gurney's views were based on his own Army experience of procedures in Northern Ireland in the early 1970s and on an examination of EOD reports on 101 unexploded nail bombs dealt with in Northern Ireland between 28th September 1971 and 7th April 1972. His job as an Ammunition Technician involved, among other things, bomb disposal in Northern Ireland, for which he was awarded the George Medal.

1 E18.8.1-22

139.5 In the third place, the submission under consideration assumes that it would have been possible from an examination of the explosives to discover whether they had come from paramilitary or security force sources, or at least that one or more of those whose job it was to decide whether the explosives should be examined resolved that they should not do so because they thought that the source might thereby be traced to the security forces. There was no evidence to support either of these assumptions.

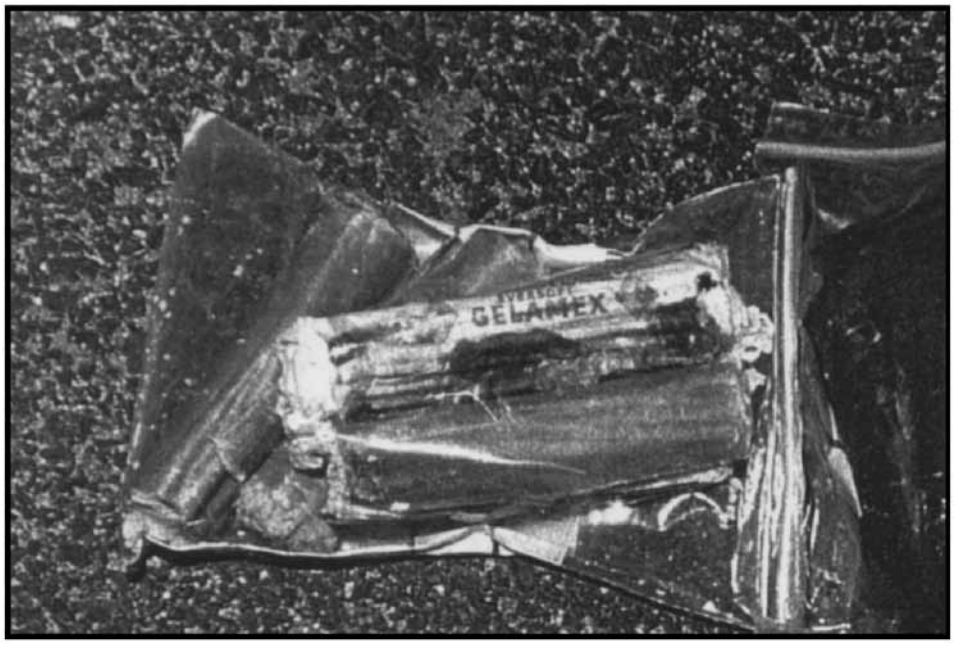
139.6 In the fourth place, an 8th Infantry Brigade intelligence summary dated 2nd February 1972 noted the lack of explosive attacks in the preceding week, and drew the following conclusion:[1]

> "Comment. Lack of such attacks by the IRA Brady may be due to a shortage of explosives and/or detonators. This is supported by the fact that three of the four nail bombs, found on a dead body after shooting on 30 Jan, were made with quarex [sic], which is not common here and not an efficient type of explosive for such a purpose."

1 G108.654

139.7 "*IRA Brady*" was a reference to the Provisional IRA.

139.8 We have no reason to doubt the accuracy of the intelligence summary in identifying three of the four nail bombs as containing an explosive called Quarrex, though we have no specific evidence to indicate how this information reached those who compiled this report. The explosive used in the other bomb was called Gelamex, as can be seen from the wrapping shown in one of the photographs.



139.9 The intelligence summary described Quarrex as "*not common here*" and not an efficient type of explosive for nail bombs. Dr John Lloyd (one of the experts retained by this Inquiry) and Peter Gurney agreed that Gelamex would have been more effective.[1] Alan Hall told us that in the early 1970s Gelamex was the explosive "*most commonly*" used in such devices and that Quarrex was "*not the common terrorist explosive of the time*", although it was used "*from time to time*".[2]

1 E18.5.2; E18.8.7

2 Day 224/114; Day 224/127

139.10 Peter Gurney's analysis of EOD reports between September 1971 and April 1972 shows that the reports covered 101 nail bombs made safe during the period, of which five were specifically described as having contained Gelamex, two Quarrex and one both Gelamex and Quarrex. The descriptions of 24 bombs were non-specific or referred to other explosive, and the explosive fillings of 69 bombs were not described. Peter Gurney expressed the view that it appeared from the EOD reports that the type of explosive used was not crucial and that bomb-makers used whatever explosive was available. He pointed out that the EOD reports dealt mainly with bombs that did not explode and so only covered a small percentage of all the bombs that were thrown in the 8th Infantry Brigade area during the period.[1]

1 E18.8.6

139.11 Both Gelamex and Quarrex were manufactured by two companies, Explosives & Chemical Products Ltd and Irish Industrial Explosives Ltd. Both explosives were used in quarrying and similar work.[1] The fact that the explosives were identified as Gelamex and Quarrex in our view probably provides the explanation for why they were not examined.

1 E18.5.1-15

139.12 In his written evidence to this Inquiry, PIRA 24 (the Officer Commanding the Derry Brigade of the Provisional IRA on Bloody Sunday) said that he did not recognise the brand name Gelamex and could not remember the name of the commercial explosive that the Provisional IRA used in nail bombs in 1972.[1] In his oral evidence to this Inquiry he said that he thought that the last time the Provisional IRA had used Quarrex was about a month after internment, in other words in about September 1971, and that "*We could not have kept it good or in a safe condition until Bloody Sunday*".[2] We formed the view that PIRA 24 did not really have any clear recollection of the type of explosive used by the Provisional IRA at the time in question.

1 APIRA24.6

2 Day 427/109-110

139.13 In the light of the evidence we have set out above, we are of the view that the fact that three of the nail bombs contained Quarrex and only one Gelamex does not throw any light on the question as to whether the nail bombs were planted on Gerald Donaghey. We are also of the view that, since the explosives had been identified at an early stage as Quarrex and Gelamex, there was little, if any, point in submitting them to DIFS for further analysis.

Chapter 140: The features of the nail bombs

Contents

140.1 Apart from considering the explosive cores of the nail bombs, we looked at whether the way they had been constructed helped in forming an opinion on whether or not they had been planted.

Sean Keenan Junior

140.2 Sean Keenan Junior told us in his written statement that he was the Explosives Officer for the Derry Brigade of the Provisional IRA at the time of Bloody Sunday.[1] He was too unwell to give oral evidence. He gave a description of how nail bombs were made:[2]

> "You make a nail bomb by using either full or half sticks of gelignite depending on how powerful you want it to be. You tape the sticks together and then tape nails onto the sticks of gelignite. Alternatively you wrap the gelignite in rough cardboard and tape the nails to that. Then you use a pencil to push a hole into the gelignite into which you put the detonator and the fuse … I did not use a can to hold the bomb together. I used tape to bind it all together. Sometimes matches were taped to the fuse …"

[1] AK46.1-17

[2] AK46.7

140.3 This description is similar to what Peter Gurney described as the Pattern 2 type of nail bomb, while Pattern 1 utilised a food or drink can into which the explosive and nails would be packed. For a Pattern 1 bomb it was necessary for the nails to be packed nose to tail into the channels of strips of corrugated paper, which would then be wrapped around the explosive charge before the whole assembly was inserted into the food or drink can. Peter Gurney told us that Pattern 2 superseded Pattern 1 and, though both types were still used in 1972, the majority of nail bombs encountered in 1972 were of Pattern 2.[1]

[1] E18.8.4-5

140.4 Sean Keenan Junior's description appears to correspond to the nail bombs found on Gerald Donaghey, which were of the Pattern 2 kind.

140.5 However, Sean Keenan Junior commented that the nail bomb shown in one of Constable Simpson's photographs of the object in Gerald Donaghey's right trouser pocket was "*much bulkier than a normal nail bomb*" and, as to the white tape, that the Provisional IRA "*always used black tape*". He did not recall the brand name Gelamex.[1]

[1] AK46.8

Michael Clarke

140.6 Michael Clarke told this Inquiry that at the time of Bloody Sunday he was effectively the Explosives Officer of the Provisional IRA's Creggan Company.[1] In response to being shown one of Constable Simpson's photographs of the nail bomb in Gerald Donaghey's right trouser pocket, Michael Clarke stated that he would use corrugated paper wrapped around a gelignite core when constructing nail bombs.[2] He stated that the fuse on the device looked too short, and that he would not have used so much tape to make a nail bomb.[3]

[1] Day 402/3-9

[2] AC157.7; AC157.9

[3] AC157.9; Day 402/28

140.7 When shown the second of Constable Simpson's photographs of the nail bomb, Michael Clarke commented that it did not look to him as if the match head was touching the fuse, and hence it would not have assisted in igniting it. He would have used two matches, not one, and would have taped them to the fuse at an angle of 45°.[1] However, we are not sure that the photographs do show a match. Captain 127 did not record in the accounts that he gave in 1972 that he had found any matches, and in his evidence to us stated that he was not sure that there were any.[2]

1 AC157.9; Day 402/29 2 B1798.004

140.8 When shown Constable Simpson's photograph of the bag containing the four explosive cores removed from the nail bombs, Michael Clarke stated that in his own nail bombs he would have used half the amount of charge. He also stated that he did not recognise the brand name Gelamex.[1]

1 Day 402/29-30; AC157.9

PIRA 24

140.9 PIRA 24 stated that the nail bombs shown in Constable Simpson's photographs were not typical of the Provisional IRA's design. He stated that Provisional IRA nail bombs were constructed hastily immediately before they were used and he commented that the nail bombs shown in the photographs looked "*too well prepared*". He also stated that the Provisional IRA "*code of practice was to put one piece of tape round the nails, and that was it*".[1]

1 APIRA24.6

140.10 In his oral evidence PIRA 24 added that the "*whole structure of the thing does not seem right*".[1] When asked to expand upon this he explained that the explosive cores shown in Constable Simpson's photograph of the components of the bombs were twice as large as would have been used in Provisional IRA nail bombs.[2]

1 Day 426/60 2 Day 426/64

140.11 PIRA 24 also thought that the match inserted in the top of the nail bomb would have burned down without touching the fuse. His evidence appeared to suggest that he did not believe that matches were usually taped to nail bombs to assist ignition.[1] As we have noted above, we are not sure whether the photographs do show a match.

1 Day 426/69-70

PIRA 17

140.12 PIRA 17, who told us that he was the Quartermaster of the Derry Brigade of the Provisional IRA at the time of Bloody Sunday,[1] stated to this Inquiry that the bombs in Constable Simpson's photographs looked "*completely and utterly different to what I have seen in the past*".[2] He commented that, in his experience, only black tape was used to make bombs.[3] However, during his oral evidence he told the Tribunal that at the time of Bloody Sunday he was not involved in constructing nail bombs.[4]

1 APIRA17.1
2 APIRA17.11
3 APIRA17.11
4 Day 404/41-43

Martin McGuinness

140.13 Martin McGuinness, the Adjutant of the Derry Brigade of the Provisional IRA at the time of Bloody Sunday, was not asked many questions about the construction of nail bombs. However, he did state that it was most "*effective*" to "*cover the gelignite with six-inch nails and not with a can*".[1] His opinion in this regard was supported by the former Provisional IRA volunteers Eddie Dobbins,[2] PIRA 19[3] and PIRA 24; the last told this Inquiry that he believed that the use of cans as containers for nail bombs had been abandoned by January 1972.[4]

1 Day 391/53-54
2 AD195.8
3 Day 416/161
4 Day 426/68-69

Gerard Doherty

140.14 The former Provisional IRA volunteer Gerard Doherty stated that, in his experience, cans were never used by the Provisional IRA to make nail bombs. Instead, a gelignite core was surrounded by corrugated cardboard and nails, which were then taped in place. However, Gerard Doherty added: "*Different people used to make nail bombs in different ways. In the end, it came down to the engineer.*"[1]

1 AD65.23-65.24

OIRA 7

140.15 So far as the Official IRA is concerned, OIRA 7 gave this account of the construction of nail bombs:[1]

> "I have been asked about explosives. I only ever saw one real grenade way back in 1970. Nail bombs were made using gelignite sticks, these contained nitro-glycerine which was an unstable substance, with most of these explosives would I suppose have been stolen from quarries. I remember four inch sticks of commercial gelignite. A nail bomb was a simple affair with nails and gelignite taped together put into lemonade or other cans, even glass jars. It was not a commodity however that you could leave lying around in a prepared state. The stuff wept all over the floor. I don't remember anybody making up nail bombs in the days before Bloody Sunday. The nitro-glycerine is a very volatile substance and you would want to make these up outside. I have no memory of raw gelignite. I do remember some of it had to be burnt to get rid of it because it was so volatile."

1 AOIRA7.19

Captain 127

140.16 As noted above, Captain 127, the ATO, told the Widgery Inquiry that the use of white tape to bind one of the nail bombs was unusual and that he had not come across this before in the 18 weeks that he had been in the area.[1] However, as also noted above, in his evidence to us he refused to accept that this made that bomb unique, because he did not know what other ATOs had recovered.[2]

1 WT9.55-56

2 Day 380/181

Captain INQ 2584

140.17 Captain INQ 2584, who was Captain 127's reserve ATO,[1] stated to this Inquiry that Constable Simpson's photographs of the nail bomb in Gerald Donaghey's right trouser pocket showed what he thought was a "*dangerous situation*". In his opinion the fuse of the nail bomb was too short, and Gerald Donaghey's belt buckle could have caused enough friction to ignite the match.[2] Captain INQ 2584 based his comment solely on the photographs that he was shown when preparing his written statement. He was not present at the Bridge Camp or the car park on the northern side of the Craigavon Bridge, and he did not recall Captain 127 commenting on the size of the fuse.[3] It is worth noting,

however, that this ATO stated that nail bombs were easy to make; could be made in a few minutes; and could quite safely be put into a pocket, though he did not "*professionally consider this to be a safe practice*".[4]

1 C2584.4
2 C2584.7
3 C2584.5
4 C2584.3

Inspector Harry Dickson

140.18 Inspector Dickson initially stated when preparing his written statement to this Inquiry that when he was shown the nail bombs by the ATO he was struck by how well made they were.[1] The Inspector subsequently expressed his unhappiness with the evidence that he had recorded in this paragraph, and he expressed doubt as to whether or not he actually saw the nail bombs before they were dismantled.[2] During further questioning, Inspector Dickson accepted that his recollection at the time that he gave his statement was that the bombs were more neatly put together than any others that he had seen.[3] However, he qualified this statement by pointing out that most of the nail bombs of which he had experience "*would have been thrown over the wall in the police station, or they would have been found on the streets after riots, they would have been maybe walked on or bruised*".[4] As we have previously recorded, we accept that the reason Inspector Dickson removed the paragraphs in question was that, on reflection, he was not certain about what he had stated.[5]

1 JD3.8
2 Day 212/47-49
3 Day 212/77-78
4 Day 212/79
5 Day 212/69-82

Detective Sergeant Eugene McTeggart

140.19 Detective Sergeant McTeggart, in his written statement for the Widgery Inquiry, made this comment about the one nail bomb that he had seen on Gerald Donaghey:[1]

> "I have seen a good many types of nail bomb before and I have seen several made with adhesive tape. The only difference was that this object was covered with masking tape of the kind used when one sprays a vehicle."

1 JM41.10

140.20 We are not persuaded that this observation assists in deciding whether or not the nail bombs were planted.

The size of the nail bombs

140.21 As to the size of the bombs, Peter Gurney pointed out in his report:[1]

> "The size of nail bombs used in the early 1970's varied but the first bombs to be seen were, generally, cylindrical in shape, approximately 150mm in length and approximately 70mm in diameter. Later bombs tended to be smaller and the most commonly seen were approximately 110mm in length and 50mm to 70mm in diameter."

1 E18.8.2

140.22 The only photographs showing any of the four bombs found in Gerald Donaghey's pockets in an intact state are those showing the top of one of the bombs protruding from his right trouser pocket, from which it is difficult to gauge the dimensions and other details of its construction. As already noted, Captain 127 told the Widgery Inquiry that the bombs were the size of a small cocoa tin, four or five inches long and two inches in diameter, which is broadly consistent with the size of the bombs as reconstituted by DIFS. They would accordingly have been of approximately the size described by Peter Gurney; although perhaps smaller than the Pattern 1 nail bombs put into a food or drink can, as also described by Peter Gurney and OIRA 7.[1]

1 E18.8.4-5; AOIRA7.19

The amount of explosive in the nail bombs

140.23 Captain 127 estimated the amount of explosive in each bomb as approximately a quarter of a pound.[1] Peter Gurney told us that the amount normally used was between four and eight ounces.[2]

1 B1783

2 E18.8.4

Conclusions on the evidence relating to the features of the nail bombs

140.24 The use of white masking tape does seem to be an unusual feature of one of the bombs, but we are not persuaded that this demonstrates, or even indicates, that it could not have come from paramilitary sources. As we have already noted, Gerard Doherty told us that "*Different people used to make nail bombs in different ways. In the end it came down to the engineer.*"[1]

1 AD65.23-24

140.25 We take the same view of the other features of the nail bombs and of the evidence about the use of corrugated paper, the length of the fuse, the method of attaching the match head (if any), the type and amount of explosive and tape used, the size of the bombs, the fact that the nail bombs appeared well made, and that one appeared to have been a few weeks old. As Peter Gurney pointed out, the design of nail bombs was evolving over the period in question.[1] We were not persuaded that the witnesses who sought to suggest that one or more of the bombs could not have come from paramilitary sources had a clear enough recollection to be able to remember the precise methods of construction of nail bombs that were in use in early 1972.

1 E18.8.4-5

Chapter 141: The bullet hole in Gerald Donaghey's left jacket pocket

141.1 Dr John Martin, the Principal Scientific Officer at the Department of Industrial and Forensic Science (DIFS) who tested the clothing of Gerald Donaghey and the other deceased for firearm discharge residue, noted during his examination of Gerald Donaghey's clothing that the bullet that fatally wounded him had passed through his lower left jacket pocket.[1] As we have already mentioned, one of the nail bombs removed by Captain 127 came from this pocket.[2]

1 D358

2 D358; WT9.56; WT9.58; WT9.62

141.2 Alan Hall, Senior Scientific Officer at DIFS, told us that he could not recall seeing any damage to the parts of any of the four nail bombs that he examined that would have led him to conclude that it had been struck by a bullet; and that, as a matter of his general practice, he was "*absolutely confident*" that if a bomb had been struck he would have mentioned that fact.[1] Captain 127 told us that he could not recollect any damage to any of the nail bombs that he extracted from Gerald Donaghey's clothing.[2]

1 Day 224/108-109

2 Day 380/174

141.3 On the basis of this evidence, it seems reasonably certain that the bomb found in the left jacket pocket was not damaged by the bullet that passed through that pocket. The question therefore is whether this means that the bomb could not have been in the pocket when Gerald Donaghey was shot and thus must have been planted on him at a later stage. If that were the case, then although theoretically the other three bombs could have been on him when he was shot, this possibility is so remote that we consider it can safely be put on one side.

141.4 In his written evidence to this Inquiry, Alan Hall stated:[1]

> "47. I have been referred to the handwritten notes of Dr Martin and in particular a sketch of the blue denim jacket of G Donaghy. The notes appear to indicate that Donaghy was struck by a bullet which passed through the lower left pocket of the denim jacket. I knew at the time that this was one of the pockets from which a nail bomb was retrieved. I have been asked how it was possible for a bullet to pass through the clothing of G Donaghy in the way described in the notes of Dr Martin if a nail bomb was placed in that pocket.

48. To establish whether or not this was possible, I recall placing item 12, the nail bomb taken from the left hand jacket pocket of G Donaghy into that pocket to test whether or not a bullet could have passed by without striking the nail bomb. I concluded that this was possible, although this was not necessarily easy to do. I think I concluded that it could only have occurred if the nail bomb was placed deep into the pocket, but was not possible if the nail bomb was half out of the pocket. I think I also discussed this issue with Dr Martin at the time, although I do not remember what Dr Martin's view was at the time on this issue.

49. I was also concerned to establish that the nail bombs that were said to be in the jeans of Donaghy could in fact fit into the jeans. I therefore placed relevant nail bombs into the jeans. Once I had done this I was satisfied that the nail bombs could fit into the jeans."

1 D625

141.5 There are difficulties with this part of Alan Hall's evidence.

141.6 In the first place, as already observed, he did not receive complete nail bombs, for the explosive cores and detonators had been removed, as his own report dated 15th February 1972 shows.[1] Alan Hall told this Inquiry that he "*suspected*" that he had used something to make up the missing bulk, but he could not specifically recall doing so.[2] It is possible that he did use a roll of paper, since when Captain 127 was showing the bombs to Lord Widgery, he commented that although the explosive had been removed, someone had put in a roll of paper in its place. Even so, with the detonator and safety fuse in place, Captain 127 estimated that the bombs would be about ¼ inch fatter.[3]

1 D336
2 Day 224/117
3 WT9.60

141.7 In the second place, in his written statement to this Inquiry, Alan Hall referred to placing "*item 12, the nail bomb taken from the left hand jacket pocket*" into that pocket. In fact, item 12 of the items sent to Alan Hall described the remains of the bomb found in Gerald Donaghey's left trouser pocket. The remains of the bomb removed from his left jacket pocket were the subject of item 15; and this bomb contained 1lb 14oz of nails, while the bomb in the left trouser pocket contained only 1lb 1oz of nails.[1] Alan Hall told this Inquiry that he was not sure how he came to identify item 12 as the bomb he used, but seemed sure that he had used the bomb that had been in the left jacket pocket.[2]

1 D350-351
2 Day 224/116

141.8 In the third place, Alan Hall's report dated 15th February 1972 suggests that Captain 127 had cut open the jacket pockets in order to remove the nail bombs,[1] though it should be noted that Captain 127, in his evidence to the Widgery Inquiry, only said that he had cut open the right jacket pocket and was not asked whether he had done the same with the left jacket pocket.[2] In his evidence to us, Alan Hall said that he also tried to see whether the bombs would fit into the jeans pockets, one of which had also been cut open, and that he would have satisfied himself that the cut would not have interfered with his assessment.[3] Whether or not he did the same with the jacket pockets, the fact is that the left jacket pocket was not in the same state as it was when Captain 127 discovered the nail bomb. However, as appears below, it seems that some attempt had been made to repair the left jacket pocket by the time Captain 127 gave oral evidence to the Widgery Inquiry, and this might have been done for the purpose of Alan Hall's experiment.

1 D336
2 WT9.56-58; WT9.64
3 Day 224/136-137

141.9 There are no notes made at the time either of the test that Alan Hall said he made with the nail bomb in the left jacket pocket, or indeed of the test that he said he made to see whether the nail bombs would fit into the jeans pockets. He told this Inquiry that the tests that he conducted were neither a necessary nor a "*formal*" part of his examination of the items supplied to DIFS, since he had been told that the bombs had been found in the pockets. He said that he merely wished to "*find out for my own purposes*", and in case this was something that might be asked of him, whether the damage to the jacket and the presence of the bomb could be reconciled.[1]

1 Day 224/131-135

141.10 Dr Martin said that he had had a conversation with Alan Hall about the question of whether the bullet could have passed through the left jacket pocket without striking the nail bomb, but could remember nothing about it save a remark that it was "*a bit odd*".[1]

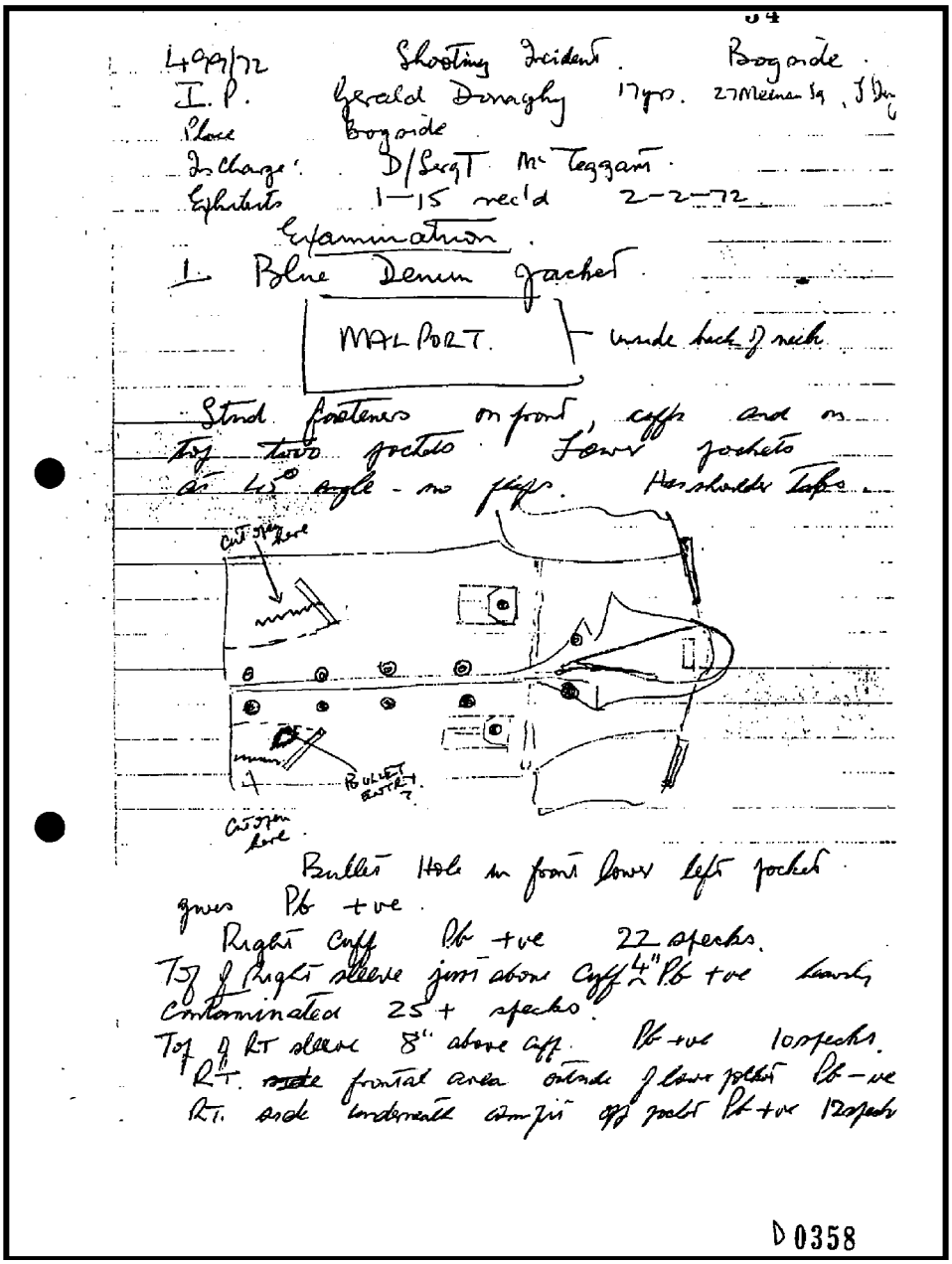
1 Day 224/111

141.11 We have no reason to doubt that Alan Hall did try to see whether a nail bomb could fit into the left jacket pocket and escape damage from the bullet passing through that pocket, but, bearing in mind the difficulties that we have mentioned, we cannot accept that his evidence demonstrates that the bomb would have, or even was likely to have, escaped damage. As Dr John Lloyd pointed out, "*the precise position of the bomb in the pocket would, relative to the bullet hole, be an important point. We do not know precisely [what] the position of the bomb was.*"[1] In his report[2] Dr Lloyd had expressed the view that "*The bomb could have been at least damaged if not exploded by the bullet, if the bomb was present in the pocket at the time. On the evidence available, the bomb was undamaged.*" This cautiously expressed view equally does not demonstrate that the bomb would have been, or even was likely to have been, damaged by the bullet.

1 Day 227/52 2 E1.59

141.12 Captain 127 demonstrated to Lord Widgery[1] the insertion of the reconstituted nail bomb into the left jacket pocket, while acknowledging that the bomb in its original state would have been ¼ to ½ inch fatter. In order for this demonstration to have been meaningful, or even possible, it seems to us that the cut in the pocket that Captain 127 had made when he removed the bomb, which, as shown below, is illustrated in the DIFS notes,[2] must have been repaired, and indeed Captain 127 confirmed in relation to the other jacket pocket that there was "*white stitching*" where he had cut the pocket.

1 WT9.62-64 2 D358



54

49A/72 Shooting Incident. Bogside.
I.P. Gerald Donaghy 17yrs. 27 Meenan Sq, Derry
Place Bogside
In charge: D/SergT Mc Teggart.
Exhibits 1–15 recd 2-2-72

Examination.

1. Blue Denim jacket.

MALPORT. – inside back of neck.

Stud fasteners on front, cuffs and on top two pockets. Lower pockets at 45° angle - no flaps. Horn shoulder tabs.

Bullet Hole in front lower left pocket gives Pb +ve.
Right Cuff Pb +ve 22 specks.
Top of Right sleeve just above Cuff ½" Pb +ve heavily contaminated 25+ specks.
Top of Rt sleeve 8" above cuff. Pb +ve 10 specks.
Rt. inside frontal area outside of lower pocket Pb –ve
Rt. side underneath armpit off jacket Pb +ve 12 specks

D 0358

141.13 When Captain 127 inserted the bomb in the course of his demonstration to Lord Widgery, it appears that it fitted into the pocket, but in such a way that the pocket was pulled open at the top. Captain 127 agreed that with the bomb in that position the fuse would have reached up to, or beyond, what James McSparran QC (counsel for the families) called the lapel of the pocket, although in fact these pockets had no lapels.[1] That description is not specific enough in itself to assist us in determining whether a bullet that entered the pocket in the position illustrated in the DIFS notes[2] would necessarily have hit a nail bomb if one had been there. However, if the position of the nail bomb, as demonstrated by Captain 127 to Lord Widgery, had been such as to align it directly with the bullet hole that must still have been evident on the jacket, we would have expected James McSparran QC to have picked up such an obvious and important point.

1 D358 2 D358

141.14 In these circumstances, the fact that the bomb in the left jacket pocket was not damaged by the bullet passing through that pocket does not assist us in determining whether or not the bomb was there when Gerald Donaghey was shot.

Chapter 142: Means of igniting the nail bombs

142.1 Dr John Lloyd commented that the list of personal possessions of Gerald Donaghey given by Detective Sergeant Eugene McTeggart in his report dated 1st February 1972[1] did not include any matches, lighter or other means of ignition and that such a source of ignition would have been necessary for the use of the bombs unless some form of igniter had been fitted to the bombs, of which there was no evidence.[2] Peter Gurney told us in his report[3] that the bomb-maker would often tape red-topped (non-safety) matches to the exposed end of the fuse so that to ignite the fuse "*the bomber would simply strike the match heads on any rough, dry surface*". As we have observed, we are not sure that the photographs show that a match was attached to the bomb in the left trouser pocket. We do not know whether the other three bombs had matches attached to them, but, in any event, since Gerald Donaghey might simply have been carrying the nail bombs without any immediate intent to deploy them himself, the absence of matches or a lighter does not to our minds provide any indication that he could not have had them in his possession when he was shot.

1 ED47.3-5
2 E1.58
3 E18.8.3

Chapter 143: The stocking hose in Gerald Donaghey's jeans pocket

143.1 The handwritten notes of Alan Hall, Senior Scientific Officer at the Department of Industrial and Forensic Science (DIFS), of his examination of the exhibits sent to DIFS also record that "*blue stocking hose*" was found in the right-hand pocket of Gerald Donaghey's jeans.[1] No further details are recorded, and there is no mention of this in his reports.[2]

1 D349

2 D336-347

143.2 In his report to this Inquiry, Dr John Lloyd commented: "*No description of the hose was given, e.g. of whether it could be used as a face mask. In the absence of any further detail it is not possible to comment on the significance of the finding.*"[1]

1 E1.58

143.3 It was submitted by those acting for the RUC officers that the stocking hose was "*a most unusual thing to have found in the trouser pocket of a young man. The possibility exists that Donaghy may have had this in his pocket to use as a face mask, and if so that he may have been intent on criminal activity of some kind.*"[1]

1 FS16.15

143.4 The submission does not attempt to identify what criminal activity Gerald Donaghey might have had in mind. On the assumption that he carried the hose in order to use it as a mask, it is entirely possible that this was only to avoid him being identified if he joined in a riot; an understandable precaution in view of the fact that he had only recently come out of prison following his conviction for disorderly behaviour.[1] To our minds the possession of a face mask (if such was the purpose of the stocking hose) provides no assistance on the question of whether he had nail bombs in his pockets when he was shot.

1 ED47.33

Chapter 144: Other alleged indications that the nail bombs had been planted

144.1 In their submissions, the legal representatives of Gerald Donaghey's family list eight pieces of what they describe as powerful circumstantial evidence in support of the proposition that the nail bombs were planted.[1]

1 FS1.2532

144.2 Among these were the composition and construction of the nail bombs, the failure to send samples of the explosives to DIFS, the failure to question Raymond Rogan and Hugh Leo Young about nail bombs and the failure to photograph more than one nail bomb on Gerald Donaghey's body. We have already considered these points and, for the reasons that we have given, are not persuaded that they provide evidence that the nail bombs were planted. As to the remainder, our views are as follows.

144.3 In the first place, it was suggested that the evidence regarding the "*discovery*" of a nail bomb was bizarre, contradictory and unreliable.[1]

1 FS1.2532

144.4 We have set out and considered this evidence earlier in this part of the report. We would not ourselves describe the evidence as "*bizarre*" and to categorise it as unreliable comes close to assuming what is sought to be proved. However, as will have been observed, there are undoubtedly inconsistencies and contradictions.

144.5 If there had been a conspiracy between a number of police officers to plant nail bombs on Gerald Donaghey, it might be expected that they would have made better efforts to ensure that their accounts tallied. However, it is not always the case that conspirators intend to produce consistent accounts or succeed in doing so.

144.6 If a lone individual planted the bombs, then it could be said that inconsistencies and contradictions in the evidence of others are neither here nor there. However, this takes no account of the possibility that one or more of those not directly involved learned or suspected that one of their colleagues had planted the nail bombs and that the inconsistencies and contradictions in their evidence were the product of attempts to cover up what they knew or suspected. In addition, such an argument assumes that the only suspect has been identified, for otherwise the inconsistencies or contradictions might assist in identifying the culprit.

144.7 In our view the question is whether the nature of the inconsistencies and contradictions is such as to indicate that the witnesses concerned either took part in the bomb planting, or knew or suspected from an early stage that one or more of their colleagues had done so.

144.8 We are not persuaded that this is the case. As we have pointed out when considering the evidence, some at least of the apparent inconsistencies and contradictions might well have a simple and innocent explanation, while to our minds the others are, at worst, no more likely to be evidence of a conspiracy or cover-up than a failure properly to recall events. We return to this point below.

144.9 In the second place, reliance was placed on "*The fact that the police and/or army had motive, opportunity and access to the relevant materials to enable them to plant nail bombs*".[1]

1 FS1.2532

144.10 So far as motive is concerned, the submission was:[1]

> "There can be no doubt that the security forces had a powerful motivation for planting nail bombs on the body of Gerard Donaghey who had been murdered by the army. We know that the army case at the time was that all those who were shot and wounded were either gunmen or bombers and being able to point to at least one of the deceased being in possession of a nail bomb would help to support their false case. At the very least it would provide convenient propaganda – see, for example, statement of the Irish Government at U325 paragraph 260 to 261 and Inspector Dickson at Day 212/75/11 to Day 212/76/2."

1 FS1.2608

144.11 To our minds there is a fundamental objection to this submission, which is that it assumes that those at the Bridge Camp knew (or at least suspected) that Gerald Donaghey had been murdered by the Army, that "*the army case at the time*" was that all those who were shot and wounded were either gunmen or bombers and that accordingly it would assist that false case to plant nail bombs on Gerald Donaghey.

144.12 For the reasons that we have given, we are sure that any planting of nail bombs could only have taken place at the Bridge Camp and that the first nail bomb must have been discovered no later than about 1650 hours. Those at the Bridge Camp might have learned from earlier RUC or Army transmissions that soldiers had fired shots in the Bogside and that a number of civilians had been injured or killed; and might well have

assumed or suspected that Gerald Donaghey had been shot by the Army. But those at the Bridge Camp could have had no more reason to suppose that Gerald Donaghey had been shot without justification than that his shooting was justified, nor could they have had any idea of what had actually happened in the Bogside, let alone have known or suspected that the soldiers were going to contend that Gerald Donaghey was shot because he had nail bombs.

144.13 As to the suggestion that the planting of nail bombs would provide "*convenient propaganda*", it seems to us that the same objections apply, since the "*propaganda*" would only be "*convenient*" on the assumption that it was known or suspected that the soldiers had fired without justification. There had been frequent nail bomb attacks in the city in the recent past, so that there was no other need for such propaganda.

144.14 There is a further consideration. If the nail bombs were planted at the Bridge Camp, they must have been obtained or prepared beforehand and brought to the Bridge Camp with some object in mind, which would have required some degree of pre-planning and which would push the time for motivation back even further. We return to this point below.

144.15 As to opportunity, Detective Sergeant Eugene McTeggart agreed that the security forces would have had the opportunity to plant nail bombs on Gerald Donaghey.[1] However, this really only states the obvious. Clearly the security forces had such an opportunity, in the sense that the car carrying Gerald Donaghey was brought to the Bridge Camp, which was manned by soldiers and the RUC. The real question is whether such an opportunity was taken.

1 Day 223/124-125

144.16 As to access, tape and nails were of course readily available. Sergeant Vernon Carson told the Widgery Inquiry that he had access to explosives but denied having any on the day.[1] Captain 127 would also have had access to explosives, if not complete nail bombs, but since he did not reach the Bridge Camp until after a nail bomb was discovered, and since there was nothing whatever to suggest that he (or indeed his assistant) was in any way complicit with the bomb planter, if such there was, his access to explosives can be disregarded. We should add at this point that we found nothing to suggest that Captain 127 at any stage knew or suspected that the nail bombs had been planted.

1 WT6.62

144.17 We return to consider Sergeant Carson below.

144.18 In the third place, reliance was placed on what was described as "*The fact that there was no attempt or no adequate attempt to preserve the 'crime-scene'*" and that there was no fingerprint examination.[1]

1 FS1.2533

144.19 We have dealt at some length with what was done after the discovery of the nail bomb in Gerald Donaghey's right trouser pocket. This submission seems to us to assume that it was then or very soon after known or suspected by those who might have been responsible for preserving the scene of a crime that someone had planted a nail bomb on Gerald Donaghey at the Bridge Camp, for otherwise there would be no "*crime-scene*". We have found no evidence that persuades us that there was such knowledge or suspicion on the part of the responsible officers, including in particular Inspector Harry Dickson and the Scenes of Crime Officers, Constable Hugh McCormac and Constable John Montgomery.

144.20 What could be said, however, is that one would expect that police officers presented with the corpse of a young man with a bomb in his pocket would recognise that it was highly likely that one or more serious crimes had been committed by someone, crimes that on the face of it were likely to include the unlawful possession of explosives by the deceased, as well as conspiracy to cause explosions on the part of the deceased and others, quite apart from the possibility that the deceased had been unlawfully killed.

144.21 On this basis it could further be said that the police should have made greater efforts to examine and preserve the available evidence. We do not criticise them for doing nothing at first apart from calling for the ATO, nor do we criticise the ATO for moving the vehicle to the car park, making sure the vehicle was safe, and then removing and dismantling the nail bombs. These in our view were reasonable and prudent first steps to take. However, it seems to us, at least on the basis of modern standards,[1] that, for example, the car should have been kept for further forensic examination, that at least attempts should have been made to take fingerprints from the car and any other relevant surfaces that might have had fingerprints on them, and that the other occupants of the car should have been questioned about the presence of nail bombs.

1 Warrant Officer Class I Wood pointed out that there were not then the same "*crime scene*" procedures "*as we have nowadays*" (CW1.7).

144.22 It can thus be said that there might have been things that the police should have done but failed to do. In our view, however, any such shortcomings are, at worst, no more likely to be evidence of knowledge or suspicion that nail bombs had been planted than an innocent failure to conduct the sort of comprehensive investigation required nowadays.

Chapter 145: Conclusions

145.1 The evidence of those who said that they were with Gerald Donaghey on Bloody Sunday before he was shot was to the effect that he was not carrying nail bombs while they were with him. It is possible that these witnesses simply did not notice that Gerald Donaghey had heavy and bulky objects in his pockets. However, on balance (and making the assumption that these witnesses were telling us the truth), we consider that if Gerald Donaghey was in possession of the nail bombs when he was shot in Abbey Park, then he probably acquired them after he had been separated from the last of his companions in Glenfada Park North and shortly before he was shot. If the bombs were planted on him, we are sure that this could only have happened at the Bridge Camp after Corporal 150 had seen the Medical Officer (Captain 138) examine Gerald Donaghey, had moved the car and had left the scene; and before the report of the discovery of a nail bomb was radioed to Brigade Headquarters at 1650 hours and to the RUC Communications Centre at Victoria Barracks shortly thereafter.

145.2 We have already expressed the view that no nail bombs were visible or identifiable when Gerald Donaghey was carried into 10 Abbey Park, tended there, or carried to the car and driven to Barrier 20 in Barrack Street, for had this been the case, one at least of the civilians there would have noticed and the nail bombs would have been removed. However, we are far from certain whether at these stages any of the nail bombs later found in Gerald Donaghey's pockets would have been visible or identifiable had they been on him all along. Thus we cannot conclude on this basis and without more that they must have been planted on him.

145.3 There is evidence, to which we have referred above, that one or more of these civilians would have been bound to have noticed heavy and bulky objects in Gerald Donaghey's pockets had such objects been there, but that they did not do so. Again, however, for the reasons we have given, we remain unsure about this.

145.4 In these circumstances we cannot exclude the possibility that there were nail bombs out of sight in Gerald Donaghey's pockets, and that these objects, heavy and bulky as they were, were not noticed by witnesses who were faced with an emergency and whose overriding concern was not to note or examine the contents of Gerald Donaghey's pockets but to try to save his life.

145.5 So far as the position at the Bridge Camp is concerned, there is no evidence of any kind that indicates that any soldier or soldiers present there could have planted the nail bombs and, in our view, any suggestion to the contrary is unsustainable.

145.6 There remain therefore the police officers at the Bridge Camp.

145.7 The proposition that one or more of the police officers planted the bombs on Gerald Donaghey runs into a number of difficulties.

145.8 In the first place, as we have already observed, it would seem that any plan to plant bombs would have had to have been hatched, at least in outline, well before Gerald Donaghey arrived at the Bridge Camp, and probably before Bloody Sunday. One or more of the officers would have had to have prepared or obtained the nail bombs (one of which appeared to be some weeks old) and brought them to the Detention Centre, which was a temporary facility. Both Sergeant Vernon Carson's report to the Station Sergeant and Inspector Harry Dickson's report to the Superintendent suggest that they were only detailed for duty at the Detention Centre on the morning of Bloody Sunday; and to our minds this was probably the case with the other police officers.[1] It seems an unlikely coincidence that all the police officers detailed for duty there on the day would have been part of a pre-existing conspiracy to plant bombs, which means that the bombs would have had to be hidden from the view of those not in the plot. It also seems to us unlikely that a plan to plant nail bombs was first conceived on the morning of Bloody Sunday, for this would have involved obtaining or preparing nail bombs at very short notice. Thus, we consider that if there was a plan it could only have been to obtain or prepare nail bombs in advance so that they could be planted when an opportunity arose; and that such an opportunity was thought to have arisen when one or more of the parties to the plan was detailed for duty at the Detention Centre. What motive could have existed for making such a plan is to our minds a matter of mere speculation.

1 JC6.1; JD3.1

145.9 In the second place, we find it hard to imagine what the details of the plan could have been. The police had no reason to suppose or expect that a dead civilian would be brought to the Bridge Camp in circumstances that would allow a bomb or bombs to be planted without detection, and so could hardly have planned in advance to plant bombs on a corpse. If the plan was to plant nail bombs on a live person or persons, this must have been changed or abandoned for some reason, since other civilians were brought to the Bridge Camp that afternoon. Furthermore, while it might have been physically

possible to plant nail bombs on one or more civilians during an interview or interviews, it is difficult to see how the police officer or officers doing this could have planned or expected to get away with such conduct without at least raising suspicions.

145.10 In the third place, as we have already observed, the suggested motives for planting the nail bombs are to our minds unsustainable.

145.11 In the fourth place, to place one or more nail bombs on a body in a car at the Bridge Camp, with soldiers as well as police around, would in our view run a serious risk of being discovered.

145.12 In the fifth place, if the intention was to plant incriminating evidence on a civilian, one bomb would have sufficed. The placing of four bombs into pockets that on any view were far from voluminous would necessarily have taken substantially longer than placing one and would thus have added unnecessarily to the already serious risk of being discovered.

145.13 We have found nothing that suggests to us that there was a bomb-planting conspiracy involving two or more police officers, or that there was any attempt by police officers to cover up what they believed or suspected had been done.

145.14 No attempt was made by those submitting that the nail bombs were planted to identify the particular individual or individuals alleged to be responsible.

145.15 We have found nothing that suggests to us that Woman Constable Clara Hamilton might have planted the nail bombs and it was not suggested to her that she had done so. As to Sergeant Carson, it could be suggested that the accounts that he gave differ significantly from almost all the other available evidence, since he claimed responsibility for the discovery of a nail bomb; since he said that the driver of the car had identified himself and had been shown the bomb; and since (in his written statement for the Widgery Inquiry) he recorded that he had been handed the remains of the nail bombs when they had been dismantled by Captain 127 and had himself packaged them. In addition, Sergeant Carson had, as he told the Widgery Inquiry, access to explosives.

145.16 In our view, however, these matters neither indicate that Sergeant Carson gave knowingly untruthful accounts nor provide any sound basis for suggesting that he planted the nail bombs.

145.17 None of the other witnesses denied, or was in a position to deny, that Sergeant Carson went to the car, looked at the body and saw a nail bomb. It seems to us that the most likely explanation of what happened is that Woman Constable Hamilton went to the car, found the nail bomb and went to report her discovery, without Sergeant Carson being aware of what she had done and found. On this basis there is nothing sinister in Sergeant Carson's accounts of discovering the nail bomb.

145.18 We have already pointed out the possibility that Sergeant Carson had mistakenly assumed that Lance Corporal 104 (who drove Joe Friel to the Bridge Camp) was the driver of the car containing Gerald Donaghey. In any event, it is difficult to see what purpose would have been served by Sergeant Carson dishonestly, as opposed to mistakenly, identifying the soldier as the one who had driven Gerald Donaghey. To tell such a lie would tend to attract suspicion rather than help to cover up what he had done.

145.19 As we have also pointed out, it is possible that Captain 127 did hand the remains of the nail bombs to Sergeant Carson in the car park for delivery to Detective Sergeant Eugene McTeggart at the Bridge Camp, with each treating Sergeant Carson as the agent of the other. As to Sergeant Carson's original statement that he wrapped the remains of the nail bombs, this was something he corrected in his evidence to the Widgery Inquiry.

145.20 Sergeant Carson did indeed tell that Inquiry that he had access to explosives, though he said that he was not an explosives expert and, to us, that he would not have been allowed to take explosives away from the quarries where he was carrying out what he described as his administrative duties.

145.21 In these circumstances we are not persuaded that there is anything in the accounts of Sergeant Carson, or indeed of the others at the Bridge Camp, that indicates that he was responsible for planting the nail bombs. Owing to his death, it was not possible to question Sergeant Carson about these matters. He therefore had no opportunity to deal with them in detail by giving oral evidence; and we had no opportunity to see him and assess his credibility.

145.22 As to the other police officers, we have found nothing that to our minds indicates that any of them might have been responsible for planting the bombs.

145.23 On the available evidence as a whole, we have concluded that the following is the sequence of events most likely to have occurred after Corporal 150 arrived at the Bridge Camp with the body of Gerald Donaghey in the back of the car. Shortly after the car arrived, the Medical Officer (Captain 138) examined Gerald Donaghey and concluded

that he was dead. Captain 138 covered the body with the blanket and then went to examine the other casualties, while Corporal 150 moved the car. At this stage Woman Constable Hamilton went to the car, discovered what she thought was a nail bomb in Gerald Donaghey's pocket and went to report to Detective Sergeant McTeggart what she had found. Not knowing of this discovery Sergeant Carson then went to the car and himself discovered the nail bomb, with Lance Corporal 104 nearby. Shortly afterwards the discovery of the nail bomb was reported and the ATO called.

145.24 Despite the foregoing, we cannot wholly eliminate the possibility that the nail bombs were planted at the Bridge Camp. Thus this possibility falls to be weighed against what we regard as the only other possibility, namely that despite the accounts of those who tended to Gerald Donaghey after he had been shot and of the others who were there and who accompanied him in the car, the nail bombs were in Gerald Donaghey's pockets when he was shot, but were out of view; and that no-one noticed then or thereafter that there were heavy and bulky objects in his pockets, being concerned instead with the grave injury that Gerald Donaghey had sustained and the need to get him to hospital without delay.

145.25 In the end, we have concluded that the difficulties with the possibility that the nail bombs were planted at the Bridge Camp outweigh the difficulties with the possibility that they were in Gerald Donaghey's pockets when he was shot. Since to our minds these are on the evidence the only two viable possibilities, it follows on this basis that in our view Gerald Donaghey was probably in possession of the nail bombs when he was shot.

145.26 It remains to say, for reasons given elsewhere in this report,[1] that Gerald Donaghey was not shot because of his possession of nail bombs; nor did anyone at any stage suggest otherwise. He was, in our view and again for the reasons that we have given, shot by Private G who neither had, nor believed that he had, any justification for firing the shot that mortally wounded Gerald Donaghey. It is likely that Gerald Donaghey was trying to escape from the soldiers when he was shot.

[1] Paragraph 112.61