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PATRICK DOHERTY

CLOSING SUBMISSIONS

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1. PROPOSITIONS

THE HISTORICAL AND POLITICAL CONTEXT

- A policy of anti Catholic discrimination existed in Northern Ireland from the foundation of the state.

THE POLITICAL VACUUM

- Whether because of a preoccupation with entry into Europe or because they were the inheritor's of fifty years of political inertia in Westminster and malpractice at Stormont, the focus of the British Government policy in Northern Ireland in 1972 was on increased security.

- There is no evidence before the Inquiry of Stormont making any requests or complaints to Westminster other than those relating to security or to the strengthening of the union.

- Even moderate Unionists believed the Conservative Government was not doing enough about security and were growing more extreme in their demands.

- Increased security meant The Special Powers Act, internment without trial, cratering border roads and a mandatory six months sentence for anyone convicted of taking part in an illegal procession or of rioting.

- In 1972 there was a political vacuum in Northern Ireland. There was no political strategy in place, either at Westminster or Stormont to deal with the escalating problems.

- The Army was placed into this political vacuum and given carte blanche.

- The politicians at Westminster abdicated their power to control the Army and viewed the Army's handling of the

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military situation in Northern Ireland as something for which they had no responsibility.

- The Stormont Government did not consider that it had responsibility for control of the actions of the Army, and in law they did not, but their insistence on tougher security measures created a burden of expectation that the Army would find a solution to the deepening security crisis.

- The list of demands from Unionists included defeating the IRA, ending the no-go areas, arresting the hooligans, ending the damage to the commercial areas and stopping mass protests by the catholic population.

- That the Army should have been given the power and responsibility to deal with all of these things without any political control is what lies at the heart of the tragedy of Bloody Sunday.

- The Army had no masters. They had in effect the power and responsibility to resolve the security situation without any political control.

- The Army had free rein on the streets. The one thing, which they did not have the free rein on, was occupation of the Creggan and Bogside.

THE BUILD UP TO THE MARCH

- The Army considered the marches, consequent on the introduction of internment, as their biggest problem.

- The IRA, hooligans and marchers were considered both by Government and the Army to be part of the matrix of the same problem. The same mandatory sentences of imprisonment fell to be imposed on marchers, rioters and those acting as paramilitaries.

- The choice of 1 PARA as an arrest force on Bloody Sunday led to inevitable but foreseeable results.

- The Army and 1 PARA in particular considered the Bogside the 'battlefield' and all marchers as 'the enemy'.

- When Patrick Doherty joined the civil rights march he became the enemy.

PATRICK DOHERTY'S MOVEMENTS

- Patrick Doherty was a steward on Bloody Sunday. He made his way with the main body of the march to Barrier 14. He then made his way down Chamberlain Street.

- From Chamberlain Street Patrick Doherty made his way across the Rossville flats car park and through the gap between blocks two and three of the flats.

- Whilst Patrick Doherty was in the gap there was firing into the gap from the Rossville flats car park.

- When Patrick Doherty exited the gap he turned right and made his way along the southern façade of block two of the Rossville flats where people were taking shelter.

- Patrick Doherty crawled out from under the canopy on the southern façade of block two of the Rossville flats in an attempt to get to the Joseph Place alleyway.

- None of the witnesses who say that Patrick Doherty crawled from the gap between blocks two and three towards the Joseph Place alley actually saw him exit the gap.

- Patrick Campbell and Daniel Mc Gowan were shot before Patrick Doherty.

PATRICK DOHERTY IS SHOT

- When Patrick Doherty was in the open area between block two of the Rossville flats and Joseph Place Soldier F

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fired into that area from Glenfada Park. Shots hit the feature brick area and the retaining wall before he was shot.

- There was no one in the area between Patrick Doherty and the retaining wall immediately prior to his being shot.
- There was no-one crawling with or near Patrick Doherty at the time he was shot. He was alone and in isolation.
- Patrick Doherty had nothing in his hands.
- From a crawling position Patrick Doherty attempted to make a dash for the Joseph Place alley.
- As he raised himself up Soldier F who was firing from Glenfada Park shot him from behind.
- Patrick Doherty was shot after Father Daly's gunman had fired from the end of Chamberlain Street.
- There was no gunfire from the retaining wall of block three before Patrick Doherty was shot.
- There was no hostile fire from the area in which Patrick Doherty's body was found either before or at the time that he was shot.
- Patrick Doherty did not die immediately.
- After Patrick Doherty was shot he continued to crawl towards the Joseph Place alley.
- After Patrick Doherty was shot Patrick Walsh crawled out to him, turned him over and attempted to drag him to the Joseph Place alley but was forced to retreat because of incoming fire.
- The incoming fire may have been coming from Glenfada Park and/or from the walls.

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- Patrick Walsh crawled out to Patrick Doherty a second time but was again forced to retreat.

- The Peress photographs of Patrick Doherty and Patrick Walsh were taken the second time that Walsh attempted to rescue Doherty.

- The Peress photographs of Patrick Doherty and Patrick Walsh may not be a reliable indicator of the position and orientation of Patrick Doherty's body at the time the fatal bullet entered his body, as there is evidence which suggests that Patrick Doherty continued to crawl after he was shot, and that the body was dragged towards the Joseph Place alleyway.

MILITARY EVIDENCE

- The soldiers and police officers on the walls had at their disposal a variety of high-powered devices such as donkey eared binoculars, periscopes and telescopic sights with which to observe events. They had a clear view into sector 5.

- The soldiers at Charley Op were reporting that they could not see any targets to fire at.

- None of the soldiers on the walls overlooking the area between blocks two of the Rossville flats and Joseph Place who made statements in 1972 said they saw a civilian gunmen in that area.

- Three of the soldiers on the walls (Gunner 030, Sergeant 001 and Lieutenant 227) overlooking the area between block two of the Rossville flats and Joseph Place who made statements in 1972 say they heard low velocity gunfire. The source and the timing of the fire does not match Soldier F's evidence about the man with the pistol in sector 5.

- Lieutenant 227's evidence to this Inquiry that the pistol shots he heard came from the eastern end of block two of the flats is a contradiction of his previous statements and of his evidence to the Widgery Inquiry as to the source of the pistol fire.

- None of the police officers on the walls overlooking the area between block two of the Rossville flats and Joseph Place who made statements in 1972 say they saw a civilian gunmen or heard low velocity gunfire in that area.

- Neither the soldiers or the police officers on the walls who made statements in 1972 (The Platform, Magazine Street or Charley OP) report incoming shots to their locations from the area between block two of the Rossville flats and Joseph Place.

- Only four soldiers on the walls who made statements in 1972 (Sergeant 040, Gunner134, Lt. 227, Gunner 030,) claim to have seen a soldier fire into sector 5 and even then that soldier is said to have fired only one or two shots. Quite apart from the fact that there were 4 people shot in sector 5 there is overwhelming evidence from the civilian witnesses that there were more than two shots fired into this area.

- Three of the walls soldiers (Sergeant 040,Gunner134, Gunner 030) were taken to Lisburn and interviewed by Lt. Colonel Overbury on 16/2/1972. All three are soldiers who had provided evidence of illegal shooting into sector 5 in their initial RMP statements. In the statements made to Lt. Colonel Overbury they amend their earlier accounts. The amended accounts are less damaging to the Army.

- The police officers who were patrolling behind the Platform and Charley OP and who, on their own account were dependent on the soldiers for reports of what was going on below, are bound to have heard reports from the soldiers about the firing into sector 5.

- These police officers give accounts of hostile fire which are not supported by Sergeant Hartop who was in charge of them.

- That these witnesses articulated accounts of hostile fire whilst remaining silent about the activities of the anti tank platoon in sector 5 can be explained only in terms of a general willingness to support the Army.

- A soldier on Rossville Street saw 5 or 8 shots being fired into sector 5 from the entrance to Glenfada Park North. At the time he assumed the firer was a civilian. We submit that what he was witnessing was Soldier F firing into sector 5.

THE SCIENTIFIC EVIDENCE

- Patrick Doherty was shot from behind whilst moving away from his assailant.

- Patrick Doherty was not carrying a firearm

- Patrick Doherty was hit by a single perforating shot and not a ricochet.

- Patrick Doherty was hit by a high velocity bullet.

- The history section in Dr. Carson's autopsy report on Patrick Doherty was inserted after the Widgery Tribunal. It promotes the Army version of events. The information contained in it was provided by the RUC and is indicative of a general willingness on their part to support the Army version of events.

THE ARMY PREPARE THEIR CASE

- On the night of Bloody Sunday the Army breached basic rules on preservation of evidence by sending their soldiers

into the morgue at Altnagelvin hospital to photograph the dead for the purpose of piecing together the Army's case.

- On the night of Bloody Sunday the Army concocted the 'wanted men' story in an attempt to explain the deaths of those civilians who at that point in time, they accepted, had been killed by their soldiers.

- The 'wanted' men was a 'catch all' statement designed to apply to any or all of the deceased. When the Army made the statement they did not expect that they would have to stand over it.

- On the evening of Bloody Sunday the Army were not convinced that their soldiers had shot all of the 13 who were dead. The Army were accepting that they had killed five men. The Loden list put the number of kills at four. Thus a story went out that four men were 'wanted.'

- The Army sought to justify the 'wanted list' propaganda retrospectively even though they knew there was no basis for it in fact.

- By 10-3-1972 when Colonel Tugwell identified the wanted men the Army knew perfectly well that Patrick Doherty had a clear record and that there was no security trace on him but yet they continued to peddle the myth that there was something suspect about him.

- When the Loden list was produced no targets were identified to the south of block two of the Rossville flats at the eastern end.

- In the weeks that followed Bloody Sunday the Army built up a picture of events in sector 5. They depended on newspaper accounts for the 'opposition' case.

- By the time Lt. Colonel Overbury interviewed Soldier F on 19/2/72 it was clear that F was a prime candidate for the shootings that the Army knew about in sector 5.

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- The trajectory map showing F's two shots along the front of block two, drawn up on 18/2/72, the day before Soldier F's interview with Lt. Colonel Overbury is based on what the Army knew about the events in sector 5 at that time.

- On 19/2/1972 when Lt. Colonel Overbury interviewed Soldier F the Army were not aware that Patrick Campbell and Daniel mc Gowan had also been shot in sector 5.

THE EVIDENCE OF SOLDIER F

- Soldier F lied to the RMP, to Lt. Colonel Overbury, to Treasury solicitors, to Lord Widgery, to Eversheds and to this Inquiry.

- Soldier F had initially no intention of admitting shots into sector 5. He was interviewed on the night of Bloody Sunday and on four more occasions over the following weeks before eventually admitting the shots to Lt. Colonel Overbury on 19/2/72.

- That Soldier F on 19/2/1972 voluntarily articulated an account of two shots into sector 5 which is consistent with a trajectory map drawn up the day before and is also consistent with accounts given by other soldiers is too coincidental to be credible.

- Soldier F did not 'recall' having fired into sector 5 as a result of his being shown aerial photographs.

- Soldier F must have been asked to account for two shots and for at least one death in sector 5 when he was interviewed. He made up a story about a gunman and then over the course of his Treasury solicitors interview and his evidence to Lord Widgery, progressively embellished that story with the assistance of his friend Soldier G.

- Soldier F invented the story about the man with the pistol in an attempt to justify that for which there was no justification.

- The man Soldier F describes as having a pistol or an object which looked like a pistol, is in fact Patrick Doherty.

- Patrick Doherty did not have a pistol or anything else in his hand.

- Soldier F's contention in his Overbury statement that the man he shot was facing in his direction and turned as if to run is simply an attempt to deal with what was known at that point in time about the position of the entry wound on Patrick Doherty. Dr Carson's report containing his opinion that Patrick Doherty must have been bending forwards or lying when he was shot was not sent out until two days after the Overbury statement was taken.

- Soldier F did not make his statement to Treasury solicitors until after the autopsy report had been distributed and Dr Carson had given evidence to the Widgery Inquiry.[1] Soldier F must have been aware of Dr Carson's evidence. The contention in his TSOL statement that the man he shot 'was in a half crouching position moving to my right as I shot him' is an attempt to deal with that evidence.

- Soldier F and G worked together as a pair on Bloody Sunday and together with Soldiers E and H they constituted a brick.

- Soldiers F and G colluded before they made their statements to Treasury solicitors in order to produce corroborative accounts.

- Soldier F fired more than two shots into sector 5.

RESPONSIBILITY

- Soldier F and his colleagues were expected or permitted to murder civilians.

- In murdering Patrick Doherty Soldier F was doing exactly what he thought was expected of him and lying to the R.M.P., the treasury solicitor and to Lord Widgery was all part of that.

[1] See section 9.5 re dating TSOL statement

- There was a covert plan to murder civilians or an understanding that there would not be any repercussions for the Army if that happened.

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2. THE HISTORICAL AND POLITICAL CONTEXT

Protestant / Unionist supremacy was central to the creation and maintenance of the state of Northern Ireland. The boundary of the state was drawn to ensure it. As **Charles Craig** MP (brother of Sir James, the first Prime Minister of Northern Ireland) put it in the House of Commons in 1920:

"The three counties contain some 70,000 Unionists and some 260,000 Sinn Féiners and Nationalists and the addition of that large bloc of Sinn Féiners and Nationalists would reduce our majority to such a level that no sane man would undertake to carry on a parliament with it".[2]

The **Ulster Special Constabulary** was a paramilitary force raised in 1920 by the British administration. The 'A' Specials were full time and reinforced the Royal Irish Constabulary. The 'B' Specials were part time and mounted patrols and manned checkpoints at night. The 'C' Specials did no regular duties but were armed and could be quickly mobilised. The Specials were entirely Protestant and recruited from the UVF and the Orange Order. The 'A' and 'C' Specials were disbanded in 1925 but the 'B' Specials were retained until 1969 when they were disbanded following the Hunt Report (into policing).[3]

The **Civil Authorities (Special Powers) Act 1922**, began:

'The Civil Authority (the minister of Home Affairs) shall have power, in respect of persons, matters and things within the jurisdiction of the Government of Northern Ireland to take all such steps and issue all such orders as may be necessary for preserving the peace and maintaining order.'[4]

It provided for the introduction of the death penalty for some firearms and explosives offences and flogging as well as imprisonment for others, for the prohibition of inquests, for

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[2] Parliamentary debates Official Report (Hansard) House of Commons Vol. 127;cols 990-991

[3] Michael Farrell: Northern Ireland the Orange State, Pluto Press 2nd edition (1980) pp.362-363

[4] ibid pg 94

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arrest without warrant and the imposition of curfews. The Minister had power to make further regulations without consulting Parliament and to delegate his power to any policeman.[5]

The Act further provided that:

'If any person does any act of such a nature as to be calculated to be prejudicial to the preservation of the peace or maintenance of order in Northern Ireland and not specifically provided for in the regulations, he shall be deemed to be guilty of an offence against the regulations'.

The Minister quickly introduced regulations empowering him to outlaw organisations, make exclusion orders, block roads and bridges and evacuate or destroy houses or buildings. The regulations also gave power to ban newspapers, books and films. Republican publications were constantly banned and in 1943 a Catholic religious journal, 'The Capuchin Annual', was banned after publishing a strongly anti-Unionist supplement, 'Orange Terror'.

In June 1940 a six months ban was placed on the Derry Journal although it was lifted two weeks later after widespread protest. The Act also gave the Minister power to intern without trial for indefinite periods, which power was used in every decade until it ended in December 1975. It was used on the largest scale ever between August 1971 and December 1975 and throughout the period of more than 50 years almost exclusively against Catholics.[6]

Anti-Catholic discrimination became government policy. **Lord Craigavon**, the then Prime Minister said at Stormont in 1934:

"The appointments made by Government are made, as far as we can possibly manage it, of loyal men and women."[7]

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[5] ibid pg. 93
[6] ibid pp94-95
[7] ibid pg 90

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Sir Basil Brooke, MP (later Lord Brookeborough and Lord Craigavon's successor as Prime Minister) speaking on the 12th July 1933 is reported in the Fermanagh Times as saying that,

"There were a great number of Protestants and Orangemen who employed Roman Catholics. He felt he could speak freely on the subject, as he had not a Roman Catholic about his own place. He appreciated the great difficulty experienced by some of them in procuring suitable protestant labour but he would point out that Roman Catholics were endeavouring to get in everywhere."[8]

Brooke's speech caused considerable controversy but by the end of the year he had been appointed Minister of Agriculture. In March 1934, speaking to the Derry Unionist Association he said he hadn't lost any sleep over the criticism and went on:

"I recommend those people who are Loyalists not to employ Roman Catholics, 99% of whom are disloyal; I want you to remember one point in regard to the employment of people who are disloyal... You are disenfranchising yourselves in that way... You people who are employers have the ball at your feet. If you don't act properly now, before we know where we are we shall find ourselves in the minority instead of the majority. I want you to realise that, having done your bit, you have got your Prime Minister behind you."[9]

Lord Craigavon, who was then Prime Minister, was asked at Stormont the next day to repudiate Brooke's statement. He replied:

"There is not one of my colleagues who does not entirely agree with him and I would not ask him to withdraw one word he said."[10]

In 1964, Unionist **Senator Barnhill** said:

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[8] Fermanagh Times 13/7/33
[9] M.Farrell ibid pg 90; Londonderry Sentinel 20/3/34
[10] N.I. Parliamentary debates (Hansard) Vol.16, col 618. 21/3/34

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"Charity begins at home. If we are going to employ people we should give preference to Unionists."

In 1969, the Dungannon based Campaign for Social Justice in Northern Ireland, led by Dr. Conn and Mrs. Patricia Mc Cluskey reported that in that year out of 209 people employed in the technical and professional grades of the Northern Ireland Civil Service, only thirteen were Catholics, and out of 319 employed in the higher administrative grades, 23 were Catholics. Of 113 people nominated by the Government to serve on nine public boards, only sixteen were Catholics.[11]

There is common case among witnesses to the Inquiry across the political spectrum that a policy of anti-Catholic discrimination existed in Northern Ireland from the foundation of the state until Bloody Sunday.

John Hume, giving evidence to the Inquiry, put it as follows:

"The reason why people were having the march, because the injustice of Northern Ireland was dreadful and this city was the worst example of it. Let me tell you what I mean by that: this city was 70 per cent Nationalist and 30 per cent Unionist, yet it was governed by the Unionists from 1920 right through until Stormont fell and governed by them by a system of gerrymander. They divided the town into three districts. Two of the districts were Unionist, although the two districts only contained 30 per cent of the voters, and they elected six councillors each. The Nationalist district, which contained 70 per cent of the voters, the South Warrens, elected eight. Local Government in those days controlled housing. So there was serious discrimination in housing as well. When you look at the Shantallow area of this city today, in those days that was all green fields and all those families had to live with their own families and fathers and mothers etcetera. And the same in jobs, the highest unemployment in these islands was in this city. When I was elected to Westminster, the first from my community to be elected to represent this area in a century, in 1983, the unemployment

[11] The Plain Truth; Campaign for social justice in N.I. 1969 pg 35

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was 35 per cent here because of the discrimination and on voting you only had a vote in local government if you paid rate or rents. So if you lived with your father or your mother you did not have a vote, but if you owned a limited company your limited company had six votes. On one occasion the mayor of this city owned seven limited companies, so he controlled 42 votes plus his own vote, which made 43. That was the nature of the injustice in this city and throughout all those years our elected politicians, who were very decent hard-working people, were not able to get a single change in that from the Unionist Governments."[12]

As **Eamonn McCann** put it in 'War and an Irish Town':

'There was a rigid unwritten law that Catholics could not march within the city walls. The walls had a mystical significance for Protestants... At the moment (1974), the male unemployment rate in the Bogside is about one third, which is usual. There was plenty of work for women in the shirt factories. Young men would emigrate to England at the age of eighteen or nineteen (Patrick Doherty was one of those who emigrated). There was scarcely a family without some son away. Between 1951 and 1961 for example, 12.6 per cent of the population left Derry... The housing situation too was very bad and enmeshed in the complexity of local government structure. Only householders could vote at local government elections. To give a person a house, therefore was to give him a vote, and the Unionist Party in Derry had to be very circumspect about the people to whom it gave votes. It would have been political suicide for it to give Catholics houses and votes outside the South Ward where most Derry Catholics were corralled. So houses were built on a bleak hill, Creggan, overlooking the Bogside, and after 1946 it gradually expanded, the spillage from the Bogside flowing uphill.

The housing allocation system was possibly unique. The Corporation, with its gerrymandered Unionist majority, elected a Unionist controlled housing sub-committee each

[12] **Day 180/6/17 to Day 180/8/3**

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session, The housing sub-committee would then vote to delegate all its powers of allocation to the mayor. The mayor himself allocated the houses. He was not required to report to the sub-committee or to the Corporation. The operation was completely secret. There were no set criteria to guide him. The only way to get a Corporation house therefore, was to convince the mayor that you ought to get one, and members of his local Orange lodge were obviously better placed than Bogsiders to do this.'

Sir Edward Heath, giving evidence to the Inquiry was asked:

Q. ".... You did not approve all, did you, of the way that it (Northern Ireland) had been governed until the time that you took over as premier?"

A. Well, I am not commenting on what happened before my time.

Q. Well, you have commented – not in this tribunal, but in your autobiography[13] about it. And you describe there, as you put it:

'This chasm in Northern Ireland inspired the Protestant majority to discriminate shamelessly against their fellow citizens for almost half a century. Denied adequate housing, jobs and social services and poorly represented as a result of gerrymandering, the Catholic minority in the North had eventually formed a Civil Rights Association in 1968 and the Prime Minister of Northern Ireland, Terrence O'Neill had introduced a series of legislative reforms which met some of the campaigners demands".[14]

Powerful support for the adverse effects of gerrymandering on the Catholic population of Derry City is to be found in Professor Bew's quotation from a letter **Edmund Warnock**, a former Unionist Attorney General, to **Terence O'Neill** in 1968.

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[13] The Course of my Life. Hodder & Stoughton1988

[14] **Day 289/106/1 to Day 289/106/18**

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'If ever a community had the right to demonstrate against a denial of civil rights, Derry is the finest example. A Roman Catholic and Nationalist (city) has for three or four decades been administered (and non[e] too fairly administered) by a Protestant and Unionist majority secured by the manipulation of the ward boundaries for the sole purpose of retaining Unionist control.

I was consulted by Sir James Craig,[15] Dawson Bates,[16] and RD Megaw at the time it was done (in 1936). Craig thought the fate of our constitution was on a knife-edge at the time and that, in the circumstances, it was defensible on the basis that the safety of the state was the supreme law. It was most clearly understood that the arrangement was to be a temporary measure – five years was mentioned'.[17]

Electoral abuses under the Unionist government were not confined to gerrymandering. The franchise at local government level was limited to ratepayers and their wives, which discriminated against the poorer Catholic population.[18] Limited companies received up to six votes based on their rateable valuation again favouring the Unionists.[19] These undemocratic practices gave rise to the main Civil Rights demand, "one man, one vote", and despite the 'series of legislative reforms which met some of the campaigners demands' (Sir Edward heath, supra), Terence O' Neill would not concede, 'one man, one vote', because to do so would have split the Unionist party.[20] The programme of legislative reform was announced in December 1969. January 1969 saw the Belfast-Derry Peoples Democracy march and the attack on the Bogside by the RUC leading to the establishment of 'Free Derry'.[21]

In February, **Captain O'Neill** announced an election, there being a majority of his backbenchers opposed to his policies. Twelve Unionist MP's including Commander Anderson, the

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[15] First Prime Minister of Northern Ireland
[16] First Minister of Home Affairs for Northern Ireland
[17] **E.70006** PRONI Cab 4/140/14; 14/11/68
[18] M. Farrell ibid pg 84
[19] ibid pg 85
[20] ibid pg 248
[21] **E 6.0025**

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MP for Derry City had called for his resignation. Rev. Ian Paisley challenged O'Neill in Bannside where he had been unopposed since 1946. John Hume, Ivan Cooper and another Civil Rights leader ousted sitting Nationalist party MPs. So far as Terence O'Neill was concerned, his party was more bitterly divided than ever.[22]

At the end of March, a massive explosion, later discovered to have been the work of the UVF, caused considerable damage at an electricity sub station outside Belfast. In April, Bernadette Devlin was elected in a by election as the anti-Unionist 'Unity' candidate for mid-Ulster at Westminster. Two days later, **Samuel Devenney** was beaten by the RUC in his house in William Street in Derry, sustaining injuries from which he was to die.[23] Protests and rioting spread across the North. The IRA in its first action since the Civil Rights Campaign began to petrol-bomb a number of Post Offices. The same night there were explosions, again later found to be the work of the UVF at the Silent Valley reservoir in County Down and an electricity link up in Portadown.[24]

On the 22nd April, following days of rioting on the Falls Road, O'Neill conceded the principle of, "one man, one vote". The following day his cousin, **Major James Chichester Clark**, who was to succeed him as Prime Minister, resigned. At a meeting of the Parliamentary Party, Brian Faulkner voted against accepting the change. There were more blasts at water pipe lines and on 28th April 1970 he resigned, saying on television:

"I have tried to break the chains of ancient hatreds. I have been unable to realise during my period of office all that I sought to achieve. Whether now it can be achieved in my lifetime I do not know. But one day these things will be and must be achieved."[25]

Professor Bew, in his report draws a distinction between the central government (Stormont) and the local Unionist power

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22 M. Farrell ibid pp253-254
23 **E6.0025**
24 M.Farrell ibid pg 255
25 ibid pp255 -256

FS 6 . 25

structure. [26]He quotes from Lord Brookeborough's diaries that Edward Jones MP for the City of Londonderry led a deputation to him (Lord Brookeborough) in relation to industries and said:

"They are anxious that we should not get an invasion from the other side."[27]

Professor Bew notes that a cabinet sub-committee was created to deal with the specific question of how to combine new industrial development in the city with Unionist electoral hegemony.[28] Professor Bew goes on to say that this did not prevent Dupont becoming a large employer of Derry Catholics (Patrick Doherty was employed there at the time of his death), and feels that this may have prompted a letter from Jones to Brookeborough in which he opposed further industrial development in the city.[29]

Professor Bew states:

'The Prime Minister refused to listen to this parochial sectarian nihilism... At the same time he did show the letter to Lord Glentoran, the Minister for Commerce, and made arrangements about discussions about the control of future housing developments in the city'.[30]

It seems clear from the last sentence that Lord Brookeborough was anxious to do all he could to retain Unionist control of the corporation. To suggest, as Professor Bew does[31] that there was 'a degree to which the central government had to develop the city against the inclinations of the local Unionist power structure' is not borne out by the evidence. There is nothing to suggest that Lord Brookeborough's views on the employment of Catholics had changed and nothing to suggest that his views differed from those of **Edward Jones** MP. Mr Jones (as he then was) went

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[26] **E7.0011to E7.0012**
[27] Lord Brookeborough's diaries PRONI;D3004/D143; 13/9/1956
[28] **E.70011**
[29] **E7.0012**
[30] **E.7.0012**
[31] **E7.0012**

on to become Attorney General (as Professor Bew notes, an ex-officio member of the Unionist cabinet, and a Lord Justice of Appeal.

The reality of the way in which Catholics were treated and regarded by the Unionist government prior to Bloody Sunday is well exemplified by the remarks of Terrence O'Neill in an interview with the Belfast Telegraph on 5th May 1969, a week after he had been forced to leave office because he was regarded as too liberal.

"It is frightfully hard to explain to Protestants that if you give Roman Catholics a good job and a good house they will live like Protestants, because they will see neighbours with cars and television sets. They will refuse to have eighteen children. But if a Roman Catholic is jobless and lives in the most ghastly hovel, he will rear eighteen children on National Assistance. If you treat Roman Catholics with due consideration and kindness they will live like Protestants, in spite of the authoritative nature of their Church."[32]

[32] Belfast Telegraph May 5th 1969

AB 6 . 27

3. THE POLITICAL VACUUM

It is clear from the evidence that the Inquiry has heard that there was no political strategy in place, either at Westminster or at Stormont to deal with the escalating problems of Northern Ireland. As **Eamonn McCann** puts it in, 'Bloody Sunday in Derry. What really happened'.

'From the inception of the Northern State in 1921 to the civil rights explosion of 1968, British policy on the North had been perfectly consistent and beautifully simple. That is to say, there had been a lacuna, a black hole, an emptiness – there had been no policy at all.'[33]

Northern Ireland MP's were not permitted to ask questions about Northern Ireland at Westminster. As **John Hume** told the Inquiry:

"And yet, by the way, the other factor about all of this, given the nature of the injustices I have spelt out, Members of Parliament in Westminster were not allowed to ask questions about Northern Ireland. You got up in the House of Common and asked about the discrimination in Northern Ireland and the spending of British taxpayer's money discriminating against people, you were told by the speaker that your question was unconstitutional, out of order, because we had MPs in Westminster campaigning to get equality of treatment for the people of Northern Ireland and they were not allowed to ask questions.

When you consider we had a government in Northern Ireland that was conducting the discrimination and then, so there are politicians there were getting nowhere and then in Westminster, which was subsidising Northern Ireland through taxpayers' money, you were not and it was an integral part of the United Kingdom, you were not even allowed to ask a question about that part of things.

What did that leave us to do on the streets of Northern Ireland that wanted to responsibly get equality of treatment

[33] T 368 paragraph 3

FS 6. . 28

for all sections -- that is what led to the civil rights movement, because Parliamentary activity was a waste of time".[34]

The evidence of **Lord Kilclooney** (John Taylor MP as he was at the time) makes clear that the Stormont government looked to the Army to deal with the problem of the no-go areas. There was no political initiative. In his evidence when asked by counsel

Q. "... no go areas were an anathema to the government, do you agree?

Lord Kilclooney said:

A. Yes, yes, I accept that, yes.

Q. And you (would) very much have liked to find a way of bringing that problem to an end?

A. Yes, oh that is a fair comment, yes.

Q. Did it seem to you that there was any way of doing that other than through primarily military means?

A. No, you were dealing with a strong terrorist movement with about 1,000 members in it. I could not see any means of defeating the IRA other than by security measures".[35]

He goes on:

Q. "Was it really being left to the Army to decide what to do about no-go areas?

A. Yes, it was, because the Police were not of sufficient size to tackle the problem of no-go areas, but at the end of the day if anything was going to be done, it had to be done by the Army.

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[34] Day 180/35/4 to Day 180/36/4
[35] Day 196/175/6

FS 6 . 29

Q. And the Army in the form of the GOC and the generals, some of whom you met, those people in particular were very well aware of the concern of the Stormont government.

A. Oh yes.

Q. - Do you agree? And the weight of the expectation that was on them to do something about it?

A. Yes, that is a fair comment, yes".[36]

In the course of **Dr Robert Ramsay's** (Parliamentary Secretary to Brian Faulkner at the relevant time) evidence he has the following exchange with **Christopher Clarke QC**, Mr Clarke quoting from Dr Ramsay's statement to the Inquiry).

"Faulkner was unhappy about the Army's involvement from the start, but reluctantly accepted it. He regarded the Army as a blunt instrument in a civil setting and suspected that if the presence of the Army on the streets were to become a political factor in the situation that would lead sooner or later to a constitutional awkwardness vis á vis London".

Mr Clarke continuing:
Q. "Would I correctly identify the awkwardness you are talking about or that he was thinking about as being that the Army would be acting in aid of the civil power in the form of the Northern Ireland Government but would be ultimately responsible to a different government, namely the United Kingdom Government?"

A."Correct".[37]

Post internment the political situation was dire. As **Professor Boyle** put it:

"What had actually happened here was that after the introduction of internment virtually a whole population, the

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[36] Day 196/186/25 to Day 196/187/14
[37] Day 215/3/22 to Day 215/4/10

FS 6. 30

Nationalist population had withdrawn their consent to be ruled by this government. It was an extraordinary situation and the introduction of internment, as I say, finished the legitimacy from the majority of Nationalists' point of view on this government".[38]

Asked

"Were you ever privy to information which led you to believe that it was a view genuinely held within Government that the CRA equalled the IRA?"

He replied:

"No, I think it was propaganda. I do not think that those – in a small society in Northern Ireland those in power knew very well that they were dealing with a genuine mass movement articulating very serious alienation from the society."[39]

It is clear from the documents and the evidence that discussions about formulating and implementing plans for political change were being discussed and that, for example, a meeting between Messrs Heath, Faulkner and Lynch took place at Chequers in September 1971. However, whether because of a preoccupation with entry into Europe or because they were the inheritors of fifty years of political inertia in Westminster and malpractice at Stormont, the focus of the British Government policy at that time was on increased security.

The Conservative Government had not wanted internment, nor, it seems had the senior military figures but the alternative was the imposition of direct-rule, which the government wanted even less.

Asked by counsel :

Q. "If you had involved yourself more than you claim you did, could this have been avoided?

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[38] Day 123/151/1 to Day 123/151/8
[39] Day 123/154/11 to Day123/154/18

Sir Edward replied

A. The only way I could have involved myself more would have been to have taken over full responsibility for Northern Ireland and I was not prepared to do that at that time. The disadvantages of trying to do so were obviously very great and so we did not try. That had to wait until midsummer".[40]

Increased security is what Stormont required and there was no contrary view being expressed form Westminster. Indeed Dr Ramsay, Parliamentary Secretary to Mr Faulkner, who accompanied Mr Faulkner on most of his visits to Downing Street, told the Inquiry:

"There were regular meetings (between Faulkner and Heath) at, I would say, every six or seven weeks, something like that, that sort of interval, just to touch base. It was to those meetings that I was referring earlier when I said that he had been constantly encouraged by Mr Heath that he.... that HMG saw the situation in the same way as he did."[41]

It may well be that between internment and Bloody Sunday; Mr Heath and Mr Faulkner's views on the primacy of military defeat of the IRA and increased security measures generally did coincide. **Sir Burke Trend's** note of the Gen.47 meeting on 1st December 1971 contains the following:

'The Prime Minister, summing up, said that the discussion had clarified a number of aspects of the problem of political advance. If the military campaign against the IRA proceeded successfully, the right time for pressing forward with plans for political changes could well be very brief.'[42]

In his evidence to the Inquiry **Sir Edward Heath** was asked:

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[40] Day 289/96/14 to Day 289/96/ 21
[41] Day 215/42/15 to Day 215/42/20
[42] G35A.240.4

Q. "Do you remember saying in your autobiography that Mr Faulkner was adamant that terrorism had to cease before he would discuss Northern Ireland's future with anybody?

A. Well, that was his view."[43]

There is no evidence before the Inquiry of Stormont making any requests or complaints to Westminster other than those relating to the security or the strengthening of the union. Sir Edward Heath agreed in evidence that he was friendly with Robin Chichester Clark, cousin of Captain O'Neill and brother of Major James Chichester Clark, O'Neill's successor. He agreed they were, "widely regarded as a moderate Unionist family or dynasty."[44] Then counsel quoting from his autobiography says:

"Unfortunately the Government of Northern Ireland became increasingly concerned about what Robin Chichester Clark described as our policy of benevolent neutrality towards the question of the union.... Although relations remained outwardly cordial, the Chichester-Clarks continually claimed that not enough was being done to strengthen the union nor to tighten security".[45]

Sir Edward Heath was then asked:

Q. So these were the moderate Unionists, not the extremists or the demagogues who were no doubt a problem for you and a thorn in the flesh of the government. But it was the moderates who were saying to you, not just one or from time to time, but continually that your government was not doing enough to strengthen the union and tighten security. These were the people who had to be kept on board, as it were, is that not right, if the imperial Government was not to have to step in and take over Northern Ireland completely?

A. Well of course, I knew Robin's view and his family's views extremely well.

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[43] Day 289/103/22 to Day 289/104/1
[44] DAY 289/108/1 to Day 289/108/2
[45] DAY 289/108/20 to Day 289/109/5

Q. Yes, and that was his view, that he was continually claiming you were not doing enough.

A. Yes

On the same theme, another quotation form his autobiography is put to him:

"There was a good deal of shuttle diplomacy in late 1970 and early 1971 by Reggie Mandling's Home Office officials to convince them otherwise. I even asked the Home Secretary himself to go to Northern Ireland when talks were needed. Wilson had usually summoned Northern Ireland leaders to Downing Street, which gave the false impression that they were puppets of the Westminster Government, which they were certainly not. Reggie had a brilliant brain and a complete grasp of the complexities and did his best to reassure Chichester-Clark and his colleagues that we respected their views and political sensitivities. But he was not at his most effective dealing with people less intrinsically reasonable than himself."[46]

He is then asked:

"So I wonder if, now that I have read that out to you, Sir Edward, you would be disposed to agree with me that you had problems in January 1972 centring around moderate Unionists believing that you were not doing enough to tighten security?

A. Well, you can put it that way. Of course they wanted more to be done."[47]

Later in his evidence referring to the resignation of Terence O'Neill's successor, James Chichester-Clark and the election of Brian Faulkner in his place, Sir Edward is asked:

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[46] **DAY 289/111/9**
[47] **Day 289/111/23 to Day 289/112/4**

FS 6 . 34

"...You have made reference to Sir James Chichester Clark having to resign and not to put it, I hope, too simply, that was because he was regarded as not being tough enough, is that right?

A. Well he did not have to resign from my point of view.

Q. No, but from the point of view of the people who did not regard him as being tough enough, he had to resign. He could not continue to command the confidence of the Unionist party and he felt that was the honourable thing to do and Mr Faulkner then had the advantage, did he not, or was thought to have the advantage of being much tougher?

A. Well he succeeded.... Yes so that follows I suppose."[48]

What did increased security mean? The Special Powers Act, internment without trial, a mandatory six months imprisonment for anyone convicted of rioting or of marching contrary to the **Public Order (NI) Act 1951.**[49]

Into this political vacuum was placed the British Army – a blunt instrument as Brian Faulkner had called it – and it was given carte blanche. As **Sir Edward Heath** said in his evidence.

"As far as the third place (i.e. Derry) was concerned, we decided before Christmas that we should have as smooth a passage there as possible and we could contribute to that by having a peaceful Sunday and proper arrangements for people to enjoy themselves and so on and of course we know that at any time you could have trouble breaking out anywhere in the country but we were not expecting it, as far as the Government was concerned, were not expecting it on that Sunday.

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[48] **DAY 289/114/10 to Day 289/114/25**
[49] At Appendix 4

Now as far as the forces are concerned they are responsible for their own arrangements and I did not know what they were arranging and I do not think that the other principal ministry (i.e. Stormont)– political figures knew either, because we did not interfere with the forces and they had made their arrangements, we now learnt, to be ready to deal with any problem but some of them thought there would be one and some thought that there would not."[50]

And **Lord Saville** said:

"Sir Edward the question I was suggesting was this: there is some material from the Joint Security Committee in Northern Ireland that there was a thought that the situation on the Sunday in the City might turn into a shooting war. Let me put it another way: as I understand it, you were not informed that that was a view being expressed at the Joint Security Committee.

A.That is so.

Lord Saville: Do you think you should have been informed?

A. No.

Lord Saville: Why do you think you did not need to be informed of that?

A. Because the military themselves, as I understand it, did not regard it as- of a nature, put it that way, which should be passed back across the mainland. **We had no control over the military whatsoever** and I did not know who was in the military there. Neither did the other senior members".[51]

At **Day 289/95/22 to Day 289/95/24** Sir Edward Heath says:

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[50] **DAY 287/108/14 to Day 287/109/ 6**
[51] **Day 287/111/19**

"What we thought at the time, of course, was that the handling of this by the military was something for which we had no responsibility."

And at **Day 289/96/4 to Day 289/96/11**:

Q. Do you think, Sir Edward, that if you had involved yourself a bit more closely in what the Army were planning to do on Bloody Sunday, things might have been different?

A. I was involving myself as Prime Minister to the right extent and in the right way and power had been passed over to those who had been more closely involved and they acted on it"

Having agreed[52] that so far as he was aware the policy in relation to the march was that it would be contained but otherwise the marchers would be left to get on with it and that he hoped that they would have a nice day, the following evidence was given:

Q. "So you did not know that, contrary to what you thought the policy was, that there was going to be this scoop-up arrest operation spearheaded by what has been described as the roughest and toughest battalion in the British Army?

A. No.

Q. Can you explain why nobody was told that?

A. Yes, because the Armed Forces were in Northern Ireland and their control was under Northern Ireland except for the... what action their general officer commanding could take. And we did not interfere with that. That was their affair".[53]

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[52] **DAY 289/122/17 to Day 289/122/20**
[53] **DAY 289/123/22**

FS 6 : 37

At **Day 289/125 /7 to Day 289/126/3**, **Sir Edward Heath** says:

"... the Prime Minister of Northern Ireland did not know about it (the military plans for Bloody Sunday) either. We had met a few days before and he had said to me as he was leaving that he had nothing to do with the troops...

Q. So he had nothing to do with troops, so it is the case then that the troops were left to do as they liked, to act on their own initiative.

A. No, they were under the control of their general officer commanding.

Q. Yes, when I say 'the troops' I mean the Army. The Army was left to do what it liked.

A. No, it was obviously working with the... those controlling forces on the other side.

Q. Well it was not working with you?

A. No.

Q. It was working with Stormont.

A. Yes."

As is quite clear from the evidence the Army was not 'working with Stormont". Far from having "two masters" as Lord Carver said in his statement to the Inquiry the Army had no masters.

Concluding his evidence on this topic **Sir Edward** was asked:

Q. "And all Stormont is likely to have been saying to the Army, if it was saying anything at all, is: tighten security.

A. Well I think you are being unfair.

Q. Well what else do you suggest they may have been telling the Army to do?

A. Perhaps I cannot or ought not to speak from personal experience but I found that those in Ireland who were in charge of such things for the general public were very sensible and very responsible.

Q. Well you left the British Army at the disposal of a regime which, in your opinion had, "shamelessly discriminated" and done all the things I referred you to earlier for over 50 years. The way that you were treating that Government at that time was that you gave them the British Army to do with it as it would, I suggest to you.

A. No I cannot accept that, of course. But can I – have you finished?

Q. Please go on.

A. I just ask one thing of you: some thirty years after all this occurred and politics which has taken up 65 years of my life, could we not please deal with the present situation and how to deal with it, rather than spend our time looking at the past, which, in so many cases, can be condemned".[54]

What can certainly be condemned, in our submission, is the situation, which the British Government by neglect or design, had brought about in Derry on Bloody Sunday. Martial law was operating. Neither Government considered that it had responsibility for control over the actions of the Army. In fact of course the Westminster Government did have power but had abdicated responsibility for using it. The Stormont Government with its one note policy of strengthening security could merely complain to senior soldiers that not enough was being done, placing on them the burden of expectation that they would "deliver the goods". The list of demands included defeating the IRA, ending the no-go areas, arresting the hooligans, ending the damage to the

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[54] **Day 289/126/4 to Day 289/126/21**

commercial areas and stopping mass protests by the Catholic population.

That the Army should have been given the power and responsibility to do all these things without any political control is what lies at the heart of the tragedy of Bloody Sunday. It was indeed as Desmond Hamill was later to record General Ford's view.

"I still think that something like that (Bloody Sunday) was almost inevitable. Something was going to break – no doubt about it".[55]

[55] B1208.003.20

FS 6. 40

4. THE BUILD UP TO THE MARCH

General Ford visited Derry on 7th January 1972 and in a report to the GOC expressed himself to be 'disturbed by the attitude of both the Brigade Commander (MacLellan) and the Battalion Commander (Ferguson) and also of course, by Chief Superintendent Lagan. All admitted that 'the Front' was gradually moving northwards and in their view not only would Gt. James Street go up in time but also Clarendon Street unless there was a change in policy. This meant that the major shopping centre would, in their opinion, become extinct during the next few months'.[56]

The Strand Road Traders, whom he met on this occasion, wanted 'at a minimum the Rossville Flats cleared (5,000 people live in them and a soldier has never entered them in the history of Londonderry) and ideally the Creggan and Bogside occupied. They also wanted curfews and shooting on sight.'[57]

General Ford had been told that there were 'armed gunmen... backed and protected by the vast majority of the population.'[58] That 'the vast majority of people in the shopping area not only give no help to our patrols, but, if they saw a youth with a very small bag which might contain a bomb they would be likely to shield the youth's movements from the view of our patrols',[59] with the situation 'further complicated ...(by) the Derry hooligans.'[60]

On Day 253, in answer to Mr Clarke QC **General Ford** said:

"I was purely disturbed by the fact that there were no suggestions for breaking the stalemate. That was the crux of the thing: we had stalemate".[61]

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[56] B1128
[57] B1129 paragraph 3
[58] B1129 paragraph 4
[59] B1128 paragraph 2
[60] B1129 paragraph 5
[61] DAY 253/50/7

FS6 . 41

In his paper, 'Future Military Policy for Londonderry. An Appreciation of the Situation by the CLF' dated the 14th December 1971,[62] General Ford recommended that Course 1 (later to become known as Course 1½) should be adopted. This was 'to revert to the previous policy of containment of the Creggan and Bogside from their periphery but adopt a much more offensive attitude than in previous months.'

Despite the fact that there is no political input into this document (i.e. from Government) he expresses the view that while Course 3 is the correct military solution – 'to establish on a permanent basis a full scale military presence in the Creggan and Bogside', the, 'political drawbacks are so serious that it should not be implemented in the present circumstances.'

Course 1½ was approved by the GOC and became Government policy[63] but, as the evidence of **General MacLellan** makes clear, it was counter productive and was not pursued. Asked by counsel:

".. the forays, as you describe them, into the Creggan which occurred in December (the first week) were not a success, they backfired from the Army point of view, is that not so?"

General MacLellan replied:

"They were not a success because they created a more intense situation at a time when we were trying to not stir up matters or harass people.

Q. You came to the conclusion that the more drastic the action the more drastic the reaction but the effect of that was to put an end to this more active policy of containment?
A. That is correct."[64]

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[62] B 1155.006, B1155.007, B1155.008, B1155.009, B1155.010, B1155.011, B1155.012 B1155.013 B1155.01 B1155.015
[63] DAY 259/79/12 to Day 259/79/13
[64] DAY263/97/22 to Day 263/98/ 9

In his notes for a meeting with the Home Secretary on 14.12.71[65], **General Ford** concludes by saying:

"But overall the position is good with the one exception of Derry and here a major decision will have to be taken shortly."

In terms of public order, it is difficult to think of any more repressive measures that the Stormont Government could have introduced. As it was, there had been since July 1970 a minimum sentence of six months imprisonment in respect of taking part in an illegal procession under Section 1 of the Public Order Act 1951[66]. There was the same minimum sentence in respect of rioting, carrying an offensive weapon in public[67] and being a member or adherent of a quasi-military organisation whose members are:

a) Organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the Royal Ulster Constabulary or the armed forces of the Crown or

b) Organised and trained either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose.[68]

That the Army was given free rein on the streets is evidenced by the fact that General Ford, having been asked by counsel:

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[65] **B1155.019**
[66] **See Appendix 4**
[67] **S.8 Public Order [Amendment] Act 1970**
[68] **S.7 Public Order [Amendment] Act [NI] 1970. For sentences see Criminal Justice [Temporary Provisions] Act [NI] 1970 – at Appendix 4**

"So a scoop up simply means you arrest anyone who is within the vicinity of trouble and then leave the matter to be sorted out by the courts?"

He replies:

"In very general terms, yes."

No one in either government or in the military appears to have given any thought to what the legal powers of the Army were despite the fact that the case of **Hume –v- Derry Justices** , was in January 1972, before a Divisional Court in the High Court in Northern Ireland.[69]

Internment had been a disaster. Bloody Sunday was a massive demonstration against it despite the threat to each marcher of imprisonment. The biggest problem was the illegal marches. In an exchange between counsel and **General Ford**:

Q. "I want to suggest to you, General Ford, that while the hooligans caused some difficulties for you, that the real problem you had at this time was the campaign of civil disobedience that followed internment; it was the marching in other words, that was a bigger problem than the hooligans?

A. The biggest problem was the illegal marches.

Q. Not just in Derry but elsewhere

A. Across the province.

Q. And they were becoming more frequent, were they not?

A. They were.

Q. And the Tribunal has heard about the week before, the weeks before this march. You had no idea whether the

[69] Law11.1 to Law 11.35

Civil Rights Associations' plan might have been to have a big march every week

A. It could have been, we also knew there was a big Protestant march planned for Belfast the following Saturday, a very big one, estimated numbers of 40,000 and that was causing General Tuzo and myself very grave concern.

Q. There was already planned was there not, at the time of Bloody Sunday, a big Civil Rights march in Newry for the following week.

A. The following Saturday, I think, yes the following Saturday.

Q. So that was your biggest problem?

A. Yes.[70]

Rioting continued. The IRA campaign intensified. As General Ford put it:

"the one thing which we did not have free rein on was occupation of the Creggan and Bogside".[71]

The Government at Westminster had washed its hands of Northern Ireland saying in effect to the Army, "come back and tell us when the IRA is defeated and the security situation is under control". Stormont was powerless and was looking to the Army for a solution in the same way Westminster was. Unionists and their supporters were growing more extreme in their demands.

General Ford said two incontrovertible things. "We had stalemate"[72] and, "I still think something like that (Bloody Sunday) was almost inevitable. Something was going to break – no doubt about it."[73]

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70 **Day 259/73/ 24 to Day 259/74/25**
71 **Day 259/81/13 to Day 259/81/15**
72 **Day 253/50/7**
73 **B1208.003.20**

Into this tinderbox General Ford decided to introduce 1 PARA as the arrest force.[74] He was not influenced by adverse comment in relation to 1 Para's behaviour at Magilligan the previous week. He regarded them as, "highly... trained to be aggressive, the aggression I had seen them display was a controlled aggression. They were highly disciplined in all I had seen, despite what others had said."[75]

According to **Lt. Colonel Jackson's** statement to this Inquiry 'everyone was aware the paras had a reputation for tough action'[76] and at paragraph 40 he says that he told Brigadier MacLellan that, '1 PARA should not be used in Londonderry, they did not know the area and would go in blind. I said that I should have been given the role of 1 PARA and they could take over the blocking role allocated to 1 Anglian and that this would be more acceptable all round'. At paragraph 41[77], he said the Brigadier told him the decision to employ 1 PARA had been made, "at the highest level", and, "it is not for me to fight the case".

The C.O. of 1 PARA, Lt. Colonel Wilford took the view that, "all marchers had to be considered the enemy, that it was beyond the wit of man to distinguish between". He also used the term, "the battlefield". Referring to Rossville St. he says to his interviewer: "I know it sounds sort of terribly grand 'the battlefield', but it was a battlefield and it was not 50 yards wide; it was 200 or 300 yards wide".[78]

When asked by counsel:

Q. "Neither 'battlefield' nor 'enemy' are words that are used when one is discussing policing, are they?

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[74] B1208.031 paragraph 5.1
[75] B1208.032 to B1208.033 paragraph 5.8
[76] CJ2.8 paragraph 37
[77] CJ 2.9 paragraph 41
[78] XI.35.44

A. These, I regret to say, they are just words, they were an identification for me as to what I was trying to describe".[79]

These are telling descriptions, we say, and clearly illustrate the attitude of the Army generally and 1 PARA in particular. From the two Government's point of view we say the words illustrate the very situation they should have anticipated in sending, or allowing to be sent, 1 PARA into the middle of a civil rights demonstration.

When Patrick Doherty joined the civil rights demonstration he became 'the enemy' and was about to enter 'the battlefield' but he did not know it.

Patrick Doherty was born on the Lecky Road in the Bogside in 1939. His parents Paddy and Cassie were still alive when he died in 1972. He had three sisters Maureen, Kathleen and Margaret and one brother Joe. On 30th January 1972 Joe was a serving member of the Parachute regiment. Patrick Doherty was a kind and a decent man. He was a responsible and a respected citizen. He had no criminal record. Like many young catholic men of his time he found it difficult to find employment in his native city and spent several years working in England. He returned to Derry in 1966.

At the time of his death Patrick Doherty was married. He left behind a wife - Eileen who was twenty nine years old and six children; Karen aged eleven, Patrick, now deceased, aged ten, Tony aged nine, Paul aged eight, Colleen aged two and Glenn who was just seven months old. He was employed by Dupont and worked hard to support his wife and young family.

On the January 30th 1972 the Doherty family were dealt a devastating blow. They lost a loving husband, father, son and brother. Like so many other Irish families the legacy of that terrible day has been woven into the fabric of their individual lives. Many of their subsequent life experiences have been moulded and shaped by it.

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[79] **Day 320/66/10 to Day 320/66/14**

On Bloody Sunday Patrick Doherty was shot dead by a soldier who ought to have been protecting him. Patrick Doherty was an innocent man, killed because he was in the Bogside that afternoon and because he was prepared to take a stand in defence of his civil rights. Patrick Doherty was crawling for his life when an aimed shot came from behind, hitting him in the buttock. He was a threat to no one. He was shot by Soldier F who was firing from Glenfada Park. After his death there was a concerted attempt to malign him by an establishment who suggested that he was either a 'wanted' man or a gunman or both.

Soldier F's actions on that day tore the heart out of the Doherty family. The Doherty children are angry that they have been robbed of their father. That anger however is not directed particularly at Soldier F. It is directed at an establishment that put Soldier F on the streets of their city. It is directed at an establishment that did not make Soldier F accountable for what he had done. Most of all it is directed at an establishment that has never acknowledged their pain, which has never sought to explain why it was visited on them and that has never said sorry.

5. PATRICK DOHERTY'S MOVEMENTS ON THE DAY

There is a considerable body of civilian and photographic evidence in relation to Patrick Doherty's movements from William Street down Chamberlain Street and through the gap between blocks two and three of the Rossville flats to his final brutal resting place on the southern side of block two at Joseph Place. All of the photographs of Patrick Doherty on the day have been extracted from the core bundles and are contained in Appendix one at tabs 1, 4, 7, 8, 9. The contact sheets have also been included at the front of the relevant sections. Photographs showing the geography of the area and relevant to the evidence in relation to Patrick Doherty have been included at Appendix one tabs 2, 3, 5 and 6. Photographs showing the location of the witnesses who saw the events in Joseph Place from block two of the flats are included at Appendix one, tab 10.

5.1 WILLIAM STREET

Patrick Doherty went to the assembly point of the march with his wife Eileen. He encouraged her to stay at the back of the march with her sisters. He was to be a steward on the march and went off to receive his instructions. From there he made his way down William Street to barrier 14. **William Healey** remembers walking down William Street with Patrick Doherty. They separated before they reached the barrier.[80] Patrick Doherty appears in several of the photographs taken at barrier 14.[81]

5.2 CHAMBERLAIN STREET

George Mc Kinney recalls leaving the barrier and making his way down Chamberlain Street after the water canon approached. He saw Patrick Doherty, who he knew from working at the Dupont factory, pushed up by the crowd

[80] AH48.1 paragraphs 1 to 2 Day 78
[81] Tab 1/1: 708.001 P708 P1051 P380

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against buildings on the left hand side of Chamberlain Street just past High Street[82]. **Noel Breslin** also knew Patrick Doherty from Dupont. He recalls speaking to Patrick Doherty who was with Barney Mc Guigan outside the 7:20 bar at the corner of Harvey Street and Eden Place just before he first heard shooting[83].

John O'Loughlin says he was at the gable end wall of the last house on the eastern end of Chamberlain Street. He was with John Mc Menamin, Patrick Deeney and others. There was shooting going on. When there was a lull in the shooting a man in their group said "it's over". He put his hands above his head and walked south towards the gap between blocks 2 and 3 of the Rossville flats. He walked with his hands up in the air and as he got to the gap the shooting started again. There was another lull in the shooting (after Mickey Bridge had been shot) and the rest of the group walked in the same direction. As O'Loughlin reached the southern side of the gap he saw that the man whom he had seen walk out had been shot. He identifies the man as Patrick Doherty[84]. Both **John Mc Menamin** and **Patrick Deeney** give descriptions of this man that do not fit Patrick Doherty[85]. Deeney appears in the photographs of Patrick Doherty being carried along the front of block two of Rossville flats to the ambulance.[86]

John Friel also remembers being one of a group of men who made their way hands on heads, from the end of Chamberlain Street across the car park and along the concrete retaining wall of block three towards the gap between blocks two and three of the flats. As they walked a soldier followed their progress with his rifle. Friel says that three or four fellas who were at the top of the line must have panicked as they got close to the steps at the south end of the wall and they started to run for the gap between blocks 2 and 3. As they ran down the steps that lead to the gap the shooting started from the car park. Friel describes seeing bullets hit the ground. He later saw the body of Patrick

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82 AM 301.2 paragraph 9
83 AB116.2 paragraphs 9 to 10
84 AO55.2 paragraphs 8 to 9
85 AM362.4 paragraph 18 and AD30.2 paragraph 6
86 AD30.9.

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Doherty at the south of block two and recognised that he had been one of the people who had made a run from the head of the line of people walking along the concrete wall[87].

[87] **AF33.3 paragraphs 16 to 18**

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5.3 GAP BETWEEN BLOCKS TWO AND THREE

Peter Gallagher recalls (after Duddy, Bridge and Deery had been shot) attempting to make the journey from the end of Chamberlain Street across the car park and along the concrete retaining wall of block three towards the gap between blocks two and three of the flats. On the first attempt he turned back when a soldier began shooting at a car near the 2/3 gap. He and others then crawled along behind a small wall, which ran parallel to the retaining wall of block 3, in an attempt to reach the gap. He turned back as the same soldier started firing above their heads. The bullets were hitting the concrete wall behind them. His uncle who was watching from block two of the flats subsequently told him that he had seen him and Patrick Doherty crawling along that wall. On the third attempt Gallagher managed to get through the gap. When he emerged on the southern side he saw Patrick Doherty's body[88].

Hugh Sheerin was behind a wall at the rear of Chamberlain Street. He saw soldiers firing into the gap between blocks two and three. He then saw three men who had been in his group make their way behind the wall of the children's playground and disappear into the gap. Presuming them to be safe, he followed. When he exited the gap he saw the last of the three men lying shot directly in front of the shopping area of block two of the flats. He could also see an Army Saracen with a soldier standing beside it in Rossville Street. Sheerin thought Patrick Doherty had been shot from the Army Saracen.[89]

Photographs taken by **Giles Peress**[90] depict Patrick Doherty in the gap between blocks 2 and 3. Peress had also come down Chamberlain Street. He photographed Father Daly attending to Jack Duddy. He then turned left and walked along the wall to the northeastern corner of the Rossville flats car park. He climbed over a low wall and headed in a southerly direction towards block two. As he made his way

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[88] AG 23.4 paragraphs 23 to 28
[89] AS10.1 paragraphs 2 to 5
[90] M65; Day 213. Tab1/4

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he was very conscious of fire coming from his right. He took cover behind a wall that ran parallel to block two. He then moved closer to the gap and took a series of photographs, some of which show Patrick Doherty in the gap.[91] At the time he took these photographs the gunfire was still going on:

"I am sure that the firing was directed towards that corner whilst I was shooting the pictures of these men crouching."[92]

When Mr. Peress gave evidence to Lord Widgery he described the events at that corner of the car park:-

Q: At one time there were people trying to get through those doorways or gateways at the bottom of the flats?

A: Yes.

Q: And at one time there were so many people that they were crowded up there and pressing in to get through. This I know from what I have heard in previous evidence?

A: Yes.

Q: Are you telling me that the soldiers were shooting at those people when they were crowding in the doorways?

A: I say a bit later than most of the crowd. I was almost at the bottom of the crowd so the people that were trying to go through the courtyard were shot at; the people that were following the walls and trying to get out of the courtyard were shot at. When I went through this courtyard I saw a lot of people in the far left corner that were afraid to move any more.[93]

Bernard Gilmore was watching from 23 Garvan Place. His flat was in block two and is marked on a photograph at Appendix one, tab 10. He recalls soldiers firing into the gap: -

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91 **Tab 1/4, P798 P800** and **P801**

92 **Day 213/32/7**

93 **Widgery, Day 6,page 74** . See also William Mc Clements, **Day 72/28/2 to Day 72/29/15**

AS 6 . 53

' **25.** After I had seen this I noticed a group of men at the wall in front of block 3 of the Rossville Flats (grid reference M 17). They were crawling down in front of the wall, trying to make their way towards the gap between blocks 2 and 3. The fellows were moving across in front of the wall. I saw whom I now know to be Patrick Doherty crawling along on his belly. He was with a group of people making their way towards the gap between blocks 2 and 3. As people were running through the gap, soldiers in the market were firing towards them. The soldiers who were firing were those at (the bottom of Chamberlain Street)'.[94]

Joe Nicholas has a similar recollection:-

'I then headed off south across the Rossville flats car park. I walked along by the high concrete wall, which was on the eastern side of the car park. I walked upright at a reasonably quick pace. People on either side of me were crawling along. There was a low wall, which ran parallel with the high wall, and people were getting cover from that as well. People were heading, as I was, toward the gap between blocks 2 and 3. When I got to the end of the low wall there was a set of steps, which led down to the lower part of the car park in the southeast corner. At this time I was aware of shots hitting the high concrete wall above my head. They were quite close and I instinctively threw myself towards the steps. I seem to remember landing on someone, although I do not know whom and could not describe them. Just as I came down the steps I became aware of a photographer who was lying on his belly in the lower area of the car park, to the north of block 2 at point H (grid reference L17). He was tight up against a low wall there and was taking photographs. I have since seen the photographs which he was taking.'[95]

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[94] AG 38.5 paragraph 25
[95] AN17.4 paragraph 17

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The photographs he refers to are the Peress sequence[96], which were taken in the gap between blocks two and three. Nicholas identifies himself in **EP 25/8.001**.

After **EP 25.11** (P800) was taken **Peress** recollects that Patrick Doherty had problems crawling.[97] Peress then saw the men including Patrick Doherty make their way through the gap and disappear. The man to the left of Patrick Doherty in **EP25.9** (P798) is **Kevin Mc Daid.**[98] Mc Daid says there was still occasional shooting into the gap at this time. He does not specifically recall seeing Patrick Doherty at the time nor did he see what happened to him subsequently.[99]

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96 See tab 1/4
97 Day 213/19/5
98 See tab 1/4
99 AM167.4 paragraph 19

FS 6 . 55

5.4 FROM THE GAP TO JOSEPH PLACE – TIME RANGE

We submit that Patrick Doherty made his way through the gap between blocks two and three of the flats and turned right along the southern façade of block two. He then crawled out, perhaps because he became aware of the danger emanating from Glenfada Park, from underneath the canopy which ran part of the way from the western end of block two. He was attempting to get to the Joseph Place alleyway when he was shot. Patrick Doherty as we know was photographed in the gap and then dead or dying on the southern side of block two by Giles Peress.

The question arises as to whether Patrick Doherty would have had time to make it through the gap and down along the front of block two before turning back to go to the Joseph Place alleyway. We say he would have had time. The issue of where Patrick Doherty was travelling from when he was shot is an important one and is dealt with at section 5.6.2 below.

In his Evershed's statement Peress says that less than a minute after the men in photographs **EP25.9 to EP25.12**[100] [the men crawling in the gap between blocks two and three] had disappeared from his view , he ran through the gap.[101] That time scale arguably would not have given Patrick Doherty time to make the journey along the front of block two. However, when Ms. Mc Dermott asked him about the time scale between images **P801**[102] and **P802**[103] [Patrick Doherty in the gap and Patrick Doherty lying between block two and Joseph Place] he said he thought the time range was between one and three minutes.[104]

Evidence from **Joe Nicholas** suggests that the Peress estimate to Ms. Mc Dermott of the length of time between the two sets of photographs is more likely to be accurate

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[100] Also at **P798 to P 801**. See tab1/ 4
[101] **M 65.21 paragraph 14**
[102] This photograph also appears at **EP25.12**
[103] This photograph also appears at **EP25.13**
[104] **Day 213/60/12**

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than the estimate in his statement. Nicholas identifies himself on one of the Peress photographs at **EP25/8.001**.[105] This is a photograph taken by Peress in the gap between blocks two and three before the photograph of Patrick Doherty on one knee in the gap was taken.[106]

Nicholas says that after that photograph was taken he crawled to the southern side of the gap between blocks two and three. He watched as people came through the 2/3 gap and headed off to the alleyway behind Joseph Place . He saw two soldiers in firing positions at the north east corner of Glenfada Park South and decided to stay where he was. He then saw Patrick Doherty being shot, he assumed by the soldiers he had seen in Glenfada Park. He watched as person(s) attempted to come from the Joseph Place alleyway to rescue Patrick Doherty. He then went back through the gap and fetched the foreign photographer he had seen earlier who proceeded to take photographs of Doherty and Walsh.[107]

If **Nicholas** is accurate and he witnessed the shooting of Patrick Doherty and the attempts to retrieve him before going to fetch Peress the time space between the photographs of Patrick Doherty in the alley and those of him after he has been shot is more likely to be three minutes as opposed to two minutes as Peress had at first suggested. That time space would, it is submitted, have given Patrick Doherty time to exit the gap on the south side of block two , move along the southern façade of block two towards Rossville Street and then turn back towards the Joseph Place alleyway.

Peress saw the body of Patrick Doherty as soon as he exited the gap between blocks two and three. As Patrick Doherty is on his back the likelihood is that Peress is photographing Patrick Walsh's second attempt to rescue Doherty.[108] He

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[105] **Also at P 797**
[106] See contacts at tab 1/4
[107] **AN17.4 paragraphs 18 to 23**
[108] See section 6.3 below

immediately took photograph **P802**.[109] In that photograph Patrick Doherty has been shot but would appear to be still alive as his hands move position between this and later photographs in the sequence.[110]

Peress did not see Patrick Doherty being shot, nor did he see him exit the gap between blocks two and three. When Peress came through the gap he was aware of firing from the area of Rossville Street at the southern end of block one.[111]

[109] **See tab1/7**
[110] See **P805** and **P806**
[111] **Day 213/35/23 to Day 213/39/8**

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5.5 THE SEQUENCE OF EVENTS IN SECTOR 5

Two people, **Patrick Doherty** and **Bernard Mc Guigan**, died in sector 5. **Patrick Campbell** and **Daniel Mc Gowan** were wounded. The evidence suggests that Campbell was shot first, followed by Mc Gowan, Patrick Doherty and Mc Guigan. **Soldier F** eventually admitted firing into this area. He said he fired two shots. That does not explain the four victims. No other soldier admits firing in this area but there is overwhelming evidence that more than two shots were fired from a westerly direction. There is also evidence of shooting from the walls. Several witnesses give evidence of incoming shots (from Glenfada Park) before Patrick Doherty is shot.[112] After Doherty was shot soldiers in Glenfada Park proceeded to make arrests.

Daniel Mc Gowan saw Patrick Campbell in front of the shops on the southern façade of block two just after he had been shot and assisted him to the Joseph Place alleyway before he himself was shot.[113] **Edward Dillon** remembers assisting the injured Daniel Mc Gowan in the Joseph Place alleyway before witnessing Patrick Doherty being shot.[114] **Peter Mc Laughlin** recalls seeing Patrick Doherty crawling on his stomach towards the Joseph Place alleyway after four men had run across, one injured in the leg. A bullet is fired and hits a wall behind Patrick Doherty. A second bullet is fired and Patrick Doherty is hit and dragged himself forward a short distance and lay motionless. Someone then crawls over from the Joseph Place alleyway, tries to pull him by the arms, turns him over and then tries to pull him by his collar. Shots are fired at the rescuer and the rescuer retreats.[115]

Daniel Mc Gowan arrived at the telephone box at the southern gable end of block one of the flats just before Hugh Gilmore collapsed. There was shooting coming from a

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112 Margaret Patterson AP2 Hugh Barbour AB10 Daniel Mc Gowan AM255 Peter Mc Laughlin AM 352 Edward Dillon AD 45 Edmund Melaugh AM398 William Mc Dermott AM189

113 AM 255.2 paragraphs 10 to 13

114 AD45.2 paragraph 9

115 AM 352.10

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northerly direction at that time.[116] He is pictured in a group of people around Hugh Gilmore.[117] Barney Mc Guigan is alive in the photograph. Mc Gowan describes what happened then:

'**9.** The shooting continued and people scattered in various directions to take cover. Some ran to Free Derry Corner. I, along with others, remained where we were, pressed up against the south gable of block 1.

10. It was then that I saw Patrick Campbell, whom I knew, walking like a man who had a few bottles in him. When I first saw him was in the area to the south of block 2 of the Rossville flats, by the shops which were on its ground floor. This area is marked C (grid reference J17 & K17) on the map. He was leaning against the wall of the shops as if to prevent himself from falling, and was staggering in a southeasterly direction towards Joseph Place. In my view he had emerged from the gap between blocks 1 and 2 of the Rossville flats.

11. I went over to him and helped him to the alleyway to the east of Joseph Place, the entrance to which is marked D on the map (grid reference K18). I only realised he had been hit when he saw me and said, "I am shot, I am shot". I could not see where he had been hit as he was wearing a heavy coat. My impression was that he had been shot in the market before emerging through the gap between Blocks one and two of the Rossville flats.

12. The alleyway to which I helped him is formed by the gap between the wall on the southern side of the houses in Joseph Place and a retaining wall for the steep banking which leads up to the city walls. It was packed with men, women and children taking cover from the shooting. It was so packed that it was difficult for him and me to fit in. I realised that I could not take him much further (as he weighed some15 stone) so I left him in the care of some people in the alleyway at the point marked D on the map

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[116] **AM 255.1 paragraph 6**
[117] **AM 255.6**

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(grid reference K19/20). I then decided to make my way up another set of steps which led from the entrance of the alleyway to Fahan Street East and which are shown on the map at grid references K/L19/20.

13. I was on the very first step at the bottom of these steps when I was shot. I have marked the position as E on the map. My recollection is that as I headed from the alleyway to the steps, **there was a lot of shooting going on.** I panicked and did not know what to do. I heard and felt at least one bullet whizz past my head and strike the wall to the south of the houses in Joseph Place, which was behind me.'[118]

EDWARD DILLON describes helping Daniel Mc Gowan and then seeing Patrick Doherty being shot:

'**7.** A few seconds after I arrived behind Joseph Place, I felt a man arrive behind me. Just as I was about to run off, he shouted that he had been shot. I did not see him but I thought that he was shot from the City Walls. This was because he was behind the wall where I was when I heard him say he was shot. I turned round to assist him. He was standing a couple of feet from me with his left arm holding on to the yard wall and his right hand holding his right leg off the ground. He was facing towards Fahan Street East. He had a bad looking wound below his knee and I thought his leg was broken. He was clearly in a lot of pain. The man was about five-foot five inches tall, of slim build and probably aged about 35 years. His hair was a dirty fair colour, but I cannot recall the length. I cannot remember exactly what he was wearing but I think he was wearing jeans. I did not hear the specific shot that hit him, as there was a lot of shooting going on at this time.

8. I went to help him. A young lad aged about 20 came to assist, but I do not know where he came from or who he was. We supported the wounded man by the shoulders. He put one arm around my shoulder and the young lad took the other arm. I did not know at that time who the wounded man was, but I found out later that it was Daniel McGowan.

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[118] **AM 255.2 paragraphs 9 to 13**

9. Just as we were about to move the wounded man, I saw another man lying on the ground at about the point marked 5 on the attached map (grid reference K19). He was lying on his stomach with his feet towards the Fahan steps and his head pointing towards Joseph Place. He called to us "Hold on -- I will assist you". He was crawling towards us. I could see his hands and he was not holding anything. As he shouted he was shot. The shooting had not really stopped but I heard specific shots from the direction of the City Walls. He pressed himself up on his hands and I could see blood on his shirt. I think it was on the left-hand side of his chest. He then collapsed down. He was about 20 to 25 feet away from the steps leading from Joseph Place to Fahan Street East and about 20 feet from the corner of the wall at Joseph Place where I was standing. Years later, I learned that this man was Patrick Doherty.[119]

EDMUND MELAUGH describes a similar sequence: -

22. When I got almost to the end of block 2 (grid K18) I ran south across to the back of Joseph Place (grid K19). As I was running I did not look behind me. There was still shooting and I assumed it was coming from Glenfada Park North.

25. I heard someone behind me call out "I am shot". I looked round and saw two people at the entrance to the Joseph Place alleyway (at point K marked K 19). They were both wounded. At the time, I assumed that they had been behind me, running towards the Joseph Place alleyway, when they were shot. I thought that the shots would have come from the soldiers in Glenfada Park North.

26. I and another man -- I do not know who he was -- went back to the entrance to the alleyway. We were crouching down behind the low wall of the alleyway and we leaned out and dragged the two wounded men in, one at a time. I cannot remember what the two men were wearing ... casual wear rather than suits. I think that one was in his thirties and the other was in his fifties. I remember that one was shot in

[119] **AD45.2 paragraphs 7 to 9**

the ankle (His 1972 statement says that one was wounded somewhere round the hip and one was wounded in the lower part of the leg[120]). At the time, I assumed that they had been shot by the soldiers shooting across towards Joseph Place from Glenfada Park North. I did not see either of the men actually being shot.

27. The other man and I dragged the two wounded men about halfway down the alleyway before other people took them from us. I do not know where the two wounded men were taken by the other people in the alleyway.

28. As I was dragging one of the wounded men to safety, I saw another man in his early 30s crawling on the ground (at point M marked at grid K19). I now know that this man was Patrick Doherty.

29. The other man and I went back to the entrance to the alleyway opposite block 2 of the Rossville flats (at point K marked K 19). Patrick Doherty called out that he had been shot. He was crawling and calling for someone to come and help him...We could not go out as the shooting was continuing and we thought we would be shot if we left the cover of the wall. I and the other man told Patrick Doherty to lie still and not move. We thought that he would make himself a target to be shot again if he kept crawling.'[121]

Martin Tucker's 1972 recollection was: -

'I saw a small group of men who tried to run to a laneway behind the 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 laneway attempted to come out and drag him to safety, as soon as

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[120] **AM 398.19**

[121] **AM 398.5 paragraphs 22 to 29**

they appeared the Army fired at them. They tried a few times but without success'.[122]

Patrick Walsh gave evidence on day 171. The passage of time has blurred Walsh's memory of events but an account recorded by the Sunday Times in April 1972 throws some light on the sequence of events from the Rossville flats car park to the gap between blocks two and three and into Joseph Place. On that account Patrick Walsh came down Chamberlain Street and ran to the wall at the playground in the Rossville flats car park where he heard the first shots.[123] He recalls Father Daly huddled beside a body. The firing got heavier and Patrick Walsh and those with him could see bullets hitting the passageway where another group of people were huddled. He then saw Father Daly's gunman. Patrick Walsh then decided to make a break for the gap. He crawled along the wall to the steps. There were bullets hitting the wall. A youth (Patsy Mc Daid) then cannoned into him.[124] Patrick Walsh picked Mc Daid up and ran with him into the gap. A girl was directing operations from a flat above. He waited until she said it was ok and ran from the gap across the open ground to the alleyway behind Joseph Place. Patrick Walsh left Mc Daid in a house in Joseph Place, came out again and saw the injured Patrick Campbell in the alleyway. He then saw two men dragging a man who had been shot in the leg into the alleyway. Patrick Walsh then saw a man (Patrick Doherty) lying on his face half way between the passageway (2/3 gap) and where he was. Patrick Walsh thought the man was still alive. He crawled out to him and turned him onto his back. At that point there was more shooting and bullets hit the wall by the steps. Patrick Walsh crawled back to the alleyway. He waited until the shooting stopped and then crawled out again. He crawled back to the alley again when he realised he could not help Patrick Doherty. He recalls seeing a man in the opposite passageway (between blocks 2 & 3) step out towards Patrick Doherty but he had to go to ground when the shooting started again.[125]

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[122] **AT 17.5 paragraph 5**
[123] For location see tab 1/2: **P290** **P 291** **P294** and tab 1/3: **P297** & **P 298**
[124] See **P796** at tab 1/4
[125] **AW 5.13**

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It would appear that Patrick Doherty was shot before Bernard Mc Guigan. There is evidence from some witnesses that they were aware of a wounded man on the ground at the eastern end of block two of the flats before Bernard Mc Guigan was shot.

Paul Mc Laughlin was taking shelter at the telephone kiosk at the southwestern end of block two. He recalls becoming aware of a man lying wounded somewhere to the south east, between the shops at the bottom of block two and the Joseph Place maisonettes. He later found out that the man was Patrick Doherty. He also recalls seeing a man who he did not know but later found out was Barney Mc Guigan, walk out from the group to go and assist the man.[126]

Geraldine Mc Bride was near the telephone box at the western end of block two after Hugh Gilmore was shot. She made a statement in 1972 and said: -

'Another man was lying at Fahan Street steps. I could hear him squealing but nobody could get to him because of the shooting. Mr Mc Guigan said he was going to try and reach him because he didn't want him to die alone. He took two steps forward and was then shot in the head.'[127]

After the shootings soldiers in Glenfada Park marched those they had arrested there away. **Patrick Mc Crudden's** 1972 statement records that he saw Patrick Walsh attempting to drag Patrick Doherty to the Joseph Place alleyway. He then looked over to Glenfada Park and saw three bodies lying on the road and footpath. He also saw soldiers arresting 'upwards of thirty' people.[128]

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126 AM 350.5 paragraphs 31 to 32
127 AM 45.26
128 AM 153.19 paragraph 2

FS 6. 65

5.6 JOSEPH PLACE

5.6.1 GEOGRAPHY

There is a geographical feature that is referred to in some of the evidence in relation to Patrick Doherty's death.[129] It is a raised area of brickwork which in photograph **P719**[130] is to the west of Patrick Doherty and Patrick Walsh. There were five such bricked areas with a tree in the middle of each which ran in a line between Joseph Place and block two of the Rossville flats. Only one of the bricked areas was raised. In the photograph one can see to the west, the raised brick area which was fourth in line from Rossville Street and which stood proud of the surrounding paved area in order to accommodate an incline in the ground around it. The fifth bricked area which lay immediately to the east of where Patrick Doherty's body eventually ended up can be seen in **P811**.[131] **P745**[132] gives an indication of the distance between the raised brick feature and the Joseph Place alley. In **EP19/18**[133] one can see the raised brick feature with the Joseph Place alley in the background. The garden wall which ran from the back of the Joseph Place houses to the alley and two of the stanchions which support the overhead walkway can also be seen. The same wall, the bricked feature and the first of the two stanchions can be seen in **P805**.[134]

On the southern façade of block two of the Rossville flats at ground level there were 6 shops. They are shown in **P320.** The shop fronts were covered by a canopy, which ran two thirds of the way along the building from the Rossville Street end.[135] As far as we can ascertain the run of shops from the Rossville Street end was as follows: -

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[129] e.g. **Joseph Moore AM413.13** and **Day 89/143/5** and **Donna Harkin AH13.6 paragraph 37**
[130] See tab 1/7
[131] At tab 1/8
[132] A t tab 1/6
[133] At tab 1/6
[134] At tab 1/7
[135] **See tab 1/11: P8**

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1. Chemist[136]
2. Molly Barr's paper shop[137]
3. Butchers[138]
4. Quigley's general store
5. Fish and chip shop
6. Bakery (the bakery premises extended to the eastern end of block two).[139]

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136 **AM 255.5**
137 See tab 1/5: **P320**
138 **AM 255.5**
139 **Day 174/28/14 to Day 174/29/10**

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5.6.2 DIRECTION OF TRAVEL

It is clear from the evidence that before Patrick Doherty died he had been crawling in the general direction of the alleyway behind Joseph Place. He must therefore have been shot either by soldiers on the walls or on Rossville Street at Glenfada Park. It is important to resolve the issue of whether he crawled towards the Joseph Place alleyway immediately on exiting the gap between blocks two and three of the flats or whether he first made his way along the southern façade of block two (and underneath the canopy covering the shops where people were sheltering)[140] before turning back to go to the alleyway. We say the later proposition is the most likely.

Patrick Doherty was shot in the right buttock. If Patrick Doherty had been travelling from underneath the canopy on the south side of block two to the Joseph Place alley he would have been presenting side and head on to the soldiers on the walls and side and feet on to the soldiers who were at the south eastern gable of the eastern block of Glenfada Park. His buttock would have presenting to Rossville Street and his head would have been nearer to the walls than his feet. If conversely he had been travelling from the gap between blocks two and three towards the alleyway his buttock would have been presenting to the walls and his head would have been nearer to Rossville Street than his feet.

The **photographic evidence** suggests that Patrick Doherty was travelling towards the Joseph Place alleyway from the western or Rossville Street side of it rather than from the gap between blocks two and three. The civilian and scientific evidence also supports that position. His buttock would thus have been presenting to Glenfada Park.

The Peress and Grimaldi photographs of the slain Patrick Doherty with Patrick Walsh[141] show that at the point in time

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[140] See Morrow **AM 485.3 paragraphs 11 to12**
Sean Mc Callion **AM 492.2 paragraph 11** Hugh Barbour **AB 10.4 paragraph 26**
[141] **P802** **P803** **P805** **P806** **P717** **P719** at tab 1/7

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that the photographs were taken Patrick Doherty was to the west of the Joseph Place alley. The only way that his body could end up west of the Joseph Place alley was if Patrick Doherty had been approaching the alley from that direction. If Patrick Doherty had been travelling from the gap between blocks two and three of the flats one would expect to see him to the east of the Joseph Place alley. Even if one factors in the possibility that Patrick Doherty crawled or that his body was dragged after he was shot and before these photographs were taken, one is still left with the conclusion that he was approaching the alley from the west. Had he been approaching from the gap between blocks two and three he would have to have crawled or been dragged past the alleyway to end up in the position shown in those photographs.

Photographs taken later appear to show Patrick Doherty's body much closer to the alleyway than in the earlier photographs.[142] **P809** was taken by Peress after he had photographed Patrick Doherty and Patrick Walsh, went to the western end of block two, taken the Mc Guigan sequence and then returned.[143] One has to allow for the possibility that the body may have been moved in the meantime.[144]

There may have been a good reason for Patrick Doherty to come through the gap between blocks two and three and turn right under the canopy on the southern façade of block two. He might well have thought that that was a safe place to be. That area was south of the rubble barricade and the Army had never come any further than the rubble barricade before. He may have been headed for the safety of Molly Barr's shop which normally opened on Sundays but which was closed that day. It opened later in the afternoon after the shootings.[145] When he became aware of the threat from

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142 See **P809** and **P810** at tab1/ 8.
143 See contact sheet **EP 25/5** at tab 1/8
144 P Mc Laughlin **AM352.4 paragraph 21** P Mc Crudden **AM153.18 paragraph 8**

145 Brian Mc Cool **AM 133.11** John Clifford **AC66.5 paragraph 30** and Hugh Barbour **AB10.5 paragraph 26** . But see Brian Doherty **AD57.5 paragraphs 35 to 39**

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Glenfada Park he may then have attempted to make for the nearest safe place – the Joseph Place alley.

Margaret Patterson[146] remembers dashing for cover to various locations and eventually ending up at Molly Barr's shop. She thought that that would be a safer place to be than the phone box from where she had come. There were quite a number of people there lying along the wall. She and her husband then ran across to the alleyway behind Joseph Place when it became apparent to her that she was not safe at the shops either as there were bullets flying up and down the space between the shops and Joseph Place.[147]

There is some evidence that people were taking cover under the canopy, as there was incoming fire from the walls.[148] There is also evidence that a number of those who were under the canopy then attempted to crawl to the safety of the Joseph Place alleyway.[149]

In his 1972 statement **Derrick Tucker junior** who was watching from 31 Garvan Place described what happened to those who were taking shelter at the shops: -

'Meanwhile, as this was going on [that is the events relating to Father Daly], 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.'[150]

Tucker then goes on to describe the sequence with Patrick Doherty and Patrick Walsh. He was unable to say where Patrick Doherty had come from. When he gave evidence he agreed that he would not have been able to see soldiers in Glenfada Park from where he was but would have inferred

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146 AP2
147 Day 185/87/7 to Day 185/88/25
148 AD 54.4 paragraph 17
149 AC 66.8 AG17.3 paragraph 14 AP1.5 paragraph 26 and AP2.4 paragraphs 22 to 23
150 AT 15.20 paragraph 4

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from the actions of the crowd making their way from block two to the Joseph Place alley that there was danger being proposed to them from Glenfada Park and from Rossville Street.[151]

[151] **Day 99/33/7 to Day 99/34/8**

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5.6.2.1 WITNESSES WHO SAY PATRICK DOHERTY CRAWLED FROM UNDER THE CANOPY

Derrick Tucker senior, now deceased, was in the family flat at 31 Garvan Place. The window of that flat was above the canopy at the Fahan Street end of the shops on the southern façade of block two and is shown on **AT 17.8**.[152] He told Lord Widgery that from **directly beneath his window** a man had crawled out from the shops and made his way towards the [Joseph Place] alleyway. He had got about half way between the shops and the alleyway when a shot rang out. He gave a kick with his right leg and then lay very still. [153]

In a 1987 interview he said that **immediately below** his window a man started to crawl towards the alleyway behind the houses of Joseph Place.[154]

His daughter **Patricia Jarvis** said in 1972: -

'I saw a man lying motionless directly below our living room window opposite the laneway behind the maisonettes. He had black hair and a moustache. He was wearing an orange T shirt and a three quarter length fur collared coat.'[155]

When she gave evidence she thought he was 'maybe under their window or thereabouts and tried to move across.'[156]

James Flood was taking cover on the south side of the three-penny bits. He said he saw Patrick Doherty crawl along the front of the chemist shop at the bottom of block two of the flats. Later in his evidence he said he thought Patrick Doherty was just past the second shop – Barr's paper shop, crawling towards Fahan Street when he saw him.[157] The chemist's was next to Barr's on the Rossville Street side. Flood later helped

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[152] AT 17.8 See tab 1/10
[153] AT 16.5 paragraph F
[154] AT16.23
[155] AJ 2.2 paragraph 2
[156] Day 122/138/18 to Day 122/38/23
[157] AF 23 Day 172/105/22 to Day 172/108/17

AS 6. 72

to carry Patrick Doherty to the ambulance and recognised him as the man he had seen crawling earlier.

Charles Mc Laughlin lived at 27 Garvan Place. His flat was midway along block two above the canopy and is shown on **AM 322.6**.[158] In his 1972 statement he said:

"I then went to my living room in the front of the house. I looked out of the window. I saw a man lying on his stomach. He was lying parallel with the front of the flats. He was facing Fahan Street".[159]

When Charles Mc Laughlin gave evidence to this Inquiry he was questioned by Christopher Clarke about that statement:

Q: "Can you help us on this? When in that statement you describe him as lying parallel with the front of the flats facing Fahan Street, what would that have been a reference to, is that facing in the direction of –

A: That would be facing –

Q: -- block 3 or the opposite direction?

A: That would be facing in the direction of the retaining wall in Fahan Street and I must have saw him before he turned round to go across, to go across behind Joseph Place, that is what that would mean.

Q: Let us think about that for a moment. When you used the expression, "he was lying parallel with the front of the flats"?

A: Uh-huh.

Q: Would, "the front of the flats" have been a reference to the middle block, block 2?

A: Yes, that would be the block that I was –

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[158] **AM 322.6** For flat location see tab 1/10
[159] **AM 322.10**

Q: The block that you were in?

A: That is right, the block that I was in, yes.

Q: So if this was an accurate recollection, as I have understood what you must have meant, he would have been, as you say, parallel with the middle block in which you were and facing in the direction of the retaining wall that is in front of Fahan Street, Fahan Street East in fact, is that right?

A: Sorry, sir, I was reading this bit here, I am sorry I did not hear you right, could you repeat it please?

Q: Let me do it with the map. Can we have on the screen AM322.11? When you used, in the 1972 statement, the expression, "he was lying parallel with the front of the flats, he was facing Fahan Street," would we be right to assume that that meant that when you saw him he was facing in the direction that I am pointing with the arrow and lying in the direction of the shaft of the arrow? (Marked with blue arrow).

A: I would think so, yes.

Q: If we go back to AM322.10, the paragraph that we were looking at, you then said this: "He started to crawl on his stomach, heading for the alley behind Joseph Place. He was trailing his left leg." Again, by now he is starting to crawl for the alley behind Joseph Place; would that mean he would have to change direction slightly so as to face, not towards Fahan Street any longer, but towards the alley behind Joseph Place?

A: I would think so."[160]

Other evidence about the position of Patrick Doherty's body just after he was shot supports the proposition that he had been travelling from the front of block two, rather than from the gap between blocks two and three.

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[160] **Day 90/117/10 to Day 90/119/8**

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Patrick Mc Crudden saw Patrick Doherty after he had been shot and before the body had been turned over. He was watching from William Harley's flat at 37 Donagh Place which was on the top floor of block two of the flats approximately in the middle of the block.[161] The flat is shown on **AM153.7**. He said in evidence that the body was face down at a 45 degree angle from the flat he was in with the head facing Fahan Street East and the feet facing Rossville Street.[162] When Patrick Walsh crawled out to the body from the alleyway at the back of Joseph Place he was crawling out at right angles to it.[163] When the body was turned over he recognised that it was Patrick Doherty whom he knew from Dupont.

William Harley who was with Patrick Mc Crudden also saw Patrick Doherty immediately after he had been shot. He said:

"He was lying near a low wall which ran along the back yards of the maisonettes in Joseph Place. The body was face down with the head pointing towards the (Fahan Street) steps and the feet pointing towards the north-western corner of block two of the Rossville flats".[164]

When he gave evidence he said the body was outside the shops at block two of the flats.[165]

Antoinette Coyle describes how, after attending to Alana Burke in a house in Joseph Place she ran to the western end of block two. Paul Mc Laughlin, a fellow Knight of Malta shouted at her to take cover as there was shooting from the walls. She took cover near the telephone kiosk. Mc Laughlin showed her [another] man who had been shot:-

'The man's body was lying still in the open ground between the end of Joseph Place and Block two. He was at about position O (grid reference K18). He was lying on his front with his head facing the direction of Fahan Street East and his

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161 For location see tab 1/10: **AM153.7**
162 **AM 153 Day 204/46/6 to Day 204/47/11**
163 **AM153.4 paragraph 22**
164 **AH 36.4 paragraphs 20 to 21**
165 **Day 77/19/12 to Day 77/20/19**

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legs facing towards Glenfada Park North. I did not feel it was safe enough to go to him because of what Paul had told me about the shooting from the walls.'[166]

When she gave evidence on **Day 95** she said she could not remember whether the body was face down and she could not remember the way in which it was oriented when she first saw it.[167] She was however prepared to stand by the recollection enumerated in her Evershed's statement.[168]

Peter Gallagher saw Patrick Doherty's body when he came through the gap between blocks two and three. His recollection of the position of the body was that it was on its back with the head facing Fahan Street East and the feet pointing towards Glenfada Park North.[169] When challenged by counsel for the soldiers he repeated his assertion.[170]

Gerry McBride also came through the gap between blocks two and three after Patrick Doherty had been shot. In his Evershed's statement he says that Patrick Doherty was lying on his back with his feet pointing towards Glenfada Park.[171]

Sean Mc Carron came through the gap between blocks two and three after Patrick Doherty had been shot. He thought Patrick Doherty was on his back when he saw him and there was no one near him. He recalls that his head was pointing towards Fahan Street East and his feet were pointing towards Rossville Street.[172]

Thomas Wilson was watching from 42 Donagh Place, which was on the eighth floor of block two of the flats and two or three flats from the eastern end. He recalls Patrick Doherty beside a tree, in the open area between block two and Joseph Place. He was on his side, half way to lying on his front and his head was towards Fahan Street.[173] When he

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166 AC 85.8 paragraphs 34 to 35
167 Day 95/42/5 to Day 95/42/8
168 Day 95/56/12 to Day 95/56/25
169 AG 23.5 paragraph 27
170 Day 83/75/6 to Day 83/76/8
171 AM 46.5 paragraph 20
172 AM 85.5 paragraph 27
173 AW19.7 paragraph 35

gave evidence he was shown **P721** (which is one of the Peress photographs taken after the Doherty/Walsh and the Mc Guigan sequences and thus after an attempt had been made to drag Patrick Doherty's body to the Joseph Place alley). In **P721** Patrick Doherty's head would appear to be facing in the direction of the Joseph Place alley. Wilson said that when he saw Patrick Doherty his head was more towards the Fahan Street steps than is shown in the photograph.[174]

Joseph Moore was taking cover at the telephone kiosk. In a statement made on in 1972 he said that he saw a person crawl towards a raised island – a garden. He heard him 'shout out and roll over.'[175] Moore described the island as 'a raised part of ground with a garden or tree'.

There were a number of trees surrounded by brickwork along the southern side of block two of the Rossville flats. One of the bricked areas was raised to accommodate an incline on the ground. The raised area surrounds the tree which is second in line from Fahan Street. It can be seen in **P319**.[176] The view of the raised area that Moore would have had from the telephone kiosk is captured in **EP19.18**.[177] Patrick Doherty's body is pictured behind this raised area in **P719**[178] and the tree next in line behind it and shown in the foreground of **P319** can be seen behind Patrick Doherty's body in **P812**.[179]

Moore agreed when he gave evidence that the person referred to could have been Patrick Doherty and that he may have seen him before Bernard Mc Guigan was shot.[180] The person he saw was crawling away from him.[181]

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174 Day 84/61/25 to Day 84/62/23
175 AM 413.13 paragraph 6
176 See tab 1/5
177 Tab 1/6
178 Tab 1/7
179 Tab 1/8
180 Day 89/141/17 to Day 89/150/5
181 Day 89/155/22 to Day 89/156/2

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5.6.2.2 WITNESSES WHO SAY PATRICK DOHERTY CRAWLED FROM THE GAP BETWEEN BLOCKS TWO AND THREE

None of the witnesses who say that Patrick Doherty was making his way from the 2/3 gap to the Joseph Place alleyway when he was shot, actually saw Patrick Doherty exit the gap. In a number of cases their 1972 statements do not support the proposition that Patrick Doherty crawled from the 2/3 gap and a number of them, when giving evidence to this Inquiry, accepted the proposition that Patrick Doherty may have crawled from under the canopy.

In reply to questions from Mr. Clarke QC **Joseph Nicholas**[182] said that it was his impression that Patrick Doherty had crawled 'straight out from the gap between the two blocks.' Nicholas was at the southeast corner of the Rossville flats and described Patrick Doherty's position when he was shot. He said Patrick Doherty's head was pointing west towards the alleyway behind Joseph Place and his feet were pointing towards him at the southeast corner of the flats.[183]

We suggest Nicholas is mistaken in his recollection of the position of Patrick Doherty's body when he was shot. Nicholas put Patrick Doherty in that position because he had seen him in the gap, then saw him crawl towards Joseph Place and assumed that he had crawled straight out from the gap. There is no evidence to the effect that Nicholas actually saw Patrick Doherty exit the gap. His 1972 statement, describing the shooting of Patrick Doherty reads:

> 'The second person I saw being shot was Patrick Doherty. He was unarmed and 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'.[184]

In a Sunday Times interview the following is recorded:

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182 **AN17**
183 **Day 78/26/14 to Day 78/27/14**
184 **AN 17.17**

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'In the passageway, Nicholas recovered his breath and nerves for a few minutes. The next significant point he recalls is that he saw Patrick Doherty on the other side, now crawling towards the alleyway behind Joseph Place'.[185]

It would seem from that account that there was a period of time between Nicholas last seeing Patrick Doherty in the gap and his seeing him in the open area between block two of the flats and the Joseph Place alley.

That Patrick Doherty exited the gap, made his way along the southern façade of block two and then attempted to get to the Joseph Place alley is consistent with Nicholas's evidence about the shot that killed Patrick Doherty [inasmuch as it hit the right hand side of his body] and the direction from which it had come.

Peter Mc Laughlin was at home in 27 Garvan Place on Bloody Sunday. This was a flat on the second floor of block two of the flats above the canopy, the windows of which overlooked Joseph Place.[186] The flat is shown on **AM352.7** .He saw Patrick Doherty crawling on his stomach in Joseph Place. Patrick Doherty was crawling away from him.[187] In his statement to Eversheds he said that at the time he was confident that Patrick Doherty had come from the alleyway between the two blocks of flats. He said in evidence that that was merely an assumption on his part[188] and accepted that it was possible that Patrick Doherty had come from the alleyway, crawled under the canopy and then out.[189]

Peter Mc Laughlin's 1972 statement contradicts the account he gave to Eversheds. In it he refers to Patrick Doherty having crawled 'from somewhere around the fish shop'.[190] The fish shop was the second shop from the Fahan Street end of the

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185 **AN17.20**
186 For location see tab 1/10: **AM 322.6** or AM 352.7
187 **Day 174/32/3**
188 **Day 174/32/24**
189 **Day 174/35/3**
190 **AM 352.9 paragraph 2**

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row of shops on the ground floor of Block two of Rossville flats.[191]

The evidence of Peter Mc Laughlin's father Charles who was watching from the same flat does not support the proposition that Patrick Doherty had crawled out from the 2/3 gap. He recalls Patrick Doherty crawling along parallel to the front of block two towards Fahan Street and then changing direction to go towards Joseph Place.[192] He had just cleared the canopy when Mc Laughlin saw him first.[193]

Martin Tucker[194] was watching from the living room window of 31 Garvan Place. That window is above the canopy at the Fahan Street end of the shops on the southern façade of block two.[195] In his Evershed's statement he said: -

'I saw another man who I now know to be Patrick Doherty creeping along the ground in front of the fish shop, trying to get to the alleyway behind Joseph Place'.[196]

When he gave evidence on day 98 he said he assumed that Patrick Doherty had come from the gap between blocks 2 and 3 but would not necessarily disagree with the proposition that Patrick Doherty had come from the direction of the canopy.[197]

His brother **Derrick Tucker**[198] was aged 12 at the time of Bloody Sunday. In his 1972 statement he is silent as to the direction from which Patrick Doherty had come before he saw him in the open area between block two and Joseph Place. In his Evershed's statement however he said that Patrick Doherty had crawled from the gap between blocks two and three. When he gave evidence he retracted that. He agreed with Mr Clarke's proposition that he would not have seen Patrick Doherty until he had come round the

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191 See tab 1/5: **P319** **P320** and tab 1/9: **P 725**
192 **Day 90/117/6 to Day 90/117/20**
193 **Day 90/113/12 to Day 90/113/18**
194 **AT17** **Day 98**
195 For location see tab 1/10: **AT 17.8**
196 **AT 17.5 paragraph 35**
197 **Day 98/123/13 to Day 98/123/24**
198 **AT 15**

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block, because of the position of the flat he was watching from.[199] When questioned by Mr Topolski he agreed that the best he could say to be accurate was that he first saw Patrick Doherty crawling in the general direction of the alleyway behind Joseph Place and that he could not help as to whether Patrick Doherty had come from between the gaps between blocks 2 and 3 or, from under the canopy.[200]

When questioned by **Mr Glasgow QC** he said the following:

Q: Could we look at paragraph 27 together; is it still your recollection that the man, whom we now know to be Mr Patrick Doherty, was crawling between the alleyway between blocks 2 and 3 and the gable wall of Joseph Place; is that still your recollection of what you saw?

A: No, he was, he was crawling from block 2 towards the alleyway behind the maisonettes.

Q: From block 2?

A: Yes.[201]

Mr Elias QC questioned Derrick Tucker on the same point:

Q: Just three short points, Mr Tucker, if I may. Could we have your map back on the screen, please, AT15.21. Forgive me if you have dealt with this, I am a little confused: the man crawling at point D, should we understand it was your assumption, I am not saying it was wrong, but it was your assumption that that man had come from the gap between blocks 2 and 3, or did you see him come through that gap?

A: It was probably an assumption, which probably in consideration I was not able to form a realistic judgment about.

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199 **Day 99/17/3 to Day 99/17/19**
200 **Day 99/37/7 to Day 99/37/14**
201 **Day 99/43/9 to Day 99/43/18**

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Q: What you cannot help the Tribunal with then is whether, if he did come through that gap, the man shot as you say at point D made his way directly from the gap across that alleyway or hugged block 2 for a while before crossing; you simply cannot assist us about that, can you?

A: When I caught sight of him he was coming out, you know, at right angles to block 2.

Q: At right angles to block 2?

A: Yeah, a straight line across.[202]

His father **Derrick Tucker** now deceased and his sister **Patricia Jarvis** both said Patrick Doherty had crawled out from under their window, which was above the canopy at the Fahan Street end of the shops.[203]

Bernard Gilmore was watching from 23 Garvan Place, which was in block two, above the Rossville Street end of the canopy. [204]He saw the prone Patrick Doherty:

'Lying quite still, taking instructions from people to tell him to be still, and lie down.'

In his Evershed's statement he said: -

'As I looked out of the front window, to my left, Patrick Doherty was right by the wall which ran from block 3 to the Fahan Street steps. He had crawled out between the gap of blocks 2 and 3 of the flats but had not reached the steps.'[205]

It is clear however that Gilmore did not actually see Patrick Doherty exit the gap.[206] Gilmore agreed when questioned that the words "but had not reached the steps" were meant to convey that the approximate direction Patrick Doherty was crawling in was more towards the Fahan Street steps

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202 **Day 99/63/9 to Day 99/64/5**
203 **AJ 2.2** and **Day 122/138/18** and **Widgery, day 7, page 10 at D**
204 See tab1/10: **AG 38.8**
205 **AG 38.5 paragraph 27**
206 **Day 88/27/3 to Day 88/27/7**

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than anywhere else.[207] He also agreed that Patrick Doherty was in the approximate position shown in **P717**.[208] That photograph, taken by Fulvio Grimaldi shows Patrick Doherty to the west of the Joseph Place alley on the Rossville Street side, some distance away from the wall at the Fahan Street steps.

Edward Dillon[209] was at the Joseph Place alleyway and saw Patrick Doherty crawling 'straight on' towards him when he was shot. Dillon's evidence was confusing. When questioned by Mr Roxborough he said that Patrick Doherty's feet were towards the Fahan Street steps as he crawled towards the alleyway.[210] [Dillon had assumed that Patrick Doherty had been shot from the walls]. His 1972 evidence had put Patrick Doherty at the raised brick area on the Rossvillle Street side of the Joseph alleyway before he approached the alleyway.[211] When the contradiction was put to him he agreed that he was mistaken about the direction from which Patrick Doherty was approaching the alleyway.[212]

Edmund Melaugh was also at the entrance to the Joseph Place alley. He heard Patrick Doherty call out that he had been shot and saw him crawl towards the alleyway. When he gave evidence on Day 170 he agreed with Mr Peter Clarke that he thought Patrick Doherty had come from the gap between blocks two and three.[213] That may we submit be because of his assumption that Patrick Doherty had been shot sometime while he was making his way through the gap between block two and three of the Rossville flats. He did not however see Patrick Doherty come out of the gap between block two and block three. He only saw him when he was crawling on the ground.[214] Melaugh's 1972 statement puts Patrick Doherty 'crawling along the ground **from the flats** towards the lane.'[215]

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207 Day 88/36/11 to Day 88/36/18
208 At tab 1/7
209 AD 45
210 Day 174/62/25 to Day 174/63/5
211 AD 45.6 and see Day 174/81/13 to Day 174/82/12
212 Day 174/84/18 to Day 174/86/2
213 Day 170/148/12 to Day 170/148/16
214 AM 398.5 paragraph 29
215 AM 398.19 paragraph 2

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Jean Mc Geehan was watching from 36 Garvan Place.[216] The flat is situated at the Fahan Street end of block two next to the stairs. In her Evershed's statement she describes watching Patrick Doherty as he attempted to make his way to the Joseph Place alley: -

'As I watched him, the colour seemed to drain from his face. He was lying diagonally with his feet towards the gap between blocks 2 and 3 and his head towards the alleyway at Joseph Place. He was lying on his front with his legs behind him and his arms bent in front of him in the position he had been when he was dragging himself along. His face was turned towards Rossville Street'.[217]

That recollection is at odds with her contemporaneous account of Patrick Doherty crawling from her right, in a southeasterly direction towards the Joseph place alley. In her statement made on 4/2/1972 she said that [Patrick Doherty] had crawled over from the direction of the shops and she maintained that position when she gave evidence on day 171. Patrick Doherty had she said, crawled from underneath and to the right of the window at which she was.[218]

Anthony Harkin said in his 1972 statement: -

'I saw two men crawling out at the gap between the flats (where the shops are); one was shot'.[219]

It would seem from that the 'gap' referred to is the gap between the Rossville flats and Joseph Place rather than the gap between blocks two and three and that what Harkin is recalling is the Patrick Doherty/Walsh sequence. When he gave evidence he said that what he meant to say at that time was that one of them was lying prone and one was trying to get out to him.[220] The man who was shot was

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216 For location of flat see tab 1/10: **AM 228.6** and **P725**
217 **AM 228.4 paragraph 19**
218 **AM228.11** and **Day 171/93/7 to Day 171/95/23**
219 **AH 11.19**
220 **Day 177/37/17 to Day 177/37/25**

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heading towards Joseph Place and Harkin's impression was that he had come from somewhere near the shops.[221]

Muriel Barr was at the Joseph Place side of the gap between blocks two and three. In her Eversheds statement she said of Patrick Doherty:

'His feet were pointing towards me. He was facing towards Joseph Place as was I and was about 30 feet away from me. He was crawling.'[222]

When Ms. Barr gave evidence it became clear that she was confused in her memory as to the direction in which Patrick Doherty was travelling. In reply to questions from Ms. Mc Dermott she said her impression at the time was that he was side on to her when he was shot.[223] When questioned by Mr. Glasgow he said Patrick Doherty was crawling away from her to her right.[224]

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221 Day 177/44/10 to Day 177/44/25
222 AB 18.5 paragraph 31
223 Day 388/16/21 to Day 388/17/19
224 Day 388/19/12 to Day 388/20/2

AS 6. 85

6. THE DEATH OF PATRICK DOHERTY

6.1 PATRICK DOHERTY IS SHOT

Patrick Doherty was probably under the canopy in front of the shops on the southern façade of block two of the flats when the soldiers moved into Glenfada Park. When he became aware of the threat from Glenfada Park he attempted to make it across to the Joseph Place alleyway to safety. He was shot by soldier F from Glenfada Park when he was in the open area between block two of the flats and Joseph Place.

It would seem that one or more shots were fired in Patrick Doherty's direction before the fatal shot. One can only imagine the terror that Patrick Doherty felt as the bullets hit the ground around him. In her 1972 statement **Donna Harkin** recalls Patrick Doherty asking her to tell him 'when he could crawl away to safety and what direction to'.[225] A number of witnesses describe bullets hitting the retaining wall, which ran from the 2/3 gap to the Fahan Street steps before Patrick Doherty was shot.[226] Donna Harkin describes a bullet hitting the bricked area to the west of the spot where Patrick Doherty's body is in **EP26.17.001**.[227] All of the evidence from witnesses who saw Patrick Doherty at the moment at which he was shot indicates that he was unarmed and presenting a threat to no one. He was alone in the area between Joseph Place and block two of the flats. There was no one between him and the retaining wall.

None of the evidence given by eyewitnesses to Patrick Doherty's death supports the proposition that there was a civilian gunman in the vicinity at the time that he met his death. Apart from the fact that there were no reported sightings of any gunman none of the witnesses who were in block two of the flats and who saw Patrick Doherty in his final moments say that they heard shots at ground level below

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[225] **AH 13.13**
[226] P. Mc Laughlin **AM352** C. Mc Laughlin **AM322** D. Tucker **AT15** J. Nicholas **AN 17**
[227] Donna Harkin **AH 13.6 paragraph 37.**

FS 6. 86

them or to the east of their positions. Likewise there are no reports of a gunman or of hearing shots from those witnesses who were at the Joseph Place alley and thus in a position to see the Joseph Place forecourt, the retaining wall and the gap between blocks two and three.

Giles Peress and Fulvio Grimaldi both took photographs of Patrick Doherty shortly after he was shot.[228] These photographs do not necessarily show where Patrick Doherty was or the orientation of his body at the fatal moment. Patrick Doherty may have continued to crawl after he was hit.[229] The body was certainly turned over before these photographs were taken[230] and an attempt may have been made to drag it to the Joseph Place alley.[231]

Some of the clearest evidence in relation to the murder of Patrick Doherty comes from **Donna Harkin** who gave evidence to this Inquiry on day 171. Donna Harkin was fifteen years old on Bloody Sunday and was watching events unfold from a flat just above the Fahan Street end of the canopy on the southern side of block two of the Rossville flats.[232] The flat is marked in **AH 13.10** .When she gave evidence Lord Saville questioned her about the position of Patrick Doherty's body in relation to her position above the canopy. She said she was looking straight down his body – Patrick Doherty was lying straight like a ruler with his feet towards her.[233]

Harkin's 1972 statement describes the sequence of events thus:

> 'I then ran to the front window which gives you a clear view of the Free Derry Area. I stuck my head out the window and I noticed a group of men crouched at the edge of the Joseph Place flats at the end of the

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228 See tab 1/7: **P802** **P803** **P804** **P805** **P806** **P717** and **P719**

229 P. Mc Laughlin **AM 352.4 paragraph 20**

230 Donna Harkin **AH 13.7 paragraph 41** P.Mc Crudden **AM 153.18 paragraph 8.** Derrick Tucker **AT16.2**

231 Peter Mc Laughlin **AM 352.4 paragraph 21** and **Day 174/50/6 to Day 174/50/20** Patrick Mc Crudden **AM153.18 paragraph 18** Derrick Tucker **AT15.20 paragraph 4** Thomas Wilson **AW19.1 Frank Mc Carron AM 82.5 paragraphs 25 to 26** Derrick Tucker **AT 16.2 paragraph 1**

232 For location see tab 1/10: **AH13.10**

233 **Day 171/134/19 to Day 171/135/18**

FS 6. 87

bakery trying to make their way to the back of Joseph Place flats. As the group ran forward an elderly man was shot in the leg and fell. The shot came from the Glenfada direction. Two of the men crawled back to get him and two ran on forward. One of the men got behind at his feet and the other at his head. They were crouched down and started to push him in. The other two men came back and helped the man at the wounded man's head pull him in. The two young men went on, the one at the feet seemed to have fainted. After a few minutes he began to come round. From where I was I asked was he all right. He said he was. He then asked me to tell him when he could crawl away to safety and what direction to. The man who had stayed was trying repeatedly to grab him and pull him in but he couldn't. I now know the man trying to pull him in was Walsh and the man on the ground was Patrick Doherty. As the man raised on his left knee as if to crawl a shot came from Glenfada Park and got him in the hip or back. The man (Walsh) still couldn't get him in, and it seemed like an hour before the Red Cross was able to come to help him. They turned him on his back. He breathed once or twice and then died.

This man died getting someone else who was injured away. He definitely had no gun, nail bombs or petrol bombs.'[234]

In her statement to Evershed's made on 3/7/1999 she describes events thus:

'**32.** I looked south out of the kitchen window towards Joseph Place. I was kneeling on a table at the window. The window was above the southern end of the canopy over the shops on the south side of block two.

33. There was a man lying wounded below the kitchen window. I think he had been shot. He was lying on his stomach with his head facing south towards the

[234] **AH 13.12**

FS 6. 88

alleyway of Joseph Place. He was an elderly man, 30-40, my parent's age. I didn't see any blood but could see he had nothing in his hands.

34. As this man was making his way south, across Joseph Place, I was also watching a group of four or five men crawl in a line from behind the eastern gable end of block two of the Rossville flats towards the alleyway east of Joseph Place . Most of them reached the alleyway to the rear of Joseph Place before the elderly man and they helped pull him behind Joseph Place. One man was lying behind the elderly man. That man was lying on his stomach with his feet facing towards block two (north east) and his head facing the entrance to the alley way (southwest). He helped the elderly man to reach safety by pushing his feet. I now know that this man was Patrick Doherty.

35. After the elderly man had reached safety and had been pulled in by the other 2/3 men at the alleyway to the east of the Rossville flats, Mr Doherty remained lying on his stomach. He did not move. All the time, the shooting continued.

36. Mrs Mc Callion and I could not understand why Mr. Doherty was not moving towards the safe area to the east of Joseph Place. We shouted to him from the kitchen window to move. He was only about 6 to 8 feet from Joseph Place. I could see the men already sheltering in the alleyway to the east of Joseph Place also shouting to him. I think that some of them were shouting to him to come to them and others were telling him to stay where he was. We could hear screaming from the direction of Glenfada Park but I kept concentrating on despite the noise from elsewhere.

37. There was a tree, which was surrounded by a brick area. I saw a bullet hit the northwest facing side of the brick area. Because of the way the bricked area was hit, I felt that the shooting was coming from the Glenfada Park area.

38. After a matter of minutes, to the best of my recollection Mr Doherty lifted his right knee which was nearest to me (a supplemental statement of 14/12/00 states she is no longer certain which knee but her 1972 statement that it was the left is likely to be more accurate[235]) as though he was going to move towards the alleyway to the east of Joseph Place. At that moment, I saw a bullet enter the bottom of his right buttock. I saw the entry wound. Mr Doherty jolted. His body jerked off the ground. He landed on his front in the same position that he had been lying with his head towards the alleyway east of Joseph Place and his feet towards block two of the Rossville flats. There was no doubt in my mind because of the angle at which the bullet entered Mr. Doherty that he had been shot from the Glenfada Park area. I did not see any blood or any wound apart from the entry wound. However, I could see the colour draining from his face.

39. I went hysterical. I had a rosary in my hands and I tried to climb out of the kitchen window onto the canopy to get down to the ground to help Mr. Doherty. I got my leg out of the window, but Mrs Mc Callion pulled me back in. I could hear Mr Doherty calling out saying that he did not want to be alone and that he needed help. Mrs Mc Callion was trying to calm me saying that he had only fainted.

40. I could see a balding man, who was probably in his 40s trying to reach Mr. Doherty. He was crawling out on his stomach north from the opening of the alleyway to the east of Joseph Place. Although for five minutes he tried to reach Mr. Doherty, he could not make it because of the continuous shooting from the Glenfada Park area. I now know that man was Mr Patrick Walsh.

41. After about five minutes the shooting stopped. Mr Walsh eventually reached Mr Doherty and turned him onto his back.'[236]

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235 **AH 13.15**
236 **AH 13.5** **AH 13.6** **AH 13.7**

FI 6. 90

When Donna Harkin gave evidence she elaborated on her statement

" **Q:** You say that after a matter of minutes Mr Doherty lifted his knee as though he was going to move towards the alleyway to the east of Joseph Place. You are no longer certain which knee, but originally said it was his left. When he did that, was he facing the Joseph Place alleyway?

A: He was.

Q: Can you describe how he raised his knee and how that altered the position of the body?

A: From lying flat on the ground he raised on his knee as if to make a dive forward, but stayed down low and, as he got up on his knee, that is when I seen him being shot.

Q: So as he raised himself on his knee, did that have the effect of bringing him on to all fours?

A: Yeah, it would have been like someone starting a race, you know the way the runners bend down to start, to go forward, except he would have been far lower than that, you know.

Q: At that moment you saw a bullet enter the bottom of his right buttock and you say you saw the entry wound?

A: That is correct.

Q: Can you describe for us exactly what you saw?

A: Um, Mr Doherty's body jerked off the ground and then it landed down with a thud, um, and as I kept watching him I could see that the colour was leaving his face and I knew that he was dying. Mr Doherty had been calling out for help.

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Q: If we go on to paragraph 14 you say that you could see a man who was probably in his 40s trying to reach Mr. Doherty?

A: Yeah.

Q: Crawling out on his stomach north from the opening of the alleyway to the east of Joseph Place. Although for about five minutes he tried to reach Mr Doherty; he could not make it because of the continuous shooting from Glenfada Park?

A: That is correct.

Q: What made you think then that the shooting was coming from Glenfada Park?

A: Well, in my mind I could not think of where else the shooting was coming from because of where I seen the entry wound shoot Mr Doherty. I had put it over in my mind: was it from the walls, but, you know, I would need to be on the walls looking down to see what sort of vision is there, but because I had seen it going to his like - the only way I can describe it is it went into the bottom of his bum and it would have been closer to the right-hand side of where I was looking rather than the left-hand side.

Q: If we go over the page, you say you now know that man was Mr Walsh?

A: That is correct.

Q: After about five minutes the shooting stopped and Mr Walsh eventually reached Mr Doherty and turned him on to his back; do you now have a clear recollection of Mr Walsh turning Mr Doherty over?

A: I do, yeah (in her 1972 statement she said that Patrick Doherty had been turned on his back by the Red Cross).[237]

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[237] **AH13.13**

FJ 6 . . 92

Q: Mr Walsh, as you may know, gave evidence this morning.

A: Yes.

Q: He could not remember having done that. He thought it possible that he had gone out to Mr Doherty more than once; do you remember him doing that?

A: I do not actually remember Mr Walsh ever leaving his side, but, you know, as I have said before, every few seconds I would have hid behind the window and looked back out again, so maybe in those few seconds I might have missed that, but I believe Mr Walsh was with Mr Doherty up to the moments that he died."[238]

Ms. Mc Dermott QC examined Ms. Harkin about her impression that the bullet that killed Patrick Doherty had come from Glenfada Park:

"**Q:** It was your clear impression then, or indeed now, at least the time when you were making your statement, that the shot had come from Glenfada Park?

A: Yes, I would still say that is where it had come from.

Q: Was that because Mr Doherty's back was towards Glenfada Park?

A: Yeah, yeah, I would say -- where I seen him being shot was at the right-hand side of Mr Doherty and that is -- I can only assume the bullets come from the right-hand side, which was Glenfada Park.

Q: If you were, if you were to draw an imaginary line from Mr Doherty's buttock back, you think you would have reached Glenfada Park?

A: I definitely do, yes.

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[238] **Day 171/125/20 to Day 171/128/17**

FJ 6. 93

Q: That was the angle that he was at?

A: Yes.

Q: When he was shot?

A: Yes.[239]

Peter Mc Laughlin was watching from 27 Garvan Place, which was on the third floor of block two.[240] He noticed Patrick Doherty crawling on his stomach in the direction of the Joseph Place alleyway. He did not know Patrick Doherty at the time but his father, who worked with him, later identified him to him. He recalled that Patrick Doherty: -

'seemed to be dragging himself along the ground. He did not seem to be doing this voluntarily and seemed to be injured. He was painfully slow. He was not calling out to anyone but people were screaming at him. My father was in the living room with me and shouted at him not to go out into the open area but to stay under cover. He could undoubtedly hear what was being said but he did not stop. **I then heard a single shot and saw the bullet hit the high retaining wall to the east of block 2.** This was the retaining wall for the steep banking that leads up to the city walls and Fahan Street. I saw the dust fall from the wall as the bullet hit it. The shot which hit the wall was fired from the direction of Rossville Street and would have passed over Patrick Doherty as he crawled.'[241]

When Mc Laughlin gave evidence on **Day 174** he was asked if there had been any shooting before he heard that particular shot. He said that there had been general shooting before that but not in that particular area. When he first saw Patrick Doherty in that area there had been a lull in the shooting.[242]

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239 **Day 171/136/22 to Day 171/137/15**
240 For location see **AM 322.6** or tab 1/10
241 **AM 352.3 to AM 352.4 paragraph 18**
242 **Day 174/16/23 to Day 174/17/1**

FS 6. 94

His statement continues: -

19. A second bullet was fired from the direction of the soldiers [on Rossville Street] and this time it hit Patrick Doherty on the right-hand side of his stomach. I could see the bullet impact on his clothing. There was also a small sudden outward burst of blood. I did not see the bullet exit his body.

20. Patrick Doherty tried to crawl further forward after he was hit. He was fully stretched out and pulling himself by his arms. He raised his head and said 'Ah Christ -- they've shot me again'. He then put his head down. **I could see nothing in the man's hands nor was there anything beside him.**[243]

His 1972 account of the shooting is consistent with his account to Eversheds (although he did not specify which wall was hit by the bullet).[244]

When he gave evidence he said that there were no further shots immediately after that, until a gentleman crawled out to Mr Doherty's assistance.[245]

Charles Mc Laughlin father of Peter watched from the same window.[246] In 1972 he described a bullet passing over Patrick Doherty and hitting a wall before the bullet that killed Patrick Doherty was fired. When he made his statement to Eversheds he thought that the bullet had hit the ground between Patrick Doherty and the retaining wall.[247] When he gave evidence he said that the bullet had hit the ground and then hit the retaining wall.[248]

In 1972 he described events as follows: -

'I saw a man lying on his stomach. He was lying parallel with the front of the flats. He was facing Fahan Street. He started to crawl on his stomach heading for the alley behind Joseph

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243 AM 352.4 paragraph 20
244 AM 352.9 paragraph 3
245 Day 174/23/2 to Day 174/23/7
246 For location see tab 1/10: AM 322.6
247 AM 322.4 paragraph 24
248 Day 90/114/12 to Day 90/115/9

FS 6 . 95

Place. He was trailing his left leg. I shouted to him not to go across or they would shoot him. He kept moving and I shouted again, "For God's sake don't go across or they will shoot you." At that stage they shot at him. **The bullet passed over him because I saw chippings fly off the wall where the bullet struck. They fired a second shot at him.** The bullet struck him high up on the right hand side of his body. He put his hand to his side and said in a loud voice "They shot me again". His head fell to the ground.'[249]

Patrick Doherty had nothing in his hands nor was he doing anything that would have represented a threat.[250] Mc Laughlin thought the shot that hit Patrick Doherty had been fired from the direction of Rossville Street as at the time Patrick Doherty was side on to there.[251] He did not see any soldier fire.[252]

Charles and Peter Mc Laughlin both say they saw Patrick Doherty hit after they saw Father Daly's gunman at the end of Chamberlain Street.[253]

Joe Nicholas recalls Patrick Doherty lying on his stomach and crawling along towards the Joseph Place alleyway using his elbows. He had got about two-thirds of the way across the gap towards the alleyway behind Joseph Place when he was shot. Nicholas knew Patrick Doherty had been shot because he saw the right-hand side of the back of his coat lift up. He then collapsed onto his face and lay still. Nicholas assumed that two soldiers whom he had seen in firing positions at the northeastern corner of Glenfada Park south had shot Patrick Doherty. He did not see these soldiers shoot.[254]

Nicholas was interviewed by the Sunday Times and recalled a burst of three or four shots hitting the retaining wall behind Patrick Doherty before the shot that killed him.[255] When

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249 AM 322.10 paragraph 2
250 Day 90/127/21 to Day 90/128/4
251 Day 90/128/13 to Day 90/129/10(Lawson QC)
252 Day 90/126/13 to Day 90/126/16
253 AM322.3 to AM322.4 AM352.2 to AM352.4
254 AN 17.4 paragraph 18 AN17.4 paragraph 21
255 AN 17.20

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Nicholas gave evidence he said he recalled bullets hitting the retaining wall above Patrick Doherty's head both before and after Patrick Doherty was shot.[256]

Derrick Tucker now deceased, and his family were watching from 31Garvan Place. That flat was the third flat from the Fahan Street end of block two and was above the canopy[257] In 1972 he said: -

'From my window I can see directly down the alleyway behind the maisonettes. In the alleyway several people were lying down, two appeared to have been shot as other people helped them into the houses. From directly beneath my window I saw a man crawl out from the shops and make his way towards the alleyway. He had got about half way between the shops and the alleyway when a shot rang out. He gave a kick with his right leg and then lay very still.'[258]

His son **Derrick Tucker junior,** who was aged 12, saw Patrick Doherty crawling in the direction of the Joseph Place alleyway. When he was approximately mid way **he heard three or four gunshots in quick succession**. He saw dust or smoke rising from the retaining wall to his left-hand side, (the wall which was parallel to the gable end of block 2 and ran in a south westerly direction behind the maisonettes at Joseph Place). It seemed to him that the shots had come from the direction of Glenfada Park or Rossville Street although he did not see a soldier in that general area at the time the shots were fired. At the same time as the shots were fired, the man whom he had seen crawling jerked as if he was having a spasm. He then stopped crawling and lay flat on his stomach. [259]

When Tucker saw Patrick Doherty being shot he did not notice anyone between Patrick Doherty and the retaining wall.[260] He saw the bullet holes in the retaining wall on the

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256 **Day 78/34/16 to Day 78/34/24**
257 For location see tab 1/10 at AT 17.8 or **AT 15.12**
258 **SAV 7032** Document also at **AT16.17** but page 2 is missing
259 **AT 15.4 paragraphs 27 to 28** and **Day 99.**
260 **Day 99/20/18 to Day 99/20/23**

FS 6 . 97

following day – he thought there were **three**. He marked their position when he gave evidence on day 99.[261]

When Tucker saw Patrick Doherty he was 'alone and in isolation'. There was no-one crawling with him. He was not representing a threat of any sort and had nothing in his hands.[262]

His sister **Patricia Tucker** agreed with her brother's recollection that Patrick Doherty was on his own trying to get across to the laneway. She had no impression or recollection of a crocodile or of even a handful of people crawling. Her recollection was of just seeing Patrick Doherty.[263]

Muriel Barr was at the Joseph Place side of the gap between blocks two and three. She has a similar memory of Patrick Doherty being alone:

'His feet were pointing towards me. He was facing towards Joseph Place as was I and was about 30 feet away from me. He was crawling. I could see the side of his face, which was pale. He had a white handkerchief on his face with thick dark collar length hair. He was also wearing dark clothes and shoes. I was surprised to see him out there on his own between Joseph Place and me without any cover. There were no other people around him in that area.

I then heard **a distinct shot ring out and the man moved a little on his elbows. Then I heard a second distinctive shot** very soon after the first. I do not know if the first shot hit the man, but the second shot definitely did as I saw his backside go up in a hump in the air and then come to rest'.[264]

He was on his elbows and **she could see his hands and there was nothing in them.**[265] She was not able to say where the shot that hit Patrick Doherty had come from.

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261 Day 99/19/5 to Day 99/20/17 AT 15.22
262 Day 99/37/20 to Day 99/38/3
263 Day 122/138/5 to Day 122/139/8
264 AB 18.5 paragraphs 31 to 32
265 Day 388/13/5 to Day 388/13/12

FS 6 . . 98

Martin Tucker recalls: -

'**35.** I was moving between the kitchen and the living room windows. I saw another man who I now know to be Patrick Doherty creeping along the ground in front of the fish shop, which was directly beneath our kitchen and living room windows, trying to get to the alleyway behind Joseph Place. The man was wearing a jacket; I think it was checked, with a fur collar. He had dark hair and a moustache. I do not remember him wearing a scarf or gloves or having his face covered. **There was nothing in his hands**. Although he was crawling slowly, he seemed to be fine at that stage. He was about halfway between the shops and the alleyway when his right leg jerked out. It looked like a spasm. I assumed he was shot in his right-hand side because it was his right leg that jerked. I could not see any blood but I knew immediately that he was dead. He lay face down on his stomach with his arms out in front of him. I did not hear him say anything'.[266]

Martin Tucker heard several shots in rapid succession before Patrick Doherty was shot.[267] He also saw two men shot as they attempted to get from the shops to the Joseph Place alleyway. The shooting sounded like it was coming from Rossville Street at Glenfada Park South.[268]

Tucker said it made sense that Patrick Doherty had been shot from Rossville Street/Glenfada Park although he did not see a soldier fire a shot from that direction.[269] Tucker did not see bullets hit the retaining wall but with his brother Derrick, saw the holes in the wall the following day.[270]

EDWARD DILLON [271] was in the Joseph Place alleyway helping a wounded man when he saw Patrick Doherty crawl towards him. He heard him shout, "Hold on - I will assist you". He goes on to say: -

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266 AT 17.5 paragraphs 35 and Day 98
267 AT 17.5 paragraph 34
268 AT 17.5 paragraph 33
269 Day 98/126/5 to Day 98/126/21
270 Day 98/113/4 to Day 98/113/9
271 AD 45 Day 174

FS 6. 99

'He was crawling towards us. **I could see his hands and he was not holding anything**. As he shouted he was shot. The shooting had not really stopped but I heard specific shots from the direction of the city walls. He pressed himself up on his hands and I could see blood on his shirt. I think it was on the left-hand side of his chest. He then collapsed down. He about 20 to 25 feet away from the steps leading from Joseph Place to Fahan Street East and about 20 feet from the corner of the wall at Joseph Place where I was standing. Years later, I learned that this man was Patrick Doherty'.[272]

When he gave evidence Mr Glasgow asked him whether he was aware of the noise of shooting coming from his right through the gap between blocks two and three. He said he couldn't recall. He thought however that the shooting was coming from above him rather than from ground level. He did not see any one at the 2/3 gap with a weapon.[273]

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272 AD 45.2 paragraph 9

273 Day 174/91/19 to Day 174/92/25

FS 6 . 100

6.2 PATRICK DOHERTY CRIES FOR HELP

Patrick Doherty did not die immediately. Attempts to reach him in his final moments to either comfort him or render aid were thwarted by continued fire military fire. Several civilian witnesses describe an injured man in the open between block two and Joseph Place calling out for help after he was shot.

In his 1972 statement **Patrick Campbell** described what he heard: -

'As I was watching I saw another man crawling towards me.[274] He was shot in the leg and the blood was pouring from the wound. He was shot and as he crawled towards me he was shouting, "Help me, Help me". He had got about half way across when he was hit in the back by a bullet from an Army sniper. He cried out, "Help me, Jesus help me, I'm dying". Two men I think you call Jap O'Donnell or something like that went out to help him, but the Army fired at them and they had no option but to go back in. This poor fellow had to lie there for ten or fifteen minutes until the Army stopped firing before anyone could reach him. I don't know if he was dead when they eventually got to him but at the time he was lying there calling, "I'm dying, help me, help me." But no-one could get near him.'[275]

Edmund Melaugh was in the Joseph Place alleyway. He saw Patrick Doherty crawling along the ground towards the alleyway. Patrick Doherty called out that he had been shot. 'He was crawling and calling for someone to come and help him'.[276] Melaugh thought the shooting into the Joseph Place area had come from soldiers he had seen earlier in Glenfada Park North.[277]

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274 Campbell says he was watching from a window on the bottom floor of the flats. He had a view of the Joseph Place alley

275 **AC17.1** 1972 statement only

276 **AM 398.5 paragraph 29**

277 **AM 398.5 paragraph 26**

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Hugh Barbour made his way from Barr's shop to the Joseph Place alley after Barney Mc Guigan was shot. As he was approaching the alley he heard someone call out: -

"I am hit, please help me".

Barbour did not look to see who was calling but subsequently assumed it was Patrick Doherty. The shooting was particularly intense at the time.[278]

Geraldine Richmond was near the telephone box at the western end of block two after Hugh Gilmore was shot. She made a statement in 1972 and said: -

'Another man was lying at Fahan Street steps. I could hear him squealing but nobody could get to him because of the shooting. Mr Mc Guigan said he was going to try and reach him because he didn't want him to die alone. He took two steps forward and was then shot in the head.'[279]

Michael Mc Cusker was also at the telephone box. Before Barney Mc Guigan was shot he heard a man in distress shouting from the southern end of block two of the flats. Later he saw a crowd of people around the man and subsequently discovered the man was Patrick Doherty.[280]

Paul Mc Laughlin remembers seeing a body between the flats and Joseph Place. He recalls a man who he later found out to be Barney Mc Guigan, going out to assist the man.[281] When he gave evidence he said he assumed Mc Guigan was going out to help Patrick Doherty, as that was the direction in which he was moving. He did not hear anyone call for help.[282]

Antoinette Coyle was also taking shelter near the telephone kiosk. Her contemporaneous statement records: -

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278 Day 88/78/7 to Day 88/79/10
279 AM 45.26
280 AM 160.3 paragraph 13 and Day 148/77/2 to Day 148/81/15
281 AM 350.5 paragraphs 31 to 32
282 Day 176/21/4 to Day 176/21/16

'At this point [after Gilmore and Mc Guigan had been shot] someone called that a man who had been shot, further up the square, was still alive. Captain Day and myself ran to the man where we met Supt. Alice Long. Captain Day examined the man and asked me to get an ambulance.'[283]

Peter Mc Laughlin recalls: -
' Patrick Doherty tried to crawl further forward after he was hit. He was fully stretched out and pulling himself by his arms. He raised his head and said

"Ah Christ they've shot me again". He then put his head down.'[284]

That account accords with his 1972 recollection.[285]

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283 AC 85.26 paragraph 3
284 AM 352.4 paragraph 20
285 AM 352.9 paragraph 4

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6.3 WALSH ATTEMPTS TO RESCUE PATRICK DOHERTY

Several civilian witnesses watching from the flats in block two, witnessed events after Patrick Doherty was shot. The evidence suggests that Patrick Walsh who was in the alleyway behind Joseph Place made two attempts to reach Patrick Doherty. On his first attempt he was either crawling or scurrying in a semi upright position.[286] He turned Patrick Doherty over and attempted to drag him to the Joseph Place alley.[287] In so doing he may have changed the orientation of the body. He was forced to retreat because of incoming fire from either the walls[288] or Glenfada Park.[289] Peter Mc Laughlin says that there was no fire immediately after the shot that killed Patrick Doherty until the shots that were fired at Walsh as he tried to rescue Patrick Doherty.[290] Walsh crawled out a second time and again retreated.

Giles Peress has captured attempts made by Patrick Walsh to retrieve Patrick Doherty's body in a series of photographs. Patrick Walsh became aware of Patrick Doherty after he had taken the injured Patsy Mc Daid to a house in Joseph Place and after he had seen the injured Patrick Campbell and Daniel Mc Gowan.[291] Patrick Walsh's memory of events both when he made his statement to Eversheds and when he gave evidence to this Inquiry was poor but notes of an interview with him by the Sunday Times team in April 1972 corresponds in large part with the evidence of other civilian witnesses about his actions on the day.[292]

The notes record: -

'Then Patrick Walsh saw the body of a man lying on his face just about halfway across the space between the

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286 **AH36 paragraph 21** and **Day 77/21/7 to Day 77/21/10**
287 See below and also P.Mc Crudden **AM 153.18 paragraph 8** and Derrick Tucker **AT16.2**
288 **Thomas Wilson AW19.1** **William Harley AH 36.4 paragraph 21**
289 Donna Harkin **AH 13.7 paragraph 40** Patrick Walsh **AW 5.14** Peter Mc Laughlin **AM352.4 paragraph 21** Patrick Mc Crudden **AM 153.4 paragraphs 22-24**
290 **Day 174/23/2 to Day 174/23/7**
291 **AW 5.15** and **AW 5.14**
292 **AW 5.17 to AW5.14**

passageway and where he was. He thought the man was still alive, there were slight movements and he was groaning from time to time. Patrick Walsh shouted out 'Are you all right, mate', but got no answer. He crawled out to him and turned the man on to his back.... **At that point there was more shooting and bullets hit the wall by the steps**. The girl shouted down to be careful and Patrick Walsh crawled back to the alleyway'.

The Peress sequence of photographs of Patrick Doherty and Patrick Walsh confirms the account of movement in that Patrick Doherty's hands change position from photograph to photograph.[293] Patrick Walsh does not now remember Patrick Doherty saying anything. Neither does he remember turning Patrick Doherty onto his back. Donna Harkin, Jean Mc Geehan, Derrick Tucker and Peter Mc Laughlin who were watching from flats in block two all have that recollection.[294]

Donna Harkin recounts: -

> **40.** 'I could see a balding man, who was probably in his 40s trying to reach Mr. Doherty. He was crawling out on his stomach north from the opening of the alleyway to the east of Joseph Place. Although for five minutes he tried to reach Mr. Doherty, he could not make it because of the continuous shooting from the Glenfada Park area. I now know that man was Mr Patrick Walsh.
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> **41.** After about five minutes the shooting stopped. Mr Walsh eventually reached Mr Doherty and turned him onto his back.'[295]

Jean Mc Geehan gives a similar account:

' I then saw another man appear from the back of the alleyway behind Joseph Place and start moving very slowly towards the man lying on the ground at point E. This man was on his hands and knees crawling very slowly. My uncle

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[293] **P802** **P803** **P804** **P805** at tab 1/7

[294] For location of witnesses see tab 1/10. There is also some evidence that Patrick Doherty was turned over by a KOM see **AM 398.5 para 31**

[295] **AH13.6 to AH 13.7**

FS 6 . 105

opened the window and shouted out to him to be careful and watch himself because there was shooting. As he crawled along he was looking all around him but not really looking in any one particular direction. He kept stopping and starting and it took him quite a while to reach the man lying at point B. By the time he reached him I think the gunfire had stopped: He turned the man over. I do not know whether he intended to turn him over or whether he went to take his pulse and turned him over as he was examining him, but he did end up lying face up.'[296]

In his statement made on 4/2/1972 **Derrick Tucker** senior described events as follows:-

'A man started to crawl from right beneath my window across to the alleyway. 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.'[297]

Peter Mc Laughlin recalls Patrick Walsh coming out to the body on two occasions, turning it over the first time: -

"It is my recollection that someone came out to Patrick Doherty's assistance on more than one occasion, probably two. I do not know if it was the same person on both occasions. I do not know Patrick Walsh, but I have been shown photographs since and would accept that, on at least one occasion, that gentleman was Patrick Walsh, but someone did come out to Patrick Doherty on the first occasion and it was on that occasion that shots were fired at him.

He continued to assist Patrick Doherty, (the gentleman I understand to be Patrick Doherty) - tried to pull him by the --

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[296] AM 228.4 paragraphs 20 to 21
[297] AT16.2

FS 6. 106

his arm and sleeve of his jacket, could not do that, turned him over on to his back, tried to pull him by the collar of his coat. During this episode the shots were fired at this gentleman. When he was unsuccessful he retreated back into the alleyway. There was -- I cannot be quite sure how long, but after a few minutes he came out again to Patrick Doherty before going in for -- sorry and someone came out to Patrick Doherty before going in again for a second time. It was after that that there was a break before eventually a number of people went to Paddy Doherty's assistance."[298]

In his statement to Eversheds Mc Laughlin says when Patrick Walsh was on his knees at Patrick Doherty's body distinct shots were fired towards him. He thought the shots were fired from Rossville Street.[299]

The account of coming out twice accords with Patrick Walsh's account to the Sunday Times in 1972. When Patrick Walsh crawled back to the alleyway having tried to reach Patrick Doherty the first time the Sunday Times notes record: -

'Patrick Walsh was sure that the man was still alive; he waited until the shooting stopped again and then crawled out again. "I could almost see he was going, his face was a terrible colour' it was almost yellow, I'd never seen a man die until then, but that was the colour of death". Patrick Doherty was still alive, groaning softly; "I started to say a rosary but I just couldn't finish, I had to turn away, it took me very bad." ...Patrick Walsh crawled back to his alleyway. He recalls seeing other people opposite, in the passageway, waving and shouting, and he thinks one young man stepped out towards Patrick Doherty but had to go to ground when the shooting began again.'[300]

When he gave evidence Patrick Walsh agreed that the sequence of events enumerated above was the likely one and that he could remember crawling out to the body more than once.[301] If that is right then the series of photographs

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298 Day 174/23/9 to Day 174/24/8
299 AM 352.4 paragraph 21
300 AW5.13
301 Day 171/41/25 to Day 171/43/1

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taken by Peress at **P802-806** would have been taken the second time Patrick Walsh crawled out as Patrick Doherty is already on his back as Patrick Walsh approaches.

William Harley describes a similar sequence. He was watching from 37 Donagh Place, which was in the middle of the top floor of block two.[302] When he first saw Patrick Doherty he was 'face down with the head pointing towards the [Fahan Street] steps and the feet pointing towards the north western corner of block two of the flats.'[303] He then saw someone come out of the alley and shuffle towards the body. When he gave evidence he described the man's movements as 'stooped over, bent at the waist, like a scurrying walk'. The man went to the head of the body and when he reached a certain point he was fired on. **Harley saw the bullets strike the path to the west of Patrick Doherty's body. There were 3-5 shots.** Harley was certain the shots came from the walls.[304]They caused the man to fling himself back towards the alley from where he had come. The same man came out again, this time crawling, flat on the ground. He was at right angles to Patrick Doherty who was on his back at this stage and he attempted to give him the kiss of life.[305] Harley recognised the man's face. He says he had a face with a sallow, swarthy complexion and was going bald. He was, Harley said, 'doing the most unselfish thing he had ever seen.' Harley thought the sequence of photos of Patrick Walsh and Patrick Doherty taken by Peress were taken the second time Patrick Walsh crawled out.[306]

Patrick Mc Crudden was watching events from William Harley's flat. On 2.2.1972 he described seeing a body between the flats and the maisonettes and then 'A man crawled out to this man and felt his pulse. At this stage there was more shooting. The man lying on the ground did not move but the other went still and as flat as possible on the ground. He proceeded to try and pull the injured or dead man to the safety of the alleyway, crawling himself. He could

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302 For location see tab 1/10 at **AM153.7**
303 **AH 36.4 paragraphs 20 to 21**
304 **AH 36.4 paragraph 21**
305 **Day 77/22/24 to Day 77/22/22**
306 **AH 36.4 paragraph 23**

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not move the other so he turned him over and I recognised the wounded man as Patrick Doherty.'[307] Mc Crudden thought the shooting was coming from Glenfada Park.[308]

Martin Tucker similarly describes a rescuer being unable to reach Patrick Doherty because of incoming fire: -

'A couple of people in the alleyway behind Joseph Place tried crawling out to help him. I think they tried two or three times and called out to him but had to give up because the shooting continued. They were obviously very distressed because they had to give up and watch someone dying in front of them'.[309]

Derrick Tucker's 1972 statement describes: -

'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 40 or 50, 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.'[310]

Patrick Walsh remembers hearing the 'whoosh' of bullets going over his head as he was lying with Patrick Doherty.[311] The note taken when Patrick Walsh was interviewed by the Sunday Times team in 1972 was that after he had crawled out to Patrick Doherty there was more shooting and the shots hit the wall by the steps.[312] When he gave evidence he had no recollection of shots hitting the wall but thought the shots had struck the ground around where he and Patrick Doherty were.[313] He was asked about one of the Peress photographs

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307 AM153.18 to AM153.19
308 AM153.4 paragraphs 22 to 24
309 AT 17.6 paragraph 36
310 AT 15.20 paragraph 4
311 AW 5.3 paragraph 15
312 AW 5.14
313 Day 171/40/25 to Day 171/41/11

P804 that shows him beside Patrick Doherty's body looking in a westerly direction towards the Glenfada Park area. He said he was looking to see where the shooting was coming from.[314]r

When the firing died down Patrick Doherty's body was carried to an ambulance on Rossville Street. An annotated photograph of Patrick Doherty being carried along the front of the shops on the southern façade of block two appears at **EP22/14.001**.[315] His body was put on the floor of the ambulance which was manned by Harry Wray and John Gilchrist and he was taken to Altnagelvin hospital where he was pronounced dead by.[316]

[314] **Day 171/39/8 to Day 171/39/14**
[315] At tab 1/9
[316] **ED 38.4**

FS 6.110

7. SHOOTING INTO SECTOR 5 FROM GLENFADA PARK

The overwhelming evidence from those witnesses who saw the shot that killed Patrick Doherty is that the bullet had come from the Glenfada Park/ Rossville Street area. Those witnesses who say the shot came from that area do so for a number of reasons:

- The position of Patrick Doherty's body and of the entry wound[317] and/or
- They had seen soldiers in Glenfada Park at the relevant time[318] and/or
- They had seen bullets strike the retaining wall to the south of block two before Patrick Doherty was shot[319]
- The direction they thought the gunfire was coming from.[320]

The evidence from these witnesses has been dealt with in the previous section. In addition to those civilians who witnessed the shooting of Patrick Doherty there is evidence from civilians who saw soldiers shooting from Glenfada Park North to the south of block two, from civilians who saw/heard strikes to the south of block two and from civilians who saw soldiers in or around the Glenfada Park North entrance at the relevant time.

317 Donna Harkin, Charles Mc Laughlin
318 Joe Nicholas
319 Peter Mc Laughlin, Derrick Tucker junior, Joe Nicholas
320 Martin Tucker

AJ 6. 111

7.1 CIVILIANS WHO SAW SOLDIERS SHOOT

John Hutton was looking out of a ground floor window of one of the Joseph Place flats.[321] He noticed about thirty people huddled at the Glenfada Park North gable end. **Three** soldiers started arresting people there. As the arrestees were being marched away two soldiers took up position at the gable wall. After the people had been taken away a small soldier about 5'6" or 5'7" in height[322] moved out from the south western corner of the eastern block of Glenfada Park North, got down onto his right knee, raised his rifle and fired a shot towards the northern end of Joseph Place. The soldier was alone. He then withdrew. Hutton could not say who the shot was fired at.[323]

A minute or two later he saw Mc Guigan move out from the cover of the telephone box. He took two or three steps when Hutton saw the same soldier move out again, go down on his right knee as before and shoot his rifle. Hutton was certain that the soldier was the same one as had fired before rather than another soldier firing from the same place as the soldier was of the same height and had the same physique.[324]Mc Guigan was hit in the head. A second soldier then joined the soldier.[325] A Saracen then came down Rossville Street. Hutton did not see what happened to the soldiers after that.

James Quinn was at the gable at the southern end of the eastern block of Glenfada Park North when three soldiers arrived and told those there to put their hands on their heads. He decided to make a run for it and ran towards the houses in Joseph Place.[326] As he did so **three or four** shots rang out. They seemed to come from behind him. He assumed the shots had been fired at him.[327]

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321 AH 105.11
322 Day 185/35/16
323 AH 105.9 and AH 105.7 at K
324 Day 185/50/25 to Day 185/51/8
325 AH 105.2 to AH 105.3 and Day 185/52/21 to Day 185/53/7
326 AQ10.6 paragraph 32
327 Day 179/67/11 to Day 179/68/12

Joseph Doherty said that he saw two soldiers at the corner of Glenfada Park North (when he gave evidence to the BSI he changed this to Glenfada Park South but agreed that this might be mistaken). One soldier moved out of sight, the first stayed at the opening. The first soldier dropped to his knee, took aim and fired one shot at Bernard Mc Guigan who fell to the ground. He fired two other shots. The second soldier had retreated at the time of the firing but returned and called the first soldier back. The soldiers went back in the direction they had come from.[328]

Edmund Melaugh describes what he saw before making the way to the Joseph Place alley and before the sequence he describes with Patrick Doherty. He says:

' Then, from where I was standing at the south end gable of block 1, I could see soldiers advancing into the Glenfada Park North courtyard. There were not many, maybe four or five. They all had rifles and were shooting across the Glenfada Park North courtyard in the direction of Glenfada Park South. I then saw one soldier drop and kneel near to the centre of the Glenfada Park North courtyard and start shooting towards the hexagonal flowerbed and the south gable end of block 1, where we were standing'.[329]

The position in which Melaugh saw the soldier who dropped and kneeled is marked with a blue arrow on **AM 398.26**.[330] When he gave evidence he said the soldier was firing towards the flats.[331] He did not actually see him fire his gun but he saw him taking aim.[332] Melaugh then runs along the side of block two. As he runs he hears shooting. He assumes the kneeling soldier fires the shots. He then describes helping the injured at the Joseph Place alleyway and becoming

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328 **Day 138/149/1**

329 **AM 398. 4 paragraph 20**

330 Eibhlin Lafferty and Soldier 030 both see a soldier in the centre of Glenfada Park North on one knee. Eibhlin Lafferty says his gun was pointed south side Glenfada Park North, 030 saw him fire to south of block two from this position.

331 **Day 170/115/3 to Day 170/115/25**

332 **Day 170/116/11 to Day 170/116/24**

aware of Patrick Doherty.[333] The shooting is still going on at this time.[334]

John Porter is now deceased. He was looking out of the window of 8 Abbey Park. He said that he saw two separate sets of paratroopers firing towards Joseph Place. The first group fire three shots towards block two. The second group fire seven shots towards the south of block two. Both incidents occur after Evelyn Lafferty is shot at in Abbey Park.

Porter says that he saw two paratroopers appear at the corner of Glenfada Park North. The first fired two shots in the direction of Joseph Place and the second fired one shot in the same direction. Then the two paratroopers move off the group of arrestees. His evidence about the second set of paratroopers is of one paratrooper firing four shots from the hip in a fanning movement and a second paratrooper firing two shots from chest height. A third paratrooper then fired one shot from his shoulder.[335]

Denis Bradley is at the gable end to the south of the eastern block of Glenfada Park North. He describes one soldier appearing at the gable end, followed by a couple of other soldiers. As the arrestees are moved away, he sees a soldier fire four to eight shots from hip or waist level in a southerly direction.[336]

Patrick Boyle made a statement in 1972. He said:

'I was round the corner at the phone box when the shooting began.... Across the street there were 40 or 50 people with their hands above their head. Before this another man who had been shot was dragged around the corner. A soldier with the crowd of 40 or 50 turned round and fired across the street. The chap beside me, Mr Mc Guigan, fell dead.'[337]

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333 **AM 398.4 to AM 398.5**
334 **AM 398.5 paragraph 29** **AM 398.19 paragraph 2**
335 **AP 11**
336 **Day 140/137/9 to Day140/137/18** See **H 1.78** for marked up photo showing position of soldier
337 **AB 52.1**

FS 6. 114

Simon Winchester was unable to remember his 1972 account when he gave evidence to the Saville inquiry. In 1972 he said that he saw a soldier in front of the Glenfada Park flats firing four, five or six shots towards Joseph Place.[338]

[338] **M83.18 paragraph 21**

AS 6 . 115

7.2 CIVILIANS WHO SAW OR HEARD BULLET STRIKES

Peter Mc Laughlin[339], **Charles Mc Laughlin**[340], **Joe Nicholas** [341], and **Derrick Tucker**[342] all saw bullets strike the block three retaining wall to the east of block two before Patrick Doherty was shot (none give evidence of anyone between Patrick Doherty and that retaining wall).

Donna Harkin remembers bullets hitting the Rossville Street side of the bricked area surrounding the tree second in line from Fahan Street.[343] This may have been before Patrick Doherty was shot.[344]

Patricia Tucker recalls repetitive shots from the Glenfada Park area before she saw Patrick Doherty's body. She did not see any soldiers.[345]

Giles Peress said that when he came through the 2/3 gap and took the Patrick Walsh/Patrick Doherty sequence of photographs he was aware of gunfire coming from his right from the area of Rossville Street in the general direction of Patrick Doherty and Patrick Walsh.[346] The position Peress thought the gunfire was coming from is marked on **M65.70**.

In a statement made in 1972 **Brian Mc Cool** remembers carrying the body of Hugh Gilmore around the corner of block one .He says that just with that the Army opened fire from the direction of Glenfada Park at an acute angle.[347]

Mc Cool then took cover at the telephone box and watched as Gilmore died. He describes a young girl becoming hysterical and says that the more she roared the more the Army fired. In his Evershed's statement Mc Cool distinguishes these volleys of shot from a single shot, which hit

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339 AM 352.3 paragraph 18
340 AM 322.4 paragraph 24 and Day 90/114/12 to Day 90/115/15
341 AN 17.20 and Day 78/34/16 to Day 78/34/24
342 AT 15.4 paragraphs 27 to 28 and Day 99/19/5 to Day 99/20/19
343 P323 Day 171/123/15 to Day 171/124/5
344 Day 171/125/12 to Day 171/125/20
345 AJ 2.4 paragraph 8 and Day 122/127/19 to Day 122/128/5
346 Day 213/35/23 to Day 213/39/8
347 AM 133.10

Mr Mc Guigan.[348] Mc Cool did not see the soldiers who fired the shots.[349]

The **Sunday Times** interview with **Patrick Walsh** records shots hitting the wall by the Fahan Street steps as Patrick Walsh crawled out to the dying Patrick Doherty.[350]

Patrick Mc Crudden recalls hearing maybe 5 or maybe 8 or maybe10 shots fired in quick succession at Patrick Walsh as he crawled out to Patrick Doherty. He thought the gunfire was coming from the general area of Glenfada Park.[351]

Hugh Barbour describes three or four soldiers coming out of the gap between Glenfada Park North and Glenfada Park South after Barney Mc Guigan was shot. They came onto Rossville Street, took up kneeling positions and put their rifles to their shoulders.[352] He marked their position at point L on **AB10.11**. He decided to make a run for it to Joseph Place and heard intense shooting coming in his direction. He saw a couple of shots strike the steps leading to Fahan Street and heard someone crying that they had been hit.[353]

William Mc Dermott recalls being in the alleyway between the two blocks of Joseph Place and seeing Patrick Campbell being carried south along the alleyway by two men. He says:

22. 'As I was peeping out of the alleyway, I heard a bullet pass close to my head which hit the wall overhead. I heard a thud above my head. The shot seemed to be fired from the area of Glenfada Park, although I did not see any soldiers there. Whoever fired the shot must have seen me before I saw him. I think the shot was aimed at me; it was too close for comfort so I took cover again'.[354]

He places this incident after Mc Guigan was shot.[355]

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348 AM 133.4 paragraphs 23 to 24
349 AM 133.3 paragraph 21
350 AW 5.15 to 5.14
351 Day 204/39/17 to Day 202/41/18
352 AB10.5 paragraph 29
353 Day 88/75/19 to Day88/78/2
354 AM 189.5 paragraphs 20 to 22
355 AM 189.4 paragraph 16

FS 6. 117

Thomas Dawe came through the gap between blocks two and three. He became aware of a body at the western end of block two. He walked towards it. As he did a bullet hit the pavement in front of him. The way the paving chips flew towards him made him think that the shots were coming from Glenfada Park/Rossville Street.[356]

Paul Mc Laughlin describes being at the telephone box before he became aware of the bodies of Patrick Doherty and Bernard Mc Guigan and seeing puffs of smoke flying off the face of the plinth to the south west of him at point J on **AM350.10** (the three penny bits). He thought the bullets were coming from Glenfada Park North or the city walls.[357]

[356] **AD 5.4 paragraph 21** and **Day 94/130/7 to Day 94/132/13**
[357] **AM 350.5 paragraph 30**

FS 6 . 118

7.3 CIVILIANS WHO SAW SOLDIERS AT THE SOUTH EAST ENTRANCE TO GLENFADA PARK NORTH

James Deeney gave evidence on day 86.He came through the gap between blocks two and three. He has a memory of somebody being wounded at the gable end of Joseph Place opposite the shops at block two. He saw the body of Patrick Doherty and had a memory of at that time, seeing a soldier across the road in Rossville Street pointing his rifle towards where he (Deeney) was.[358] He marked the position of the soldier on **AD 26.20.**

Kevin Mc Daid appears in **P798**, with Patrick Doherty, in the gap between blocks two and three. He left Patrick Doherty, went into block two, across the walkway and into the stairwell of block one. He looked out and saw three or four soldiers at the southern gable of the eastern block of Glenfada Park North. The area was clear of civilians at the time.[359] He marked the position of the soldiers on **AM 167.9**

Michael Mc Cusker described seeing five soldiers near the southeastern entrance of Glenfada Park North. The position of the soldiers is marked in **AM160.11**. They appeared to be shooting to the south and the west in Glenfada Park North. At the time he could hear a man call out from the southern end of block two of the flats. He subsequently discovered the man was Patrick Doherty. Barney Mc Guigan then stepped out from the wall and was shot.[360]

In a statement made on 28.2.1972 **Daniel Mc Gowan** describes being in front of the Joseph Place shops when he noticed a young man lying on the ground near the telephone kiosk. He also noticed a young girl who was in a hysterical state. He also noticed two soldiers on their knees in firing positions at Glenfada Park. He then saw Patrick Campbell who shouted, "I'm shot".[361] When Eversheds

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358 Day 86/58/1 to Day 86/60/14 and AD 26.14
359 Day 100/90/17 to Day 100/91/22 and AM167.4 paragraph 20
360 AM 160.2 paragraphs 12 and 13and Day 148/64/3 to Day 148/69/3
361 AM 255.5

FS 6. 119

interviewed Mc Gowan he said he could no longer recall seeing the two soldiers in firing positions Glenfada Park.[362]

362 **AM 255.4 paragraph 20**

FS 6 . 120

8. MILITARY EVIDENCE

On 19/2/1972 Soldier F admitted firing into sector 5 he said:

'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. [363] He was the only person in the area from where 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.'[364]

Apart from the soldiers who were with him, the other soldiers best placed to see events as they unfolded in sector 5 were those soldiers on the walls. Soldiers and policeman positioned on the **Platform**, on **Magazine Street Upper** and at **Charley OP** had a bird's eye view into this area and would have seen or heard of a civilian gunman or pistol shots had there been any.[365] The evidence from the soldiers and policemen in those positions who made statements in 1972 does not support F's proposition that there was a civilian gunman at the eastern end of block two of the flats.

Their evidence reveals the following:

- None of the soldiers on the walls overlooking the area between block two of the Rossville flats and Joseph Place who made statements in 1972 say they saw a civilian gunmen in that area.

- Three of the soldiers on the walls overlooking the area between block two of the Rossville flats and Joseph Place who made statements in 1972 say they heard low velocity gunfire. The source and the timing of the fire do not match

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363 In his TSOL statement the man was armed with a pistol & in his oral evidence he saw the man firing the pistol. See evidence tables at Appendix 3

364 **B167.037**

365 See map at Appendix 2 for positions of these soldiers and policemen

Soldier F's evidence. These witnesses may have heard Father Daly's gunman who fired from the end of Chamberlain Street sometime before Patrick Doherty was shot.[366]

- None of the police officers on the walls overlooking the area between block two of the Rossville flats and Joseph Place who made statements in 1972 say they saw a civilian gunmen or heard low velocity gunfire in that area.

- Neither the soldiers or the police officers on the walls who made statements in 1972 (The Platform, Magazine Street or Charley OP) report incoming shots to their locations from the area between block two of the Rossville flats and Joseph Place.

- The soldiers and police officers on the walls had at their disposal a variety of high-powered devices such as donkey eared binoculars, periscopes and telescopic sights with which to observe events. It is therefore inconceivable that they did not see soldiers firing from Glenfada Park.

- Only four soldiers on the walls **(040,134, 030, 227)** claim to have seen a soldier fire into sector 5 and even then that soldier is said to have fired only one or two shots. Quite apart from the fact that there were 4 people shot in sector 5 there is overwhelming evidence from the civilian witnesses that there was a lot of fire into this area.

- Three of the walls soldiers **(040,134,030)** were taken to Lisburn and interviewed by Lt. Colonel Overbury on 16/2/1972. All three are soldiers who had provided evidence of illegal shooting into sector 5 in their initial RMP statements. In the statements made to Lt. Colonel Overbury they amend their earlier accounts. The amended accounts are less damaging to the Army's case.

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[366] **See AM322.3 to AM322** **AM352.2 to AM352.4**

FS 6.122

8.1 SOLDIERS ON THE WALLS

The majority of the soldiers who were manning the walls on Bloody Sunday were from the **53rd Battery** of the **Light Air Defence Regiment**. **Major 159** was the Commander of 53 Battery and on the day he was in charge of the observation posts on the walls. He said that he spent most of his time at Charley OP. He does not give any evidence about shots in that vicinity.

Major 159 made a statement to the RMP on 2/2/1972 at 20.00h.[367] When he made his statement to the RMP he had the OP log books with him.[368] Since he had the logbooks with him one would expect that had there been any reports in the logbook of civilian gunmen or gunfire in Joseph Place details of those reports would have been included in his statement. After all by 2/2/1972 when he made his statement Major 159 would have been well aware that any such information would be good news for the Army. There is nothing in his first statement to that effect. His statement deals only with incoming fire at Roaring Meg after the main action.

When Major 159 made his BSI statement he said that none of his soldiers saw anyone with a weapon.[369] He went on to say that he was 'absolutely certain that none of the soldiers from his battery saw any gunman'.[370] When he gave evidence on day 349 he sought to withdraw both statements. When asked by Mr. Clarke QC whether he had in fact had any report from his soldiers of seeing anyone with a weapon he said he could not recall.[371]

The soldiers whose statements appear in the B bundles and who were in positions directly overlooking the south of block two of Rossville flats, the Joseph Place area and the south east entrance to Glenfada Park were positioned on the **Platform**, at **Magazine Street Upper** and at **Charley OP**. The

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367 B1951 B1952
368 B1953.004 paragraph 27
369 B1953.002 paragraph 18
370 B1953.003 paragraph 20
371 Day 349/103/20 to Day 349/103/25

FS 6 . . 123

positions of these soldiers are plotted on a map at Appendix two.

The two-man sangar situated at **Charley OP** is shown on photograph **EP1.1** .This is one of a series of five photographs taken by a Police Inspector on 5th February 1972 and produced to the Widgery Tribunal. On the basis that the other photographs were taken at the same location, they show the view that soldiers and police positioned at Charley OP would have had. **P233.2** shows the view from the wall down along the southern façade of block two. There were donkey ear binoculars available in the sangar. Several of the police officers give evidence of going up on the walls during the day to look through the binoculars. There is also evidence that OP Charley had a 'huge telescope with a tremendous magnifying lens'.[372] Soldier 025 was armed with a Lee Enfield .303 which had a telescopic sight.

Two men, Soldiers **030** and **001**, were on the platform. There were also two men, **040** and **134** in a derelict building at Magazine Street Upper behind the platform. Four soldiers **012, 025, 139** and **227** were positioned at Charley OP. Three police officers from the Renfrew and Bute Constabulary (**Hood, Campbell** and **Mc Gonigle)** were between Charley OP and the Walker memorial as observers. There were RUC officers on Magazine Street Upper (Sergeant Hartop's party). The evidence shows that these officers were moving from street level onto the walls at various times during the day. A sniper, Soldier **101** was located at the foot of Walker's monument[373]. Two members of 22 LADR, Soldiers **021** and **118** were positioned at Roaring Meg.[374]

All of the eight soldiers who were on the Platform, at Charley OP and at Magazine Street Upper made statements to the RMP between February 1st and 3rd 1972. Recently a handwritten statement made on 1/2/72 by Lieutenant 227 has been distributed.[375] Three of the soldiers Sergeant 040, Gunner 030 and Gunner 134 (all of whom had given

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372 **C494.2 paragraph 10**
373 also known as Royal Bastion
374 also known as Double Bastion and Kilo OP
375 **B2186.003**

evidence of illegal shooting in their initial RMP statements) made subsequent statements to Lt. Colonel Overbury on 16/2/1972. Six of the eight then made statements to the Treasury solicitors. Four of the Treasury Solicitor's statements are undated. On the basis that the SA reference on the statement taken by the Treasury solicitor reflects the sequence in which these statements were taken the statements from these witnesses would have been taken in or around the 9th and 10th of March 1972 (two of them bear those dates).[376] The statements from these soldiers bear the following SA references.

SA 52.....Sergeant 040
SA 55.....Gunner 134 (9/3/72)
SA 56.....Gunner 012
SA 57.....Gunner 030
SA 60.....Lieutenant 227 (10/3/72)
SA65.....Sergeant 001

Soldiers **129** and **164** from the **Coldstream Guards** were paired together. In their BSI statements they initially placed themselves on the North side of the Walker's monument near to Charley OP and the platform. However, it is now clear they are more likely to have been positioned at Roaring Meg[377]. Their positions are important as both report incoming shots to their position. They both say that they were fired on at 16:38 hours and that three minutes later (according to soldier 129) or at 16:42 (according to soldier 164) a Royal Anglian observation post twenty yards to their left was fired at and fire was returned. Major 159 also said that two shots were fired at Roaring Meg/Bishop's gate at 16:38 hours which matches Soldier 129 and Soldier 164's evidence.

Of the eight soldiers who we know were in the derelict building at Magazine Street Upper, on the Platform and at Charley OP and who made statements in 1972 four – **Lt. 227, Sergeant 040, Gunner 030** and **Gunner 134** claim to have seen a soldier fire from the south eastern corner of the eastern block of Glenfada Park into sector 5. None of the

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376 **B233** **B235** H's TSOL smt is 2/3/72 SA 27 see section 9.5 below re timing TSOL smts
377 **B1970.007** and **B1969.1**

FS 6, 125

four claim to have seen a gunman in sector 5 which would have prompted the shots. Three of them heard low velocity or pistol shots but there is no credible evidence that these shots emanated from sector 5 or that they are linked in time with the soldier who fired from the Glenfada Park gable. None of these soldiers give evidence of any other shots from the soldiers they must surely have seen at the entrance to Glenfada Park.

All of the four soldiers who record seeing the paratrooper shoot from the gable end made statements to the RMP and to the Treasury Solicitors. Three of them **Sergeant 040, Gunner 134 and Gunner 030** were taken to Lisburn on 16/2/1972 to be interviewed Lt. Colonel Overbury. The previous day Sir Basil Hall had written a file note stating that he had informed Sergeant Overbury that there was evidence to support the allegation that two men had been shot in the gap between Joseph Place and the Rossville flats who did not appear to be carrying weapons.[378]

Sergeant 040, Gunner 134 and Gunner 030 all made statements to Lt. Colonel Overbury amending their earlier accounts. All three then made further statements to Treasury Solicitors. Two of the four soldiers who had witnessed the soldier shoot (030 and 227) were called to give evidence at the Widgery Inquiry.[379] These witnesses also claimed to have heard low velocity fire.

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[378] **KH2.32**
[379] **KH 2.27** 8/2/72: 030 &227?

FS 6 . 126

8.1.1 THE PLATFORM

Sergeant 001 was on the platform. He was in charge of Gunner 030 and they were tasked to observe the Rossville flats. Both soldiers were under the command of **Lieutenant 227** stationed at Charley OP. Sergeant 001 does not report seeing any civilian gunmen in sector 5. He made a statement to the RMP on 2.2.72 at 2130 hours.[380] He says that (before the events in Glenfada Park) he heard two single shots of a low velocity coming from the Rossville flats complex. He goes on to describe a soldier in Glenfada Park shooting at a gunman in Glenfada Park before going to the south eastern entrance to make arrests.[381]He saw two bodies lying on the ground at the far end of block two. He says nothing about soldiers firing along the front of block two from this location although he must have seen that happen. He maintained that position when he made his statement to Eversheds.[382] When this soldier made a statement to the treasury solicitor the following month he said that the low velocity shots 'apparently' came from the Rossville flats complex at the corner of block two. The shots are again placed in time before the shooting inside Glenfada Park.[383]

When Sergeant 001 made his statement to Eversheds he said he could not see any civilians who appeared to be shooting – he was just hearing what was going on. He does not mention the shots at the corner of block two but says he thought the gunfire he was hearing was coming from the Glenfada Park area and from the north east of his position.[384]

Gunner 030 was situated about 5 yards from Sergeant 001.He made a statement to the RMP on **2.2.1972** at 23.43 hours. He described a youth firing a pistol between blocks 1 and 2 of the Rossville flats (in his SA and Eversheds statements he put the youth with the pistol between blocks two and three). The gunman was wearing a brown jacket, faded blue jeans and

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380 B1344 B1345 B1346
381 B1345 paragraph 2
382 B1347.003 paragraph 14
383 B1347.010
384 B1347.002 paragraph 10

YS 6 . 127

had long dark well-kept hair.[385] The gunman was firing towards Wiliam Street.[386]He saw a body lying by the telephone box and then saw a soldier firing in Glenfada Park. The soldier in Glenfada Park turned and aimed his SLR in the direction of the platform. Gunner 030 then heard a number of single low velocity shots from below him. The soldier in Glenfada Park fired one shot. Gunner 030 then saw a body below him. About 20 people who were shouting for a priest surrounded it.

Lt. Colonel Overbury took a further statement from Gunner 030 on **16/2/1972**.In that statement 030 takes matters a step further by linking the man he saw on the ground below him with the low velocity shots he had heard fired. He now reports that he had heard a 'volley' of low velocity shots from a position below him. A paratrooper who was in the open space to the right of the last tree in the centre of the southern end of Glenfada Park fired one shot in the direction of where the shots had come. When he looked over the wall he saw a man lying on the ground. The man was lying by the trees and was in the position from which he had heard the low velocity shots. He also points out that 134 and 040 (who had also been taken to Lisburn that day to be interviewed by Lt.Colonel Overbury and whose statements confirm 030's account) were right behind him on the top floor of a building on the other side of the street. He does not say how he knew they were there.[387]

In an **undated** Treasury solicitor's statement at **SA57** Gunner 030 does not directly link the soldier firing in Glenfada Park with the body he sees below him. He says:

'The soldier (in Glenfada Park) 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

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385 B1590 paragraph 3
386 B1612.021 paragraph G
387 B1612.017

FI 6. 128

opposite the gap between blocks two and three of the Rossville flats.'[388]

On this account and in his Widgery evidence the sequence takes place **after** Barney Mc Guigan is shot.[389]

When he gave evidence to **Lord Widgery** he also described seeing the dead body of Barney Mc Guigan before any of the events that he witnessed in Glenfada Park . He reiterated that he heard single shots from the wall below him, that he saw the soldier in Glenfada Park fire one shot in 030's direction and that he then saw a body by the trees in Joseph Place.[390] The position soldier F had said he was in when he fired along the front of block two was put to 030 who said that the position was not the one he had seen the soldier fire from.[391]

When he gave his statement to Eversheds Gunner 030 contradicted all that he had said before. He claimed that the person who aimed the rifle towards him was not a soldier but a civilian gunman.[392] The gunman had moved from Glenfada Park to the south of Joseph Place about 100 yards from the platform. The gunman was dressed in combat gear and had long straight black hair. He was carrying an automatic rifle and was wearing a beret. The gunman fired shots at the city wall south of the command post (Charley OP).[393]

He also changed his account in relation to the youth with the pistol and put him at the Joseph Place side of the gap between blocks two and three of the flats.[394] The gunman fired north. Gunner 030 also says that he saw no soldiers fire live rounds that day. In fact he did not see any soldiers in the Bogside.[395]

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388 B1612.019 paragraph 5
389 B1612.018 paragraph 4 and B1612.022 paragraph E
390 B1612.024 paragraphs C - G
391 B1612.028 paragraph B -D
392 B1612.005 paragraph 30
393 B1612.003 paragraph 14
394 B1612.005 paragraph 26 and map at B1612.009
395 B1612.004 paragraph 18

AS 6. 129

Gunner 030's evidence in relation to the youth with the pistol is unreliable for a number of reasons:

- He contradicts himself when he puts a youth firing a pistol firstly between blocks one and two and then moves him to between blocks two and three. He contradicts himself further when he tells Lord Widgery "he was behind that wall kneeling down".[396] In his RMP statement he said the youth was standing.[397] In addition in his Widgery testimony he puts the youth on the car park side of the 2/3 gap firing towards William Street.[398] In his Evershed's statement he puts him on the Joseph Place side firing through the 2/3 gap[399]. When he gave evidence to this Inquiry he moved him to the low wall north of the gap.[400] He also said the gunman had been firing towards Butcher's Gate.[401]

- Sergeant 001 says that he told 030 to direct his observations to Glenfada Park and Gunner 030 confirms that.[402] They must have been standing together at that time yet Sergeant 001 does not report a civilian gunman in either the gap between blocks one and two or two and three. Nor does he report seeing a soldier in Glenfada Park swivel round and shoot towards the platform. What Sergeant 001 did report seeing was a soldier going to the gable end of Glenfada Park North to make arrests. We know that at least one of the soldiers who went to the gable end to make arrests fired shots along the front of block two. Neither 001 nor 030 report this.

- When he gave evidence to Lord Widgery Gunner 030 said he did not report the civilian gunmen he had seen at the time, despite the fact that his role was to observe and report, as he was too busy; but that he reported his sightings later to an officer from his regiment who came

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396 B1612.022 paragraph B
397 B1590 paragraph 3
398 B1612.021 paragraph F
399 B1612.007 paragraph 41
400 Day 366/128/10 to Day 366/128/16
401 Day 366/104/6 to Day 366/105/1
402 B1344 paragraph 4 B1591 paragraph 2

down just after the ambulances arrived.[403] We can find no record of that report.

- In his Evershed's statement he says it would have been his duty to report his sightings to Sergeant 001[404]. He also claims that he shouted his observations of the civilian gunmen to the command post (Charley OP), which was about 20 feet south of his position.[405] If that were true Sergeant 001 would have heard Gunner 030's shouted sightings. Sergeant 001 makes no mention of hearing any such claims or of seeing any such gunmen. Neither does he record Gunner 030 reporting these sightings to him directly. None of the soldiers at Charley OP record having heard such reports. In addition, one would expect that such a sighting, had it happened, would have been recorded in a log book and would thus have found its way into Major 159's statement since he was in charge of the OP's on the walls. There is nothing of this in Major 159's statement. Neither is it mentioned by any of the seven police officers in Sergeant Hartop's party who were patrolling the walls immediately behind the Platform and Charley OP and who were listening to the soldiers on the walls to hear reports of what was happening below them.[406]

The evidence of 030 is highly suspect as his senior officer who was with him at the relevant time corroborates none of what he reports in sector 5. When Gunner 030 gave evidence on day 366 he was confused and lacked credibility. He thought that some of the events he described in his Evershed's statements happened at different times when he was in Northern Ireland and that he was getting mixed up.[407]

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403 **B1612.027 paragraphs A to C**
404 **B1612.008 paragraph 48**
405 **B1612.002 paragraphs 7 ,12 & 15**
406 See section 8.2 below
407 **Day 366/79/25 to Day 366/81/16**

FS 6. 131

8.1.2 MAGAZINE STREET UPPER

Sergeant 040 was positioned in a derelict building at Magazine Street Upper. He was armed with a rifle with a telescopic sight and was on observation duties. He was accompanied by Gunner 134. Sergeant 040 was interviewed by the RMP at 20.10 hours on 2/2/1972. He does not report seeing any civilian gunmen or hearing any low velocity gunfire in sector 5.[408]

In his first RMP statement Sergeant 040 gives an account of a soldier firing along the front of block two and of a man with his arms in the air, being shot.

'About ten minutes later (1610 hours) I saw a crowd of people who were standing in Rossville Street suddenly scatter and about 20 of them, who did not appear to know where to run, stood near the end wall of Glenfada Park.[409] At this stage I saw 3 members of the parachute regiment, come round the corner of the building and point their weapons at them. The people put their hands above their heads and were marched away through Colmcille Court. Two 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 3 to 6 feet away from where he had been standing, in my direction. About two 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'.

That account of three paratroopers at the gable end, the arrestees being taken away and one soldier going down on one knee and firing along the front of block two corresponds with several of the civilian accounts.[410]

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408 **B1652** **B1653** **B1654**
409 Amended from Colmcille Court. See **B1656 paragraph 2**
410 See section 7 above

M 6 . 132

Sergeant 040 together with Gunner 134 who was with him in the derelict building and Gunner 030 who was on the platform went to Lisburn on 16/2/1972 and were interviewed by Lt. Colonel Overbury.

Sergeant 040's statement taken on that occasion[411] gives a different flavour to the events he had witnessed. Sergeant 040 said that he wished to correct some points in his previous statement, having studied photographs of the scene he observed on 30/1/1972. The kneeling soldier is now said to have fired his rifle at a man who was facing him with his arms up and his fists clenched. The man 'fell by the trees between the end of Joseph Place and the end of Rossville flats nearest to me'.[412]

In this statement he also recalls seeing another two fatalities. Just after he saw the first man shot he saw another lying on the ground in the area between blocks one and two of the Rossville flats. Almost immediately he saw a third man fall a few yards to the left of the second man. He was unable to say whether the soldier had fired again.

Gunner 134 who was stationed with Sergeant 040 and under his command made a statement to the RMP on 3/2/1972 at 22:10 hours. He did not record seeing any civilian gunmen or hearing any low velocity gunfire in sector 5. He did however describe seeing a fleeing man being shot in the back. When he first saw the man he was trotting across Glenfada Park towards the flats with a paratrooper behind him. The paratrooper then knelt down behind a lamppost and fired one shot at the man, who fell to the ground.[413]

When Gunner 134 gave his statement to Lt. Colonel Overbury on 16/2/1972 his account changed. When he saw the man trotting across Glenfada Park he no longer had a soldier behind him. The trotting man crossed Rossville Street

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411 **B1656**
412 **B1656 paragraph 3**
413 **B1823**

to Joseph Place. He then saw a Paratrooper at the corner of Glenfada Park who kneels pointing his rifle in Gunner 134's direction. He then looks down and sees a body sprawled by the trees between Joseph Place and Rossville flats. He did not see the man fall but he appeared to be the same man who had trotted across Rossville Street.[414]

When he made his statement to Treasury solicitors on 9/3/1972[415] Gunner 134 said that he changed his account after having spoken to Sergeant 040.He realised that if as Sergeant 040 had said the man had turned back with his hands up, he could not have seen him immediately before he fell.[416] Gunner 134 trusted Sergeant 040. When he gave evidence he was asked how he and Sergeant 040 were able to establish that they were both talking about the same person, as Sergeant 040 had not described anybody jogging over the road or turning round. He said the two of them came to the same conclusion because of the location in which the person lay between the trees at the nearest end of Block 2 of Rossville Flats to them.[417] In that statement also and for the first time he says the jogging man was wearing a long dark coat. When he gave evidence to this Inquiry he said he could not be sure that the man he saw sprawled on the ground was the same man he had seen a few moments earlier, wearing the long coat and moving in his direction. It might have been somebody quite different.[418]

When Gunner 134 was shown the Doherty/Walsh photographs by Mr Heritage on 9/3/1972 he said he could not see in them the man he had seen fall.[419] When he gave evidence to this Inquiry he said he was not able to say whether the man in the photographs was the man he saw or not.[420]

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414 **B1826 paragraph 2**
415 SA 55 **B1829** **B1830**
416 **B1830 paragraph 8** *See also* **B1831.005 paragraph 38**
417 **Day 363/96/5 to Day 363/97/6**
418 **Day 363/43/7 to Day 363/43/19**
419 **B1830 paragraph 10**
420 **Day 363/49/4 to Day 363/49/17**

FS 6. 134

8.1.3 CHARLEY OP

Lieutenant 227 was a troop commander and was tasked to man Charley OP. He was in charge of Sergeant 025 who was a sniper and the best shot in the regiment. His role as sniper was to try and identify any people who had weapons that might cause injury to members of the security forces and if necessary to take appropriate action.[421] Lieutenant 227 was observing events through the telescope on Sergeant 025's rifle.[422] Gunner 012, a signaller, was also at Charley OP as was Sergeant 139 who was on observation duties. Sergeant 001 and Gunner 030 who were on the platform were also under his command. Sergeant's 025 and 139 were in the sangar and Lieutenant 227 and Gunner 012 were positioned outside.

All four soldiers made statements to the RMP on 2.2.1972, as did the soldiers on the platform who were under Lieutenant 227'S command.[423] During the course of this Inquiry an earlier (hand written) statement has been produced which was made on 1/2/1972[424] by Lieutenant 227. We are not aware of any earlier statements by any of the other Charley OP or Platform witnesses who were under Lieutenant 227's command.

Lieutenant 227 saw the soldiers who made the arrests at the Glenfada Park North gable and saw a soldier fire along the front of block two. He also claims to have heard pistol shots from the area of the Rossville flats. Over the course of his 1972 statements, his Widgery evidence and his evidence to this Inquiry his evidence about the pistol shots is conflicting and contradictory. Moreover, none of the soldiers who were with him at Charley OP report hearing the shots or seeing a civilian gunman who might have fired them. It is also possible that the pistol shots Lieutenant 227 heard fired were those

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421 **Day 371/119/8**

422 **Day 371/128/16**

423 2/2/72: 025 at 20.25h, 001 at 21.20h, 227 at 22.10h, 139 at 23.05h, 030 at 23.43, 012? The Magazine Street witnesses: 040; 2/2/72 at 20.10h and 134; 3/2/72 at 22.10h

424 **B2186.001** **B2186.002** **B2186.003**

fired by Father Daly's gunman at the end of Chamberlain Street. [425]

Lieutenant 227 made a statement to the RMP 31/1/72 at 12.15h. He describes people running from the rubble barricade to the Glenfada Park North corner and then he says:

'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 aimed shots towards Rossville flats **and** I saw a man fall at the corner of block one of the flats.

My attention was then attracted to a man lying on the ground in front of St Joseph's Place who had been shot 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.'[426]

On that account the pistol shots and the soldier firing at Rossville flats are not necessarily linked. The soldier firing and the man falling at the end of block one are linked.

In Lieutenant 227's subsequent statement made on 2/2/72 (when statements were taken from the rest of the walls witnesses) he raises the possibility that the man he saw fall might not be connected with the man the soldier shot at. The account of the man dragging himself in front of Joseph Place whilst shooting continued does not appear in any of Lieutenant 227's subsequent statements but fits with civilian accounts of continued shooting after Patrick Doherty was shot.[427]

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[425] On the morning on which Lieutenant 227 made his statement the Press carried a report on Father Daly's gunman. The Daily Express said he was firing from the flats. **L86** col. 5

[426] **B2186.001** **B2186.002** **B2186.003**

[427] See section 6.3 above

In his statement of **2/2/1972** the relevant paragraphs are rewritten and read:

'I then saw 3 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 2 or 3 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 150metres, who had apparently been shot in the lower part of the body as he was dragging himself along by the 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.'[428]

When Lieutenant 227 made his statement to Treasury solicitors on 10/3/1972 he confirmed that the person he had seen fall after the paratrooper shot was Barney Mc Guigan.[429]He expanded on his earlier statement:

'I then heard 2 or 3 rapid pistol shots from the area of Rossville flats. The kneeling soldier fired 2 deliberate shots towards my right and downwards, aimed I believe in the direction of 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'.[430]

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[428] B2185
[429] B2189 paragraph 8
[430] B2189 paragraph 8

FS 6. 137

He was shown **EP25/15** (the Peress picture of Patrick Walsh and Patrick Doherty) and said he had not seen those men. He added that from where he was at they were in dead ground.[431]

When he gave evidence to Lord Widgery the number of low velocity shots he heard increased from 2-3 to 3-4.[432] He confirmed that he did not see any civilian with a gun at any time in the afternoon.[433] Lieutenant 227 did not report the shooting he heard as the Battery Commander (Major 159) was there at the time.[434] The soldier he saw shoot was kneeling by the lamppost by the rear of the first block of Glenfada Park.[435] He repeated that the pistol shots he heard came from the Rossville flats and said that he had not noticed any shots coming from [the position soldier F had put the pistol man in] before Mc Guigan was shot.[436]

When Lieutenant 227 made his statement to Eversheds he confirmed that the paratrooper he had seen fire was on the southern side of the lamppost at the gable end of the eastern block of Glenfada Park North. The soldier's rifle was aimed parallel with the block two towards the walls. Lieutenant 227 could see that the soldier took aim quite carefully and he then saw him fire two shots. He paused after the first shot to re aim before shooting a second time. As he fired each shot 227 could see the rifle buck slightly and a small amount of smoke emit from the muzzle.[437]

He records hearing the pistol shots before looking into Glenfada Park North. The shots were fired from his front right in the area of the Rossville flats. He was unable to say exactly where they were fired from, whether they came from within one of the blocks, or from the ground close to them. The sound of the shots seemed to come from **some distance away**.[438] He also recalled civilian movement between blocks

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431 B2189 paragraph 9
432 B2194 paragraph E
433 B2199 paragraph A
434 B2201 paragraph E
435 B2195 paragraph E
436 B2201 paragraph D
437 B2204.005 paragraph 24
438 B2204.004 paragraphs 20 to 23

two and three before he saw the soldier.[439] When he gave evidence to BSI he was asked if he recalled the civilians between blocks 2 and 3 doing anything suspicious. He said he did not.[440]

He says that whereas in his RMP statement he described hearing 2 or 3 pistol shots after he saw the paratrooper kneel down, his present recollection is that the shots occurred **prior** to the paratroopers appearing from Glenfada Park North. Because of the lapse of time he believes his RMP statement ought to be more accurate, however he is reluctant to confirm that hearing the pistol shots and seeing the paratrooper kneeling are actually connected. His RMP statement gives that impression but he cannot now say whether that was the case.[441]

In response to a question from Mr Mc Sparran at the Widgery tribunal as to target that the paratrooper at the Glenfada Gable was firing towards Lieutenant 227 had said:

'From what I could see, at the man with the rifle to my low and to the right'

In his Evershed's statement he said that that was a typographical error as he had not seen anyone with a weapon on that day.[442]

When Lieutenant 227 gave evidence on day 371 it was suggested to him by Mr Bradley that in fact he had meant pistol instead of rifle when he gave this reply at Widgery. He was asked to mark the position of the pistol firer whom he heard but could not see. He marked the area at the eastern end of block two by the 2/3 gap **B2204.036**.[443]
That piece of evidence is a complete contradiction of what Lieutenant 227 said at the Widgery Inquiry in response to specific questions put by Mr Mc Sparran about the source of the pistol fire.

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439 B2204.005 paragraph 23
440 Day 371/145/12 to Day 371/145/17
441 B2204.008 paragraph 41
442 B2204.010 paragraph 58
443 Day 371/167/19 to Day 371/175/17

FS6 . 139

At the Widgery Inquiry Mr Mc Sparran asked this witness:

Q: You see a soldier (F) has told us about coming to this position here and firing down 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[444]

That the paratrooper who Lieutenant 227 saw was reacting to gunfire at a pistol man at the eastern end of block two when he fired from Glenfada Park is also a clear contradiction of what Lieutenant 227 said in his earlier statements and in his oral statements.

In Lieutenant 227's first statement[445] the pistol fire is not necessarily linked with the paratrooper firing from Glenfada Park. The soldier firing and the man at the end of block one falling are linked. Even if one were to accept that the paratrooper reacted to the pistol fire and returned fire the best it gets is that the pistol firer he was reacting to was at the end of block one.

In his Widgery statement he said:

'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 downward, aimed I believe in the direction of the near end of block one. As he did this I saw a man falling'.[446]

and in his replies to questions put by Mr. Gibbens at the hearings: -

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444 **B2201 paragraph D**
445 **B2186.3**
446 **B2189 paragraph 8**

FS 6 . 140

Mr Gibbens asked:

Q: In which direction did he fire?

A: Down to my low and right

And later

Q: Did you see what he was firing at?

A: No Sir, I did not

And then

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: At the bottom end of block one

Q: Was that near the telephone kiosk

A: Yes

Q: What did you see?

A: I saw a man fall, Sir[447]

For Lieutenant 227 to suggest now that the paratrooper was reacting to a pistol firer in the area shown on **B2204.036** is an invention. Apart from the fact that his evidence is contradictory it would be impossible we say to mark with any accuracy the position of a firer on a map when one has not seen him.

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[447] **B2195** to **B2196** paragraphs E,F,G,A,B

A possible explanation of the pistol shots is that Lieutenant 227 heard the shots fired by Father Daly's gunman from the end of Chamberlain Street. That was put to 227 when he gave evidence to this Inquiry. He said he could not say.[448]

Gunner 012 was on the wall outside Charley OP observing through donkey ear binoculars.[449] He did not see the people being arrested in Glenfada, nor did he see a soldier in Glenfada Park shooting. He does not recall any pistol shots in the area of the Rossville flats. Like his colleagues he saw the two bodies at the western end of block one. It is inconceivable that he did not see the anti tank platoon soldier (s) firing into sector 5. We suggest his silence stems from his reticence to describe what he saw, as there was no justification for it.

This is a soldier who was prepared to rewrite his evidence in order to make things look better for the Army. When he made his first statement on 2/2/1972 he reported seeing a large gathering of youths running down Rossville Street (from Free Derry Corner) to the barrier. As they reached the barrier he saw 'one of the youths in possession of what he thought to be a pistol'.[450] By the time he came to give his account to the Treasury Solicitors a month later his evidence was 'When they reached the barricade I could (see) that one of the youths was holding a pistol. There is no doubt in (my) mind.[451]

Had there been any pistol shots, civilian gunmen or other suspicious behaviour supporting the Army's case at or near Gunner 012's location, he no doubt, would have reported it. That there are no reports from a witness such as this one speaks volumes.

Sergeant 025 was inside the sangar at Charley OP. He was interviewed by the RMP at 20.25h on 2/2/1972. He claims to have been able to see a man at the barricade on Rossville Street 'doing something with his hands'.[452] The same soldier is

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448 **Day 371/149/12 to Day 371/150/3**
449 **B1405.003 paragraph 12**
450 **B1399 paragraph 4**
451 **B1403 paragraph 2**
452 **B1535 paragraphs 3 to 4**

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silent on what he must have seen his anti tank platoon colleagues do at the Glenfada Park gable which would have been a similar distance from him. After he had seen bodies slumped on the rubble barricade and before he sees the wounded being helped towards St. Columb's Wells he simply records:

'I then observed a member of the security forces walk around the corner of Glenfada Park and take up a cover position half facing me; also facing a small crowd of civilians.'[453]

When it was put to him on day 361 he denied seeing a soldier fire from the Glenfada Park gable or seeing people being arrested. He simply remembered a soldier coming out from that position and standing over a body, which was lying on the barricade.[454]

He heard automatic fire from the Rossville flats and low velocity fire from Glenfada Park but did not see any gunmen. He did not record hearing any pistol shots from below his position between block two of the Rossville flats and Joseph Place.

Staff Sergeant 139 was interviewed at **23.05h** on 2/2/1972 after Sergeant 025 with whom he was positioned in Charley OP. He spent some of his time outside the sangar with Gunner 012 as the RUC were using the sangar to identify members of the crowd.[455] In his 1972 statement he says he did not see any individual fire any shots or any man fall after being shot. He heard many shots fired but could not state how many or from which type of weapon they were fired.[456] He would not have expected to hear low velocity or automatic fire from his position, as the sound would not have carried that far.[457]He saw the bodies at the western end of block two and claims to have seen a photographer take photographs of a body covered in a banner.

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453 B1536 paragraph 5
454 Day 361/50/7 to Day 361/51/19
455 B1860
456 B1860
457 B1862.004 paragraph 15

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8.2 POLICE OFFICERS ON THE WALLS

We have provided the Inquiry with a map showing the location of police officers in and around the walls on Bloody Sunday.[458] There are two groups of these police officers who are relevant to events in sector 5. Chief Superintendent Hood was an RUC liaison officer who accompanied two officers - the Assistant Chief Constable (Campbell) and the Planning Officer (Mc Gonigle) from Renfrew and Bute constabulary, onto the walls. They took up a position on the Walker monument side of Charley OP. They had use of two Army periscopes, which were mounted, one on each side of the observation post.[459]

Chief Superintendent Hood made a statement on 3/2/1972. He did not report hearing any pistol shots from underneath his position on the walls. He saw no firearms being used or carried by civilians in the Rossville Street area. He saw no soldiers apart from those who dismounted from the Pig which came down Rossville Street and collected the bodies at the rubble barricade.[460]

Assistant Chief Constable Campbell and Superintendent Mc Gonigle likewise saw no civilians with firearms in the area they was observing. Neither of them reported any pistol shots below or to their positions. They did not see any soldiers apart from those described by CS Hood, who collected the bodies from the rubble barricade.[461]

Sergeant Hartop's party of 7 police officers[462] was patrolling the section of Magazine Street Upper that runs between Society Street and Butcher Street. This section is adjacent to the area of the walls that overlooks the south of block two. These officers were going up onto the walls and were in communication with the soldiers on the walls.

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458 Q 14.1: See Appendix 2
459 JH10.2
460 JH10.5
461 JC 4 & JM 19
462 JH7 JE2 JC12 JH 5.1 JM43 JW6 JM30

FS 6.144

None of these officers give evidence of civilian gunmen or of hearing low velocity gunfire directly underneath their positions. In fact they provide positive evidence that there were no civilian gunmen in that area. All of these officers were in their positions at the time that Patrick Doherty was shot and for some time afterwards.[463]

Constable Edmonds was one of Hartop's party and on the walls between the Walker memorial and Charley OP. He remembers the Scottish officers being near to his location.[464] In his 1972 statement Edmonds said that members of the 22 LADR (stationed at Charley OP) were keeping them informed of the progress of the march.[465] When he gave evidence on day 208 he modified his account and said that the soldiers were not directly telling them what was happening rather the police officers were overhearing the soldiers conversations.[466]

However Constable Hamilton, who was one of his party, confirms Edmonds earlier account that the soldiers in the OP were keeping the RUC **directly** informed about what was going on on the other side of the wall. The RUC men could also hear reports coming over the Army radio.[467]

During the day these officers went up onto the OP to take a look through the binoculars there. They had a good view. They were able to see the two bodies at the western end of block one and were also able to say that one of the bodies had a large pool of blood around the head.[468] Edmonds says that the 22 LADR soldiers could see quite clearly all that was taking place below. He heard 'several of the soldiers remark that they could not see a target, i.e. a person with a nail bomb or a gun in their possession.'[469] Edmonds agreed that

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[463] Day 208/36/21 to Day 208/37/13 & JH5.1 on duty 1.30pm, describes ambulances arriving.
[464] JE 2.2 paragraph 5 & JE 2.4 paragraph 15
[465] JE 2.1
[466] Day 208/6/1 to Day 208/6/12 See also JH 5.3 paragraph 4
[467] JH5.1 paragraph 2 JH5.1 paragraph 5
[468] JH7.2 paragraph 10 JE 2.1 JM43.1
[469] JE 2.1 line 26

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that was his recollection when he gave evidence to this inquiry.[470]

The police officers do not say what was being reported by the soldiers at their locations as to what they must have seen happening at the south eastern corner of Glenfada Park. There is a uniform silence among these police officers about that. Not one of them mentions having seen a soldier in Glenfada Park or having heard reports about soldiers firing. Six of these officers say that they were looking over the walls into sector 5 at some time in the afternoon. Quite apart from what they saw when they looked over (or what it was that prompted them to look over in the first place) it is in inconceivable that soldiers at the observation posts who would have seen paratrooper(s) firing into sector 5 would not have mentioned it.

The uniformity as regards the evidence of these officers does not stop there. Six of these officers were attached to the Dunmurry division of the R.U.C. With the exception of their commanding officer and Constable White all of these officers report hearing automatic fire and/or low velocity fire (not from sector 5) and or a nail bomb. Their commanding officer Sergeant Hartop heard none of it. Neither did Constable White who was one of their party but who was from a different division (Castlereagh).

When Sergeant Hartop gave evidence he said he would have recognised automatic fire at the time and had he heard it he would have put it in his statement.[471] He did not recall having been told on that day or subsequently by the police officers concerned that they had heard a nail bomb[472] or automatic fire.[473] Nothing stuck in his mind about what the officers in his charge had seen or heard that afternoon.[474]

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470 Day 208/39/15 to Day 208/40/6
471 Day 188/108/17 to Day 188/109/7
472 Day 188/118/2 to Day 188/118/7
473 Day 188/120/20 to Day 188/120/23
474 Day 188/116/7 to Day 188/116/9

It is clear that these officers were keen to articulate incidents perceived 'helpful' to the Army's case. We can therefore assume that had there been any mention of a gunman or of civilian gunfire in the area between Joseph Place and block two of the Rossville flats or from underneath their positions they would have recorded it.

That these witnesses articulated accounts of hostile fire whilst remaining silent about the activities of the anti tank platoon in sector 5 can be explained only in terms of a general willingness on the part of the RUC to support the Army.

There is some evidence that the RUC approved of the actions of the Army on Bloody Sunday. **CSM 202** in an interview with Peter Taylor recalls on the evening of Bloody Sunday being surprised at the RUC reaction to the events of the day. He says he was deployed back to headquarters from William Street. He knew at that time that there were five or six killed. When he first arrived and drove up the driveway members of the RUC stood along the side of the driveway clapping and cheering and waving their hats.[475]

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[475] I 630

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8.3 SOLDIERS ON ROSSVILLE STREET

INQ 1826 who was in the ferret car (on Rossville Street) saw the shots which were fired from the south eastern entrance of Glenfada Park into sector 5. He said he heard 5 or 8 high velocity shots fired from an alleyway to his front right. He marked the position of the alley as the southeastern entrance to Glenfada Park North. He did not see a weapon or the person who fired the weapon but could see puffs of smoke. He marked the direction of the gunfire as coming from west to east across Rossville Street and agreed that position when he gave evidence to this Inquiry.[476]

At the time INQ 1826 assumed that the gunman was a civilian and that he was firing at soldiers. He was not aware at that time that soldiers had gone that far south but became aware of that two years ago. He had concluded since that the gunfire could not have been directed at soldiers as there were no soldiers in the line of fire[477] and if gunfire had been directed at the soldiers where he was he would have been able to see the firer. [478]

It was put to INQ 1826 that the location of the smoke, which he saw, and the direction of fire that he had marked on his map was roughly in the position of Soldier F's trajectory. He agreed that he had heard 5 to 8 rounds from the position, which he had marked.[479] When Mr Glasgow questioned him he said he had heard a burst of that number of rounds, but could not say all of them came from that exact position.[480]

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476 C1826.14 and Day 341/144/25
477 Day 341/145/11 to Day 341/145/21
478 C1826.5 paragraph 30
479 Day 341/145/22 Day 341/146/13
480 Day 341/151/18 to Day 341/151/19

9. THE SCIENTIFIC EVIDENCE

9.1 SHOT FROM BEHIND

Dr. Derek Carson, deputy state pathologist, carried out an autopsy on Patrick Doherty on 31/1/1972 at 10pm. Constable Mc Cormac, R.U.C. Scenes of Crime Officer identified the body to Dr. Carson. Also present at the post-mortem were Dr. Mc Dermott, Dr. Mc Clean and Dr. Cavanagh. Detective Constable Mc Neilly of Victoria R.U.C. station was also in attendance.[481] During the course of the autopsy, Sergeant Allen and Constable Thompson, R.U.C. Photography branch, took photographs.[482] These photographs were delivered to Dr. Carson's department on 9/2/1972.

Dr. Carson's **opinion** on the autopsy findings was as follows:

'Death was due to a single gunshot wound of the trunk. 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 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.

Rapid intra-abdominal bleeding from the damaged aorta and inferior vena cava would have caused death very quickly.

The feature of the wounds, and in particular the penetration of bone, indicated that the bullet must have been fired from a weapon of medium or high velocity. The missile had passed completely through the body so that it was not possible to determine its calibre. There was nothing to

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[481] **D0382**
[482] **P167 to 174** at tab 1/12

suggest that the weapon had been discharged at close range.

The track of the missile through the body was from back to front, upwards at an angle of 45 degrees to the horizontal plane and from left to right at an angle of about 33 degrees to the coronal plane. It is virtually impossible for the deceased to have sustained the wound whilst standing erect at ground level. He must either have 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.'[483]

An examination of the deceased's clothing revealed the following: -

1. Grey and black tweed car coat: 'Some blood staining on inside of coat at back near hem'.

2. Black leather jacket: 'jacket collar and right arm sleeve were both torn for short distances. Lining was torn in a number of places'.

3. Blue long sleeved pullover: 'Hole 2" x ½" 15" below shoulder level 2" to front of left side seam. This hole was surrounded by a 4" x 6" area of bloodstaining.

4. Orange 'T' shirt: Hole and area of bloodstaining corresponding to previous exhibit. Also a hole of 1/8" diameter 23.5" below shoulder level 5" to right of mid back. This hole was surrounded by a 1" x 1.5" area of bloodstaining.

5. Boots/socks: Nothing of significance.

6. Brown trousers with black belt: Hole 1/8" diameter on waistband 1/8" below the top of the waistband 5 and 1/8" to right of mid rear seam. Small nick on bottom of belt just the above the hole.

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[483] D 0400

7. White underpants: Small hole in right rear just below the waistband similar to hole in previous exhibit.[484]

The report notes: -

'Entry in rear right buttock area waistband of trousers. No entry in outer coat, leather coat or blue T shirt. Hole low down almost at edge of yellow T shirt. Entry left side appears in all garments consistent'.[485]

The BSI experts stated that the fact the bullet had clipped the leather belt, damaged the waistband of the trousers and of the underpants (and damaged the orange T shirt) but did not damage the tweed car coat, black leather jacket or blue pullover meant that the bottom edge of the back of each of these three garments was above the level of the waistband in the trousers when the bullet struck. [486]

They went on to say:

'Assuming the normal anatomical position it is clear that the track of the bullet was from below upwards and from right to left. In our opinion 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 or on all fours'.[487]

These findings when married with Dr. Carson's opinion are consistent with Donna Harkin's evidence as to the position of Patrick Doherty when he was shot. She said that from lying flat on the ground Patrick Doherty had raised his knee as if to dive forward. He was like someone starting a race.[488] Such a position would, it is suggested, have caused the outer coat, jacket and pullover to ride up above the waistband of the trousers. One can see the beginning of this process in **P798** and **F6.5.** [489]

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[484] **D 0388** **D0389** **D0390** and photographs at tab 1/13 **F6.1** – **F6.31**
[485] **D 0390**
[486] **E2.0057**
[487] **E2.0057**
[488] **Day 171/125/20 to Day 171/126/17**
[489] See Appendix 1 tab 13

Ms. Mc Dermott QC asked Dr. Carson to comment on Donna Harkin's evidence when he attended at the Inquiry on day 206:

Q: If you would be good enough now to look at Day 171, page126. This is an account, Dr Carson, which was given by a witness who says she saw Mr Patrick Doherty being shot. I want to ask you for your comments about it and in particular I want to ask you whether it is consistent with your findings.

Q: Can you describe how he raised his knee and how that altered the position of his body? I intervene to say that the evidence was that Mr Patrick Doherty was crawling across a piece of ground at the time.

A: From lying flat on the ground he raised on his knee as if to make a dive forward but stayed down low and as he got up on his knee, that is when I seen him being shot.

Q: So he raised himself on his knee, did that have the effect of bringing him on to all fours?

A: Yeah, it would have been like someone starting a race, you know the way runners bend down to start, to go forward, except he would have been far lower than that, you know.

Q: At that moment you saw a bullet enter the bottom of his right buttock and you say you saw the entry wound?

A: That is correct.

Q: Does it appear to you, Dr Carson, that your findings are consistent with that account?

A: Yes, it does. I would be very doubtful whether the witness saw a bullet enter the bottom of his right buttock, but they may well have seen the wound. Certainly the position is correct, in that the buttocks would appear to have been raised and the upper part of the body lower, perhaps lower than the buttocks at that time, yes, that would be quite consistent.

Q: Really that account explains the position that he could have been in when he was shot?

A: Yes, it does. It had to be that sort of position, really.

Q: If I can tell you -- I do not ask for anything else to be put up for the moment -- that Mr Patrick Doherty's clothing, which included what is described in your report as a three-quarter-length car coat, I think one can see it in the photographs, the type of coat that comes to mid-thigh and a leather jacket and a pullover and that none of those items were damaged, but the belt on his trousers was nicked by the bullet; is that all entirely consistent with this witness's account too?

A: Yes, I think his, the rear of his trousers would have to be damaged by the entry bullet, but the -- his coat and what not could have been rucked up at the back.

Q: His coat, et cetera, especially a longish coat like that, would have had to have been up over his belt, is that not right, if they were not to be damaged?

A: Yes, that is right.

----Luncheon adjournment------

Q: I have only two brief matters to ask you about, Dr Carson. The first relates to your opinion and to your opinion of the likely position of Mr Patrick Doherty when he was shot. Without asking for it to be put up, unless you would like it to be, you will recall that you thought there were three possibilities, that either he was standing at a height and the bullet would have had to come from below; or that he was bending forwards; or that he was lying at ground level when he would have been shot, would have had to have been shot in a more or less horizontal plane. Having regard to what you now know about the damage, and indeed the non-damage as well, to his clothing, do you agree with me that bending forwards is the much more likely scenario?

A: Yes, of the three bending forwards was always the more likely, the most likely, and having heard the other evidence I would certainly agree that that is so.[490]

Dr. Carson's report was sent out on February 21st 1972.[491] The results of the post mortems would however have been known prior to that. **Detective Constable Neilly** from Victoria R.U.C. station had attended the autopsies and on 1/2/1972 had prepared a report on the death of Patrick Doherty including a summary of the autopsy findings and the position of the entry and exit wounds.[492]

By the time **Lt.Colonel Overbury** came to produce his 'summary of events' on 5/2/1972 the Army had details of the autopsies. Summaries of the autopsies were attached to his report.[493]

During the course of the autopsy, at Dr. Carson's direction Sergeant Allen and Constable Thompson, R.U.C. Photography Branch, took photographs.[494] The series of photographs they took are at **P167-174.**[495] All of this series of photographs have been made available to this Inquiry. However it appears that in 1972 when these photographs were delivered to Dr. Carson he did not receive the photographs of the entry wound. That fact emerged at the Widgery Inquiry when Mr Mc Sparran was examining Dr Carson.[496] He said he understood that due to some technical hitch in the camera the photograph of the entry wound did not come out. When he gave evidence to this Inquiry he said he had no idea why he was told that the photograph had not come out and that he had assumed that there was a technical problem.[497]

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490 **Day 206/94/12 to Day 206/98/2**
491 See letter Dr. Carson to BSI dated August 29th 2002 **D0537.3**
492 **ED 38.3**
493 See **CO1.5 paragraph 6** Report is at **CO1.112 to CO1.128** Schedule of annexes is at **CO 1.129**
494 **D 0395**
495 **Appendix 1: tab 12**
496 **D 0521**
497 **Day 206/83/6 to Day 206/ 86/2**

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9.2 UNARMED

At the autopsy swabs were taken from Patrick Doherty's hands and samples of blood were taken. On February 2nd 1972 Constable Mc Cormack forwarded the swabs and samples together with the deceased's clothing to the Department of Industrial and Forensic Science to be checked for 'explosive and firearms use' and for the presence of alcohol. The findings were as follows: -

- Clothing
  Each outer garment was examined for the presence of explosives residues but none was detected.

- Hand swabs
  The hand swabs were tested for the presence of lead and no lead was detected.

- Blood
  No alcohol was detected in the blood.

- Conclusion
  The absence of significant numbers of lead particles on the hand swabs and clothing indicates that the deceased had not been using a firearm.[498]

In his opening to this Inquiry **Mr. Clarke QC** said:

> "There is no evidence that Patrick Doherty had any form of firearm or other weapon with or upon him, and there is positive evidence that he did not in the form of the photographs and the testimony of a number of the witnesses."[499]

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[498] D 0383 and D 0392
[499] Day 38/49/16

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9.3 RICOCHET

When opening this case and in attempting to resolve the issue of 'where' Patrick Doherty was when he was shot **Mr. Clarke QC** had invited the consideration of a ricochet: -

> "It is very difficult, unless one supposes some form of ricochet, to see how Mr. Patrick Doherty, shot in the right buttock, can have been killed by a shot fired either from the north of block one or the end of Chamberlain Street if he was crawling along the wall in question."[500]

It is now clear that Patrick Doherty was not shot when he was crawling along the retaining wall of block three. In addition, the scientific evidence in relation to 'bullet wipe' now precludes the possibility that a ricochet hit Patrick Doherty.

The Inquiry experts explained that bullet wipe takes the form of a grey to almost black smudgy ring around the margin of a bullet hole. It arises from the bullet pushing its way through a garment or material at which time the smudge layer of residue on the bullet's bearing surface is wiped off and deposited around the margin of the bullet hole. The layer of residue is acquired during the bullet's journey down the gun barrel. These residues are wiped off as the bullet passes through the first object it encounters thus the name 'bullet wipe'. A bullet that has already passed through material or an object that removes the surface residue responsible for bullet wipe will leave little or no bullet wipe on the next surface the bullet encounters.[501]

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[500] **Day 37/131/1**

[501] Shepherd & O' Callaghan: responses to questions from the interested parties: April 2002 **E18.146**

Dr. Martin's 1972 laboratory report found: -

> 'There is a small hole rear waistband of the trousers. It has traces of lead on the perimeter and is consistent with an entry bullet hole'.[502]

Dr. Shepherd and Mr. O'Callaghan found: -

> 'There was an entry hole in the rear right of the waistband of the trousers directly above the back pocket. The bullet clipped the leather belt but left a clearly visible bullet wipe around the lower part of the hole.'[503]

They agreed that in view of their findings Patrick Doherty's trousers were the first surface encountered by the bullet.[504]

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[502] **D 0386**

[503] **E2.0057**

[504] See Shepherd & O'Callaghan: responses to questions from the interested parties: April 2002. **E18.146**

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9.4 HIGH VELOCITY BULLET

Dr. Carson's opinion, on the basis of the autopsy was: -

> 'The feature of the wounds, and in particular the penetration of bone, indicated that the bullet must have been fired from a weapon of medium or high velocity. The missile had passed completely through the body so that it was not possible to determine its calibre'[505]

When he gave evidence to the Widgery Tribunal he agreed with Mr. Mc Sparran's suggestion that the bullet seemed to be a high velocity one.[506]

On Day 207 of this Inquiry Dr. Carson told the Inquiry that he had conducted in excess of 1,000 autopsies and that in so doing found generally that he was able to distinguish between high velocity and low velocity wounds. He said:

"The entrance wounds may be quite similar, indeed one expects them to be quite similar. The exit wounds, on the contrary, tend to be very different, in that the high velocity bullet tends to cause a large exit wound and of course it causes much more internal disruption within the body."[507]

In March 2002 Dr. Shepherd and Mr. O'Callaghan were asked by Anthony Lawton's team whether the evidence, was inconsistent with his having been shot by a round other than one fired from a standard SLR. They replied; 'No. We are unable to determine the nature of the weapon that caused the injury to Mr. Patrick Doherty.'[508]

Mr. O'Callaghan was questioned about that reply when he gave evidence:

MS McDermott QC: Mr O'Callaghan, I represent the family of the late Patrick Doherty. You will recall, no doubt, that you

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505 D 0400
506 D 0521
507 Day 207/13/24 to Day 207/15/11
508 E2.57

were asked a question about his case by the Treasury Solicitors in March of this year?

A: Indeed.

Q: It can be found at E2.57. I do not ask for it to be put up unless you or the Tribunal requires it. The question is:

"In the case of Mr Patrick Doherty, is the evidence within their area of expertise inconsistent with his having been shot by a round other than one fired from a standard SLR?"

Your joint reply is:

'No, we are unable to determine the nature of the weapon that caused the injury to Mr Patrick Doherty.'

Dr Carson, Mr O'Callaghan, in his opinion in the post mortem report -- again I do not ask for it to be put up unless required -- said the bullet, referring to Mr Patrick Doherty's death, he said 'the bullet must have been fired from a weapon of medium or high velocity.' That can be found at D0400. At the Widgery Tribunal he agreed that it seemed to be high velocity. Are you disposed to agree with him about that?

A: I think the question is probably more a pathological one. I think the conclusions that Dr Shepherd and I came to were cautious necessarily because of the limited amount of information available, and I think I would have to stick with the final comment we have made on that, that we are unable to determine the nature of the weapon that caused the injury to Mr Patrick Doherty. It could certainly be a high velocity weapon, but I think I would not want to go beyond that.

Q: There is certainly no evidence that you came across that would –

A: That would exclude that.

Q: -- to contradict Dr Carson, or to -- you would not doubt what he has said?

A: No.[509]

[509] Day 230/52/1 to Day 230/53/14

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9.5 THE HISTORY

Dr. Carson's autopsy report, which was sent out on **21/2/1972**[510] contains a section entitled 'History'. The history section of the report promotes the Army version of events. It reads as follows:

'This man's body was found in the area at the rear of No. 2 block of Rossville flats. His last moments are said to have been depicted in a series of photographs taken by a photographer and showing him with a handkerchief over the lower part of his face crawling with others near the alleyway which separates No. 2 block from No. 3 block. He was believed to have been shot from behind when crawling or crouching. A soldier claimed that **he had seen a crouching man** firing a pistol from the position at which the man's body was found. The soldier said that he had fired as a man turned away. The paraffin tests on his hands were negative'.

The extraordinary thing about this section of the autopsy report is that at the point in time that Dr Carson sent out his report **F had not yet made the statement claiming that he had shot at a crouching man.** On 19/2/1972 when soldier F in his Overbury statement, first admitted firing along the front of block two, he claimed he fired at a man who was facing him and who turned as to run.[511] The claim about the crouching man came in Soldier F's later statement to the Treasury solicitors, which was made, between March 1st and 9th 1972. The autopsy report was sent out on 21/2/1972.

When Lt. Colonel Overbury gave evidence he said that Treasury solicitors did not start to take statements from the soldiers until the Widgery Tribunal had started its hearings. The hearings commenced on 21/2/1972.[512] Soldier F's statement to the Treasury solicitors was most likely not made until after 1/3/1972. On that date Sir Basil Hall wrote to Lt. Colonel Overbury saying he wanted to see all shooters and their

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510 Letter Carson to BSI on 29.8.2002 **D0537.3**
511 **B167.037**
512 **Day 243/190/14 to Day 243/190/17**

original statements by 6/3/1972.[513] On 2/3/1972 Mr Heritage interviewed soldier H[514]. Of the statements taken by the Treasury solicitor from the anti tank platoon, H's statement is the only one which is dated. The references given to the statements suggest that Soldier F made his statement to the Treasury solicitors after soldier H. The reference sequence of anti tank platoon soldiers who made statements to the Treasury solicitors is as follows:

SA 27.....Soldier H
SA 29.....Soldier E
SA 30.....Soldier F
SA 31.....Soldier G
SA 32.....Soldier J
SA 35.....Soldier 119
SA 38.....Soldier 027

On 7/3/1972 Sir Basil Hall wrote again to Lt. Colonel Overbury. He wanted to take statements from the soldier(s) who entered Glenfada Park and from whom no statement had yet been taken.[515] When Soldier G gave evidence to the Widgery Inquiry on 9/3/1972 Mr Read, counsel to the Tribunal asked him if he remembered 'giving a statement to the Treasury solicitor a matter of a few days ago'.[516] F's statement would have been taken just before G's.[517]

In his statement to Treasury solicitors soldier F, recounting how he had shot at the man with the pistol to the south of block two says, for the first time:

'**He was in a half crouching position** moving to the right as I shot him'.[518]

If F did not make his claim about the crouching man until after Dr Carson had submitted his report and indeed until after Dr Carson had given evidence to the Widgery Inquiry[519]

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513 **CO1.274**
514 **B233** **B234** **B235**
515 **CO 1.224**
516 **B206 paragraph B**
517 SA55 **B1830** and SA 60 **B2190** were taken on 9th & 10th March
518 **B167.036**
519 Dr Carson gave evidence on day 8: 1/3/1972

H 6. 162

the history section must have been inserted into Dr. Carson's report at some later date. That is not what Dr Carson says but it is the only reasonable explanation short of someone having told Dr Carson that that was what a soldier was going to claim.

Dr. Carson wrote to the Inquiry on 29/8/2002 to explain that a history such as this would be compiled 'by a pathologist from a number of sources of which the police officer concerned is the major source'. It was Dr. Carson's practice to obtain further information from the police.[520]. Dr. Carson's letter goes on to say:

> 'In a major incident details are often very sketchy or indeed lacking at the time of autopsy, but will be provided piecemeal over the following days or weeks. In the case of Patrick Doherty I believe that there was insufficient data available at the time to write a history. That shown on the typed report will have come later via the police, but no record of that exists. It might have come by telephone, in writing or have been tendered in person by a police officer visiting the Department. Only the original pro formas and the typed reports are retained long term in departmental records.....from the notes on the pro forma I also see that the black and white photographs were received on 9/2/1972, and the reports were sent out on 21/2/1972. The latter indicates that the history, as included with the report but being hearsay, not an integral part of the report, would have been compiled prior to 21/2/1972.'

There is some evidence that the 'History' sections of the reports may have been drafted subsequent to the Widgery Tribunal. When Dr. Marshall gave evidence he agreed that in at least one of his reports the history section had been compiled after the Widgery Tribunal.[521] He said that the history section of autopsy reports was based on a police file

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[520] *Constable Mc Cormac now deceased and Constable Montgomery who gave evidence on day 225 were the RUC Scenes of Crime officers assigned to the case. They were based at Victoria station in Derry. Detective Constable Neilly CID Victoria was also assigned.*

[521] **Day 207/54/2 to Day 207/54/22**

provided to him, which would have been put together by the police for the coroner.[522]

If the history section of the autopsy report was drafted and attached subsequent to the Widgery Tribunal it would explain how the claim about the crouching man is included. It does not explain however why the history section of the autopsy report promotes the Army line when the RUC would have been well aware at that point in time of independent evidence which challenged that account. It is indicative we say of a general willingness on the part of the RUC to support the Army's version of events.

[522] Day 207/110/12 to Day 207/112/4

10. THE ARMY PREPARE THEIR CASE

10.1 CHRONOLOGY

- **30/1/1972:** Telegram Lord Bridges to PM; Army can only account for 5 of those killed.[523]

- **30/1/1972:** SITREP of 'facts established at 2359 hours'. Army claim to have hit 5+ civilians.[524]

- **31/1/1972:** The Loden list is produced.

- **31/1/1972** at **1am**: Colonel Tugwell is interviewed by the BBC and tells Chris Drake that at least four of the deceased are on the 'wanted' list and that one had nail bombs in his possession.[525]

- **31/1/1972** at **3am:** RMP soldiers MP 222 and MP 223 photograph Patrick Doherty's body in the hospital morgue.

- **31/1/1972:** Colonel Dalzell Payne holds a press briefing at the Ministry of Defence in London. He claims the Army killed four of the deceased, details the shooting incidents contained in the Loden list, and repeats the assertion that four of the deceased are on the 'wanted' list and that one was carrying four nail bombs.[526]

- **31/1/1972:** at 10pm: the autopsy is carried out.[527]

- **31/1/1972:** Soldiers E, F, G and H make statements putting themselves in Glenfada Park and saying they fired shots there.[528]

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523 G102A 615.2
524 G99 598 G99 600
525 B1318
526 L 41
527 D0395
528 E;RMP 31/1/72 B86 F; RMP 31/1/72 B167.025 G;RMP 31/1/72 B168 H;RMP 31/1/72 B218

PS 6 . 165

- **31/1/1972:** In his first RMP statement Soldier F relates going to the southeast gable of Glenfada Park North, checking around a corner and making arrests whilst the rest of his team gave him cover.[529]

- **31/1/1972:** Father Daly tells a press conference that a man standing at the end of Chamberlain Street had fired 2 or 3 shots with a short arm after the soldiers had opened fire in the Rossville Street car park.

- **1/2/1972:** The Daily Express reports that Father Daly had admitted seeing snipers shooting from the flats[530]. The Irish Press reports that a man with a short arm fired 2 or 3 shots at the corner of Chamberlain Street.[531]

- **1/2/1972:** Lieutenant 227 who was watching events in sector 5 from Charley OP makes a statement saying that he heard two or three pistol shots being fired from the area of Rossville flats. He also describes a soldier shooting from Glenfada Park and a man falling at the corner of block one of the flats. He then records hearing further SLR shots and seeing a man who had been hit in the lower body on the ground in front of Joseph Place.[532]

- **1/2/1972:** CID Victoria start taking statements from the wounded in Altnagelvin Hospital.

- **1/2/1972:** The Widgery Inquiry is announced

- **1/2/1972:** Detective Constable Neilly at Victoria R.U.C. station prepares his report on the death of Patrick Doherty. A summary of the autopsy findings including the position of the entry and exit wounds on Patrick Doherty's body is included.[533]

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529 **B167.026 paragraph 3**
530 **L86** col.5
531 **L112**
532 **B 2186.3**
533 **ED 38.3**

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- **2/2/1972:** Meeting of the MOD Tribunal team. There were charts available to show how many bullets were fired, the target in each case and the result of the shot. PR had compiled a case history on each civilian killed or wounded, supported by Press stories and photographs.[534]

- **2/2/72:** MOD document states 'Positive wanted list identification is not yet available.'[535]

- **2/2/1972:** Constable Mc Cormac Victoria R.U.C. station delivers Patrick Doherty's clothing and samples to the Department of Industrial and Forensic Science.[536]

- **2/2/1972:** Sergeant **040** and Gunner **030**, positioned on the walls, make their first statements describing a soldier in Glenfada Park shooting along the front of block two of the Rossville flats.

- **3/2/1972:** Gunner **134**, positioned on the walls, makes his first statement describing a soldier in Glenfada Park shooting along the front of block two.

- **3/2/72:** CID Victoria interviews Daniel Mc Gowan. He tells them that he was injured by gunshot near Free Derry Corner at 27 St. Columb's Wells.[537]

- **5/2/1972:** Lt. Colonel Overbury produces his summary of events. Attached are summaries of individual rounds fired, details of rounds fired by individual soldiers, summaries of autopsies and 4 volumes of press cuttings.[538]

- **6/2/1972:** The Sunday Press publishes Sunday Times material in relation to the events of Bloody Sunday including a map plotting the positions of the dead and

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534 CO 1.213 paragraph 6
535 CO1.275 note 5
536 ED 38.9
537 ED29.4
538 See CO1.5 paragraph 6 Report is at CO1.112 to CO1.128 Schedule of annexes is at CO 1.129

wounded.[539] Copies of the Sunday Times papers are also sent to Lord Widgery.

- **6/2/1972**: The Peress photographs are published in the London Sunday Times.[540]

- **7/2/1972:** Reports detailing the injuries of the wounded are sent from Altnagelvin hospital to the CID Victoria.[541]

- **7/2/1972**: CID officers interview Patrick Campbell at Altnagelvin hospital. He makes a statement saying he was shot whilst running from the gable end of the Rossville flats over the waste ground towards Free Derry Corner.[542]

- **8/2/1972:** MOD meets with their counsel. Lt. Colonel Overbury and Inq 2158 are actioned to obtain background on Doherty. [543]

- **8/2/1972:** CID Victoria request background reports on dead and wounded from Special Branch.[544]

- **9/2/72:** Reports on dead and wounded forwarded to CID Victoria. There are traces on Patrick Doherty and three of the wounded. Patrick Doherty's 'trace' is that he is said to have a relative in the Women's Action Committee.[545]

- **9/2/1972:** RUC deliver autopsy photographs to Dr. Carson.[546]The photographs of the entry wound are missing.[547]

- **13/2/1972:** Mr Gibbons on day 16 of the Widgery tribunal says that none of the deceased was on a

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539 L 171
540 M65.63
541 ED27.4 and ED29.3
542 ED 27.7
543 CO 1.228
544 G118b.787.2
545 G118b.787.4 G118b.787.5 G118b.787.6 G118b.787.7 G118b.787.8
546 Letter Carson to BSI on 29.8.2002 D0537.3
547 D0521

wanted list. The information on which the claim was based was that four of the deceased had either been previously convicted, or previously arrested, for riotous conduct.[548]

- **15/2/1972:** Sir Basil Hall writes a file note stating that he had informed Sergeant Overbury that there was evidence to support the allegation that two men had been shot in the gap between Joseph Place and the Rossville flats who did not appear to be carrying weapons.[549]

- **16/2/72: Sergeant 040, Gunner 134** and **Gunner 030** who had given evidence in their R.M.P. statements of illegal shooting into sector 5, are taken to Lisburn and interviewed by Lt. Colonel Overbury.

- **18/2/1972:** Dr. Martin reports his findings in relation to Patrick Doherty to the RUC at Victoria.[550]

- **18/2/1972:** The trajectory map showing F's two shots along the front of block two is produced.[551]

- **19/2/1972:** Sergeant Overbury interviews F who redistributes the shots he had fired and admits to firing shots along the front of block two. He says he fired two shots at a man with a pistol who was facing in his direction and who turned as if to run.

- **21/2/1972:** The Widgery oral hearings commence. Sir Basil Hall rules that all witnesses for the Army must be interviewed by the Tribunal and further statements taken from them.[552]

- **21/2/11972:** Dr. Carson sends out the autopsy report containing the finding that Patrick Doherty must have been bending forwards or lying at ground level when

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548 B2202 B2203 paragraphs G & A
549 KH 2.32
550 D0386
551 Q 7
552 CO 1.6 paragraph 15

he was hit.[553] The history section of the report records that a soldier claimed that **he had seen a crouching man** firing a pistol from the position at which Patrick Doherty's body was found. The soldier said that he had fired as a man turned away.[554]

- **28/2/1972:** Giles Peress gives evidence to the Widgery Inquiry.

- **28/2/1972**: Daniel Mc Gowan makes a statement to Mc Closkeys, solicitors for the wounded, putting himself in sector 5. It is the first official record that anyone other than Patrick Doherty and Bernard Mc Guigan had been shot in this sector.[555]

- **29/2/1972:** Derrick Tucker gives evidence to the Widgery Inquiry.

- **1/3/1972:** Sir Basil Hall sends Lt. Colonel Overbury a note. He wants to see all shooters and their original statements by 6/3/1972.[556]

- **1/3/1972:** Dr. Carson and Dr Press give evidence on Day 8 of the Widgery Inquiry.

- **2/3/1972:** Mr Heritage interviews Soldier H.[557] He is the only Glenfada Park soldier whose Treasury Solicitor's statement is dated.

- **2/3/1972:** Dr Marshall, Dr Martin and Professor Simpson give evidence on day 9 of the Widgery Inquiry.

- **7/3/1972:** Letter Sir Basil Hall to Lt. Colonel Overbury. He wants to take statements from the soldier(s) who entered Glenfada Park and from whom no statement has yet been taken.[558]

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553 Letter Carson to BSI on 29.8.2002 **D0537.3**
554 **D 0399**
555 **AM 255.10**
556 **CO1.274 note 3**
557 **B 235** – This is the only one of the ATP SA statements that is dated
558 **CO 1.224 paragraph 1(d)**

- F makes his sixth statement.[559] For the first time he says that the man (who now has a pistol) who he shot to the south of block two **'was in a half crouching position'**.

- G makes a statement saying that he heard F shout "there's a gunman" before firing two shots in an easterly direction from the south east corner of Glenfada Park.[560]

- **9/3/1972:** Gunner 134 makes a statement to Treasury solicitors.[561]

- **9/3/1972:** F gives evidence to the Widgery Inquiry.

- **10/3/1972:** Colonel Tugwell names Patrick Doherty as one of 'wanted' men.[562]

- **13/3/1972:** Lieutenant 227 and Gunner 030 give evidence to the Widgery Inquiry.

- **19/4/1972:** The Widgery Report is published.

- **3/7/1972:** Letter from Chief Constable to DPP advising that unless some new evidence emerged at the inquests there was no evidence on which to base criminal charges in relation to the death of Patrick Doherty.[563]

- **2/8/72:** Attorney General's decision not to prosecute.

- **21/8/1972**:Inquests are held. An 'open' verdict is recorded.

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[559] **B167.035** to **B167.036 SA 30.** See evidence tables at tab 3
[560] **SA 31** Soldier F's statement is **SA 30**
[561] **B1829**
[562] **B1333.205**
[563] **SAV/1950**

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10.2 MORGUE PHOTOGRAPHS

On 31/1/1972 **Soldier 227**, Company Sergeant Major, RMP and **Soldier 222**, Company Quartermaster Sergeant, RMP went to the morgue at Altnagelvin hospital and photographed the deceased. **Soldier 223** said that they were photographing the bodies for 'continuity of evidence' purposes.[564] Two photographs were taken, one of Patrick Doherty's face and one of the exit wound. The Army used the photographs so that the soldiers who fired could identify whom they had shot.[565]

When Dr Carson gave evidence he told the Inquiry that he was not aware that photographs had been taken by other people before the photographs which were taken at his direction at the autopsy. He was not aware that the Army had insisted or indeed had gained access to the mortuary. The first time that it was brought to his attention was during the course of this Inquiry.[566]He had never known anything of this kind to have occurred before, in his experience. The bodies would normally be kept secured in the form and position in which they were admitted to the mortuary until the team had gathered for the autopsy; that would be the pathologist, the scenes of crime officer and the police, according to basic preservation of evidence rules.[567]

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564 **B 2178 paragraph 7**

565 **CO.1.274** (item 4) and reply attached to BSI letter of 23/9/02 (121?)

567 **Day 206/77/12 to Day206/77/16**

AS 6 - 172

10.3 THE WANTED LIST

At 1 am on January 31st 1972 **Colonel Tugwell** gave an interview to Chris Drake of the BBC in which he stated that four of those killed by the Army on Bloody Sunday were on a 'wanted' list and one had been found with four nail bombs in his pockets.[568]

There is an addendum to an Army SITREP, which recites 'facts as established at 2359 hours on Sunday'. The SITREP states:

'Of the 13 dead, one was reported to have had 4 nail bombs in his pockets, 4 are on the wanted list and one was a 15 year old youth (possibly shot on Saturday and locals brought the body from the Bogside).[569]

The SITREP goes on to say:

'6. Civilian casualties. As for the 13 civilians killed, there is an obvious discrepancy between the **5+**-claimed hit by 1 Para and the total number dead. A possible explanation lies in the nature of the indiscriminate fire from the gunmen, coupled with ricochets, possibly from both sides. Two deaths from a single high velocity round cannot be ruled out'.

When Colonel Tugwell gave evidence he agreed that it was the information contained in the above document that led him to say what he did in the BBC broadcast.[570] It would appear that at the time that Colonel Tugwell gave the interview the Army were not accepting that they had killed all thirteen of the dead.

A telex from **Lord Bridges** to the Prime Minister on the evening of Bloody Sunday states:

'The MOD have now conducted further enquiries and confirm the report that twelve were killed and fourteen injured in Londonderry this afternoon. Of the dead, one has

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568 **B1318**
569 **G99 599 paragraph 3**
570 **Day 240/143/15 to Day 240/144/9**

FS 6 . 173

been identified as a wanted man, one had four nail bombs on his person, and one was a youth'.[571]

'Army are surprised by large number of killed, and can themselves account for only **five** or thereabouts. They think the balance must be accounted for by stray shots or by snipers' bullets'.[572]

The information contained in the Chris Drake interview of 31/1/1972 about the wanted men was an invention. At the time that the interview was put out the Army were accepting that they had killed five men. That there were five men dead and the Army were saying that four men were 'wanted' and another was found with nail bombs was a convenient coincidence articulated in order to justify the Army's shooting.

The addendum to the NI SITREP referred to above goes on to say:

'd. COS (**Brigadier Tickell**) Headquarters Northern Ireland said that from now on it was a straight propaganda battle, and he was preparing a clear statement of fact to try to convey the battle as it was'.[573]

The nature of the propaganda became evident the following day when **Colonel Dalzell Payne** gave a press briefing at the Ministry of Defence in London and repeated his claim about the wanted list.

On 1/2/1972 the Financial Times reported:

'The Army knows for certain that of the 13 civilians killed in Londonderry, four were on their list of men wanted in connection with terrorist activities, and that one of them had

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[571] Note Soldier 021's claim that an RUC official said at midnight on 30/1/1972 that none of the dead was an IRA suspect and apart from one who had a minor criminal record none were known to the police. **B1509.006 paragraph 38**

[572] **G102A 615.2**

[573] **G99 600**

four nail bombs in his pocket when his body was recovered'.[574]

On the same date the Belfast Telegraph reported Colonel Dalzell Payne as saying that four of the thirteen killed were on the wanted list as IRA men.[575] The Daily Express said that the four were on the Army's file of wanted IRA members.[576]

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574 L97
575 L 85.1
576 L 86

FS 6 . 175

10.3.1 THE CONNECTION WITH THE LODEN LIST

When **Colonel Dalzell Payne** gave the briefing to the press at the Ministry of Defence on 31/1/1972 he was able to particularise the shooting incidents, as among his briefing papers for 31/1/1972 was what has become known as the Loden list.[577] The Army claim that four of the dead were wanted mirrors the number of 'kills' on that list.

If one looks at the Loden list, compiled it is said as a result of interviews with soldiers which took place in the back of a pig in the aftermath of the shootings one sees that of the targets identified on the list **two gunmen and two bombers** are said to have been 'killed'. Those targets are as follows:

b. One petrol bomber at GR43281679 shot from GR43291683. Apparently **killed** (Car Park).

c. One bomber at GR43261683 (top floor of flats) shot from GR43281684. Apparently **killed.**

o. One gunman with rifle at GR43231682 (barricade) GR43261682.Killed. **Body recovered.**

p. One gunman with rifle at GR43231682 (barricade) shot from GR43261682. Killed. **Body recovered.**[578]

The Evening Standard of 31/1/1972 reports the Colonel as saying that the Army had **killed two gunmen and two bombers.** The paper reports that there were nine bombing engagements against troops in which two bombers were killed and seven hit. There were also nine incidents involving gunmen in which two were killed, four were hurt and three were unhurt. The article then goes on to particularise the incidents.[579]

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577 Day 245/78/8 to Day 245/78/19
578 OS2.30.
579 L 41

AS 6. 176

On **1/2/1972 the Times** reported the briefing:

'The Department of Defence took the unusual step yesterday of letting the press hear its official briefing of what happened in Londonderry on Sunday.

...The Army's summary of the battle is that paratroopers were fired at 25 times and returned fire 18 times using 106 ball rounds. They engaged 9 bombers, **killed 2** and hit 7: 9 gunmen, **killed 2**, hit 4 and missed 3.'[580]

It is clear from the press reporting of the Dalzell Payne briefing that the Army were at that point in time only accepting that they were responsible for four of the deaths.[581]

Brigadier Thompson, the military correspondent for the Daily Telegraph, was a man who was on the Army side of the line. He had been on the walls with 028 and with Inq 2225 on Bloody Sunday.[582] General Ford had been on the walls at about the same time.[583] Patrick Clancy, Thompson's colleague in the Daily Telegraph remembers meeting Thompson after the shootings on Bloody Sunday. Thompson's first words were "They shot well, did they not?" Clancy asked him whether he knew that there were allegations of indiscriminate shooting. According to Clancy his reply to that was "how could it have been indiscriminate, they got 13?"[584]

On **1/2/1972** Brigadier Thompson reported that four men definitely were killed by the troops. He said the Army were very interested in the results of the post mortems being carried out that day which could show that some of the dead were victims of terrorists. [585]

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[580] **L 128**

[581] See Colonel Tugwell UTV reports 31/1/1972. He said some of the deaths may have been caused by [IRA] accidental discharge or by the [IRA] shooting each other by accident. **PU index material Pin120 page 11** Also Daily Express **L87** and Col. Wilford, the Guardian **L102**

[582] **M 78 paragraph 2** **B1566 paragraph 3**

[583] **B1333.184**

[584] **Day 192/100/14 to Day 192/102/13**

[585] **L 93**

FS 6. 177

We submit that the 'wanted' men was a 'catch all' claim designed to apply to any or all of the deceased. It was propaganda concocted in an attempt to explain the deaths of those civilians who at that point in time, the Army accepted, had been killed by their soldiers.

10.3.2 THE 'WANTED' MEN ARE NAMED

On 31/1/1972 when **Colonel Tugwell** was interviewed by the BBC he did not say who these 'wanted' men were. They remained nameless in the press releases that followed.

When he gave evidence to the Saville Inquiry **Colonel Dalzell Payne** denied that he was the source of the story about the four men on the wanted list. He did not check the accuracy of the information and did not seek to discover the names of those who were said to have been on the list.[586]

An MOD document entitled 'Notes of Memorandum of Information Required' and dated 2-2-1972 states at item 5

'Positive wanted list identification is not yet available.'[587]

When **Colonel Tugwell** gave evidence he was asked by Mr. Clarke about where he would have got the information contained within the interview of 31/1/1972 that four of the dead were wanted:

'Q: Could we then go back to 333.005. In paragraph 30 you deal with the fact (which we know) that during the course of the interview you stated that four of the civilians who were dead were on the wanted list and that that was an allegation that you found could not be sustained and had to be corrected. You say in paragraph 30 that:

"I would have obtained the information about intelligence traces orally, either by telephoning and asking, or by being given it by one of the Ops Room staff officers who obtained it for me."

You think the latter is more likely. Assume that to be so, where would the Ops Room staff officer have obtained the information from?

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586 Day 245/28/20 TO Day 245/29/4
587 CO.1.275

A 6 . 179

A: He would have got it either from 8 Brigade or from intelligence, and probably intelligence and with the police component.

Q: Does intelligence mean Army intelligence or RUC intelligence?

A: It means, in this case, both. I think it probably came in from Army intelligence and that Army intelligence got it from police, but I do not know.'[588]

Soldier 021 was a Captain in the 22 LADR. The contention that the information came to the Army via the R.U.C. is at odds with his statement that at a debrief held by Lt. Colonel Ferguson at midnight on 30-1-1972 an RUC official told them that none of the dead were an IRA suspect and apart from one who had a minor criminal record none were known to the police.[589]

In his Evershed's statement Colonel Tugwell said it was his understanding that a 'wanted' list contained the names and particulars and photos of persons thought to be associated with terrorism, and wanted by the police for questioning on those grounds.[590]

He agreed when he gave evidence that what he had intended to convey was that the four people were wanted either for internment or for questioning about criminal offences.[591]

On the 8/2/1972 the Ministry Of Defence met with their counsel. As a consequence of that meeting Lt. Colonel Overbury and Inq 2158 were actioned to obtain background on Patrick Doherty. [592]

On the same date CID Victoria sent a request to the Chief Inspector of Special Branch requesting assessments on the

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588 Day 240/140/19 to Day 240/141/16
589 B1509.006 paragraph 38
590 B1333.074 paragraph 68
591 Day 241/160/18
592 CO 1.228

deceased and wounded.[593] On **9-2-1972** Special Branch replied that none of the persons named had ever come under notice from a special branch perspective except Patrick Doherty, and three of the wounded.[594] The attached documents said that Patrick Doherty had never come under notice either but a relative was a member of the Women's Action Committee

On **March 10th 1972** Colonel Tugwell says that he was given a list of the four names of those who were on the wanted list.[595] Except for Doherty the names did not coincide with those that Special Branch had found traces on. The wanted man were **Donaghy, Doherty, Duddy and Gilmour**.

Three days later, on Day 16 of the Widgery tribunal Mr Gibbons, on behalf of the Ministry of Defence and General Ford expressed regret that the statement about the 'wanted' list had ever been made. He said he had made enquiries into the truth of the statement and he was happy to tell the tribunal that none of the deceased was on a wanted list. The spokesman who had made the statement spoke in good faith on information given to him, but, in fact, the information meant only that four of the deceased had either been previously convicted, or previously arrested, for riotous conduct.[596]

Patrick Doherty had a clear criminal record and had never been arrested for rioting. There is not a grain of truth in the suggestion that Patrick Doherty was a 'wanted' man. The information contained in the interview of 31/1/1972 about the wanted men was an invention as was the suggestion in Colonel Tugwell's statement of 10/3/72.

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593 AM18.42
594 G118b.787.4 G118b.787.5 G118b.787.6 G118b.787.7 G118b.787.8
595 B 1316
596 B2202 to B2203 paragraphs G & A

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10.3.3 THE 'TRACES' ON PATRICK DOHERTY

The report attached to the special branch report of 9/2/1972 read as follows:

'The above named **never** came under notice prior to his death on 30th January 1972. However a family member is a member of the Woman's Action Committee which is aligned to the Provisional Sinn Fein.'[597]

That statement speaks for itself. The family member was named as Patrick's wife Eileen. Eileen has never been a member of the Women's Action Committee. Even if she had been, it is difficult to see how Patrick Doherty could have been "associated with terrorism" or " wanted for internment" or for "questioning about criminal offences" by virtue of having a relative so involved.

There is another undated document of unknown provenance entitled 'Previous convictions and notes from intelligence dead and wounded'. It states

1. Patrick Doherty

Known to us as having connections with IRA fringe Republican elements. Has large CRO file with Garda at Dublin. We have no access to this information through normal channels.

John Tate wrote to the MOD about this matter. They replied on 8-11-99 as follows:

1. 'I am afraid that the original provenance and authorship of the attachment to your letter [of 10 September] cannot be attributed to any one particular source. At this distance in time this is not surprising. The paper probably reflected the pulling together by the Army's Widgery team of various pieces of information from the Army that they thought might be useful – possibly based on Colonel Tugwell's work in this area.

[597] G118b.787.8

FS 6 . 182

2. I am advised by the relevant unit in Northern Ireland that after thorough searches, none of the intelligence files you requested, or files containing evidence of Patrick Doherty's alleged connections with IRA fringe republican elements, has been found.'

A letter sent to the **Department of the Taoiseach** received the following reply:

'Further to your recent request for information regarding Patrick Joseph Doherty, I have made enquiries into the matter and I am informed by the Department of Justice, Equality and Law Reform, following consultation with the Garda Authorities, that there is no criminal record in this jurisdiction relating to Mr. Patrick Doherty.'[598]

The fact is that Patrick Doherty had no connection with fringe republican elements.

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[598] N 74

FS 6 . 183

10.3.4 COLONEL TUGWELL'S EXPLANATION

When Colonel Tugwell made his statement to Evershed's he attempted to explain away the 'wanted' story on the basis that it was a 'mistake' and not a deception. Colonel Tugwell told the Saville Inquiry that he had made the statement to the effect that four of the dead were on the security service's list in good faith. He said that Lt. Colonel Overbury then approached him and asked if he could sustain the allegation about the wanted list. Colonel Tugwell said he could not.[599] It was then agreed that another statement would be drafted explaining the position to the Widgery Inquiry.[600] The further statement is a travesty. Far from exonerating the deceased it names Patrick Doherty for the first time and puts him firmly in the frame as someone who has been involved in rioting or subversive conduct.

Since 1972 the following statement is the 'official' explanation as to why Patrick Doherty's name was included on the 'wanted' list.

'I have today (10-3-1972) been given a list of the four names referred to. I now understand that the list from which these names were extracted is made up of individuals about whom there is a security trace. My lay interpretation of this is that there is some record in relation to the individual suggesting that he has been involved in rioting or some other subversive conduct. I believe that it means that in the event of their being arrested in a search operation they would be detained for questioning. It does not mean that they are being actively looked for and to that extent 'wanted list' may be an expression open to misconstruction. I was not told at the time but I now know that they were **Donaghy, Patrick Doherty, Duddy and Gilmour.'**[601]

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599 B1333.006, paragraph 34
600 Day 240/174/19 to Day 240/175/6
601 B 1316

FS 6 . 184

Lt. Colonel Overbury accepted that he drafted Colonel Tugwell's statement of 10/3/1972 when he gave evidence.[602] He accepted that he would have given Tugwell the names of the four people allegedly referred to in the wanted list but could not recollect what the source of the information would have been.

By 10-3-1972 Colonel Tugwell and others within the Ministry of Defence knew perfectly well that there was no trace on Patrick Doherty but yet they were prepared to peddle the myth that there was something suspect about him. [603]

A similar approach is evident in other contemporaneous documents. A document entitled 'Information Policy Working Party, Review No. 11' date stamped **6-4-1972** contains the following extract:

' Colonel Tugwell also said that four men were on the wanted list. This last point, though made in good faith, proved to be an over statement: the men were listed but not wanted.'[604]

A letter from the Ministry of Defence to the Northern Ireland Office dated **22-5-1972** contains the following extract: -

'c. Wanted list

Counsel for the Army explained to the tribunal on 13th March that there had been some confusion over the statement that four of the deceased were on a wanted list; however the spokesman acted in good faith on information given to him. His statement meant only that four of those who died had been previously convicted or arrested for riotous conduct and these were known to the security forces; and that is all.'[605]

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602 Day 243/73/1to Day 243/73/8 Note the statement says taken by Basil Hall B1333.205

603 Colonel Tugwell denied seeing the Special Branch assessments at the time Day 240/144/10.

604 B1333.083 paragraph 8

605 CO 1.266

In 1998 when Channel 4 asked Colonel Tugwell about the wanted list he was still suggesting that Patrick Doherty was known to the police. He said:

'We also made a mistake. We said that four of the men who had been shot were on the police wanted list. They weren't. They were known to the police and the thing that got screwed up, I can imagine, I don't know, that they found these four names, they linked up, they got excited, and they passed it on as being four people on the list, and somebody turned that into a wanted list, and the thing gets exaggerated maybe by someone trying to improve a story. This easily happens. It's bad. It shouldn't have happened'.[606]

The wanted list was a lie thought up on the evening of Bloody Sunday in an attempt to justify the deaths of innocent people. The 'wanted' on 31-1-1972 were nameless and faceless. They were at that time the men who appeared as an entry on Major Loden's list as those who had definitely been killed by the Army [as opposed to those wounded or those who had [allegedly] been shot by civilians]. The simple fact is that when the disinformation about the victims was put out those responsible for it did not expect that they were going to have to stand over it.

The attitude is summed up in the Belfast Telegraph of the following day when they quote an Army spokesman at Lisburn as saying:

"The only Inquiry to be held will be the same Inquiry which is always held whenever live ammunition is used. It is just a routine procedure. There will be no other Inquiry".[607]

When the Army were put in a position where they were required to stand over their claims they went on a fishing expedition. The result was Colonel Tugwell's statement of 10-3-1972 (and the various permutations of it). They came up with tenuous information on the deceased. The information, which they did come up with, does not justify the Army's use

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[606] **B1333.053**
[607] **L 25** col. 3

FS 6 . 186

of the term wanted. Nor ought one expect it to given that 'wanted' was a cover all term designed to apply to each or any of the deceased.

FS 6 . 187

10.4 ESTABLISHING THE FACTS

In the immediate aftermath of Bloody Sunday the Army would have had some difficulty in establishing facts. They were not able to get into the Bogside and were dependent for information as to targets on photographs, press accounts and on the accounts of soldiers who were unfamiliar with the area.

We know that by1/2/1972 Detective Constable Neilly at Victoria R.U.C. station had prepared a report on the death of Patrick Doherty including the autopsy findings and a description of the entry and exit wounds on Patrick Doherty's body.[608] The Loden list had also been produced and targets and firing positions identified by grid references. Madden and Finucane have plotted the firers and their targets on a map at **OS 1.807**. No targets are shown south of block two at the eastern end.

When the MOD tribunal team met on 2/2/1972[609] the minutes record:

'...A number of agencies had been collecting information independently of each other. There were charts available to show exactly how many bullets Security forces on 30 January fired, the target in each case and the result of the shot. PR had compiled a case history on each civilian killed or wounded, supported by Press stories and photographs. APM had been collecting statements from soldiers, but not from senior officers, while 1 Para had been building up a detailed picture of the engagement as seen from their side'.[610]

Lieutenant Colonel INQ 1864 led that part of the team responsible for gathering evidence and information from the Army. He was assisted by an RUC adviser.[611]

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608 **ED 38.3 and see section 8.4 above**
609 **CO 1.212**
610 **CO 1.213 paragraph 6**
611 **CO1.41 paragraph 21**

FJ 6 . 188

As far as the 'opposition' case was concerned the minute records that all that the Army knew at that time was what had been reported in the newspapers and that these reports would have to be collated and where possible connected with Army statements.[612] 'Some soldiers might find themselves being questioned and re-questioned. They must not assume that their original account was not believed, but it would be the duty of Lieutenant Colonel Overbury to cross check statements. He must have every co-operation at all levels.'[613]

By **4/2/1972** all the RMP statements were in the hands of the Army legal team[614] and by **5/2/1972** Lt. Colonel Overbury was in a position to produce his summary of events. Attached were summaries of individual rounds fired, the application of the yellow card to each round fired, summaries of autopsies and 4 volumes of press cuttings.[615]

On 6/2/1972 the **Sunday Press** published Sunday Times material in relation to the events of Bloody Sunday including a map plotting the positions of the dead and wounded.[616] The positions of the dead and wounded were based on eyewitness accounts. The Army would have been dependent on the press for the civilian version of events and in relation to the wounded, for details of where exactly they were when they were shot.

The map produced by the Sunday Times shows only two targets in sector 5, both fatalities.[617] On the same day the Peress photographs of Patrick Doherty before and after his death were published in the London Sunday Times.[618] At that point in time no soldier had admitted firing into sector 5. The task for the Army therefore was to try to piece together the available evidence in order to discover whom it was that had fired into that area.

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612 **CO 1.213 paragraph 5**
613 **CO 1.213 paragraph 4**
614 **CO1.5 paragraph 5**
615 See **CO1.5 paragraph 6** Report is at **CO1.112 to CO1.128** Schedule of annexes is at **CO 1.129**
616 **L 171**
617 **L171**
618 **M65.63**

FS 6. 189

We suggest that before soldier F made his statement on 19/2/1972) the Army would have been aware of the following facts in relation to Patrick Doherty's death: -

- That there were two men dead in sector 5 and that at least one of them had been shot there.
- At least one of the deceased had been shot by a soldier firing from Glenfada Park
- That Patrick Doherty had been hit by a medium or high velocity bullet.[619]
- That Patrick Doherty had reached Joseph Place via the gap between blocks two and three of the Rossville flats.
- The position of the entry and exit wounds on Patrick Doherty's body.[620]
- That there was photographic evidence showing Patrick Doherty before and after he was shot and he was not armed. [621]
- That Patrick Doherty had no criminal record or IRA profile.
- That **four soldiers** on the city walls were saying that a paratrooper had fired from the southeastern corner of the eastern block of Glenfada Park North and that they had seen a fatality on the southern side of block two of the flats.[622]
- That none of these four soldiers were saying that the soldier had fired at a person with a gun or with a nail bomb.

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[619] **D 0400**

[620] On 5/2/1972 when Colonel Overbury produced his summary of events summaries of the autopsies were attached **CO1.5 paragraph 6**

[621] The Peress photographs had been published in the Sunday Times on 6/2/1972 **M65.63**

[622] Soldiers 227, 040, 030 and 134. See section 8

- That three of the soldiers on the walls who saw the paratrooper fire from Glenfada Park had heard low velocity fire at some time before the paratrooper fired.[623]

- That a man standing at the end of Chamberlain Street had fired 2 or 3 shots with a short arm.

- That Lieutenant 119 and soldiers E, F, G, H, J and 027 had all put themselves in Glenfada Park.[624]

- That E, F, G and H had fired shots in Glenfada Park.[625]

- That none of the soldiers who had fired shots in Glenfada Park were admitting to having fired shots to the south of block two of the Rossville flats.

- That none of the Glenfada Park soldiers who saw other soldiers fire in Glenfada Park were saying they had seen a soldier fire from the southeastern gable.

- That the only soldier who put himself at the south eastern gable of the eastern block of Glenfada Park North was Soldier F.[626]

That those facts were known explains we suggest why the Army were able to mark up a trajectory map before F said anything about shots to the south of block 2. The trajectory map showing these two shots is dated 18/2/1972, the day before Soldier F made his statement.

There are several possibilities we suggest why that map shows only two shots when we now know that there were a great deal more than that fired into sector 5. Firstly, those soldiers on the walls who saw firing into sector 5 said they had

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[623] Lieutenant 227 and Gunner 030

[624] 119;RMP 4/2/72 **B1752.034** E;RMP 31/1/72 **B87** F; RMP 31/1/72 **B167.026** G;RMP 31/1/72 **B169** H;RMP 31/1/72 **B220** J; RMP 4/2/72 **B269** & 027;RMP 5/2/72 See ATP table and evidence tables at Appendix 3

[625] All 4 admit firing in their RMP statements of 31/1/1972. . See ATP table and evidence tables at Appendix 3

[626] RMP 31/1/1972 **B167.026** See ATP evidence tables at Appendix 3

FS 6 . 191

seen a soldier fire **one or two shots.** Secondly, the Army quite simply were not aware that, in addition to Mc Guigan and Patrick Doherty, two others had been shot in sector 5. Neither Mc Gowan nor Campbell had said that they were in that area as at 18/2/1972

On 3/2/72 the CID Victoria had interviewed Daniel Mc Gowan. He told them that he was injured by gunshot near Free Derry Corner at 27 St. Columb's Wells.[627]On 1/2/1972 the Belfast Telegraph reported that Patrick Campbell had been shot in the back whilst he was running towards the Lecky Road.[628]On 2/2/1972 The Times had reported that Patrick Campbell had been shot as he was 'running up towards the Creggan estate'.[629]

On 6/2/1972 the Sunday Press published the Sayle and Humphrey material from the Sunday Times in relation to the events of Bloody Sunday including a map plotting the positions of the dead and wounded. The map was based on interviews of the wounded by Sunday Times reporters. Daniel Mc Gowan is not mentioned. Patrick Campbell is shown as having been injured on the western side of Rossville Street near Glenfada Park south and Fahan Street west.[630] The Widgery legal team subsequently used this map.[631]

On 7/2/1972 CID officers interviewed Patrick Campbell at Altnagelvin hospital. He made a statement saying he was shot whilst running from the gable end of the Rossville flats over the waste ground towards Free Derry Corner.[632] As far as we are aware the first official record that both men were shot in sector five is contained in a statement Daniel Mc Gowan made to his solicitor on 28-2-1972.[633]

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627 ED29.4
628 L85.2
629 L 145
630 L 171
631 M 71.3
632 ED 27.7
633 AM255.10

16 6 . 192

11. THE EVIDENCE OF SOLDIER F

Soldier F had made four statements to the R.M.P. and one to the R.U.C. before he made a statement to Lt. Colonel Overbury on 19/2/1972 admitting for the first time that he had shot a man in sector 5.[634] He subsequently made a statement to Treasury solicitors.[635] That statement was made after 1/3/1972 and after Dr Carson had given evidence to the Widgery tribunal.[636] In his statement to Lt. Colonel Overbury Soldier F also admitted for the first time that he had shot a person at the rubble barricade.

When Lt. Colonel Overbury gave evidence he said that he had re-interviewed soldier F as part of the cross checking process and because his previous statements were confused and sequentially inconsistent. He assumed it was at the suggestion of the SIB. He said he had the advantage then of having aerial photographs, so that F could be taken through his original statements and, in the light of examining the photographs, try to recollect the sequence of events.[637]

That the earlier sequence was wrong is what Soldier F himself says in his statement of 19/2/1972. That of course is nonsense, as Soldier F on 19/2/1972 is not explaining a mistake he made about sequence, rather he is recalling killing two additional people. At Appendix three we have tabulated Soldier F's accounts across his various statements. The accounts are factually rather than sequentially inconsistent. Soldier F we say, was making it up as he went along.

The question arises as to what prompted his recall of the shots into sector 5 on 19/2/1972. It is impossible on the face of the statement to determine what it was that had triggered F's memory. Lt. Colonel Overbury said that F would have been shown his previous statements, plans and photographs. However what it was he was actually shown is not identified

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634 RMP 1-4 and RUC 15/2/1972 See evidence chart at Appendix 3

635 **B167.035**

636 See section 9.5 above re timing of TSOL statements

637 **Day 243/55/24 to Day 243/56/16**

in the statement. Certainly there is nothing in any of his five previous statements that would have helped him to recall shooting two different people in two different places. In any event Soldier F had had five opportunities prior to 19/2/1972 had he wished to avail of them to disclose the shots he had fired to the south of block two.

On 15/2/1972 Sir Basil Hall wrote a file note stating that he had 'informed Sergeant Overbury that there was evidence to support the allegation that two men had been shot in the gap between Joseph Place and the Rossville flats who did not appear to be carrying weapons.'[638]

On 16/2/72 Sergeant 040, Gunner 134 and Gunner 030 who had given evidence in their R.M.P. statements of illegal shooting into sector 5 were taken to Lisburn and interviewed by Lt. Colonel Overbury. Their statements variously had described a paratrooper in Glenfada Park firing one or two shots into sector 5 and a man falling.[639]

Lt. Colonel Overbury agreed when he gave evidence that it was possible that he had mentioned to F that, on the basis of other soldiers statements, he was implicated in more shootings than he had previously mentioned in his statements and that F then told him about the two other people he had shot.[640] We suggest that that possibility is more of a probability and that Soldier F's interview with Lt. Colonel Overbury on 19/2/1972 and his attendant recall of shots to the south of block two was prompted simply by the fact that the Army knew from the available evidence that Soldier F was responsible for deaths of seemingly unarmed civilians in that area and were putting that too him and asking him for an explanation.

There is some evidence that statements were obtained, at least by the RMP, in this manner. When Soldier H gave evidence he was asked by Mr Clarke "This account we find in your statement, was that something that you yourself had

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[638] **KH 2.32**
[639] See section 8
[640] **Day243/155/14**

M 6. 194

actually witnessed or was it something that was suggested to you and to which you assented?" Soldier H replied: "I would think it was probably the latter. When the RMP make a statement, you do not write it down yourself, they are writing it. They ask you a question and they put it into their words."[641]

Soldier F must have been asked to account for two shots and for at least one death in sector 5 when he was interviewed by Colonel Overbury. He made up a story about a gunman and then over the course of his Treasury solicitors interview and his evidence to Lord Widgery, progressively embellished that story with the assistance of his friend Soldier G.

Soldier F must also have been aware of the autopsy findings on Patrick Doherty when he was interviewed on 19/2/72 as he articulates a version of events consistent with them.

The statement reads:

'Immediately after this I ran along the eastern wall of Glenfada Park to the corner. As I did so I heard pistols 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 two rounds at this man and he fell to the ground.[642]

At that time Dr Carson's autopsy report had not been released but the Army knew from the position of the entry wound that Patrick Doherty had been shot from behind. Soldier F knew that he had shot him as he was crawling away from him but was not going to admit to that.

Soldier F's account changed again after Dr Carson's report had become available and Dr Carson had given evidence

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641 Day377/117/2

642 B167.037 paragraph 2 to 3

to the Widgery Inquiry. The standing man is then said to be **'in a half crouching position, moving to my right as I shot him'.**[643] Dr Carson had found in relation to Patrick Doherty that:

'It is virtually impossible for the deceased to have sustained the wound whilst standing erect at ground level. He must either have 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'.[644]

The most likely explanation for the addition of the crouching man is that Soldier F was aware at this point in time of the autopsy findings and of Dr Carson's evidence to the Widgery Inquiry in relation to Patrick Doherty and was tailoring his evidence to fit.

If Soldier F had volunteered his statement of 19/2/1972 he would have dealt with more than two shots and with more than one victim. Soldier F knew on 19/2/1972 that he had shot more than one person in sector 5. He has at this stage admitted shooting both of those who died there. He is also in the frame for shooting of Mc Gowan and Campbell and for firing at Patrick Walsh when he was going to assist Patrick Doherty. The Army were aware from their own soldiers' accounts that they had at least one death to account for in sector 5.[645] That a paratrooper had fired two shots into sector 5 and killed a person there and that exactly that i.e. two shots and one fatality are articulated voluntarily by F when he makes his statement is, in our submission too coincidental to be credible.

Soldier F's subsequent statement to the **Treasury Solicitors.** differs in detail from his previous statement to Lt. Colonel Overbury. His evidence to Lord Widgery differs again. What it

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[643] **B167.036 paragraph 6** Statement made between 1-9/3/72

[644] **D 0400**

[645] 227,040,134 and 030 on the city walls all say that a paratrooper had fired from Glenfada Park across the front of block two and that they saw a man fall or saw a man on the ground

all amounts to we suggest is a progressive embellishment by Soldier F of a story designed to justify the unjustifiable.

In is statement to the Treasury solicitor Soldier F describes events at the gable end as follows:

'**I then asked G to cover me as I heard pistol shots in the direction of Rossville flats.** I approached the southeast 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 that 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 my right** as I shot him'.[646]

The statement is a change from his earlier statement in several material respects:

- Soldier G is now with Soldier F and covering him before F hears the pistol shots. In his Overbury account G had arrived when F was making the arrests. Soldier F said that after he had shot the man with the pistol:

  '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.'[647]

  This of course was setting the scene for soldier G who then makes a statement to the Treasury solicitors corroborating Soldier F's story.[648] Soldier G says:

  '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.

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[646] **B167.036 paragraph 6**
[647] **B167.037 paragraph 2 to 3**
[648] See section 9.5 above re timing of TSOL statements

26 . 6 . 197

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'.[649]

Soldier G and Soldier F were great mates. They were working together as a pair on Bloody Sunday.[650] According to Soldier 027 they were 'self sufficient and a law onto themselves'. It is clear that these soldiers invented a corroborative story. Throughout his evidence Soldier F has continued to maintain that he and Soldier G never spoke about what they had fired at on Bloody Sunday. Soldiers F and G were interviewed sequentially by both the RMP and Treasury solicitors. Soldier F agreed when he gave evidence to this Inquiry that it defied belief that he had not spoken to Soldier G about what they had seen and done.[651]

Prior to his statement to the Treasury Solicitors Soldier G had not put himself at the southeastern corner of Glenfada Park North. Neither had he put himself with the arrestees. The only mention of arrestees is in his first RMP statement where he says:

'We were recalled to Rossville Street and when I returned I found that prisoners had been taken from the area by other members of my platoon.'[652]

Later in that paragraph Soldier G says that he and F **split up** after they had fired at the riflemen in Glenfada Park. Soldier G then says he ran down an alleyway. F puts himself with the arrestees.[653]

That sequence matches Soldier H's evidence. He says that he formed a 'brick' with soldiers E, F and G. The 'brick' was together at the Kells Walk wall and then moved together as a unit into Glenfada Park.[654] E was the brick

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649 **B187 paragraphs 8 & 9**
650 **B167.025 and B190 paragraph E**
651 **Day 376/109/19 to Day 376/110/12**
652 **B 169 paragraph 3**
653 See evidence charts at Appendix 3; G pages 4 and 5 & F pages 3 and 4
654 Soldier H at **Day377/41/24 to Day 377/42/6** See also Soldier F's oral evidence to Widgery **B167.060** and F's evidence table at paras 17 & 18

commander and F was the second in command. As the brick commander does not go in first F and G went in first and E and H followed. E and F went down the eastern side of Glenfada Park and G and H formed the right hand side of the brick and worked around the north and west walls.[655] After the shootings in the Glenfada Park courtyard G went down the alley into Abbey Park.

Soldier G and Soldier F were 'great mates'. They were working together as a pair on Bloody Sunday together with E and H.[656] According to Soldier 027 they were 'self sufficient and a law onto themselves'. It is clear that these soldiers invented a corroborative story. Throughout his evidence Soldier F has continued to maintain that he never and Soldier G never spoke about what they had fired at on Bloody Sunday. Soldiers F and G were interviewed sequentially by both the RMP and Treasury solicitors. Soldier F agreed when he gave evidence to this Inquiry that it defied belief that he had not spoken to Soldier G about what they had seen and done.[657]

- Soldier F now hears pistol shots in the direction of Rossville flats. In his Overbury statement he had heard pistol shots coming from the area of the wall at the far end of Rossville flats.

- Soldier F now says that his target was **'in a half crouching position moving to my right as I shot him'.** In his earlier account he saw a man near the wall facing in his direction **who turned as if to run.**

- The man with the object in his hand, which was like a pistol, has become a man with a pistol.

When Soldier F gave evidence to the Widgery Inquiry (which was just a few days after giving his account to Treasury solicitors) he changes his account yet again. For the first time he says that he saw the pistol man fire his weapon. In his

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655 Day 378/92/4 to Day 378/92/22
656 B167.025 and B190 paragraph E
657 Day 376/109/19 to Day 376/110/12

FS 6 . 199

Overbury account he had heard pistol shots and then he had seen a man with an object, which looked like a pistol. In his statement to Treasury solicitors he heard shots and then saw a man with a pistol. He told Lord Widgery:

> "**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".[658]

Most indicative of all that Soldier F's statements are a self serving tissue of lies is the way in which Soldier F redistributes his 13 shots in order to accommodate his changing story. Soldier F says he fired 13 shots out of a total of 20. When he was initially interviewed by the R.M.P. he claimed to have fired 3 shots at a second floor window of Rossville flats block 1; 2 in Glenfada Park and then 8 shots at different windows in block 1. When he made his statement to Lt. Colonel Overbury he changes the sequence and adds two additional targets. The tally of shots remains the same but is redistributed. He claimed to have fired one shot at the rubble barricade, 2 in Glenfada Park, 2 at the gunman at the end of the Rossville flats and 8 rounds at different windows in block one. Amazingly, when Soldier F gave evidence to Lord Widgery he was not asked to account for this discrepancy by the Tribunal team. Neither was he asked to account for his previous inconsistent statements.

In relation to Patrick Doherty Lord Widgery found:

> 'The probability is that he was shot by soldier F, who spoke of hearing pistol shots and seeing a crouching man firing a pistol from the position where Doherty's body was found. Soldier F said that he fired as the man turned away, which would account for an entry wound in the buttock. Doherty's reaction to the paraffin test was negative. In the light of all the evidence I conclude that he was not

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[658] **B167.041 paragraph B**

carrying a weapon. If soldier F shot Doherty in the belief that he had a pistol that belief was mistaken'.

In the course of this Inquiry Soldier F has admitted that he shot Patrick Doherty:

Mr Clarke: "Do you also accept that you shot Patrick Doherty on whose behalf you were asked questions by Ms. McDermott?

A. Yes."[659]

To the extent that he tries to justify his action (i.e. he shot at a man with a pistol) we ask the Tribunal to consider and give weight to the following matters:

a) The man Soldier F describes as having a pistol or an object which looked like a pistol, is in fact Patrick Doherty.

b) Patrick Doherty did not have a pistol (which is conceded by Soldier F's counsel) or anything else in his hand.

c) No-one else saw a person with a pistol in the area at that time.

d)There was no-one else in the area at that time

e)There is no credible military evidence of pistol fire in the area at the time.

f) Patrick Doherty was shot through the buttock with an exit wound through the inferior vena cava.

g) That F purports not to have remembered shooting "the man with the pistol" until interviewed by Lt.Colonel Overbury on 19th February 1972. He had made four previous statements to the R.M.P. and one to the R.U.C.[660]

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[659] **Day 376/175/22 to Day 376/175/24**

[660] See evidence charts at Appendix 3

FS 6. 201

h) That it, 'slipped his mind'[661] as did the shooting dead of Michael Kelly.

i) Almost immediately after he shot Patrick Doherty F, by his own admission shot Bernard Mc Guigan who was waiving a white handkerchief.[662]

j) It was only during this Inquiry (DAY 376) that he admitted shooting Mr McGuigan.

k) Before he shot Patrick Doherty, F had shot Michael Kelly, probably William McKinney, probably wounded Joe Mahon and possibly shot dead or wounded other people (e.g. Patrick Campbell and Daniel Mc Gowan).

l) He lied about how he had expended the thirteen rounds he discharged. It is likely that he did not fire 8 rounds at windows in the Rossville flats but expended rounds additional to those claimed, into sector 5.

In those circumstances, it is not reasonably possible that F shot Patrick Doherty in the genuine but mistaken belief that F's life or someone else's life was in danger. Had he been prosecuted for murder there can be no doubt that on the evidence any reasonable Tribunal would have found him guilty. We ask this Tribunal to find that F murdered Patrick Doherty.

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[661] **B167.047 paragraph D**

[662] **DAY 376/175 /17 to Day 376/175/21**

FS 6 . 202

12 RESPONSIBILITY

It is axiomatic that an Army operates by orders being given and obeyed by way of command and control. It has never been suggested that this, 'highly disciplined' and, 'highly professional', force disobeyed orders. It has never been suggested that F, or any other soldier went berserk. The family of the late Mr Patrick Doherty urge the Tribunal to take the view that they are owed a coherent explanation by the Army authorities and in the absence of such an explanation; the obvious adverse inference is drawn.

That is to say that on Bloody Sunday, F and his colleagues were expected or permitted to murder civilians – that he and the others who had killed and wounded did exactly what they were supposed to do. This is borne out by what happened afterwards. There was no criticism or disapproval from his superiors about what he had done and F was promoted through the ranks in the course of time. None of the senior military witnesses made it their business to find out what had happened on Bloody Sunday. All were content to leave it Lord Widgery. Even after the Widgery report 'F' was not disciplined or spoken to in any way despite the fact that Lord Widgery found that he had probably shot Mr Patrick Doherty and if had done so in the belief that he was armed he was mistaken. Incredibly, F now says that he has no recollection of Lord Widgery having made that finding.[663]

The only inference that can be reasonably drawn from that is that in murdering and injuring, as he did on Bloody Sunday, he was doing exactly what he was expected to do and making lying statements to the R.M.P, to the Treasury solicitor and going to the Widgery tribunal to give lying evidence was just part of it.

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[663] DAY 376/95/18 to Day376/95/22

FJ·6 . 203

At **Day 51/21/18** Soldier F's counsel made the concession:

"We will not contend, unless of course some new evidence that you produce alters the position, that those individuals who have been identified were armed with lethal weapons".

This concession is made on the basis that no soldier has ever been able to recognise, as someone whom he shot, any of the named individuals. In short, the soldiers' position seems to be that one or more of the dead and injured may have been a gunman or a petrol bomber or nail bomber but they are not saying who and they are not saying when or where they were shot.

The soldiers through their counsel say that it may be a reasonable explanation for what happened on Bloody Sunday, that twenty-seven mistakes were made by this elite regiment, thirteen of them fatal mistakes. It beggars belief that such a case would be advanced and it is insulting to the Doherty family as is the suggestion that secret burials took place after Bloody Sunday. This suggestion was aptly described by Bishop Daly as, "offensive nonsense"[664], by Eamonn McCann as, "wholly fanciful", and, "patently ridiculous".[665] And as John Hume put it "things like that could not happen in a city like ours without people knowing about it".[666]

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664 **Day 75/53/1**
665 **Day 87/75/25**
666 **Day180/18/14 to Day 180/18/15**

AS 6 . 204

12.1 PLAN WITHIN A PLAN

We invite the Tribunal, for the following reasons, to conclude that there was a covert plan that civilians be murdered or an understanding that there would be no repercussions if that happened:

1. Because that is what did happen.

2. Because there were no repercussions, internal Army enquiries or action taken even on Lord Widgery's findings.

3. Because of the attempts to justify what happened and to discredit the dead and the injured, in particular;

   (a) Four men on the wanted list

   (b) General Ford's diary entry at 16.35 hrs. (B1126). 'I spoke to Co 1 Para who confirmed my view that his troops had been fired upon first and had returned fire although he could have had no basis for holding such a view'.[667]

   (c) The Loden list.

4. At the D. Ops meeting (G75.459) on 26th January 1972, three options were considered:

   - To stop the march at its start point, inside the Creggan.
   - To stop the march leaving the Bogside / Creggan area.
   - To stop the march short of the Guildhall.

---

[667] **B1126**

M 6 . 205

It was agreed course 2 would be adopted. 'The marchers would be prevented from leaving the Bogside / Creggan and that barriers would be placed up to 200 yards inside these areas.'[668]

A.W. Stephens (Head DS10) in his communication to Lord Carrington after the D ops. meeting and before the JSC meeting, said at paragraph (3):

'The GOC had considered that the first feasible point at which the march could be halted was William Street, just after the marchers have left the catholic enclaves
and at (4)

'the march will be halted and prevented from continuing'.[669]

This plan was adopted at the JSC meeting held on 27th January 1972. It was agreed that: -

(a) 'Security action will be primarily an Army operation.'

(b) 'The basic plan here will be to block all routes into William Street and stop the march there.'

(c) 'The operation might well develop into rioting and even a shooting war.'[670]

In the event no "route into William Street" was blocked. Having barrier 14 at the bottom end of William Street permitted and encouraged rioters to congregate at, "Aggro corner", as the troops called it, and allowed Support Company of 1 PARA to come at them directly through barrier 12, in vehicles, down Little James Street and Rossville Street under cover of chasing them.

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668 **G75.459 paragraph 6**
669 **G74.457/458**
670 **G76.463/466**

There has never been any explanation given for why D ops. suggested course C – stopping the march short of the Guildhall was adopted instead of course B.

Lord Saville asked General Ford:

"So the puzzle is: what is the difference between, if there is any difference, between course two and three. If you think that course two was the one that was adopted, but at the moment I am finding a little difficulty in seeing what difference there is, as the plan was worked out, between course two and three. If you are going to stop the march short of the Guildhall, you have very little room indeed left if you are going to go even further backwards than barrier 14.

A. I would agree, sir, and I can see very little difference myself, except just perhaps to say this: of course the positions of all the other barricades were in accordance – nearly all the others – with course two.

Lord Saville: Yes, if you are accepting that virtually the whole of William Street is in the Creggan area."[671]

Whereas "nearly all the other" barricades may have been in accordance with course two, critically, Barriers 12 and 14 were not.

5. There was no real intention of arresting hooligans. The arrest operation was a sham. Support Company could not have seen from behind Barrier 12 or while travelling in their vehicles who was rioting. William Street was empty when 1 Para came in on foot through barrier 14.

6. Support Company were neither dressed nor equipped for riot control.

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[671] Day 259/62/16 to Day 259/ 63/6

7. There was no separation between rioters and marchers.

8. It was a radical departure from the operational order that Support Company go in through Barrier 12 in vehicles.

9. 1 PARA did conduct a running battle down Rossville Street in contravention of the Brigade Commander's order.

10. General Ford had formulated, 'a plan within a plan', in relation to internment because he feared details had leaked. There would be, "very little", documentation for a plan within a plan[672] and, "it would be done mainly over the telephone on secure lines".[673]

11. General Ford says that he has a complete absence of memory in relation to the period before Bloody Sunday and the day itself. When it was suggested to him that the covert plan was for troops to come in through barrier 12 in vehicles and shoot the marchers, he says:

"If there had been a covert plan of such significance, I would never have forgotten it; do I make myself absolutely clear.

Q. I understand exactly what you are saying, General Ford, but I wonder if you could explain how you are in a position to say it?

A. Because of the reason I just gave you".[674]

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[672] Day 259/51/2
[673] Day 259/52/11 to Day 259/52/12
[674] Day 259/94/23 to Day 259/95/6

FS 6.208

We say it is difficult to see how a person who has a complete absence of memory can make such an assertion. We ask the Tribunal to take the view that the views and opinions expressed by General Ford and Colonel Wilford to journalists are more revealing than their evidence to the Inquiry.

Speaking to **Desmond Hamill**, a journalist who had been sent to speak to him by the M.O.D in 1984, **General Ford** is recorded as saying about Bloody Sunday:

"Of course it was – at the time – a serious setback – a setback for the Army's reputation in the eyes of the public. Mind you, it quietened down Londonderry – for a hell of a long time. But that was not really the most important thing. Much more important were the political implications and the worldwide effect. I was terribly saddened that thirteen people were killed. In Belfast, in a similar situation, there would not have been any innocent people killed – they all would have been lying on the floor out of sight.

In Londonderry they were not used to being shot at all – and I think probably a lot of people were standing around. In Belfast if 1 PARA was seen on the streets... 1 PARA did not kill anyone in Belfast except the odd terrorist. They had only to be there and everyone went to ground. They were terrified. But they did not do that in Londonderry, they all stood up as it were".[675]

General Ford could properly have added, "so thirteen were killed and fourteen were injured." Patrick Doherty, just as he did not realise he was 'the enemy' entering 'the battlefield' clearly did not know that when he saw 1 PARA he was meant to, 'lie on the floor and out of sight.'

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[675] **B1208.003.019**

Colonel Wilford has spoken to journalists on several occasions during the 1990s. He has repeatedly defended his men and said they behaved magnificently. He conducted no inquiry post Widgery even into the 'mistake' that F was found to have made in relation to Patrick Doherty or the firing bordering on the reckless in Glenfada Park. Colonel Wilford maintained to this Inquiry that his men had gone in to conduct an arrest operation and were then fired on. The picture he has painted for journalists over the years is very different.

In an interview with Peter Taylor he said: -

"One knew that it was different even before one went there. You saw on television it was almost a ritual experience at 4 o'clock where the troops would gather on the corner of various streets in Londonderry on the edge of the Bogside, and of course the hooligans would come down and have a shy at the soldiers. The soldiers were standing there with their big plastic shields and they would throw the odd tear gas which would then be thrown back at them and this to us was clearly quite horrifying because it was clear that the soldiers never went forward and just stood there like Aunt Sallies.

I had actually said in public that my soldiers were not going to act as Aunt Sallies – ever".[676]

Speaking of when the shooting was over, **Colonel Wilford** says:

"Quite honestly, I owned the Bogside in military terms. I occupied it... and I was approached by General Ford who then asked me a remarkable question: 'What was I going to do'... Well in fact I hadn't been told by the Brigade Commander to do anything and so I started withdrawing my troops".[677]

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[676] **B1027** **B1028**
[677] **B1066** to **B1067**

FS·6·210

He expressed himself in similar terms to **Alex Thompson** of Channel 4 News adding:

"They (the British Army) were offered an opportunity to take over.. the Bogside... and regain proper control of it...and they decided not to take that opportunity because there had been the shooting. I think they lost their nerve."[678]

We submit that the vivid picture Colonel Wilford paints in 1999,[679] of being at Barrier 12 is strong evidence that he was in fact there, encouraging his men as he said, despite the fact that he says he does not recall. He said to Lena Ferguson:

"Because my troops had not gone in. You know, I have explained how I saw an opportunity, how the main point of confrontation was being developed and did develop in a very, very fierce way. I was down there by this time on the barricade looking at what was going on. I went round to see my soldiers and their big Support company and to say, 'I am trying to (word missing). They were saying to me – "come on sir, we've got to get going, we've got to get these fellows." They did not say it as politely as that, as you can imagine but they said, "we need to go now." And I had my radio communicator with me and I was calling brigade and saying, "now is the opportunity."

If that is right then Colonel Willford oversaw the vehicles go in through Barrier 12, in a complete departure from the Operational Order. Speaking to Channel 4 in 1999, he says:

"But if people start talking about apologising then I think one actually has to look at who was responsible

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[678] **B1110.004**

[679] **X1.35.36 to X 1.35.37**

for the decision to carry out that particular type of operation... and to use the only troops capable of doing that... who if you like were battle hardened troops, who would take no nonsense."[680]

And in the same interview at **B1110.003**

"We were put into an arrest operation which I don't think had been thought out fully... the implications of which had not been thoroughly thought out... its implications of.. it smacked of its time we taught these people a lesson.. and er that's what it smacked of".

In a frankness, which he did not display to the Inquiry, **Colonel Wilford** told Peter Taylor:

"There might have been some wrong things. People who were in fact not carrying a weapon were shot... or even killed but that was done as an act if you like, of war that they believed in fact that they were in danger... There is no innocence in a riot. That's a civilian word...you've got to assume that they were all out make trouble".

Peter Taylor: "But you don't sign your death warrant by taking part in a demonstration.

Colonel Wilford: "Some people do".[681]

And Patrick Doherty did.

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[680] **B1110.007**

[681] **B1074** **B1075** **B1076**

13. CONCLUSION

We ask the Inquiry to conclude that Soldier F murdered Patrick Doherty.

Patrick Doherty's murder was followed by a conspiracy of disinformation, which attempted to justify what had happened to him by falsely alleging that he was a gunman and a wanted man. He was neither.

His murder occurred in circumstances where the Westminster Government had abdicated political responsibility for Northern Ireland, the Army was in control of policing and the repressive regime being operated by Stormont, matched by Nationalist resistance to it, had produced stalemate. Resources were limited and there was no end in sight to the campaign of civil disobedience. 1 PARA, not despite its reputation but, we say, because of it, was let loose in the Bogside and permitted to murder. The soldiers involved have been protected by Government and the Army ever since.

Despite all the evidence the Inquiry has heard and all the research that has been undertaken by the Inquiry significant gaps in the evidence remain. We maintain that those responsible for Bloody Sunday, in Government and in the Army, know what happened in much greater detail than they have been prepared to admit. Where gaps in the evidence remain although there are witnesses who must have, or ought to have the military information, adverse inferences ought to be drawn. Only by so doing can public confidence be restored.

We ask the Inquiry to consider the extent to which the Westminster Government was in dereliction of its duty in failing to exercise any or proper control over the Army.

Finally, we urge the Inquiry to recommend that the Parachute regiment should never be used again in aid of the civil power in Northern Ireland.

Barr and Company, Solicitors, March 12th 2004

FS 6 . 213

PATRICK DOHERTY

APPENDICES

APPENDIX 1 - PHOTOGRAPHS

1. William Street.
2. Chamberlain Street/Rossville flats car park.
3. Gap between blocks 2 and 3 – geography.
4. Gap between blocks 2 and 3 - Peress sequence.
5. The southern façade of block two.
6. The brick feature/Fahan Street steps/Joseph Place alley.
7. The Walsh/ Doherty sequence.
8. The Doherty/Mc Guigan sequence.
9. Removal of the body.
10. Location of witnesses - block two.
    - The Tuckers
    - The Mc Laughlins
    - Donna Harkin
    - William Harley & Patrick Mc Crudden
    - Bernard Gilmore
    - Jean Mc Geehan
11. F's trajectory/Glenfada Park
12. Morgue photographs.
13. Patrick Doherty's clothing.

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THE WALLS

- Map showing positions of bundle B soldiers
- Map showing positions of police officers
- Marked up photographs

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- Soldier F
- Soldier G
- Soldier E
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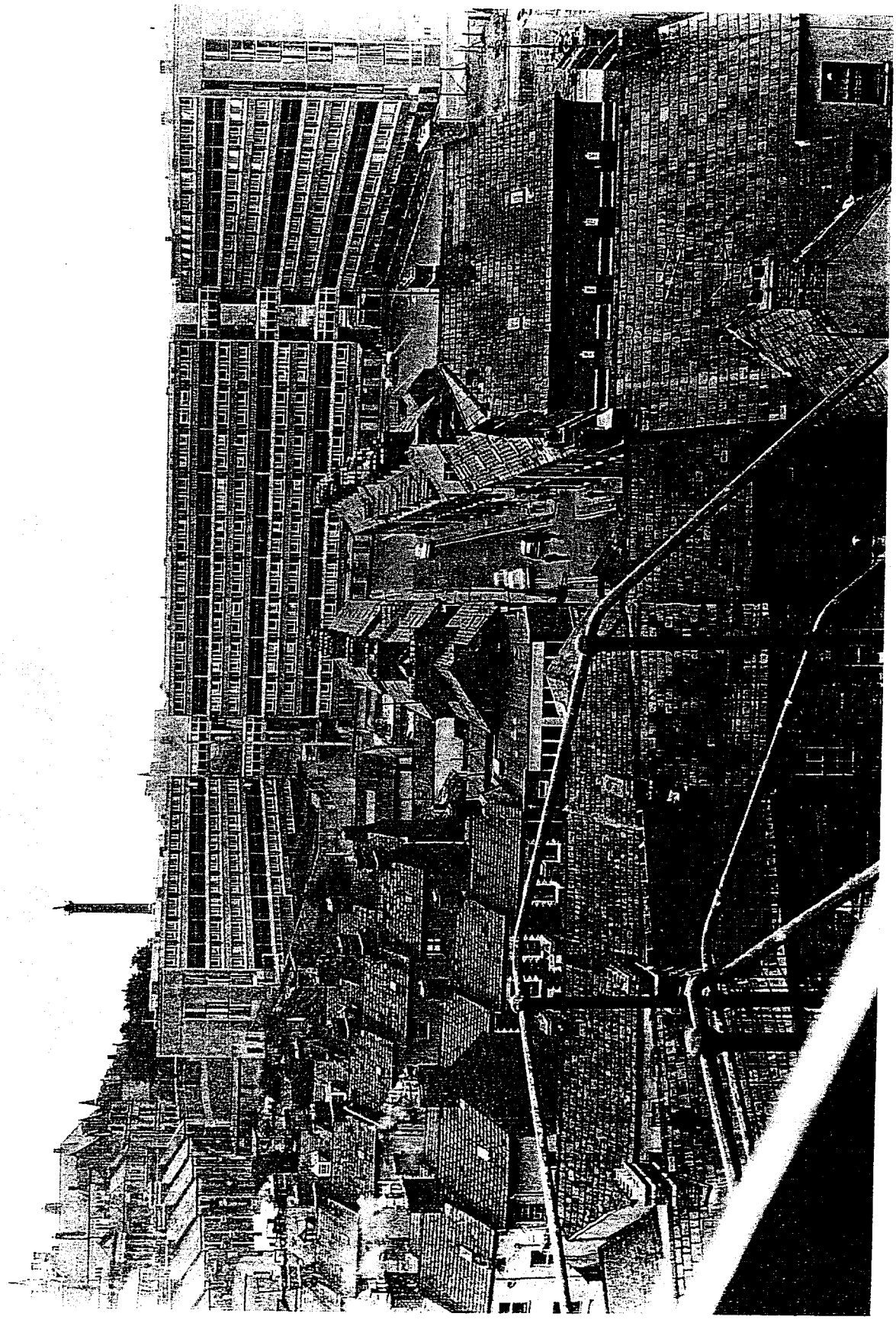
1951

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Fig. 222
380

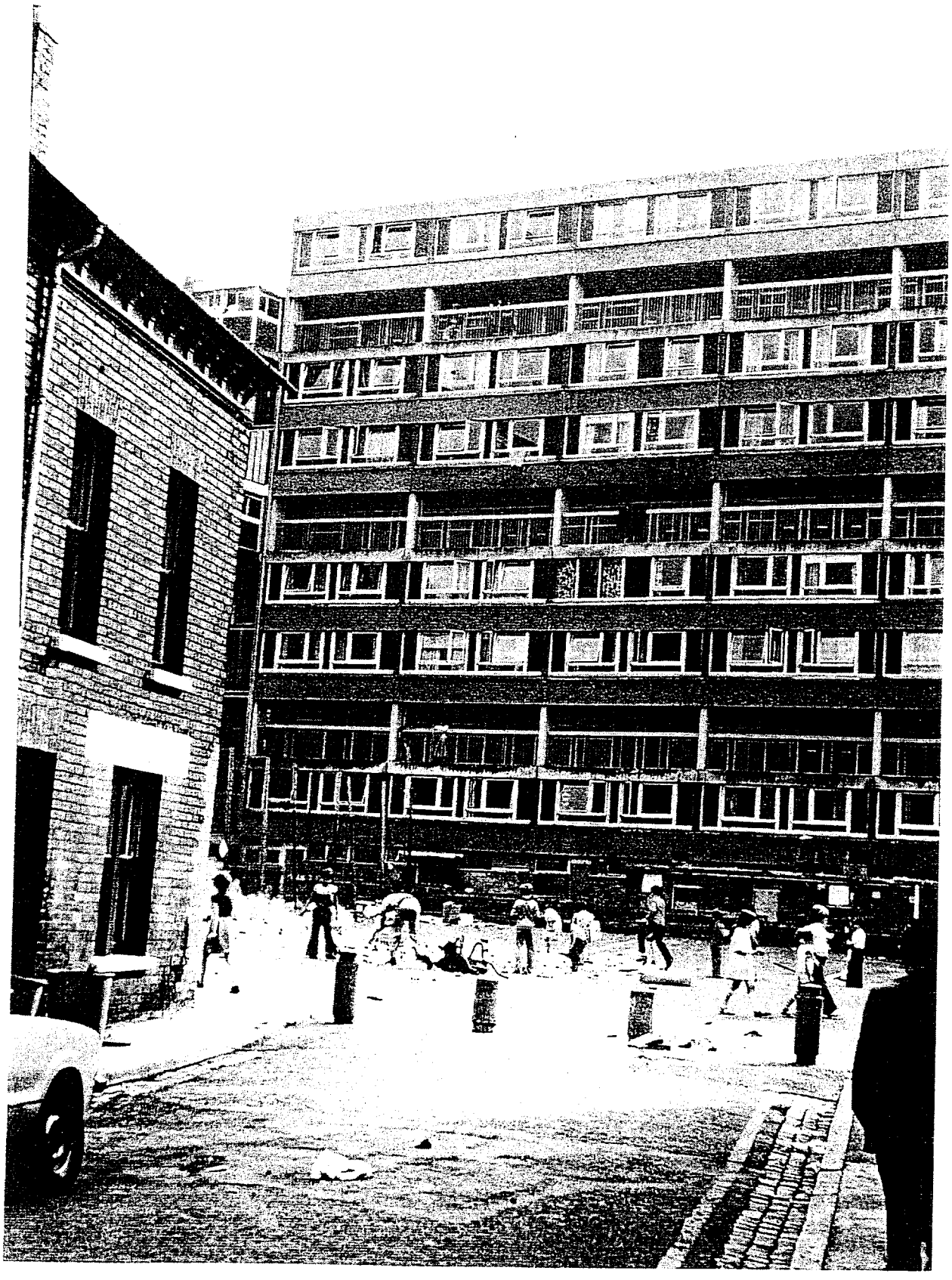
A 6 . 223

General Photo Cossville Flats



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End of Chamberlain Street / Flats - Block 2

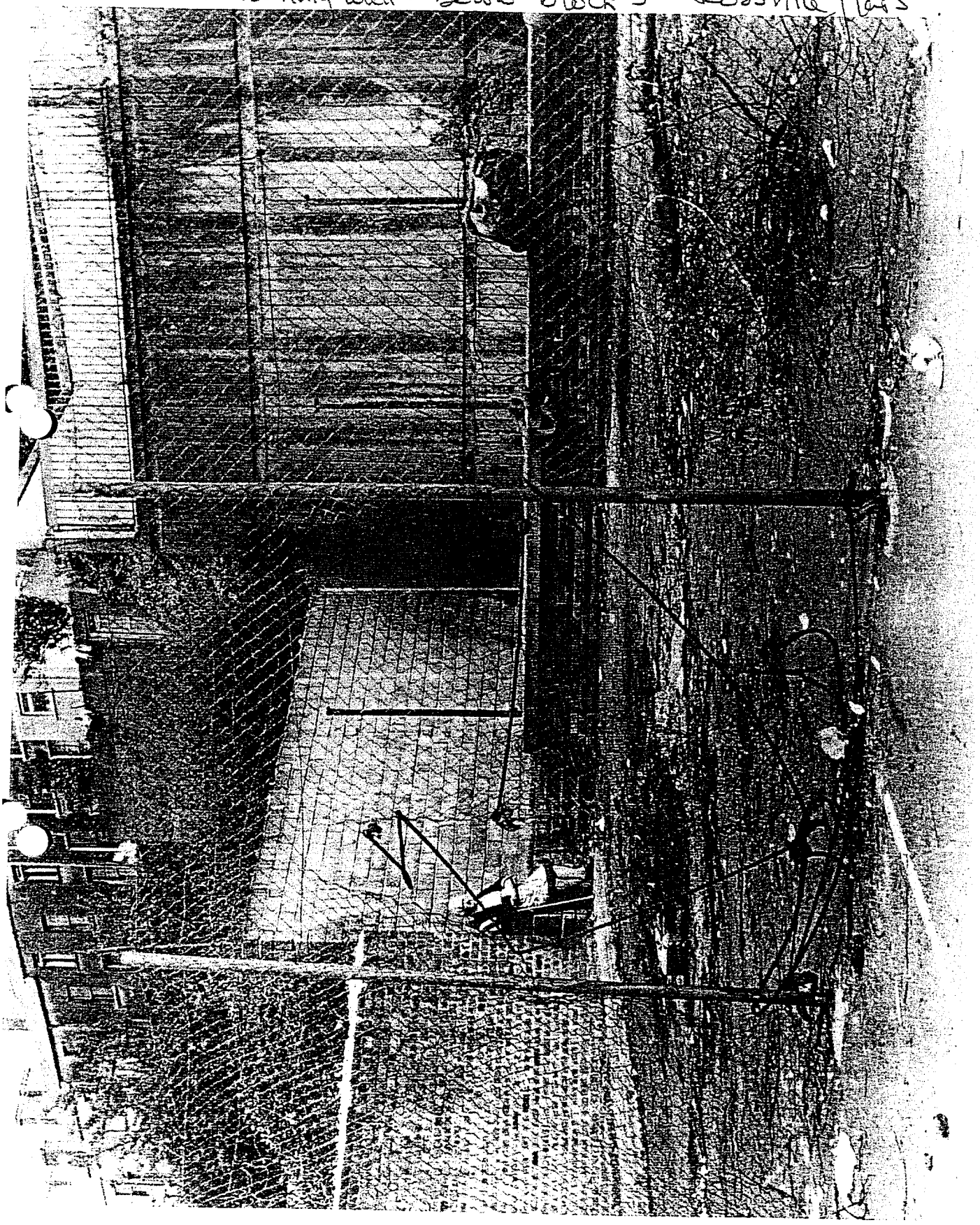


280
FJ 6 . 225

Rossville Flats complex - not 1972 - Block 3

286
FJ 6. 226

Retaining wall – below block 3 – Rossville flats



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287

Zessville Flats - Block 3

FIG. 228

Concrete Hard Blocks

FIG. 229

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Kessock Flats - Blocks 2 + 3 not 1972



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A 6. 231
291

Lessells Flats Blocks 4 5



FS 6. 232

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Roseville Flats GC# 2/3

FS 6 - 233
297



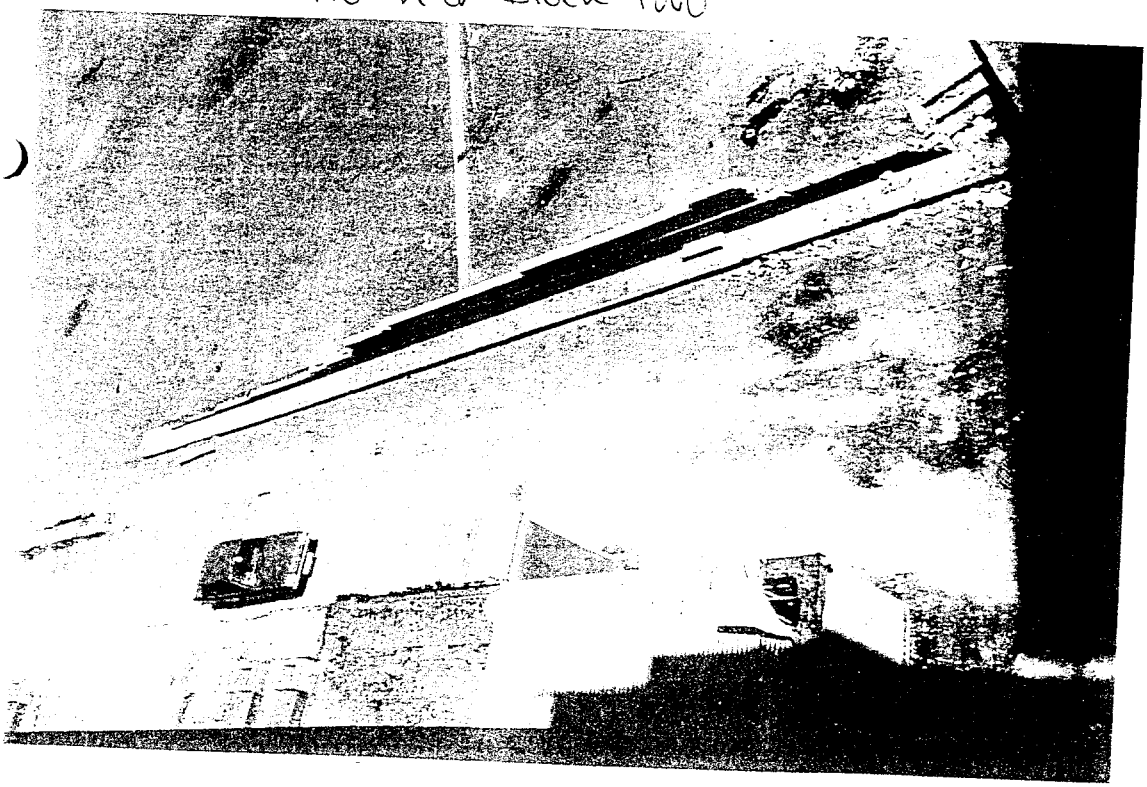
297.1

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Block 213 gap from Joseph Place side

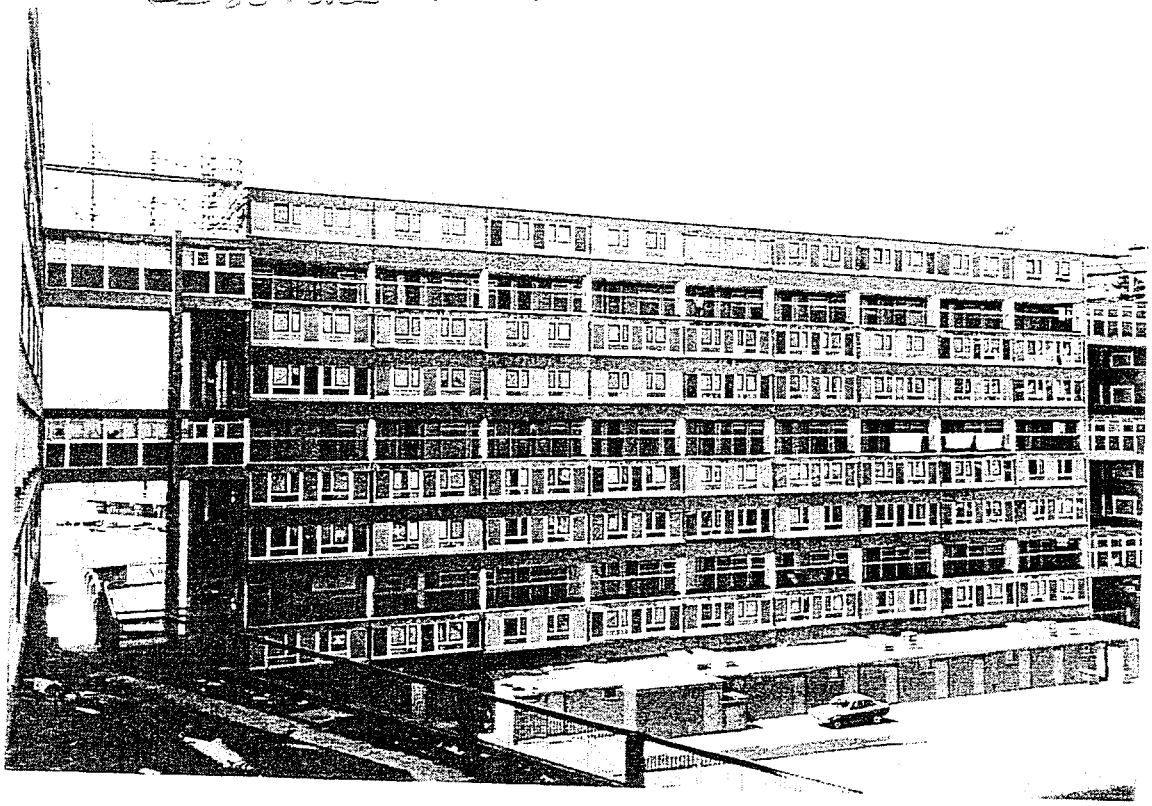


low wall – north of block two

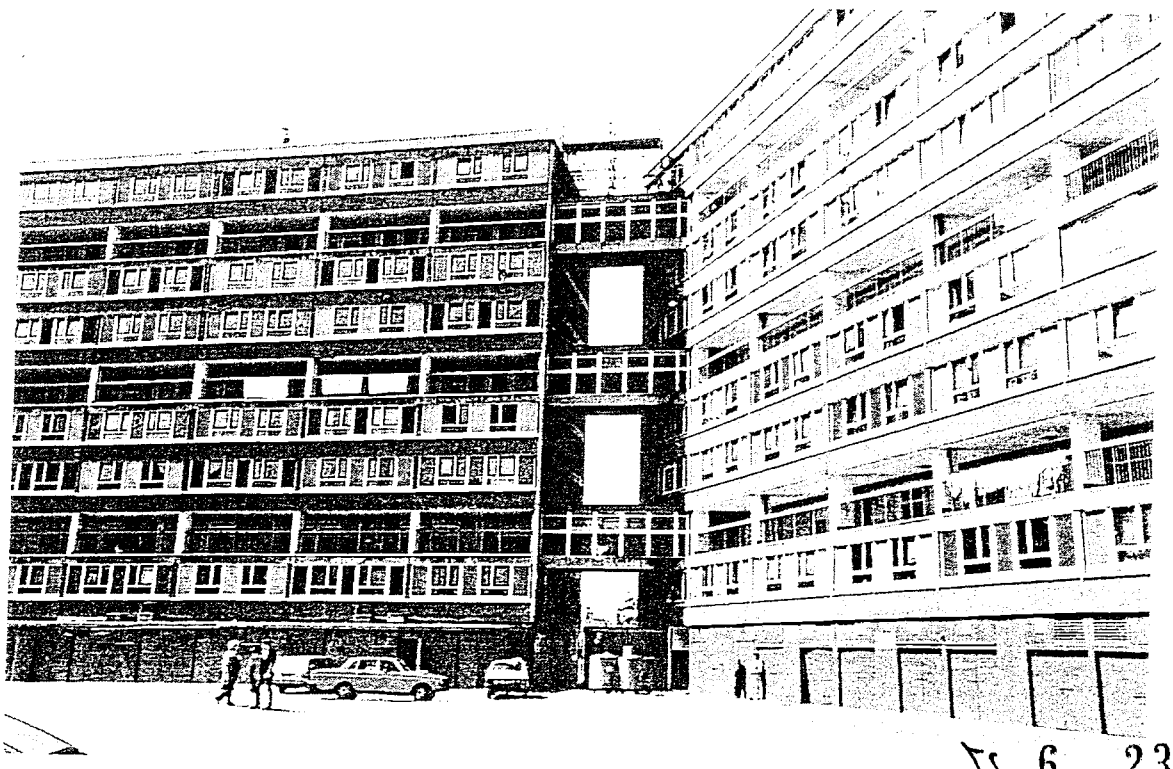


AA 6 . 235

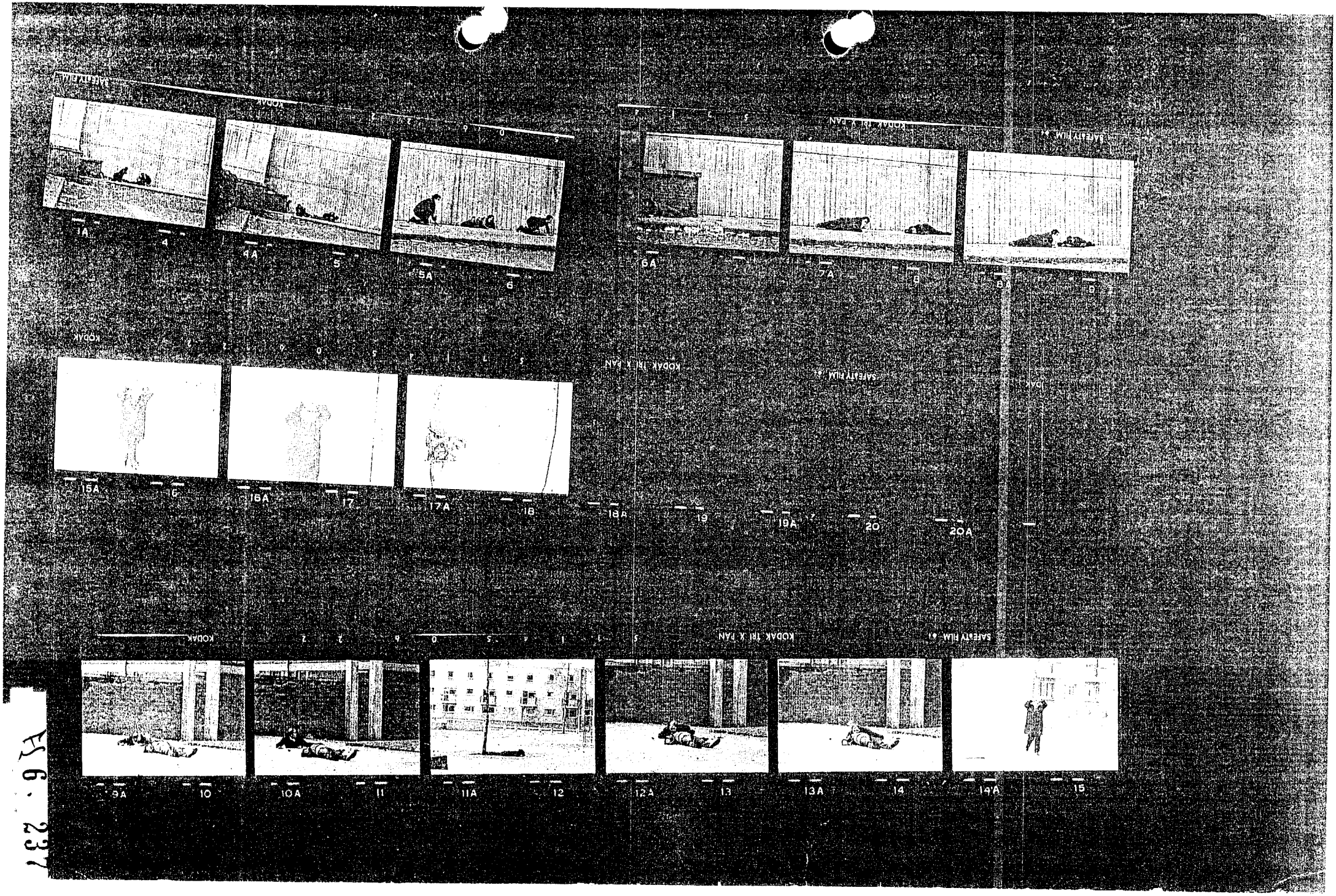
Rossville Flats Block 1



Rossville Flats Blocks 1 + 2



FJ 6. 236
299


KODAK TRI X PAN
SAFETY FILM
1A
4
4A
5
5A
6
6A
7
7A
8
8A
9
15A
16
16A
17
17A
18
18A
19
19A
20
20A
9A
10
10A
11
11A
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12A
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13A
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14A
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V6 · 237

EP 25/2

FIG. 238

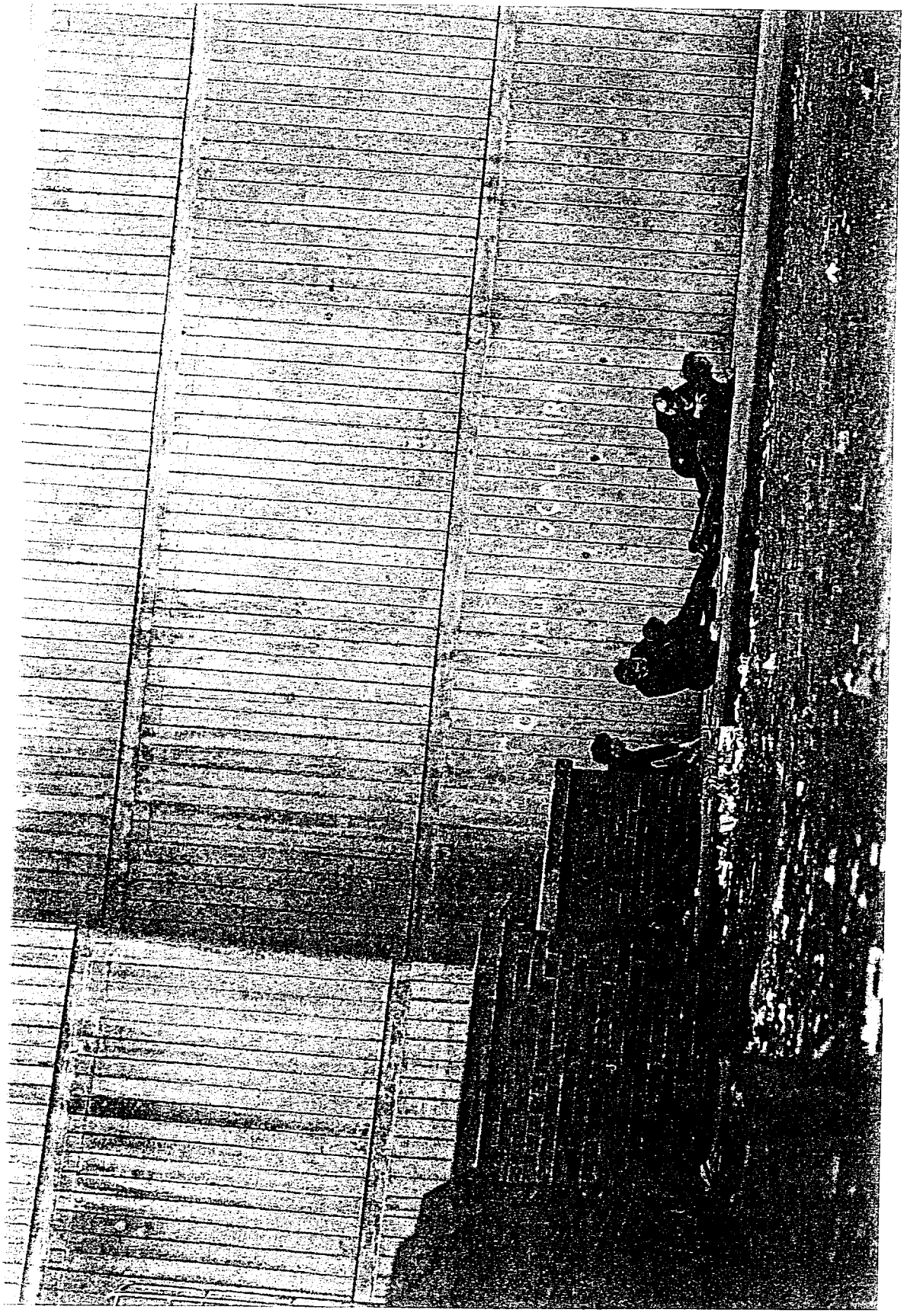
713 · 1



Also at EP 2517

796

FJ 6 . 239



Also at EP 2512

797

FS 6 . 240

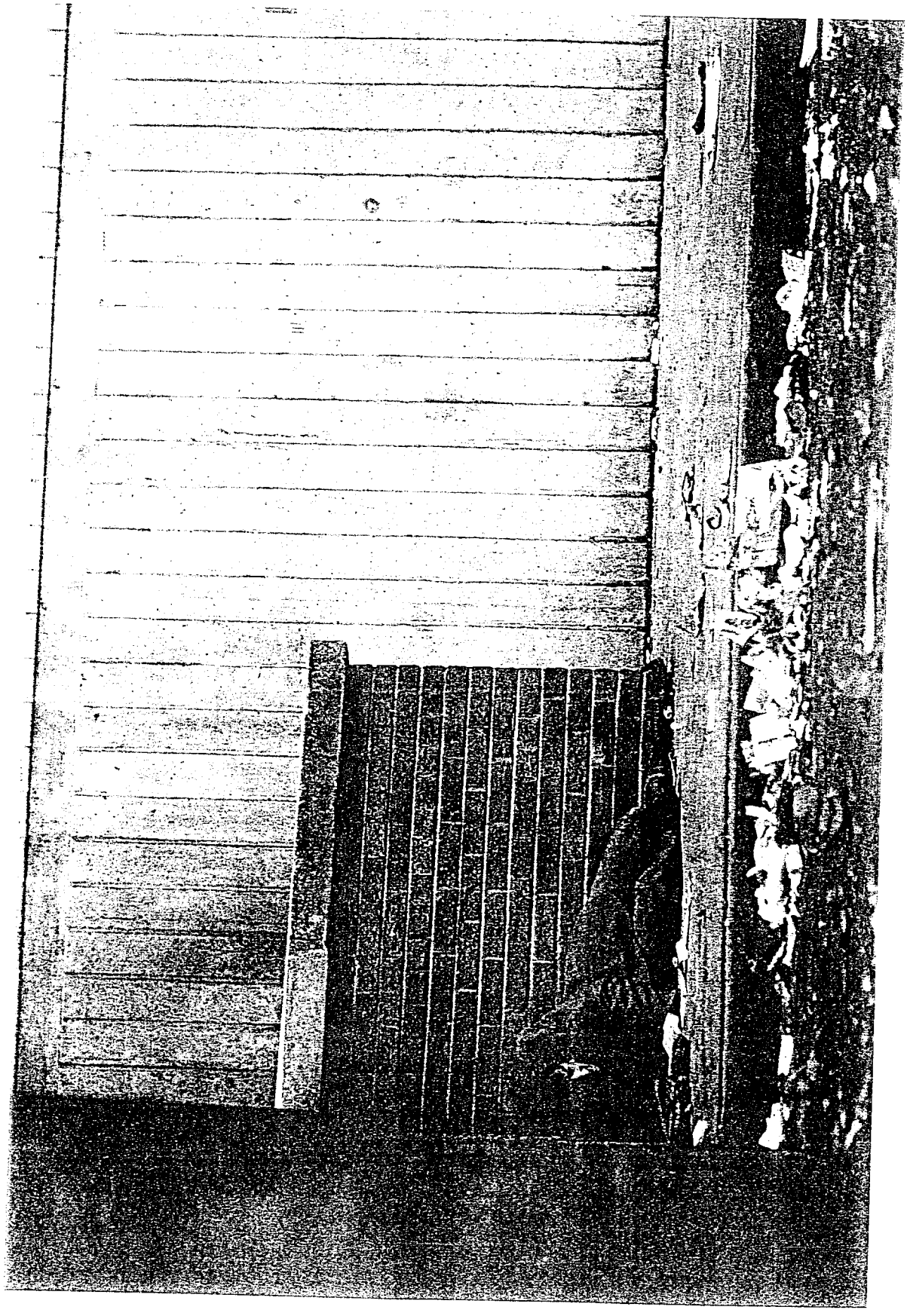
EP25/18.001

AJ 6 · 241

Also at FF 2S|9

798

FS 6. 242



Also at EP 25:10

799

FJ 6. 243

Assy at EP act II

800

FJ 6. 244

Also at EP 25|12

801

FS 6. 245

Rossmile Flats - Block 1



320
Fl 6. 246

Rossmill Flats Block 2

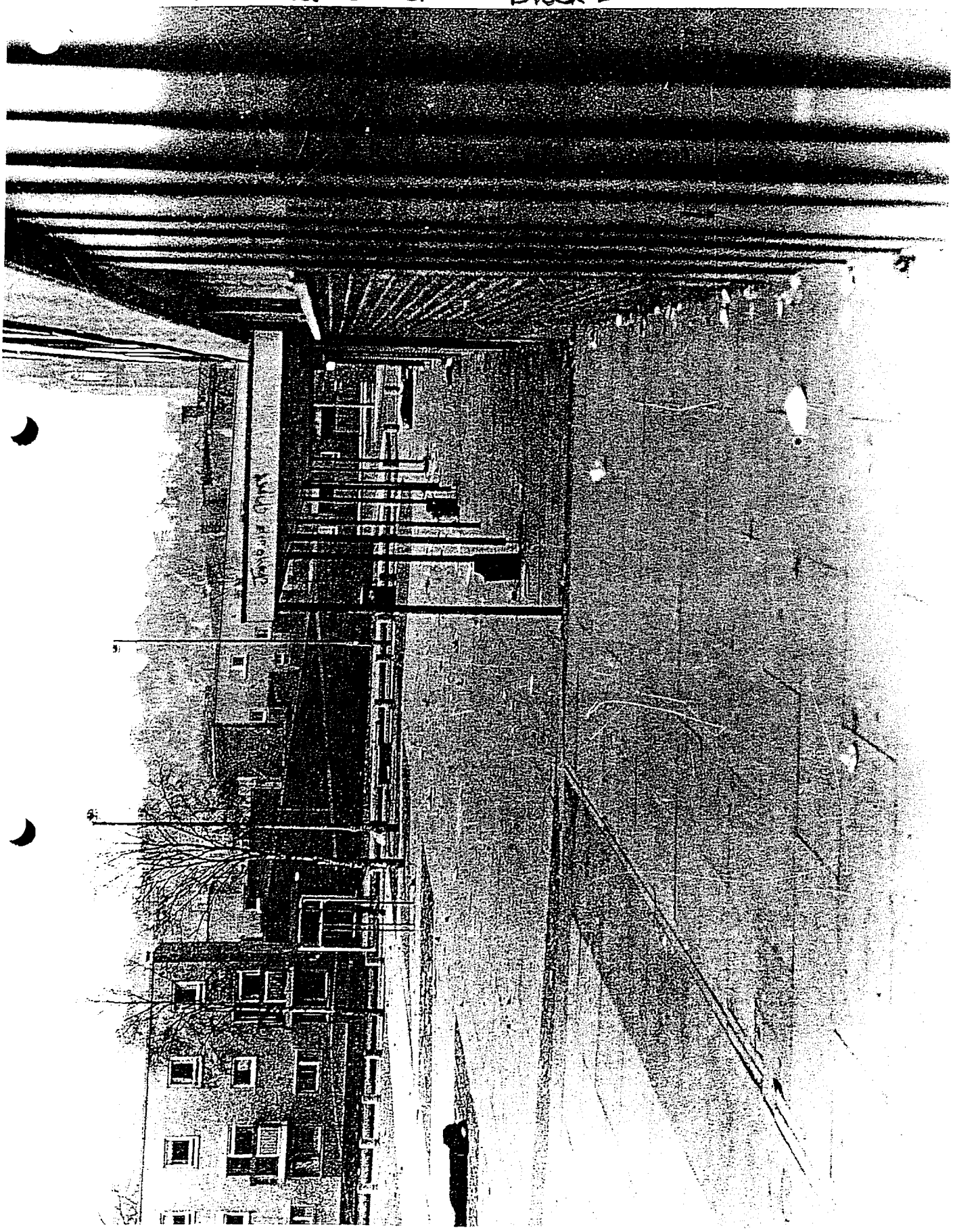


For body position see P719 (tab 7)

↑ SEE PS12 (tubes) for shell in this tree behind Robert's body

FS 6. 247

Rossville Street - Block 2



318
FS 6.248

Rossville St. Block 1

FJ 6. 249

112 gap. Threepenny bits



← BLOCK TWO

FI 6.250

J. Dakin
taken after the shootings
See contact 233.38

EP19/18

raised brick feature

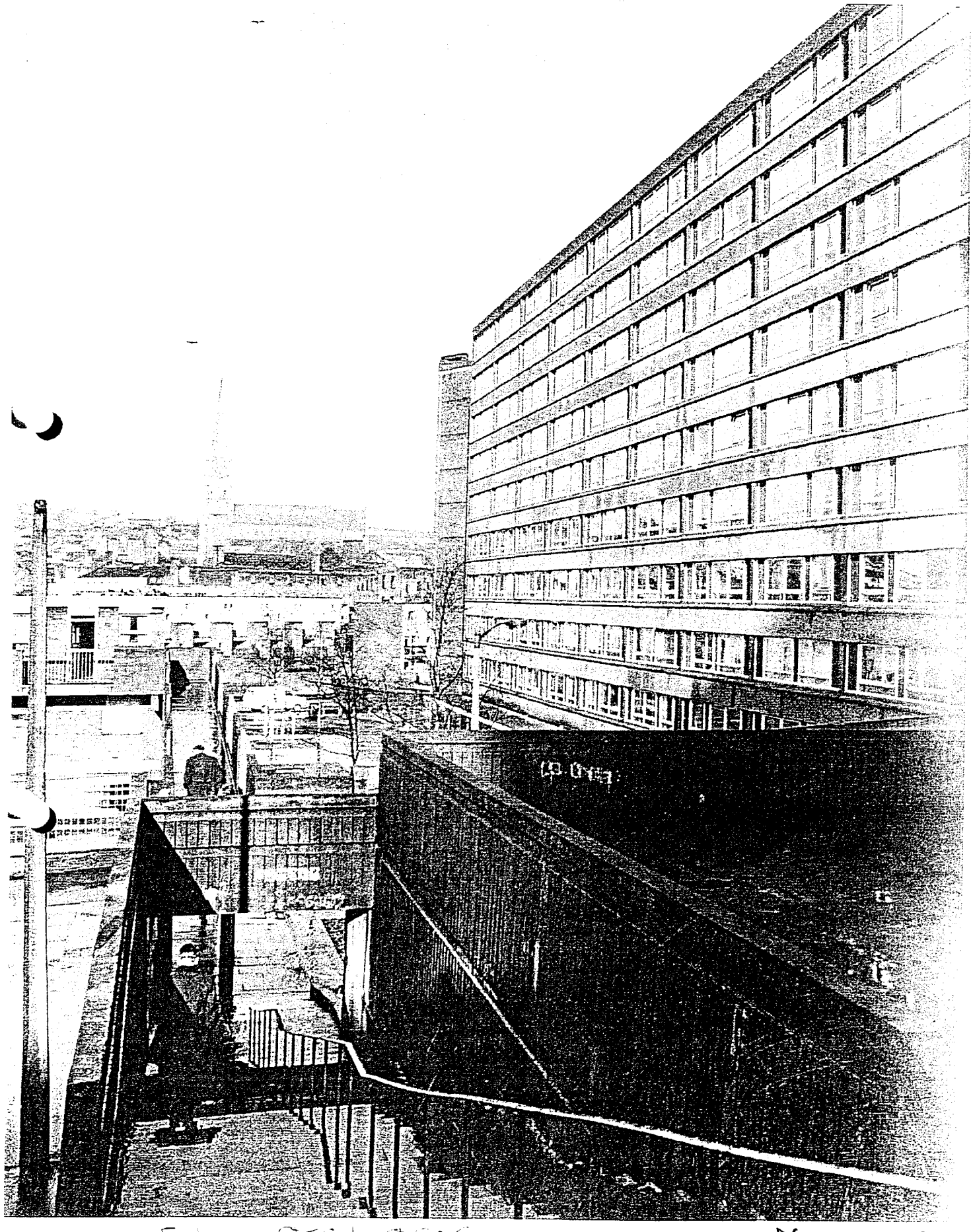
745

BS 6. 251

Joseph Pine - M. Bradley

Fig. 252

Rossville Flats - Block 2



Fahan Street steps

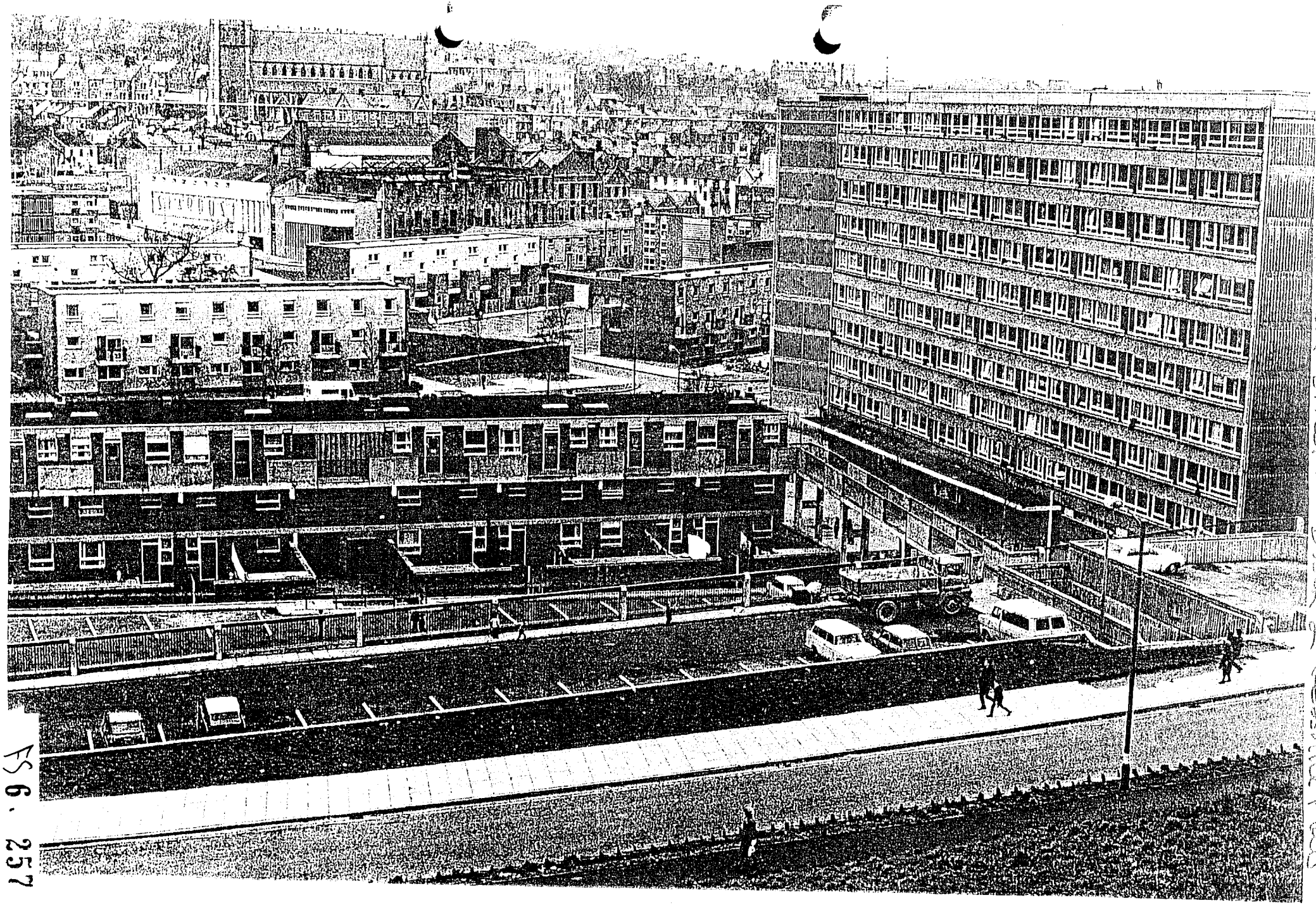
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FS 6 · 254

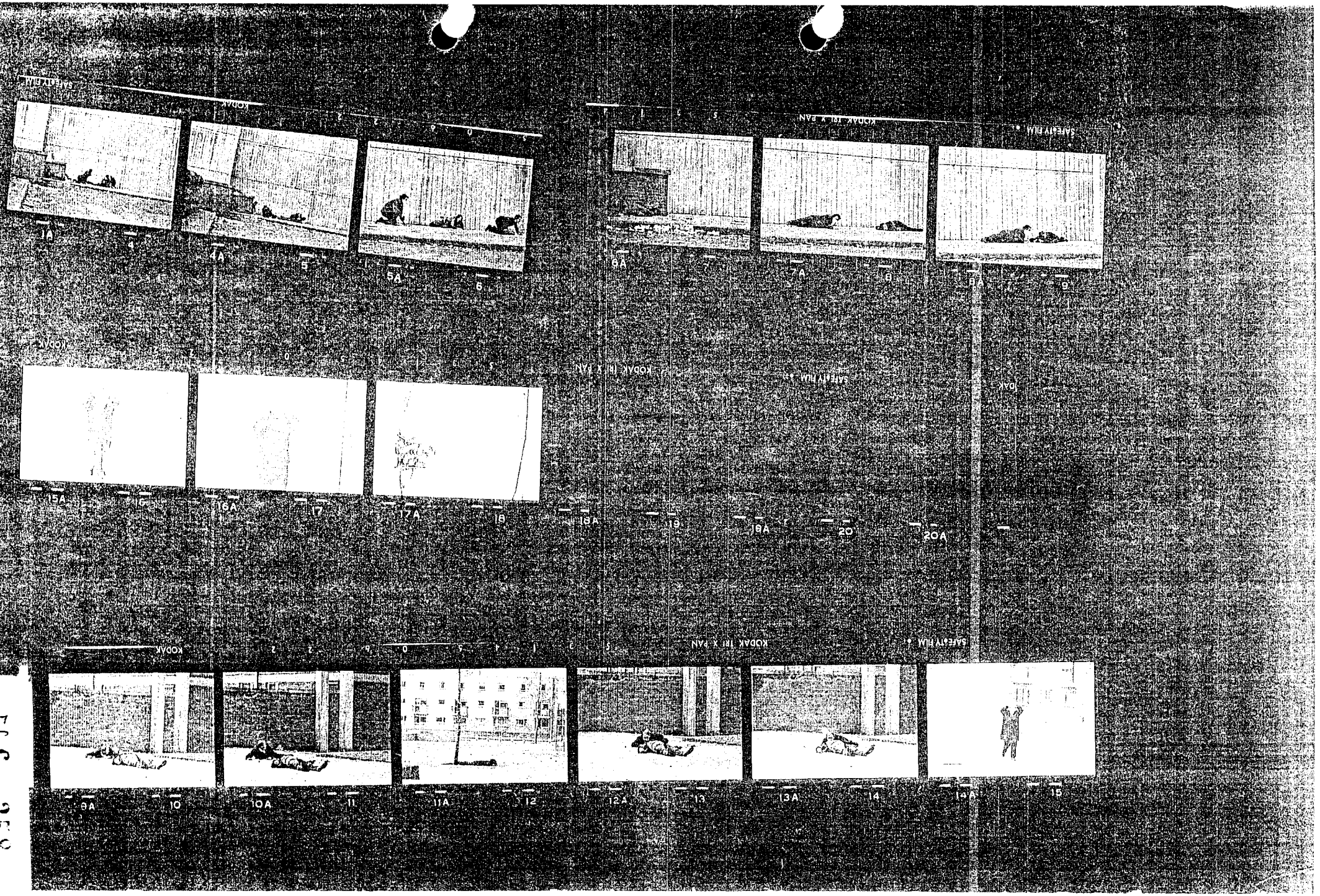
FS 6 . 256



FS 6. 2537

3234

5.



F56 - 238

EP25 | 2

PETASS
Also ak P714.

802

FIG. 259

PETESS

SP25/4.021
4150 D503
FS 6. 260



Peress

804

FS 6. 261

PETESS

Accession EF #2515

805

AS 6 . 262

PETESS

Also at EP25/16

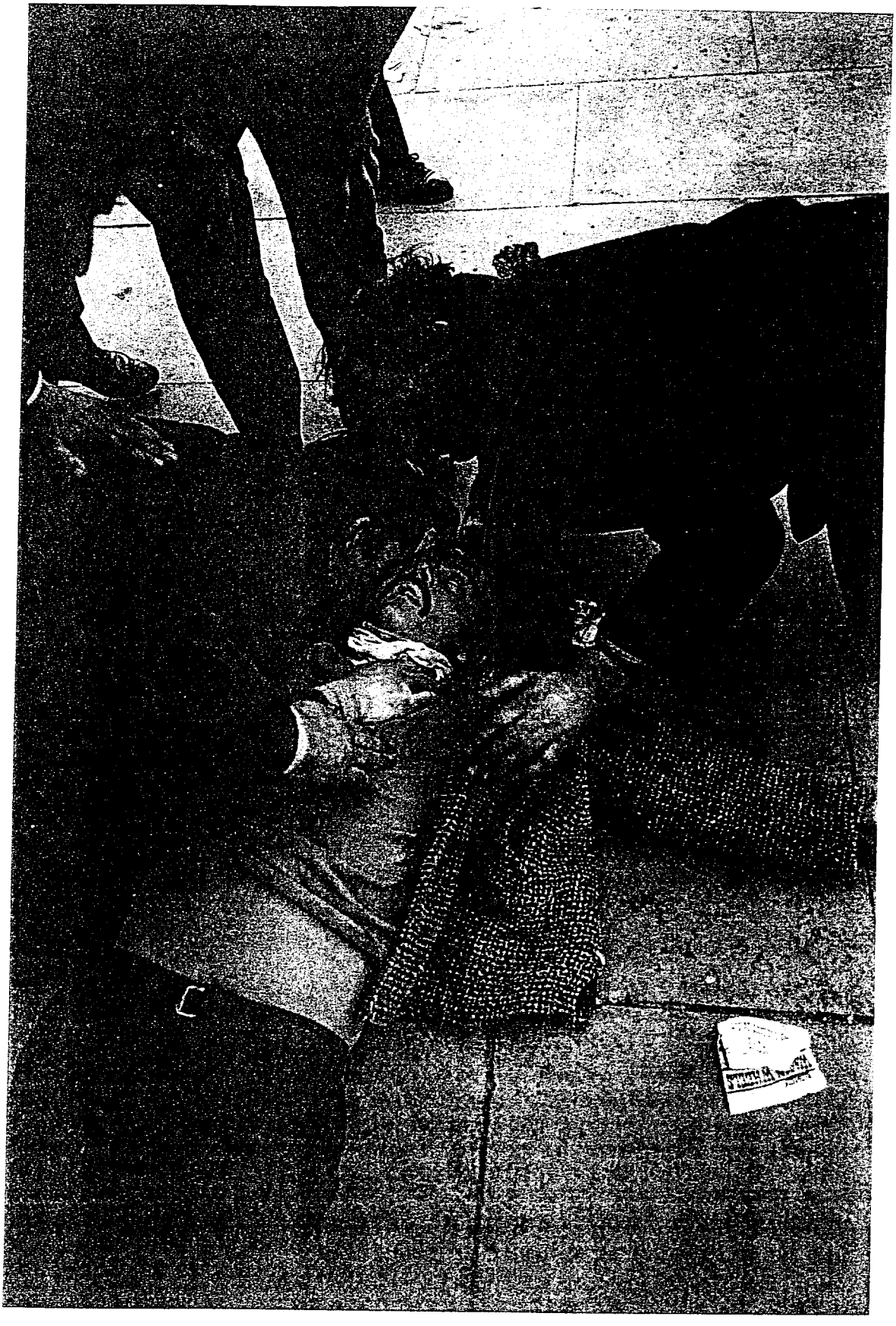
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FS 6. 263

56.261

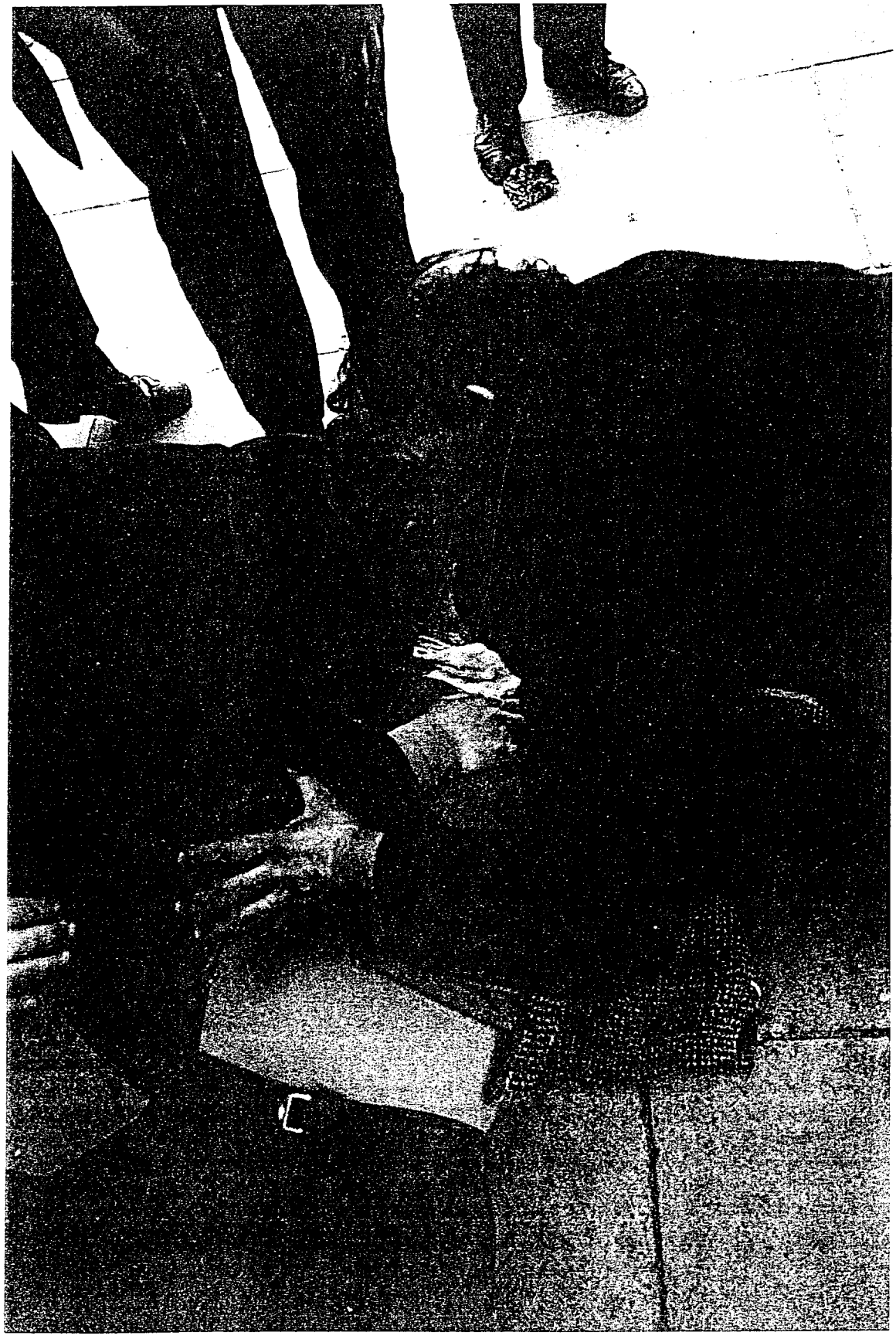
GRIMALDI
719
FS 6 . 265

FS 6. 266



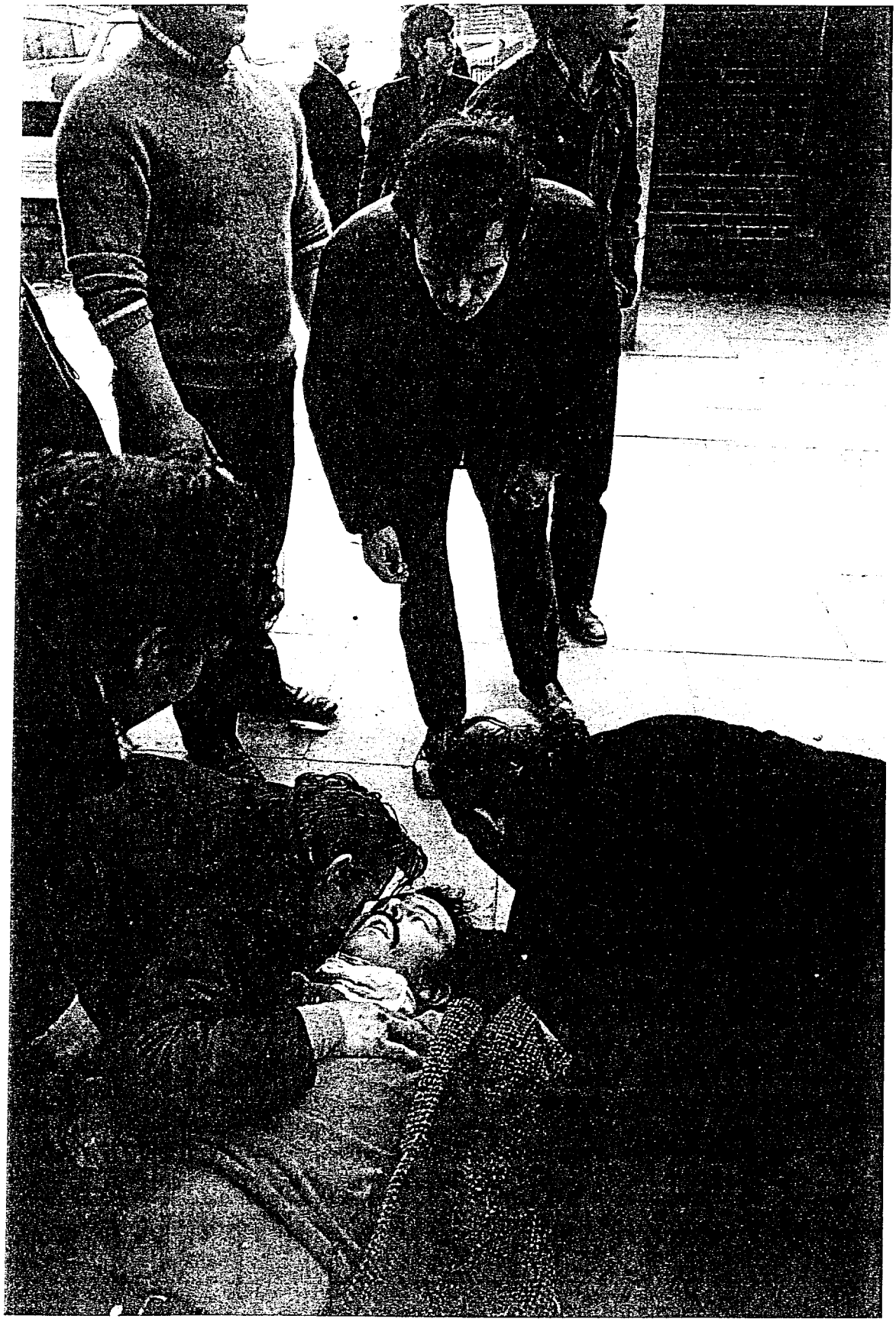
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FS 6 . 267



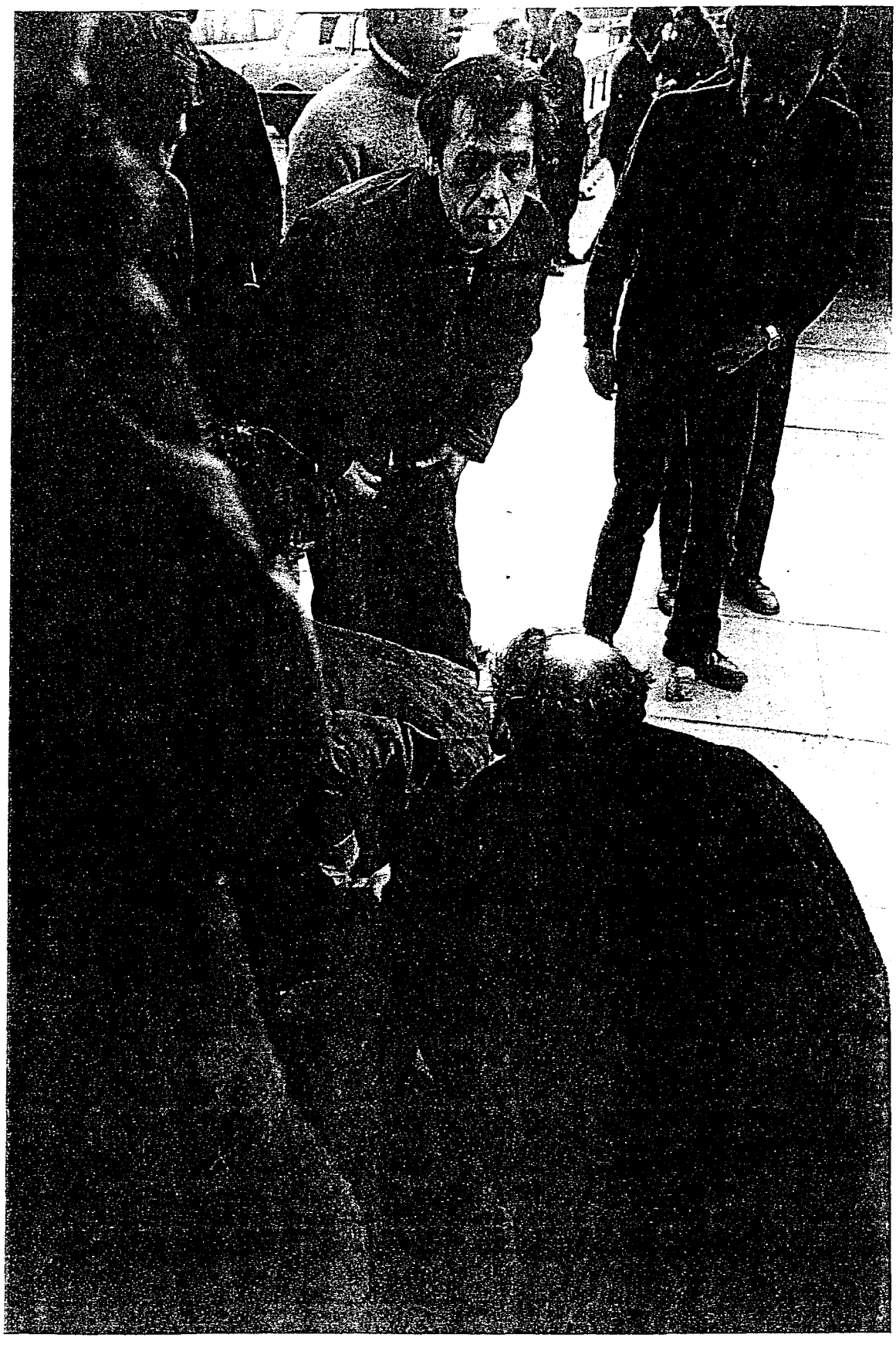
808

FIG. 268



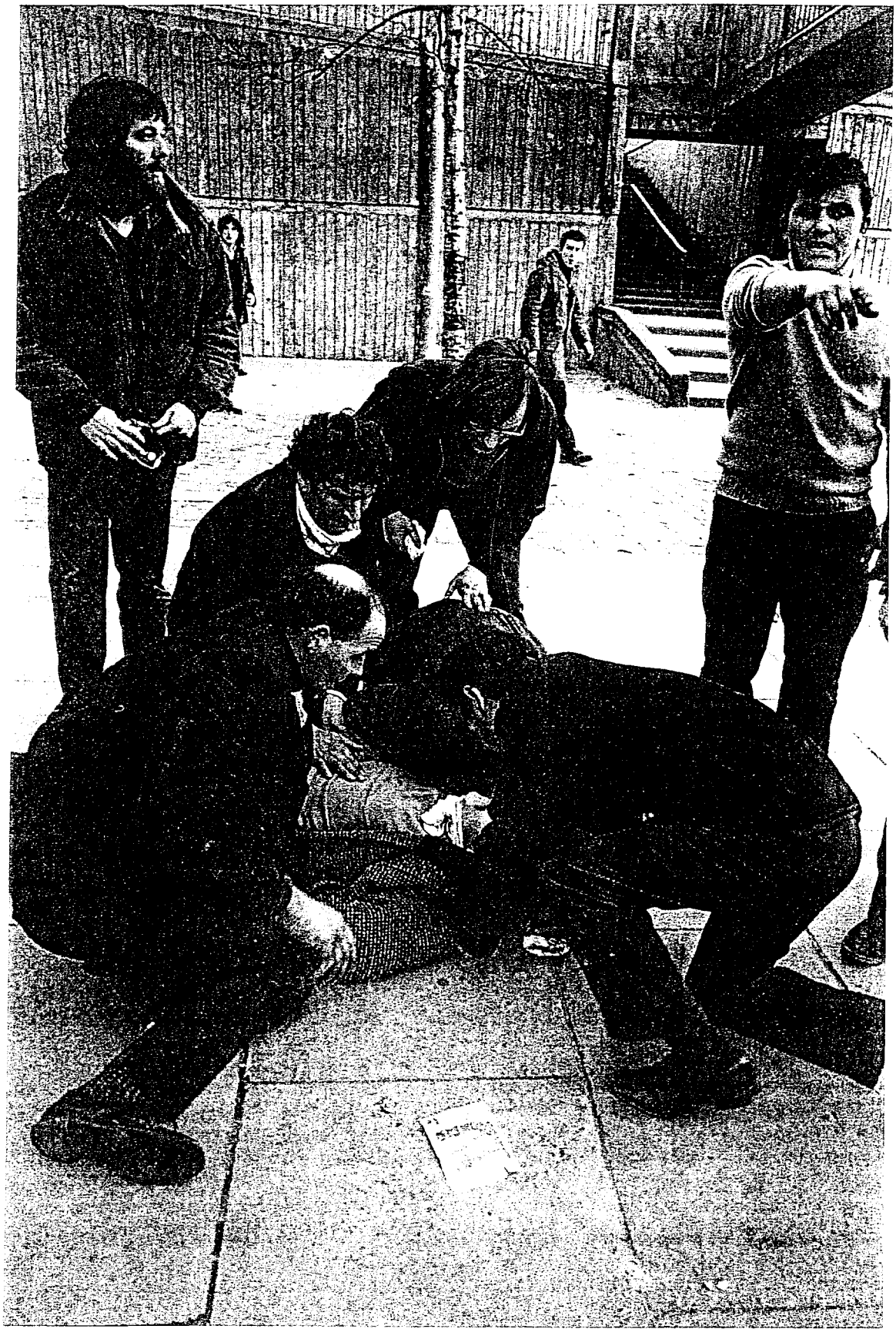
809

FS 6. 269



810

FS 6 · 270



811

Fig. 271



812

FIG. 272



813

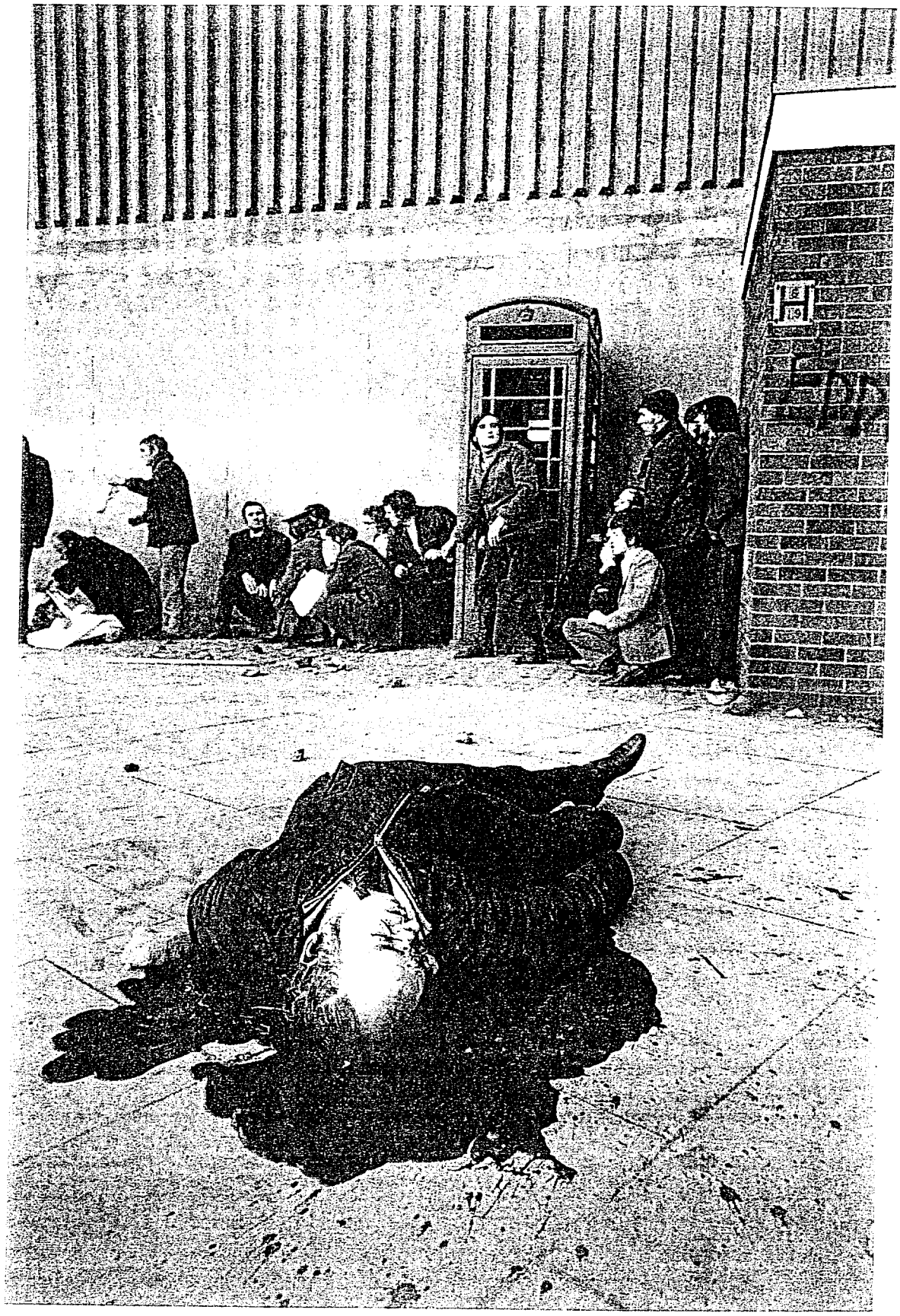
FJ 6 . 273

814

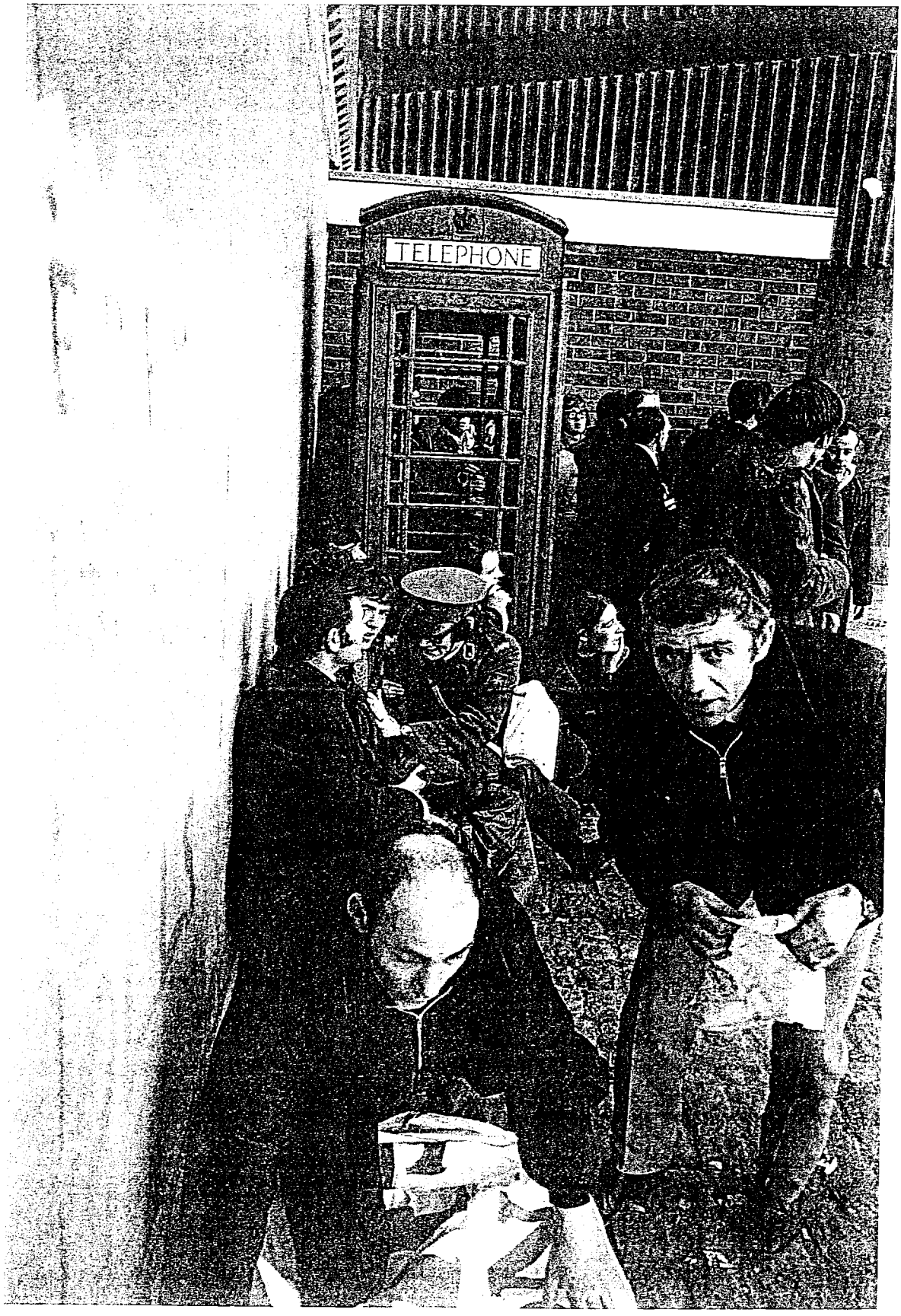
FJ 6 . 274

815

FIG. 275



816
FS 6. 276



817

FS 6 . 277



FS 6. 278

756 . 279 819

FIG. 280

820

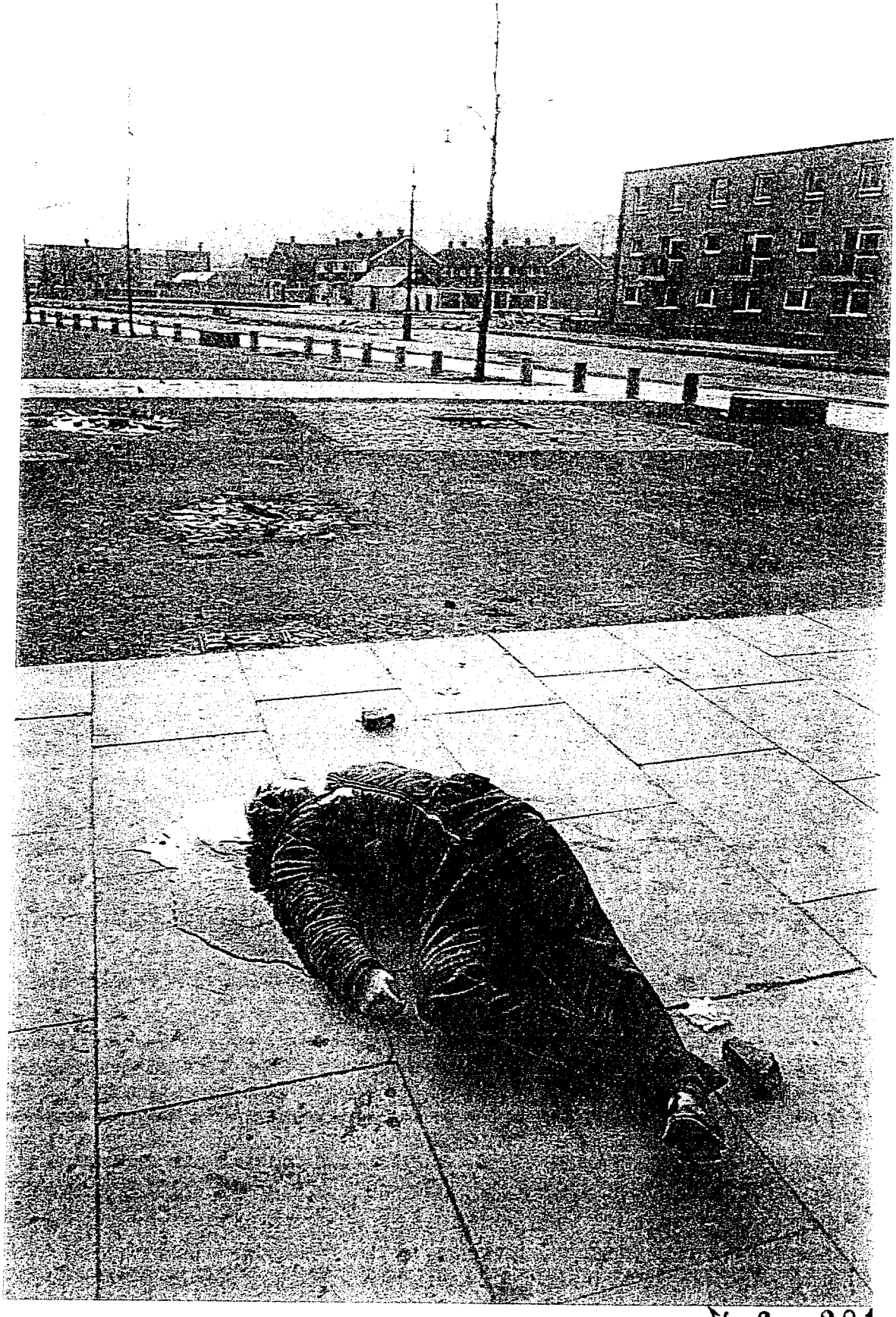
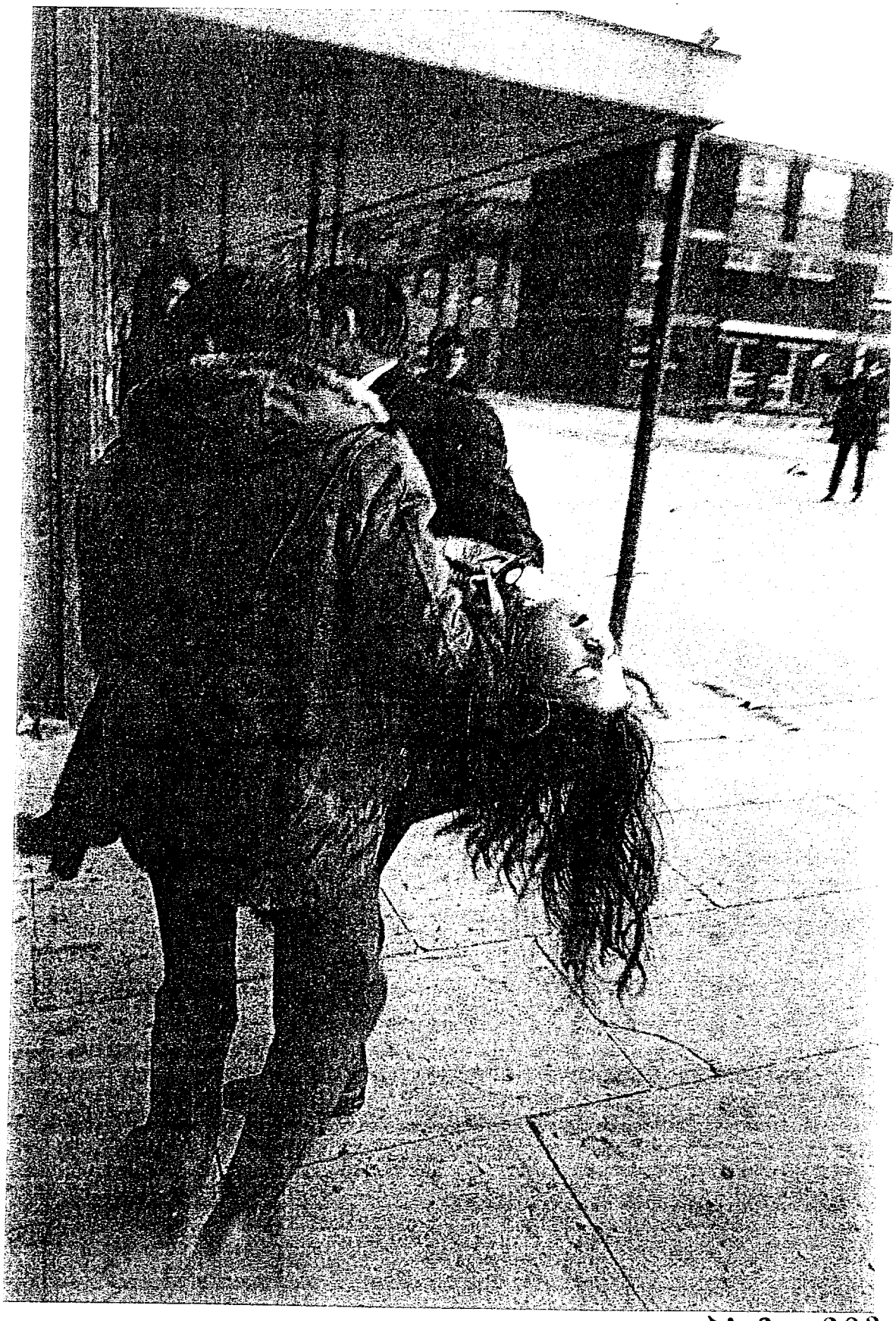


FIG. 281



FJ 6. 282

822



AJ 6 . 283



FIG. 284

824

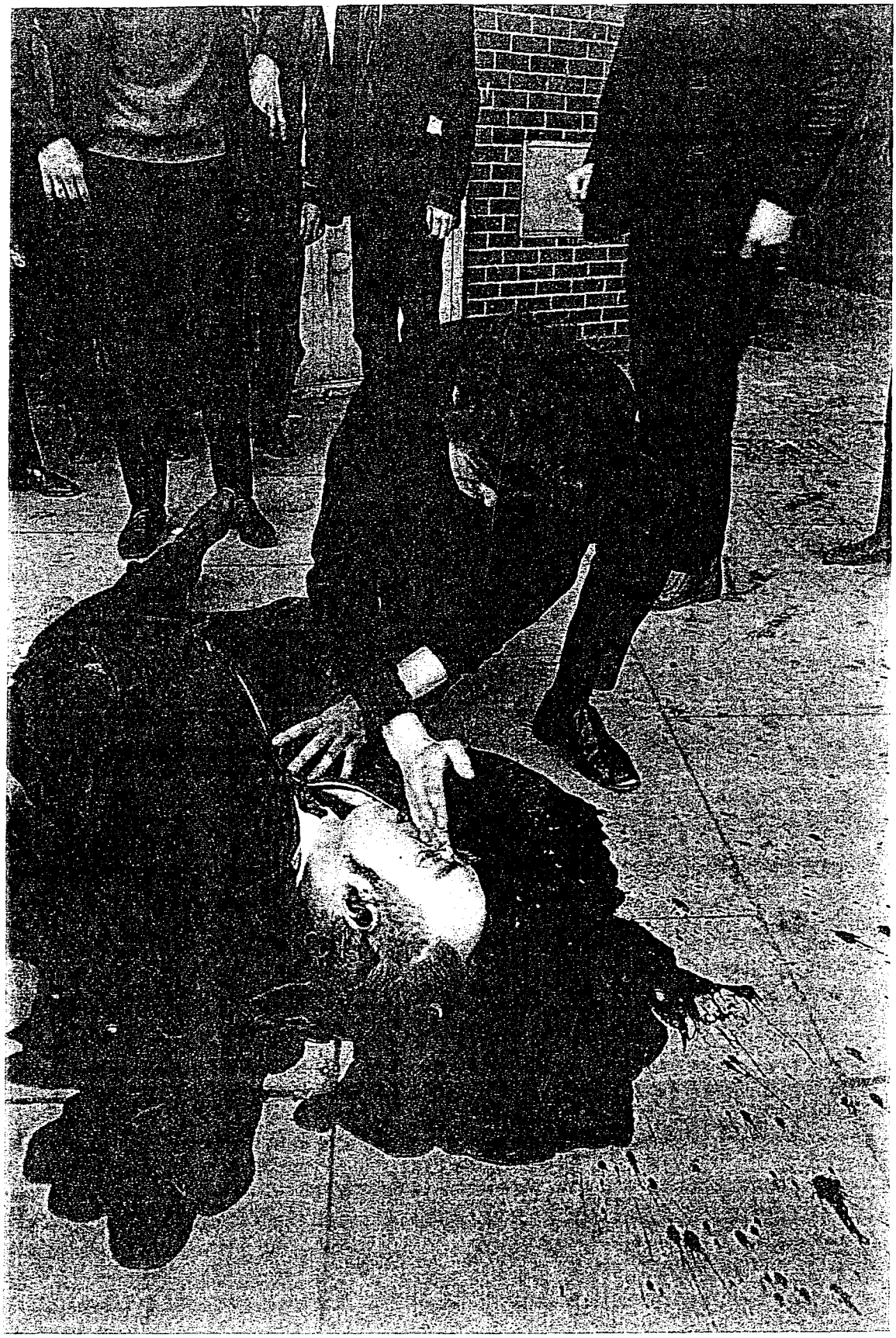


FIG. 285



826

AS 6. 286

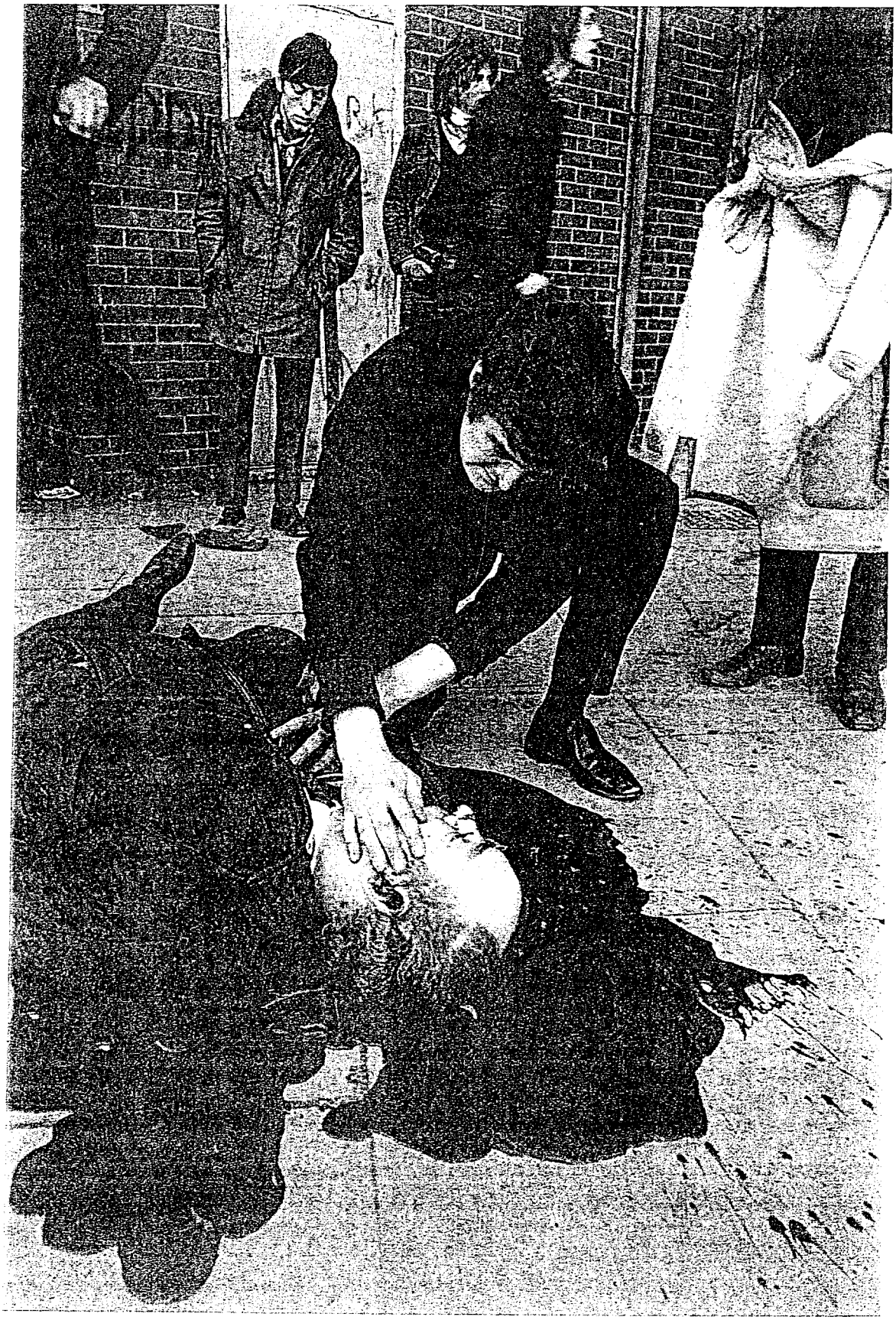


FIG. 287



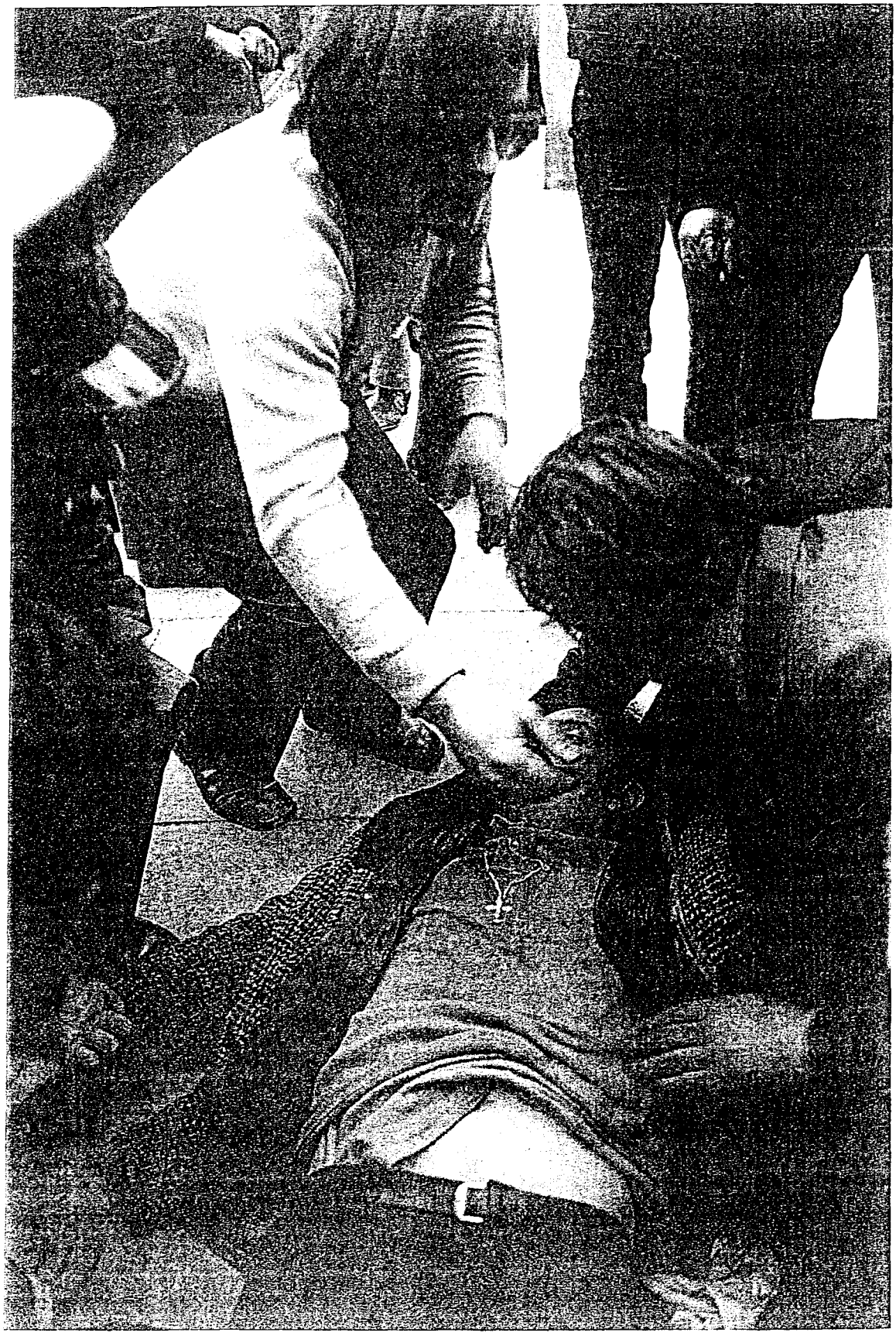
FIG. 288



FIG. 289

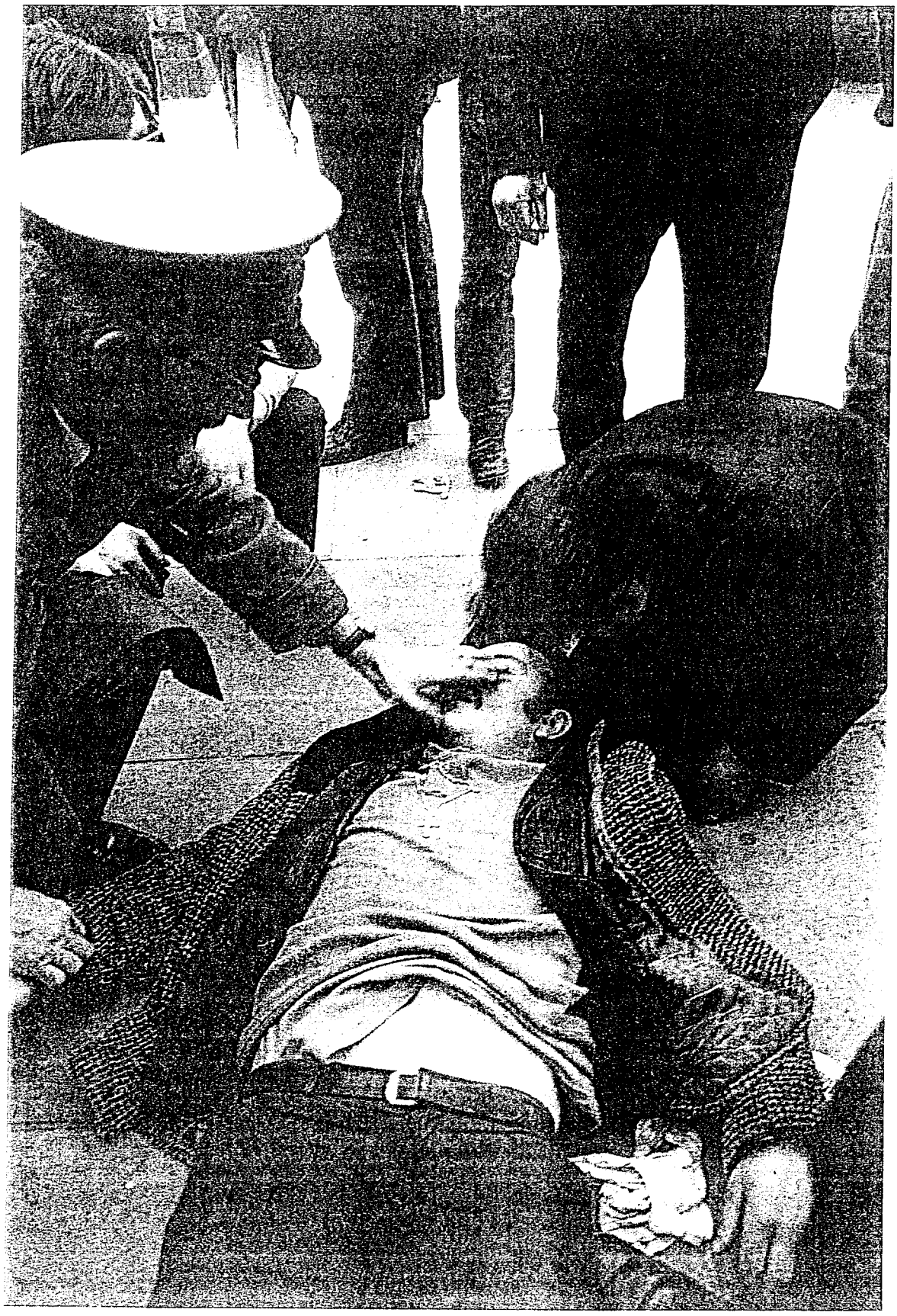


A 6 · 290 830



831

A 6 . 291



832

Fig. 292



833

FJ 6 . 293



FS 6 . 294
834



FIG. 295

835



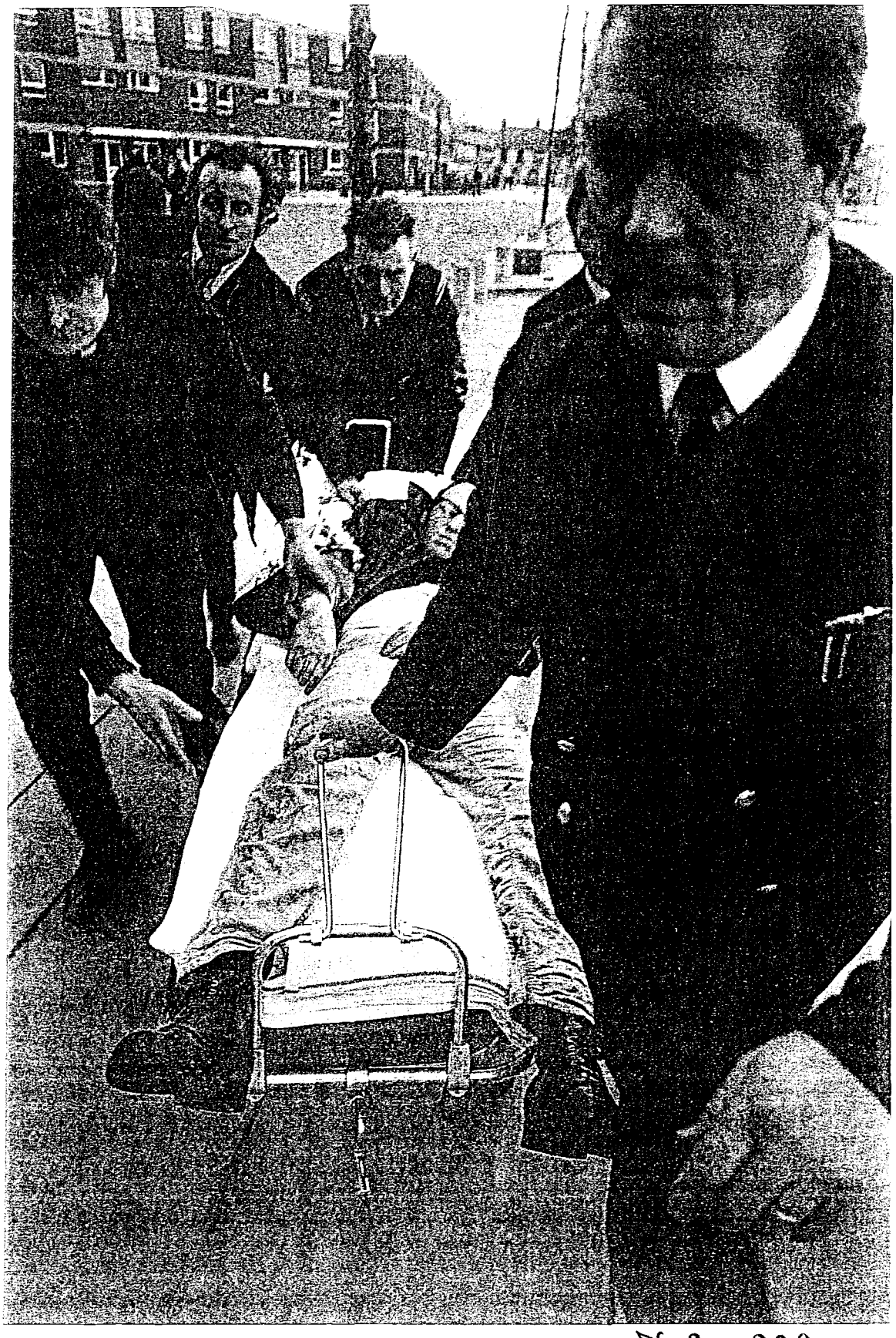
Fig. 296.

837

M 6 . 297



AJ 6. 298 838



FS 6 . 299

839

FS 6 · 300

723



Francis Duddy
AD 144.5
AG 17.8

EP 33/9.001

Also at P-724

FS 6 . 301

EP22/8



FIG. 302

L. Doherty Derry Journal

EP 3316.001
PS 6. 303

14

EP 22/14.001

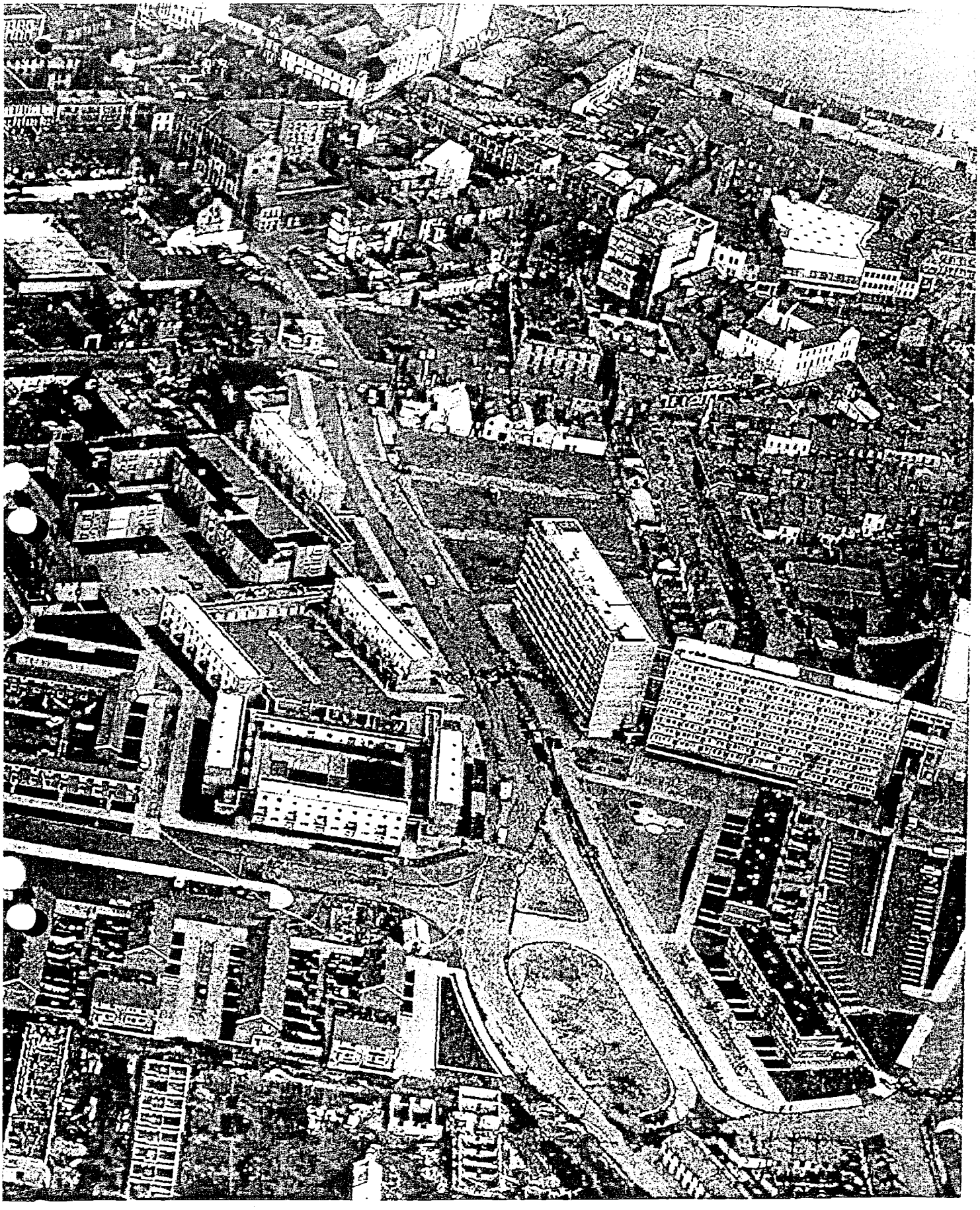
MS 6. 304

FIG. 305

FIG. 306

FIG. 307

FIG. 308



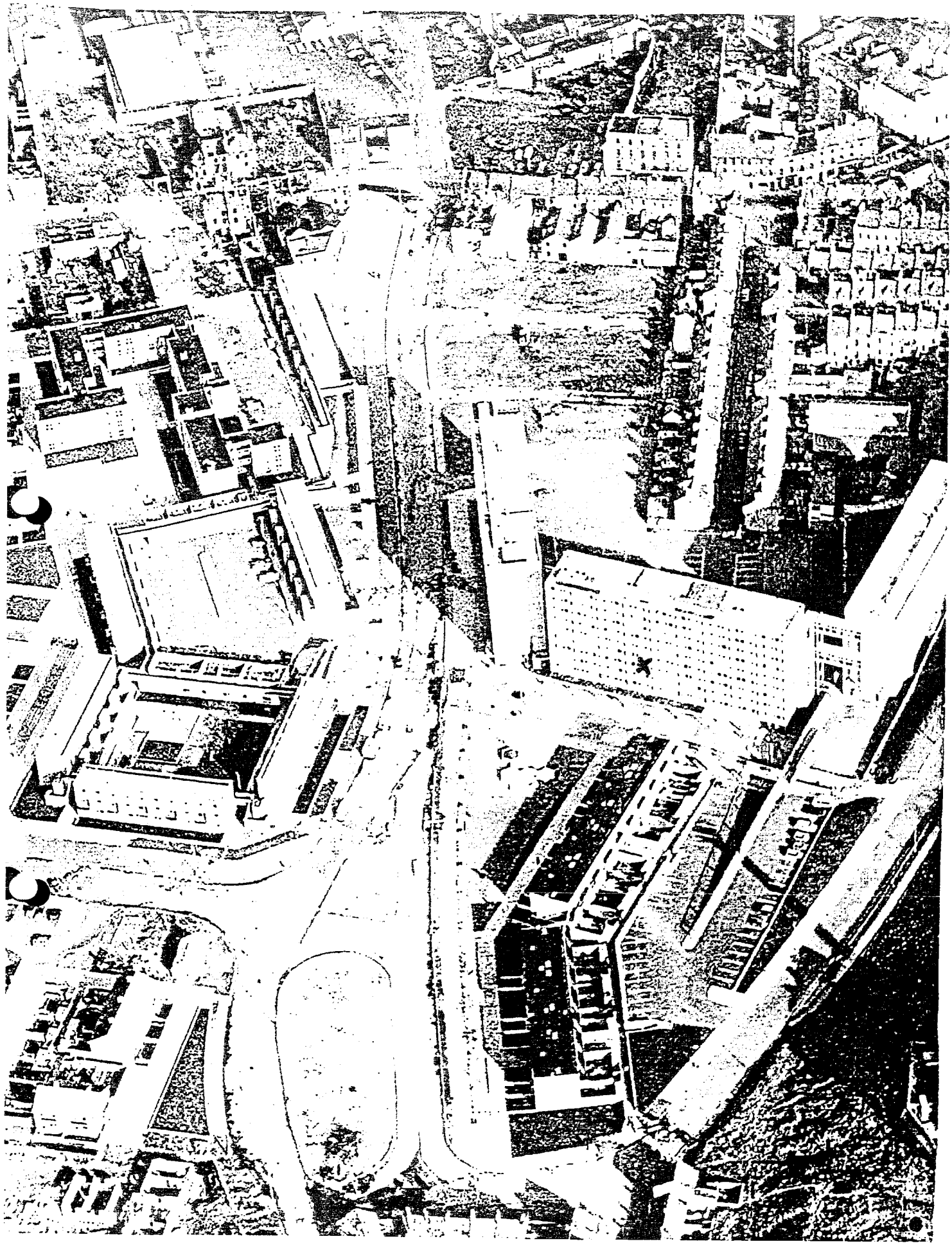
EP 31/1

PHOTOGRAPH 2

Tucker's flat 31 Garvan Place

M 6. 309

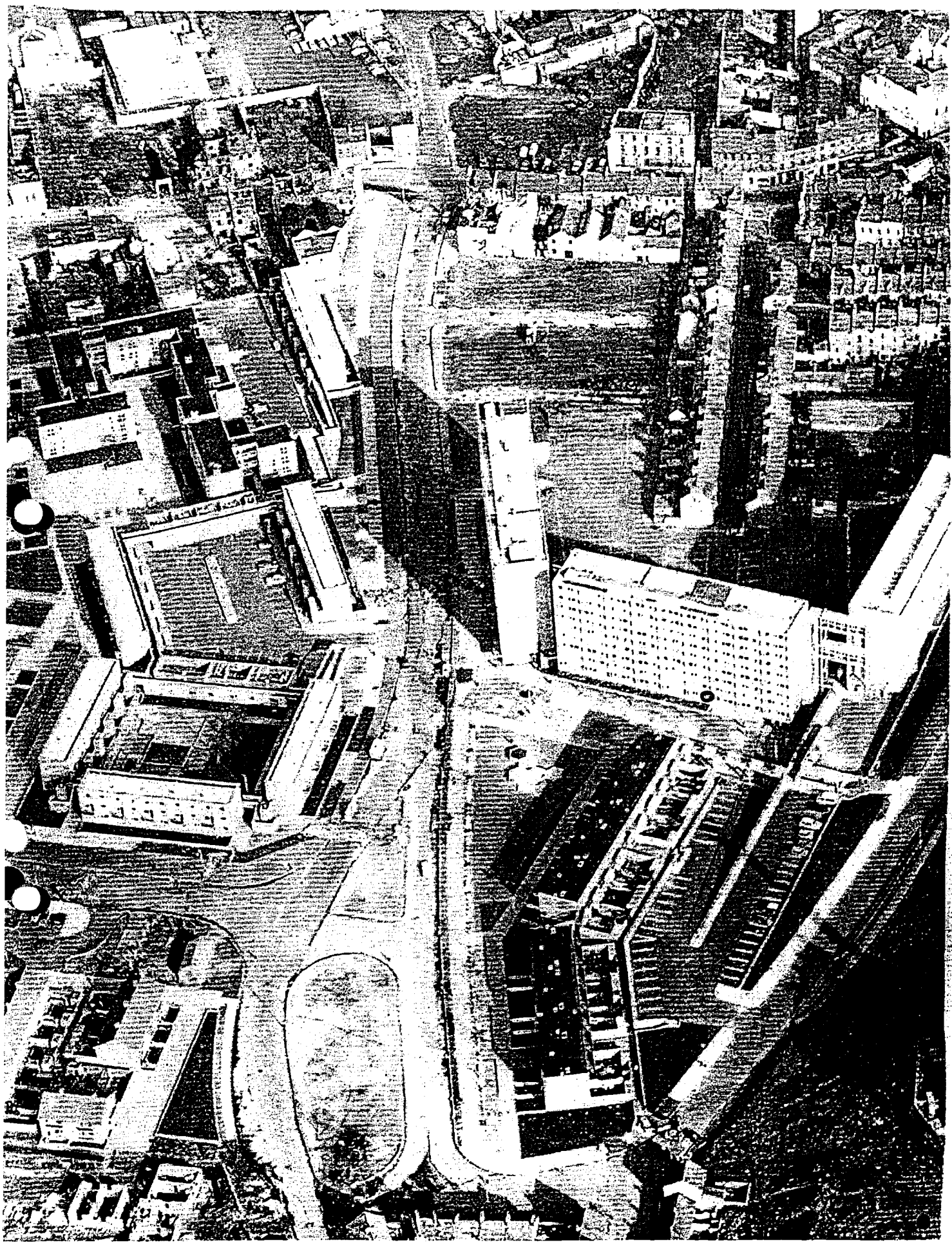
AT 17. 8



EP21/6

Mc Laughlins flat
27 Garvan Place

ATTACHMENT 2
FS 6.310



EP21/6 Donna Harkin
19 Garvan Place

PHOTOGRAPH 2

FJ 6. 311



William Harley 57 Donagh Place PS 6. 312
+
Patrick Mc Cudden



Bernard Gilmore
23 Garvan Place

SITTING ROOM

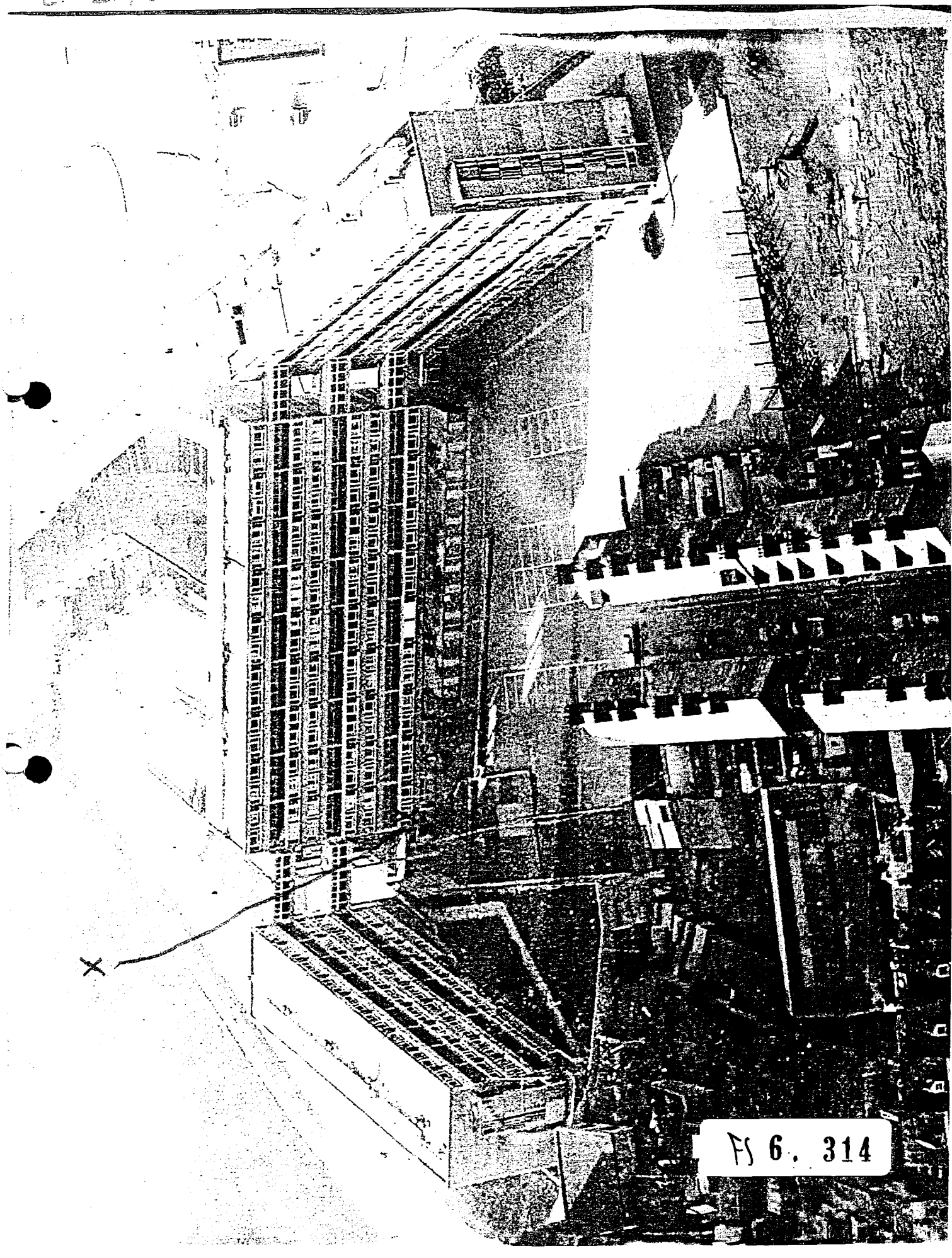
PHOTOGRAPH B

M 6 . 313

Jean Mc Geehan
36 Garvan Place

EP 215

ATTACHMENT 1



FS 6. 314

FS 6 . 315

Jean McGeehan
Am 225 Dayl 171



FS 6 . 316

PS 6 . 317

FS 6. 318 431

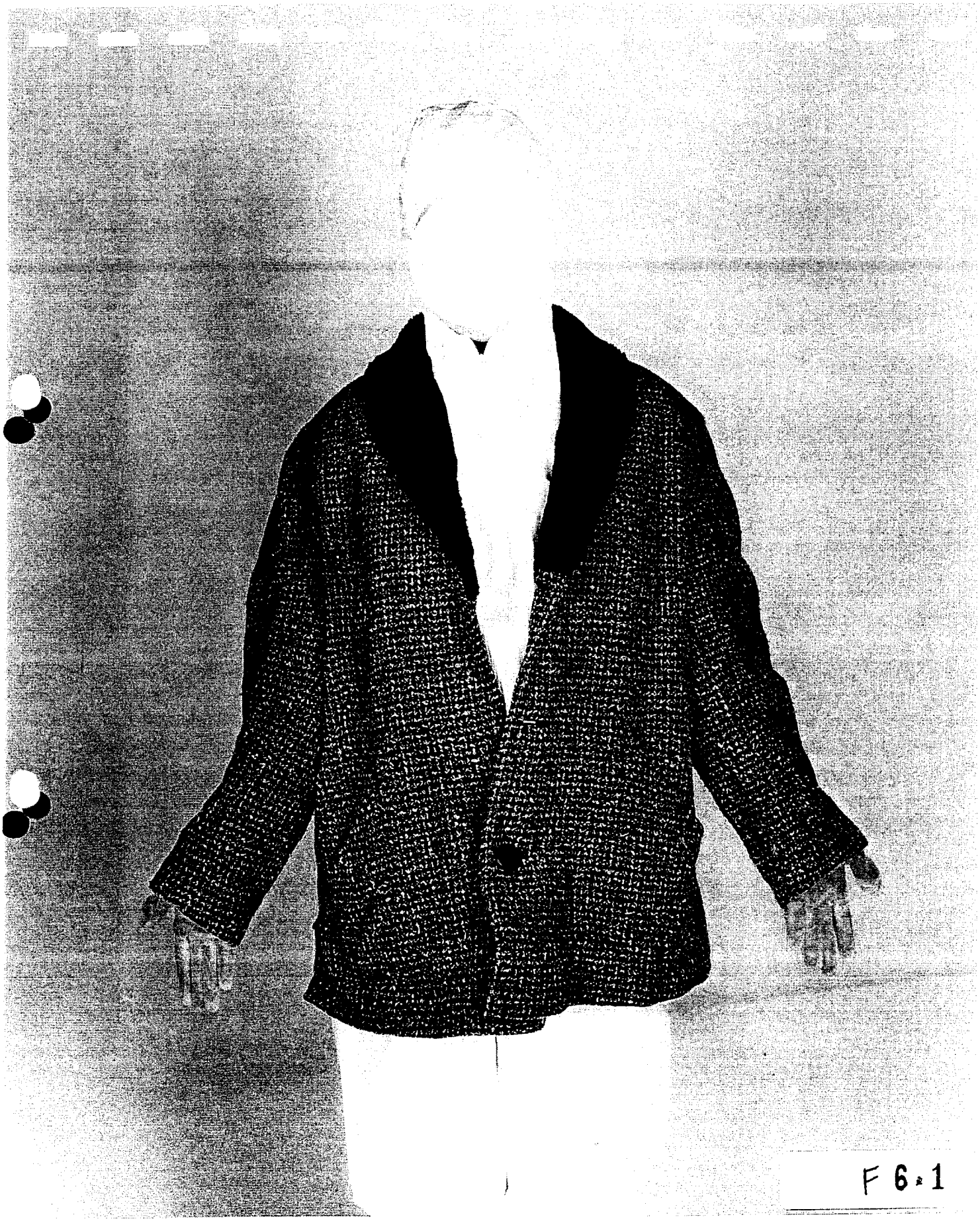
Also at EP 25|9

FIG. 329



FIG. 330

FIG. 331



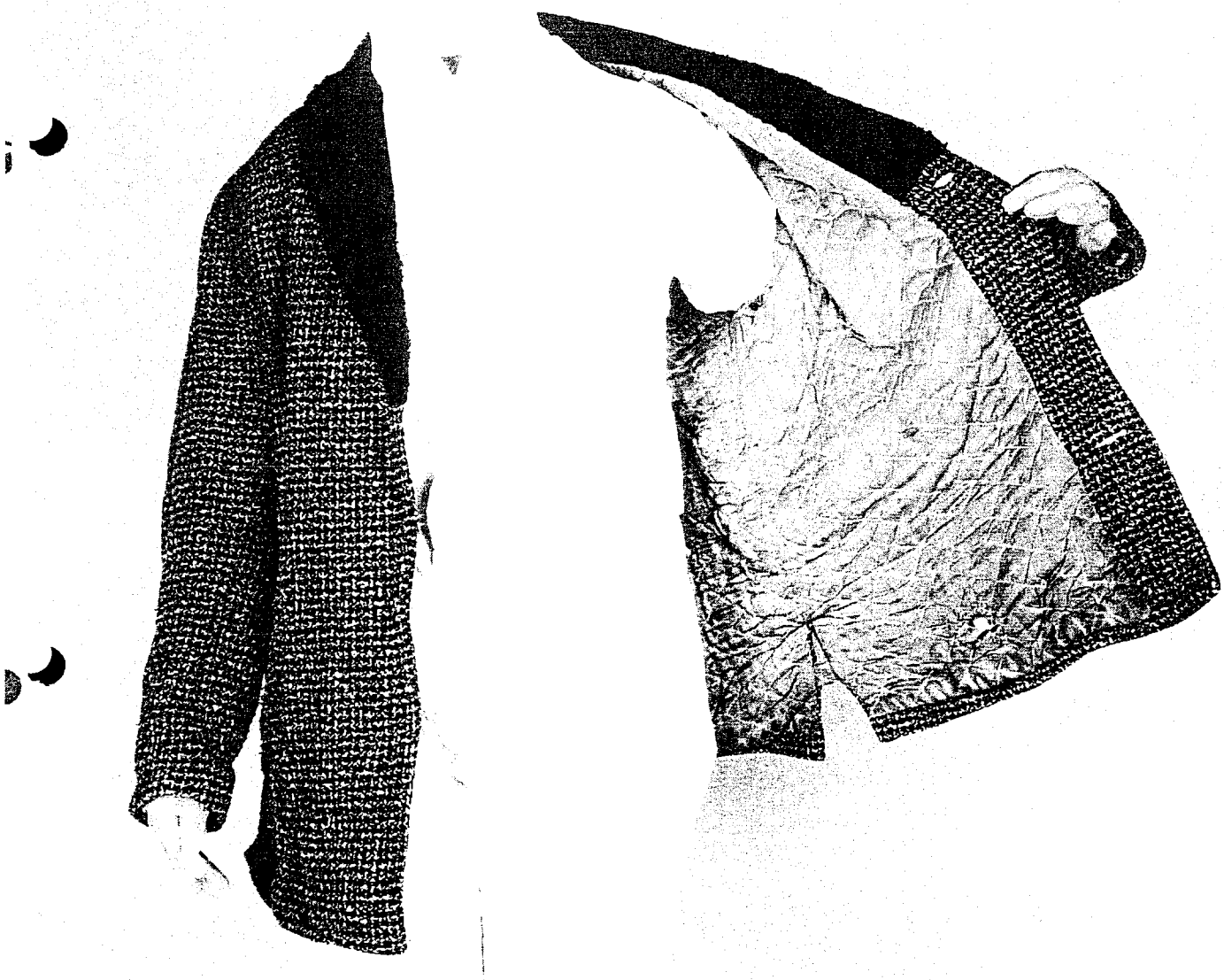
F 6.1

FIG. 332



F 6·2

FS 6· 333



F 6-3

FS 6 · 334

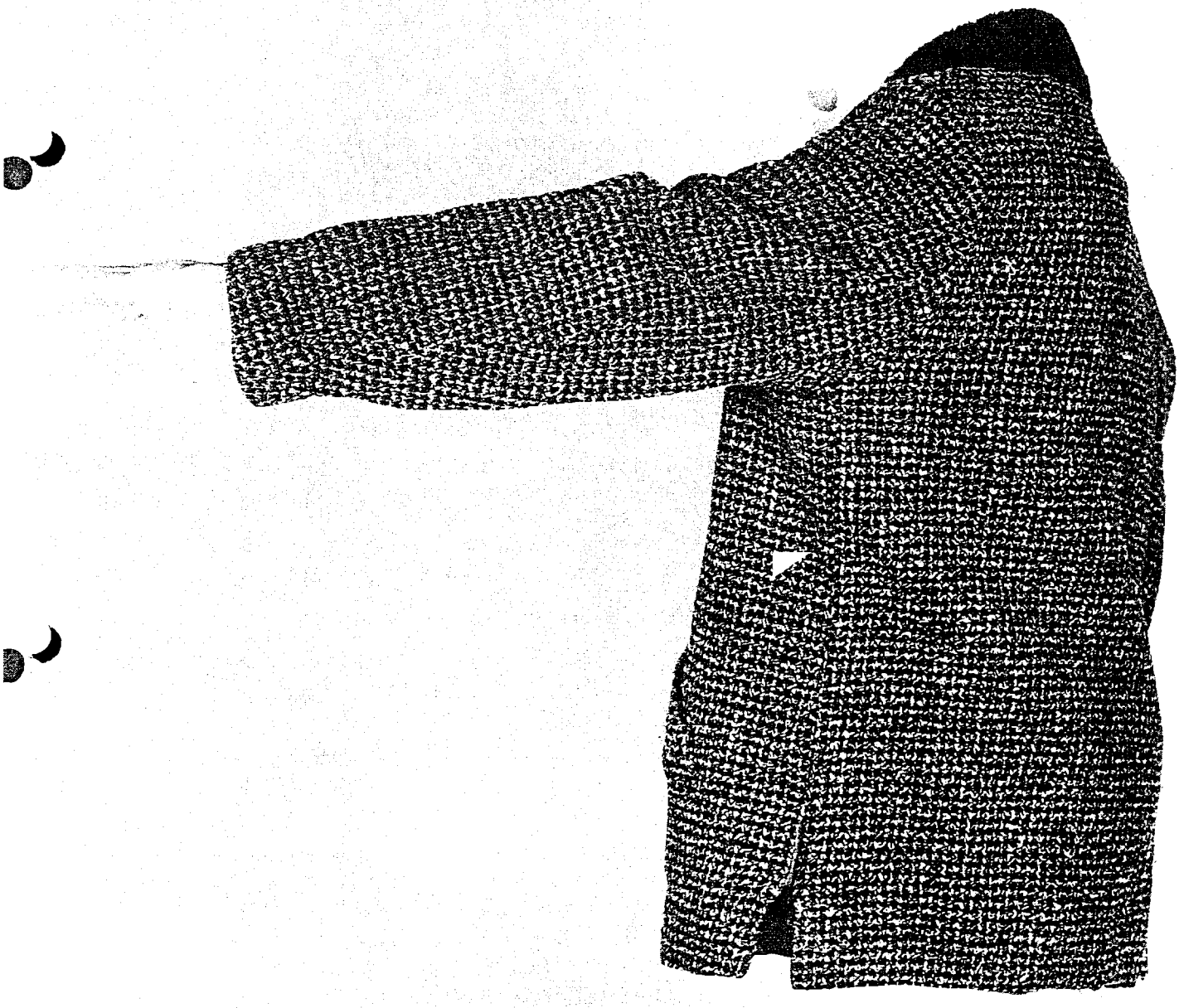


FIG. 335

FIG. 336

Patrick DOHERTY

F 6-7

FIG. 337

F 6.8

Fig 6. 338

FS 6 . 339

FS 6.340

Patrick HOUBERT

FIG 11

FIG. 341

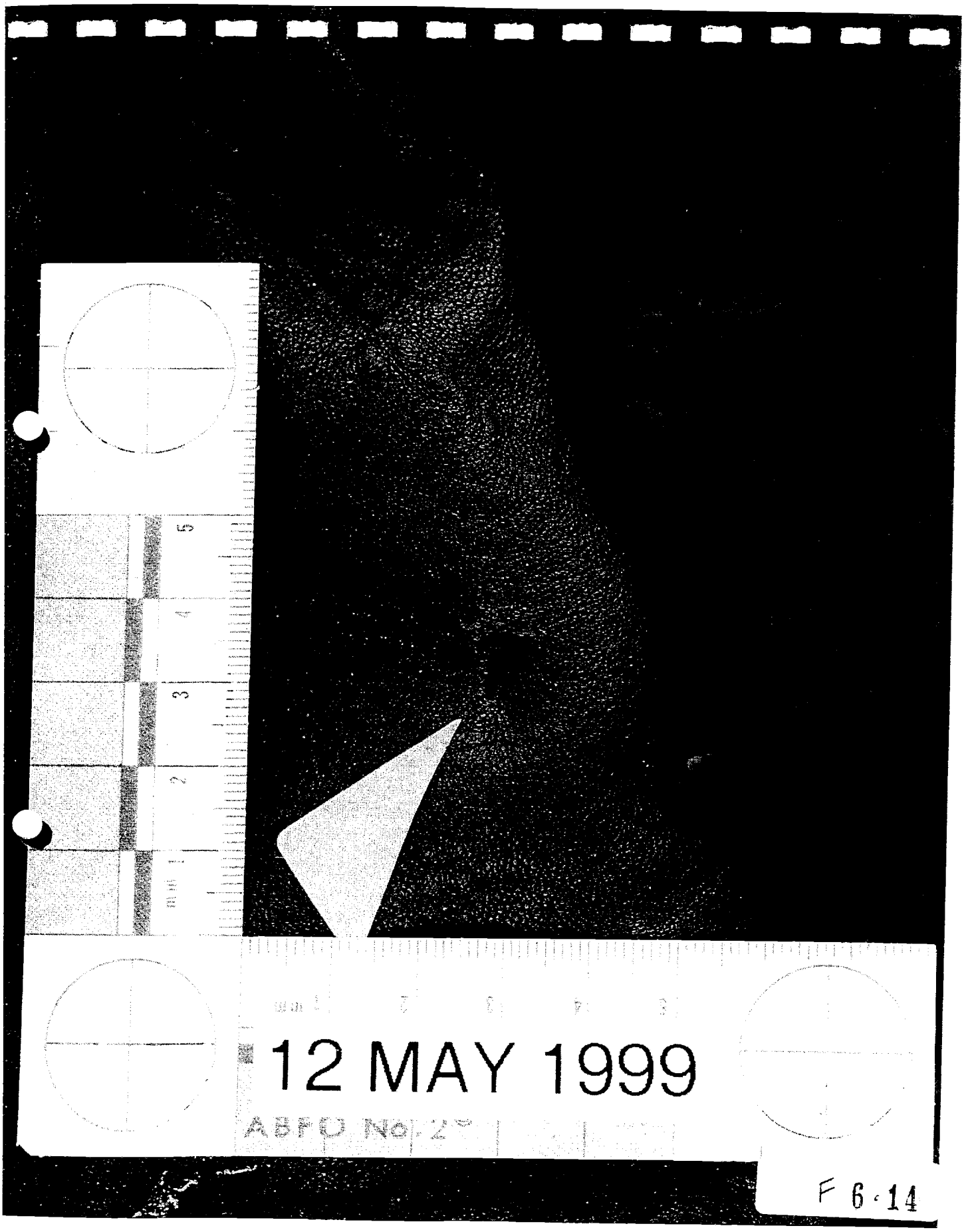
F 6·12

FS 6. 342

Patrick DOHERTY

F 6-13

FS 6 . 343



F 6 . 344

F6·15

FJ 6. 345



Patrick DOHERTY

F 6.16

FS 6. 346



Patrick DOHERTY

F 6-17

FS 6 . 347

FS 6.348

F 6.18

F 6-19

FS 6 . 349

F 6.20

FS 6.350

F 6.22

FS 6. 351

F 6·23

FS 6. 352

Patrick DOHERTY

F 6-24

FJ 6. 353

Patrick DOHERTY

F 6.25

FS 6 . 354

FS 6·355

FS 6 . 356

FJ 6.357

Patrick DOHERTY

FS 6.358

FS 6.29

FIG. 33

FIG. 359

FIG. 360

APPENDIX TWO

CONTENTS

- Map showing positions of Bundle B soldiers on the walls – created by Barr & Co.
- Q14.1
- P3/233.2
- P3/198.1
- P3/198
- P3/210.2

Bundle B soldiers' positions in and around walls

22 Light Air Defence Regiment (22LADR)

RO[illegible]

Co[illegible]

RUC/RGC

Touring the walls
159 165 021

Butchers Gate
122

Derelict building Magazine St Upper / Type-writer works
040/233 134 149

Platform
001 030

Charlie OP
012 025 139 227
Hood camera to reconfirm

Base of Walker Monument
101

Apprentice Boys Hall

St Augustines Church Hall

Roaring Meg / Double Bastion / Kilo OP
124 136 129 164

20 Longtower Street
011 AC

Derelict building junction Longtower St / Howard St
004 022 AD

Masonic Hall car park (barracks 53 battery 22LADR)

FS 6 - 362

SGT SHAW'S PARTY Officer AT BUTCHERS GATE	Location
Sgt Shaw	Butcher's Gate
JJ Barr JB3 1 Const 9763	Butcher's Gate
EL Martin JM7.1 Const ?	Butcher's Gate
A Nixon JN3 1 Const 10543	Butcher's Gate
JH Quigley JQ1 1 Const 10044	Butcher's Gate
BT Reid JR1 1 Const 10331	Butcher's Gate
RH Todd JT5 1 Const 9464	Butcher's Gate
CS McClelland JM12 Serg 8547	Butchers Gate with party of 4 constables
RM Whyte Const	Butchers Gate under McClelland

ON WALLS AT OP CHARLIE Officer
R Campbell JC4 Asst CC Renfrew & Bute Constab
S McGonigle Planning Officer Renfrew & Bute
Chief Supr W Hood RUC liaison officer

SERGEANT HARTOP'S PARTY – patrolling Magazine Street Upper in between junctions with Butcher Street and Society Street Officer
TH Hartop
WD Hamilton JH5 (Const 10530)
DJ Edmonds JE2 (Const 7570)
DP Conroy JC12 1 Const 7972
B McVicker JM43 1 Const 10489
R White JW6.1 Const 9488
B McKinty JM30 Const 10488

BISHOP STREET/HENRIETTA STREET under Sergeant Orr Officer
M McIlwane JM24 (Const 10699)
A L Hall JH1 (Const 9624)
V Magwood JM4 (Const 9612)
W McKnight JM31 (Const 10703)
Srgt Orr JO3 (Srgt 5211)
RJ Sheerin JS6 (Const 8149)

INSPECTOR CUMMINGS in charge of 3 sections covering junctions Longtower/ Henrietta / Barrack streets Officer
Insp RL Cummings JC27

BISHOP STREET Officer
R Carson JC5
G Duncan JD13 (Cons 9693)
B Kelly JK1.1 (Cons 8809)
HF Keys JK5 (Sgt 9454)
FH Scott JS2 (Const 10197)
W Gawley JG3 (Const 8503)
G McMillan JM36 (Const 10798)
? McVeigh JM42 (Const 10539)

Masonic Hall Car Park Officer
H Shepherd JS7.1 Const ?
P McNulty JM40 Cons 9152
S Drury JD11.1 Cons 8132

BISHOP'S GATE supervised by Sergeant McLeer Officer
J Bussell JB18 (Const 7703)
? Ross JR7.1 (Const 9656)
R Wilkinson JW10.1 (Const 10126)

BUTCHER STREET OR BUTCHER ST SIDE OF THE DIAMOND Officer
Inspector Davison JD2 1 Insp 7135
WJ Beacon JB4 1 Cons 10112
E Downey JD10.1 Cons 10118
TJD Irwin JI 1.1 Cons 10837
N McCoubrey JM15 Const 9631
J Elliott JE3.1 Cons 7650

SHIPQUAY STREET SIDE OF THE DIAMOND Officer
J McAllen JM8 1 Cons 9074
JA Penney JP6 1 Cons 9417

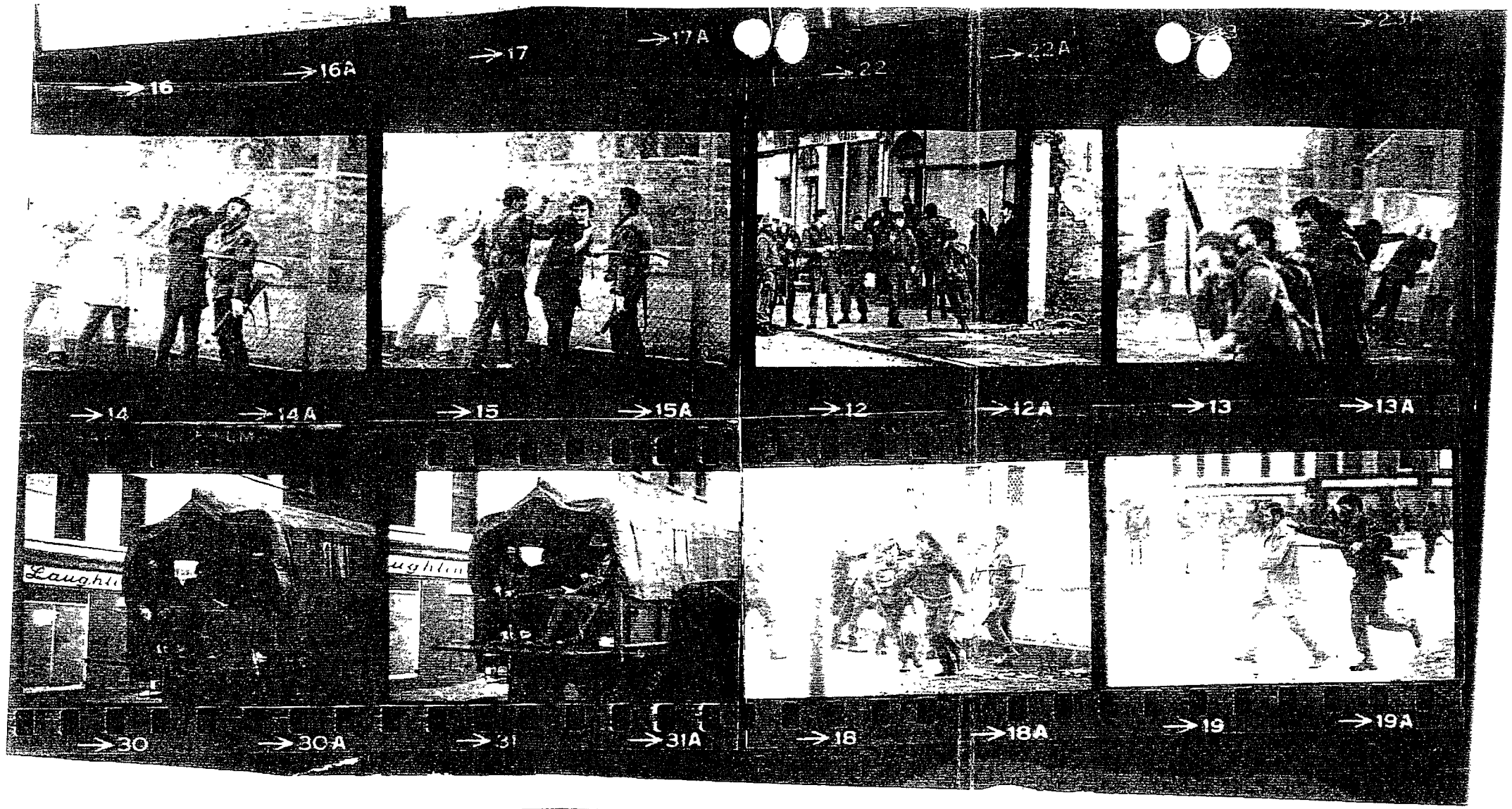
SERGEANT LAIRD'S PARTY – patrolling the Diamond Officer
CJ Laird JL2 Serg 6917
T Browne JB17 Const 7970
LA Dobbin JD4 Const 9774
T Hamilton JH4 Const 5839
FE Emerson JE7 1 Const 10011
MC Thompson Const 6857
JG L'Estrange Const 7590

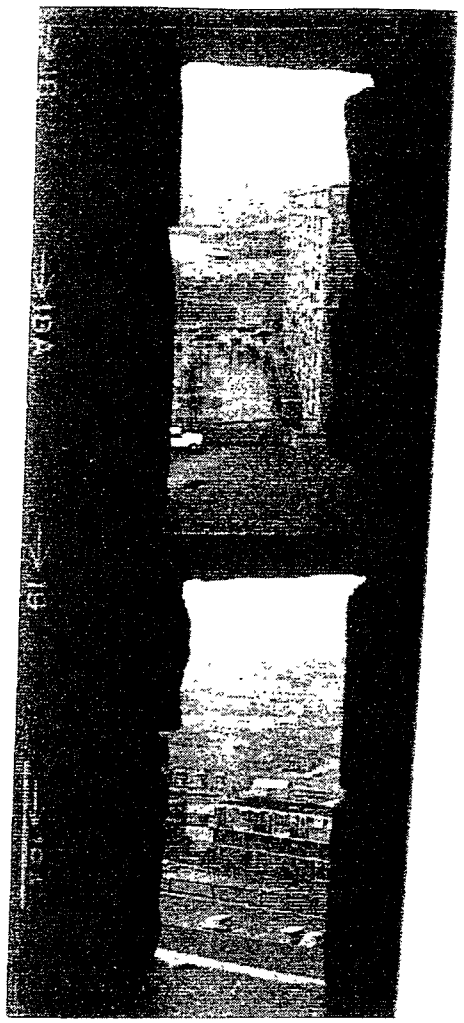
IN THE DIAMOND – unspecific re exact location Officer
J Dunbar JD12.1 Cons 9201
GA Bloomer JB9.1 Cons 10559
JEH McIvor JM26 1 Insp 7895
TL Walls JW2.1 Const 7522
T Millar JM45.1 Sgt 8793
WD Walker JD2.1 Sgt 9283
R McIlroy Sgt 6563

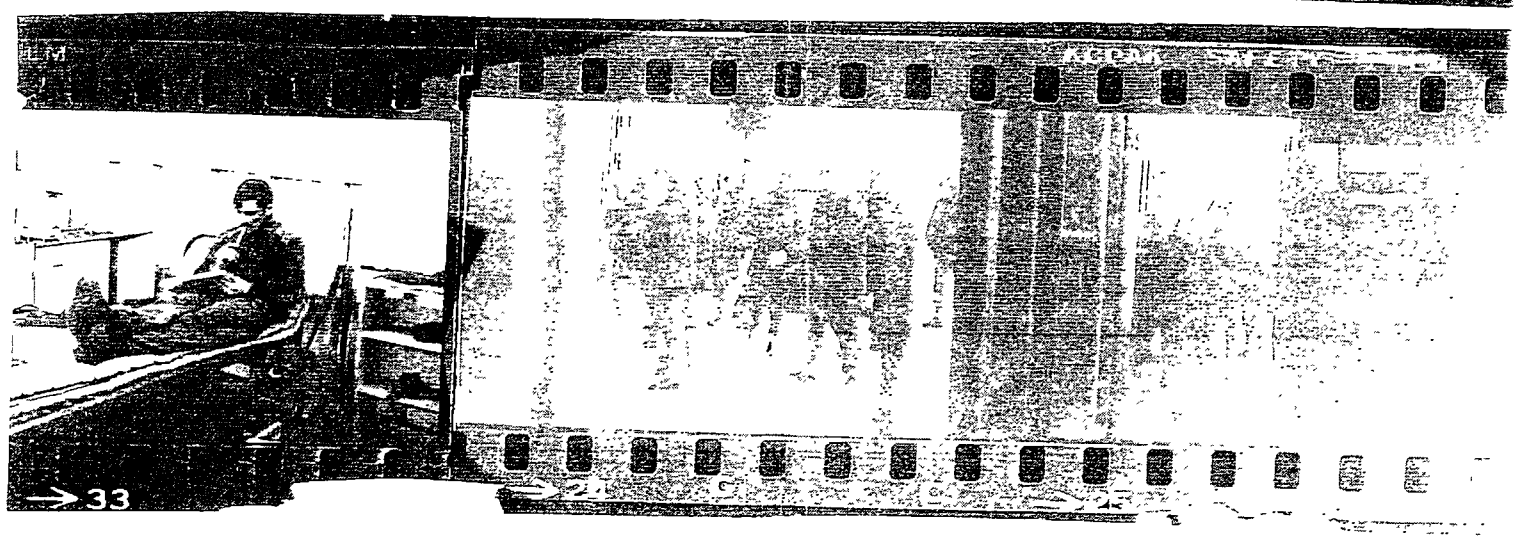
RUC OFFICERS IN VICINITY OF WALLS

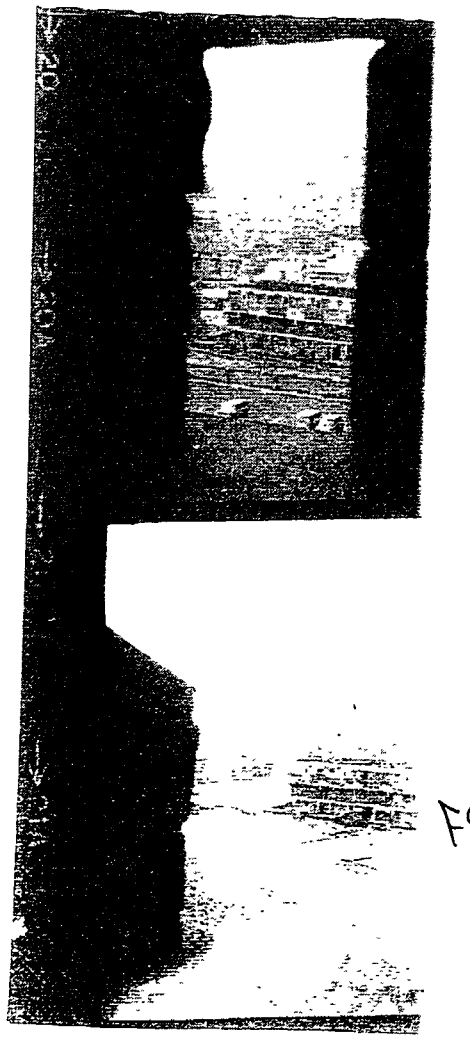
FS 6 · 363

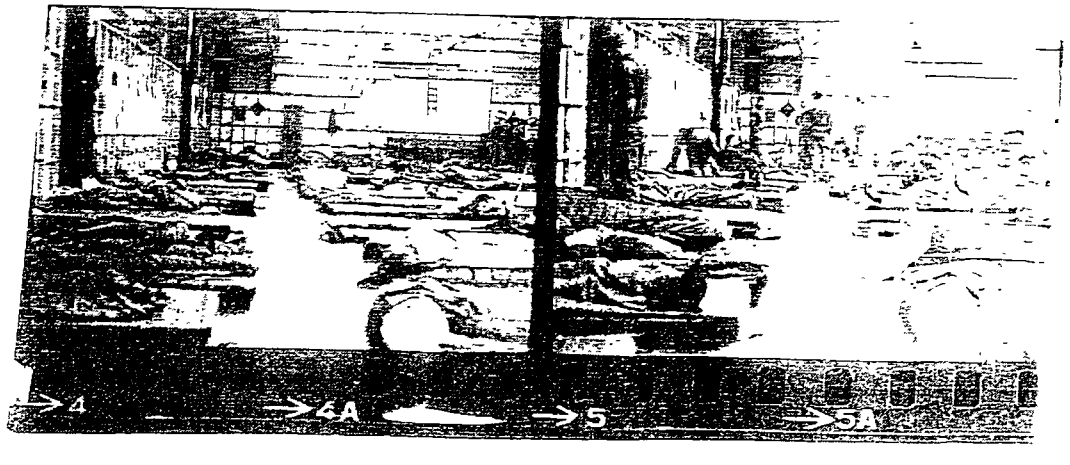
Q 14 · 1









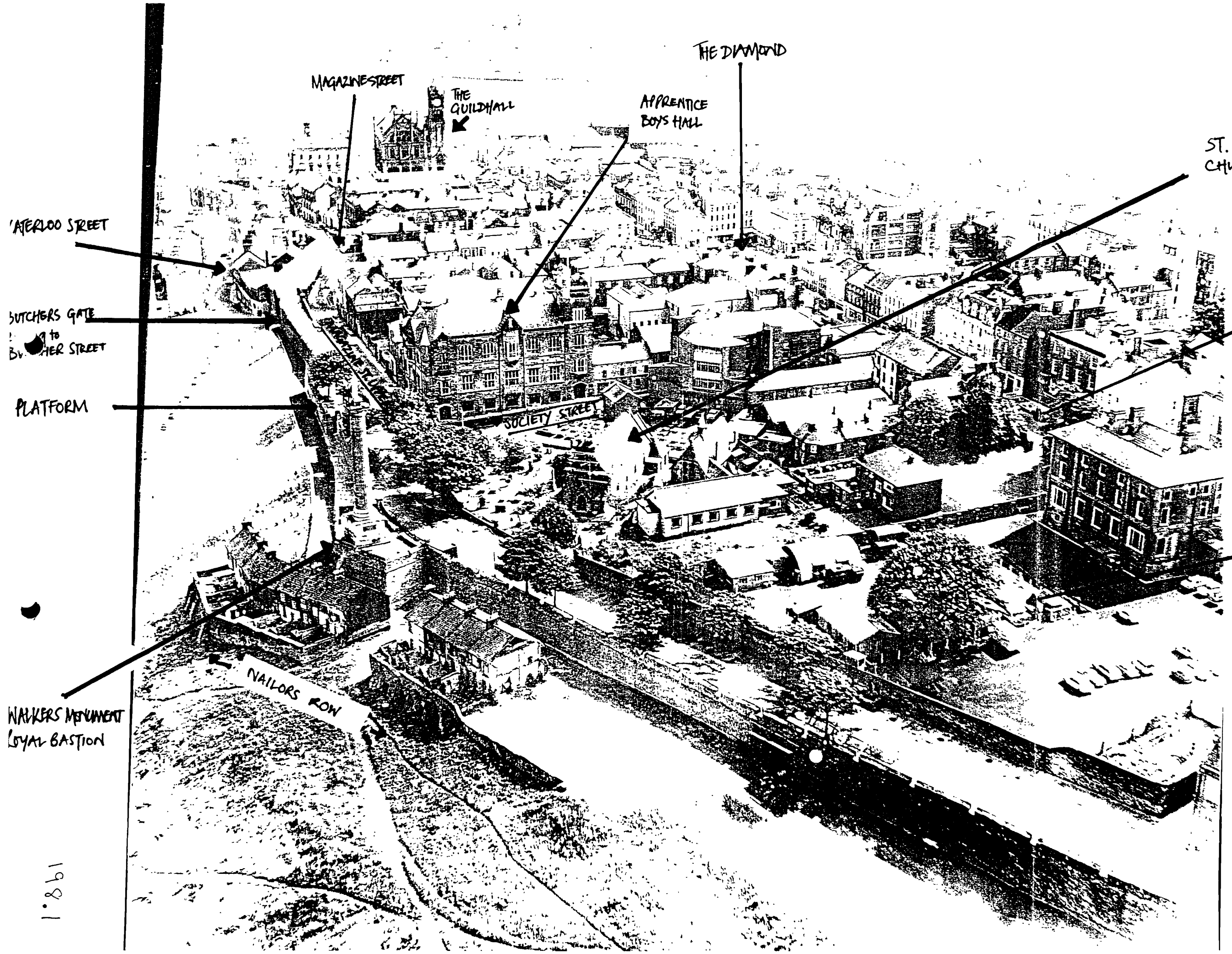




FS 6 · 364

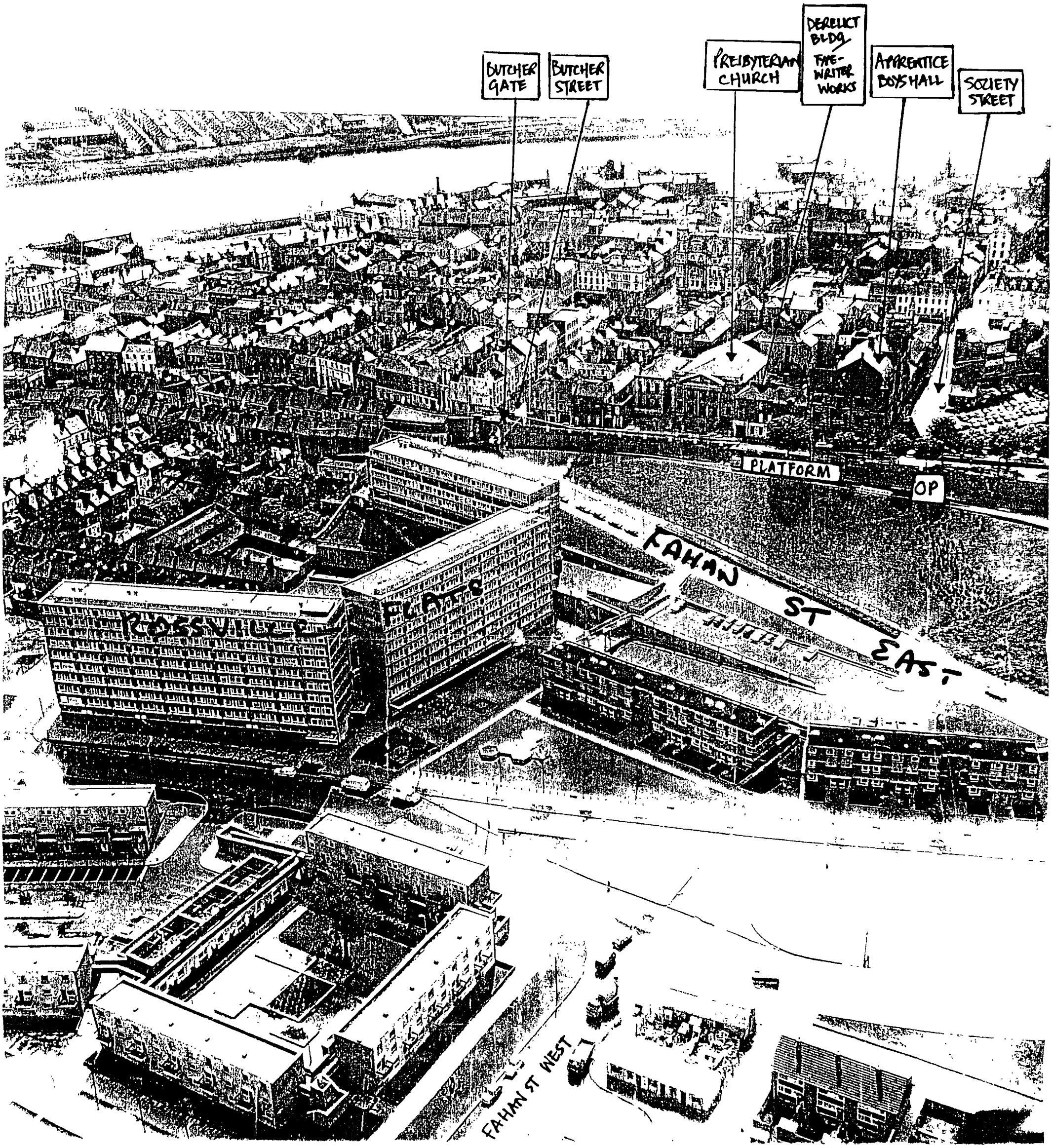
Para Museum

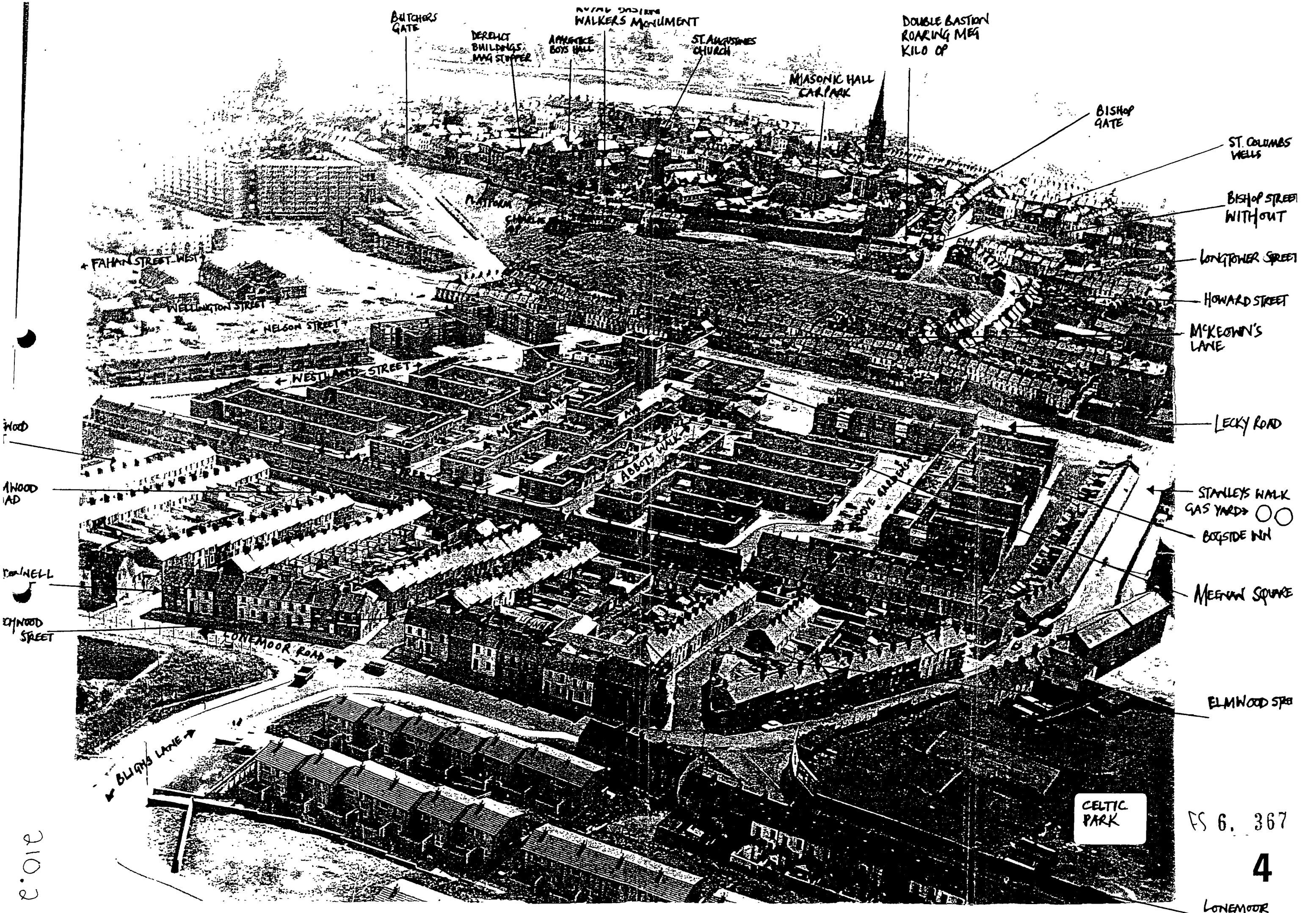
P3-198.1



1·861

FS 6 . 365


BUTCHER GATE
BUTCHER STREET
PRESBYTERIAN CHURCH
DERELICT BLDG
TYPE-WRITER WORKS
APPRENTICE BOYS HALL
SOCIETY STREET
PLATFORM
OP
FAHAN ST EAST
FAHAN ST WEST



FS 6. 367

4

E.012

APPENDIX THREE

EVIDENCE TABLES

1. ATP soldiers in Glenfada Park
2. Soldier F
3. Soldier G
4. Soldier E
5. Soldier H

1. ANTI TANK PLATOON SOLDIERS IN GLENFADA PARK

Soldier	Shots fired	Evidence
Lieutenant 119 (016, 237 & G1) **SA 35**		Witnessed F fire 2 shots.
Sergeant INQ 1694 (Dec'd)		In arrest bundle. (ARR: 3 GPN prisoners)
Corporal E **SA 29**	2 SE corner	Firer (ARR: 3 GPN prisoners)
Lance Corporal F (230, 238) **SA 30**	2 SW corner 2 south Blk 2 RF	Firer (ARR: 4 GPN prisoners)
Lance Corporal J **SA 32**		Sees F & G fire (ARR: 2 GPN prisoners)
Private G (224) **SA 31**	3 SW corner ? alley	Firer (ARR: 3 GPN prisoners)
Private H **SA27**	2 south side 1 south side 19 toilet	Firer
Private INQ 635		Escorts prisoners either GPN or Ccille Ct (ARR: 3 GPN prisoners)
Private 027 **SA 38**		Saw E fire.
Private INQ 23		At gable end (ARR: 2 GPN prisoners)
Private INQ 1237		(ARR: 1 GPN prisoner)

Included are soldiers who may not have been in Glenfada Park but who are cited in the arrest bundles as the arresting officer for the people taken from Glenfada Park North gable end. The eight shaded soldiers are those who, on their own evidence, specifically state that they entered Glenfada Park.

Lance Corporal F

Lance Corporal F also made the following statements which have not been included in this table:
RMP # 2 (14.10h on 31.1.72)- Gerard Donaghy B167.029
RMP#4 (16.00 on 15/2/72) – ill treatment of prisoners at Fort George B167.033
RUC smt 15/2/72 – identifying P. Norris as a front line rioterAN28.10
RMP#5 (14.35 on 13/6/72) – re Norris AN28.11

167.025-028	167.031-032	167.037	167.035-036 + 138.001	167.038-047	167.047-059	167.060-061	167.001-024
RMP # 1 31.1.72 at 2:04hrs (2.40 on hand written version)	**RMP # 3 Undated**	**Overbury 19.2.72**	**SA 30 Undated Treasury Solicitor**	**Oral evid Exam by Army**	**Oral evid Xx by F & W**	**Oral evid Xx by Trib**	**BSI**
Pre entry	**Pre entry**	**Pre entry**	**Pre entry**	**Pre entry**	**Pre entry**	**Pre entry**	**Pre entry**
1							Few hours setting up road blocks
2							Wilford speaks to each group of soldiers – 'I don't know how it will go today Whatever happens stick together; work in pairs, look after each other.'
3			Just before 4pm ordered to move from Presbyterian Church in Gt J St				
Entry	**Entry**	**Entry**	**Entry**	**Entry**	**Entry**	**Entry**	**Entry**
4 16.00hrs deployed from vehicle	16 10hrs debussed junction W St/R St						Deployed before first light Cannot recall loc'n
5							Overheard Loden inform Wilford 'under fire.' Response from Wilford 'Go, go, go.'
6 deployed from vehicle W St/R St junction. Worked with G	debussed junction W St/R St.		Debussed junction W St/ LJ St/ R St		Got out at junction W St/LJ St		Went through on foot with G and INQ 23
7			As soon as left vehicle the first thing hears is shots from dir'n RF	As left vehicle heard firing from dir'n RF – automatic fire	Moved to right.		Could have been nailbomb explosions

167.025-028	167.031-032	167.037	167.035-036 + 138.001	167.038-047	167.047-059	167.060-061	167.001-024
RMP # 1 31.1.72 at 2:04hrs (2.40 on hand written version)	**RMP # 3 Undated**	**Overbury 19.2.72**	**SA 30 Undated Treasury Solicitor**	**Oral evid Exam by Army**	**Oral evid Xx by F & W**	**Oral evid Xx by Trib**	**BSI**
Rossville St	**Rossville St**	**Rossville St**	**Rossville St**	**Rossville St**	**Rossville St**	**Rossville St**	**Rossville St**
8 Advanced 30 yards came under sniper fire from RF Continued to advance	Moved south on waste ground. Under fire from gunman south of his position		Took cover in front of wall on west side R St nr W St junction		Went down GPK side R St under as much cover as poss		F and G ran down R St
9			Saw explosions near north end RF				Thought riot situation
10			F and G move in direction r b. to make arrests				Cannot recall being under fire
11Could see r.b and 200 rioters throwing stones, bottles and other missiles			200 people running away from him – some towards r b.				
12Saw at least 2 nail bombs explode as advanced			Firing from RF – small automatic fire directed to his left				
Kells Walk wall	**Kells Walk wall**	**Kells Walk wall**	**Kells Walk wall**	**Kells Walk wall**	**Kells Walk wall**	**Kells Walk wall**	**Kells Walk wall**
13Takes up position behind wall 40 yards short of RF			Takes cover behind wall in front Ccille Ct	Took cover by wall	Remembers coming to low wall. Did not see Colonel or Major but in contact with Platoon Officer		Low wall
14 Sniper fire from 2nd floor RF			Sees explosions in R St near north end RF	2 explosions in front of barricade – nail bombs	Sees 6 to 8 people at r.b. 2 nailbombs thrown – both explode about 40 m away from him. F keeps advancing towards r.b.		
15 **3 aimed shots at 3rd window on 2nd floor RF**							

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167.025-028	167.031-032	167.037	167.035-036 + 138.001	167.038-047	167.047-059	167.060-061	167.001-024
RMP # 1 31.1.72 at 2:04hrs (2.40 on hand written version)	**RMP # 3 Undated**	**Overbury 19.2.72**	**SA 30 Undated Treasury Solicitor**	**Oral evid Exam by Army**	**Oral evid Xx by F & W**	**Oral evid Xx by Trib**	**BSI**
16		***Fired at man behind r.b. about to throw a bomb***	***People behind r.b. Shoots man trying to throw fizzing bomb.***	***Shoots man about to throw nail bomb***	***Shoots man preparing to throw smoking object***		***People milling around r.b. No recoll firing shots at r.b.***
GPN	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**
17 30 to 40 rioters leave r.b. to GPK	Sees 3 men move from r.b. to GPK. 1 carrying rifle		3 men leave r b. 1 carrying a rifle	3 men move from r.b. in to GPK. 1 carrying a rifle	Moves into GPK because E told him to. F and G go to intercept 3 men (1 with a rifle). At this stage F is behind the wall and about 4 soldiers move forward.		Someone at r b moves to GPK
18We move to GPK	F and G run down alleyway into GPK	Moved with G into GPK	F and G move into GPK	F and G move into GPK	F goes through gap into GPK	E gave order to go into GPK. 4 soldiers went in (E, G, F and thinks H)	F and G move too
19 Sees a man light bomb and raise arm as if to throw. Fires 2 aimed shots (hits shoulder & stomach)	***Shoots man near to number 24 GPK who is trying to throw nail bomb***	***Fires 2 shots at man about to throw a fizzing bomb***	***F and G drop on one knee and F shoots man about to throw bomb in shoulder and chest***	***Sees 3 men. Shoots man in s.w. corner about to throw nail bomb in arm then chest.***	***Fires at man attempting to throw fizzing, smoking object***	***3 men at southern end courtyard. No other civilians. Fires at nailbomber (1st in arm, 2nd inchest – split second between shots)***	***No recoll firing shots in GPK***
20	Sees G shoot a man carrying rifle			G shoots other man carrying long firearm.	G fires at man with rifle who is the middle of the 3 men.		
21Other members of unit join him and advance towards rioters Rioters disperse	3rd man runs off and believes engaged by another soldier but did not see this			F does not remember what happened to 3rd person.			Assumes G is with him

ES 6. 372

167.025-028	167.031-032	167.037	167.035-036 + 138.001	167.038-047	167.047-059	167.060-061	167.001-024
RMP # 1 31.1.72 at 2:04hrs (2.40 on hand written version)	**RMP # 3 Undated**	**Overbury 19.2.72**	**SA 30 Undated Treasury Solicitor**	**Oral evid Exam by Army**	**Oral evid Xx by F & W**	**Oral evid Xx by Trib**	**BSI**
22		***OVERBURY*** ***Immediately after this runs along E wall GPK to corner. Hears pistol shots from wall at far end RF. Saw man near wall who turned as if to run. He had a pistol like object in his hand. He was the only person in the area .F shouts 'there's a gunman ,drops to one Knee and takes aim position. Fires 2 shots and man falls.***	***TSOL*** ***Hears pistol shots. Approaches SE corner GPK Sees man with pistol at far end RF. Shouted to G 'there's a gunman down here.' . Down on one knee and fires 2 aimed shots. Man fell. Man was in half crouching position and moving to right when F shot him***	***ARMY XX*** ***Hears pistol shots from RF. F goes to SE corner. Sees man with pistol FIRING at far end of back RF. Man facing F then turns in crouched position. F fires 2 shots and man falls.***	***Mc SPARRAN XX*** ***Hears pistol shots from dir'n RF. Tells G to cover him whilst investigates.*** ***F goes to corner and fires at man.***		
23 Arrests 20 people and escorts towards R St		With others arrests people at gable end. **G comes up.**	Arrests 20 people at gable wall ushered through GPK into Ccille Ct	Sees group at gable wall and asks G to assist with arrests. Ushers them through alleyway which he had entered Then other soldiers in GPK take responsibility for them			
Rossville St #2	**Rossville St #2**	**Rossville St #2**	**Rossville St #2**	**Rossville St #2**	**Rossville St #2**	**Rossville St #2**	**Rossville St #2**
24 Ordered to join vehicles near R St and stays in position for couple minutes	Ordered to remount vehicles & withdraw	Returns to vehicle & comes under fire again	Ordered to withdraw back to vehicles	Gets order to withdraw back to vehicles from platoon officer who was in GPK E still there but did not see any other soldiers in courtyard			Recalls standing by Pigs watching RF

AS 6 . 373

167.025-028	167.031-032	167.037	167.035-036 + 138.001	167.038-047	167.047-059	167.060-061	167.001-024
RMP # 1 31.1.72 at 2:04hrs (2.40 on hand written version)	**RMP # 3 Undated**	**Overbury 19.2.72**	**SA 30 Undated Treasury Solicitor**	**Oral evid Exam by Army**	**Oral evid Xx by F & W**	**Oral evid Xx by Trib**	**BSI**
25	Vehicles level with n e wall of Blk 1		Vehicles had moved to end of RF				
26Radio op said sniper in RF. F jumps out of vehicle	As enters vehicle 3 shots fired at him from window of 2nd flr ab 5th from end		Inside vehicle waiting further orders when Radio op sees gunman in RF	Inside vehicle for 2 seconds when radio op sees gunman in RF			
27 ***Fired 4 aimed shots at window and all strike area of window***	***Fires 2 at gunman and sees G fire 1 shot. All 3 bullets strike windows***	***Fires 3 shots at 2nd floor window +5 shots (on 2 separate occasions) at men in windows of RF***	***Jumps out and asks R Op where gunman is and fires 3 shots at window (2nd floor) (Handwritten 3rd from end) All hit window***	***F gets out and goes to front of vehicle. Asks radio op where gunman was. Fires 3 rounds at gunman in 3rd window of 2nd floor***		***Fires at 2nd floor window and then at same floor but different window***	
28 ***Moves to vehicle parked in front of his. Fires 4 shots at man with rifle in 2nd from top floor RF after receiving 2.***			***Moves forward to front vehicle and sees man with rifle at same floor window. (Note that third floor is amended on stmt). Fires 3 shots***	***Moves to front vehicle to take up open fire position. Fires 3 rounds at 4th window of 2nd floor because saw rifle pointed in F's general direction.***			
29				G fires 1 round from side of 2nd vehicle (G had not moved forward with F)			
30			***Sees gunman on top floor of RF with rifle. Fires 2 rounds at window***	***Sees gunman with rifle firing out of top floor window. Fires 2 rounds from a position behind vehicle. Gunman had been aiming at troops further north.***		***Fires at man with rifle on top floor RF***	
31 10 mins later withdrew			Waits 10 mins and ordered back to W St/ P A St	Ordered to withdraw to side of RF			

FS 6. 374

167.025-028	167.031-032	167.037	167.035-036 + 138.001	167.038-047	167.047-059	167.060-061	167.001-024
RMP # 1 **31.1.72 at 2:04hrs (2.40 on hand written version)**	**RMP # 3** **Undated**	**Overbury** **19.2.72**	**SA 30** **Undated** **Treasury Solicitor**	**Oral evid** **Exam by Army**	**Oral evid** **Xx by F & W**	**Oral evid** **Xx by Trib**	**BSI**
General	**General**	**General**	**General**	**General**	**General**	**General**	**General**
32 Magazine of 20 rounds		Changes Sequence: Tallly of shots 1at rb 2 in GPK 2 at end RF 3 at 2nd floor RF 5 at different windows in RF	20 rounds and 7 left Additional page says realized some of positions in previous stmts inaccurate after seeing aerial photos	7 rounds left out of magazine of 10	Told SIB fired 13 rounds. **Forgot** to tell SIB ab man with pistol but those 2 are included in the 13	Same rifle for all service At no time did he go into sw alley GPK	Remembers firing weapon but does not know when, where or why

FS 6. 375

Lance Corporal F
BSI ORAL

Day 375	Day 376	Day 376	Day 376	Day 376	Day 376
BSI ORAL Christopher Clarke QC	**Xx Seamus Treacy QC**	**Xx Eilis McDermott QC**	**Xx Michael Mansfield QC**	**Xx Lord Gifford QC**	**Re-exam Christopher Clarke QC**

Pre entry	Pre entry	Pre entry	Pre entry	Pre entry	Pre entry
1 Possibly mistaken about road blocks					
2 Worked as a section with G & Longstaff Wilford told them to work in pairs					
3					

Entry	Entry	Entry	Entry	Entry	Entry
4 Did not go in at first light					
5 Overheard on radio order from Colonel to go in possibly a few seconds after receiving fire Accepts timing wrong					
6 Accepts going through on foot is wrong					
7					

FI 6. 376

Rossville St	Rossville St	Rossville St	Rossville St	Rossville St	Rossville St
8 Does not remember rec instructions or order to move down R St					
9 Cannot recollect sniper fire or 2 nail bombs explode					
10-12					

AS 6.377

Kells Walk Wall	Kells Walk Wall	Kells Walk Wall	Kells Walk Wall	Kells Walk Wall	Kells Walk Wall
13 No recollect of firing and killing s/one from wall – or of anyone else firing					
14 No recall of non ATP soldiers or of 119					
15-16					

GPN	GPN	GPN	GPN	GPN	GPN
17 Ordered to go into GPK by E. Rems nothing of GPK - relying on 1972 smts					
18 Possible G went ahead of him into GPK as they would normally cover each other	Was in GPN with G and Longstaff Possible they went in together				
19					Agrees that trajectory photo at P7 similar to position of bodies on P194
20 - 21					

22 Not aware that he was the only soldier who admits firing sth of blk 2 No knowledge of other soldiers firing in this dir'n. Thought he said in his smt he had shot Mc Guigan May have shot Mc Guigan or Doherty 2 shots sth RF 2 omitted in RMP smts cos of errors of j'ment & the smts got confused.	Shooting sth of blk 2 slipped his mind until 19/2/72 when Overbury iv'd him	He shot a man with a pistol	Accepts that he shot Barney McGuigan.		Accepts that he shot Michael Kelly, Barney McGuigan and Patrick Doherty
23					

F 6. 378

Rossville St# 2	**Rossville St# 2**	**Rossville S#t 2**	**Rossville S#t 2**	**Rossville St# 2**	**Rossville St# 2**
24 - 31					
General	**General**	**General**	**General**	**General**	**General**
32	Accepts that round in breach inconsistent with Yellow Card		No memory of being in Loden's pig & pointing out on a map what he had fired at		
33	Shown a newspaper article by RMP when he was iv'd on 15th February 1972 re ill treatment of prisoners at Fort George	Unaware of Widgery's findings Accepts that innocent people killed that day but also gunmen & bombers			
34 F never asked & was never told what G had fired at	Remained in army 22 years after B/S Left as WO2 No criticism or disapproval from his superiors re B/S Doing his duty & job as	Agrees poss it defies belief that F & G did not discuss what theywere going to say to RMP in the 4 hrs they were hanging around		Left 1PARA March 1972 E,F,G & J knew each other very well & had been on operations before	

	a soldier	barracks waiting to be called			
35 IRA was in control of no go areas. Local units had their hands tied				Task was to go into no go areas & arrest rioters.	

AS 6 . 379

Soldier G

168-170	171	176-177	177.01	179-180	185 – 188	190 – 198	198 – 205	205 - 210
RMP# 1 31.1.72 at 2:15hrs	**Undated map**	**RMP #2 31.1.72 at 14:20hrs**	**Undated but amended copy of RMP #2**	**RMP #3 14.2.72 at 13:15hrs**	**SA stmt undated**	**Widg oral Xx Gibbens - MoD**	**Widg oral Xx by Hill – Fams**	**Widg oral Xx by Read – Trib**
Pre-entry	**Pre-entry**	**Pre-entry**	**Pre-entry**	**Pre-entry**	**Pre-entry**	**Pre-entry**	**Pre-entry**	**Pre-entry**
16 10hrs moved into pos'n Little James St					In 2nd pig of his platoon			
Rioting at junction W St & R St								
Entry	**Entry**	**Entry**	**Entry**	**Entry**	**Entry**	**Entry**	**Entry**	**Entry**
Platoon debussed junction Eden Place					Debussed – just on LJ St side of W St/R St junction.	Not aware of firing before vehicle stopped	Only mistake made in 1st stmt was where debussed	
					Fired on whilst against wall of old bldg at top R St – bullets passed overhead. Rioters running back to r b.	Debussed & moved to side of old bldg. Took gas mask off. Then fired on – shots from RF area – not able to say whether auto		
Moved with F along north side R St						Moved to wall further down by next bldg.		
Soon after debussing came under fire from gunman in Blk 1 RF (3 shots fired at him)								

S 6.380.57

168-170	171	176-177	177.01	179-180	185 – 188	190 – 198	198 – 205	205 - 210
RMP# 1 31.1.72 at 2:15hrs	**Undated map**	**RMP #2 31.1.72 at 14:20hrs**	**Undated but amended copy of RMP #2**	**RMP #3 14.2.72 at 13:15hrs**	**SA stmt undated**	**Widg oral Xx Gibbens - MoD**	**Widg oral Xx by Hill – Fams**	**Widg oral Xx by Read – Trib**
30 seconds later – came under fire again from Block 1						Just as got to wall fired on again – burst of fire (TSMG) & some sgl shots – coming from r b. & flats area		
KW wall	**KW wall**	**KW wall**	**KW wall**	**KW wall**	**KW wall**	**KW wall**	**KW wall**	**KW wall**
Six of them took cover behind low wall					Moved down CCille Ct to low wall at its far end (sic ?? Kells Walk Wall?)	Got behind the wall – looking over to left.		
Fire was returned by some of the men when the gunman was located					When got to low wall, G covers left – cd not identify targets but heard fire from flats & r.b area (one definitely auto – TSMG)		When heard TSMG F wasn't far away. At this time G was not covering F – had all taken up pos'ns & G was covering left of his pos'n	
Crowd of 400 behind rubble barricade (50 yards away)					Lot of noise from large crowd behind r.b. – throwing bricks & bottles but not reaching him			
					Members of his platoon were firing back but he cd not see any targets to engage.	Before he left the wall someone from his number had fired. Cd not say whether it was F		
We moved further up the street.					Sees F start to move forwards – moves with him. F stopped on the way to cover G who goes to end of wall which runs into alleyway.	F went around the wall so G goes too.	Somebody else (other than F or G) decided to go into alley. Did not hear any order.	

AS 6. 381

168-170	171	176-177	177.01	179-180	185 – 188	190 – 198	198 – 205	205 - 210
RMP# 1 31.1.72 at 2:15hrs	**Undated map**	**RMP #2 31.1.72 at 14:20hrs**	**Undated but amended copy of RMP #2**	**RMP #3 14.2.72 at 13:15hrs**	**SA stmt undated**	**Widg oral Xx Gibbens - MoD**	**Widg oral Xx by Hill – Fams**	**Widg oral Xx by Read – Trib**
Sees a gunman pos'd behind a wall at end of alleyway ab 15 yards away					Gets to end of wall & someone shouts 'look out – gunman.' G gets down on one knee. Sees man dodging in & out of alley – caught glimpse of what might be weapon.	Takes cover at a corner & someone shouts ab gunman up alley. F was behind him. G in kneeling pos'n. Somebody was dodging about up alley – satisfied it was a gunman.		Someone dodging about in alley – rifle in hand. Fired & both shots hit wall.
Fired 2 shots at gunman to give cover to one of other men who was running across open ground.					***G fires 2 shots to keep man's head down so that one of others cd get across alleyway.***	***G fires 2 shots up alley. Did not fire from the hip. Both shots hit wall.***		
Gunman went to ground					Gunman did not reappear during couple of seconds that waited	Gunman took back around the corner		
Ran up alley with F – followed by 2 others					Moved into alleyway – F just behind him.	G, F and E went into alley.		
GPN	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**
							Four soldiers moved into GPN	
					Car parked close to archway & G went round to right hand side of car with F close beside him.	Car parked	Did not see anyone with nail bomb in GPN	

FS 6 - 382

168-170	171	176-177	177.01	179-180	185 – 188	190 – 198	198 – 205	205 - 210
RMP# 1 31.1.72 at 2:15hrs	**Undated map**	**RMP #2 31.1.72 at 14:20hrs**	**Undated but amended copy of RMP #2**	**RMP #3 14.2.72 at 13:15hrs**	**SA stmt undated**	**Widg oral Xx Gibbens - MoD**	**Widg oral Xx by Hill – Fams**	**Widg oral Xx by Read – Trib**
Enters GPN & sees 2 men standing 25 metres away – both holding small rifles				Gunmen in GPN were with a 3rd man who did not hv a rifle.	2 gunmen in opposite corner GPN – both had short rifles like M1 Carbine.	G sees 2 gunmen on sw corner. Both holding rifles of M1 type.	Not mistaken ab seeing 2 gunmen. Did not know whether other soldiers fired. *(F said fired at nail bomber)*	2 gunmen each holding weapons thinks M1 carbines. Gunmen were looking towards r.b. G fired without warning. Does not know how many shots F fired
Small group of people standing near to them.								
Fires 3 shots at one of men who fell to ground				***G shot at gunman 3 times***	***G drops to one knee & fires 3 shots at men.***	***Immed went down on one knee & fired 3 shots from right hand side of car.***		
F fired at same time and saw other gunman fall to ground				Because F fired at same time G assumed that F shot 2nd gunman But it is possible that G hit both gunmen & F hit 3rd man	F also firing Both men fell	He knew F had fired At the time did not know what F was firing at Both men fell to ground Not aware of 3rd body		
Group of people picked up 2 weapons & ran off down alley in ne dir'n.					A small crowd of people gathered around bodies – then ran off up alleyway behind them.	Crowd (about 15) ran past 2 bodies thru alley & when gone weapons had gone aswell.	People from his left ran past bodies out of alleyway – didn't see anybody lift the guns.	
We split up & gave chase					F moved down eastern wall to entrance by r.b. G worked around other two walls.	G ran along the sides of the courtyard & got to where bodies were. F had cover from the rest.		G went around the western block GPN towards the bodies.

383 · 9 · 57

168-170	171	176-177	177.01	179-180	185 – 188	190 – 198	198 – 205	205 - 210
RMP# 1 31.1.72 at 2:15hrs	**Undated map**	**RMP #2 31.1.72 at 14:20hrs**	**Undated but amended copy of RMP #2**	**RMP #3 14.2.72 at 13:15hrs**	**SA stmt undated**	**Widg oral Xx Gibbens - MoD**	**Widg oral Xx by Hill – Fams**	**Widg oral Xx by Read – Trib**
G ran down alleyway but people with weapons were out of sight.					By the time G reached far corner - the crowd had vanished. Just the 2 bodies & another body a few yards further.			Did not follow the people thru the alley because got a recall from platoon commander.
						Before got recall G fired thru the alley into Abbey Park.		
Recalled to R St					Platoon Commander then recalled him.			
					Heard F shout 'there's a gunman' - F was down on one knee se corner & fired 1 or 2 shots in easterly dir'n	Hears F shout ab gunman. Sees F in kneeling pos'n & fire 1 or 2 shots from corner. Civilians were huddled against wall.		
Prisoners had been taken from area by other mbrs of platoon					At this point a party of about 20 people was ferried back by F & some others	Arrestees were brought back by few of G's platoon	When arrestees taken away there were no soldiers left in GPN	
					G joined them & went out thru alley had entered thru & went with party to CCille Ct where civilians handed over to another party			
Bodies of gunmen were left were they fell								

S 6 . 384

168-170	171	176-177	177.01	179-180	185 – 188	190 – 198	198 – 205	205 - 210
RMP# 1 31.1.72 at 2:15hrs	**Undated map**	**RMP #2 31.1.72 at 14:20hrs**	**Undated but amended copy of RMP #2**	**RMP #3 14.2.72 at 13:15hrs**	**SA stmt undated**	**Widg oral Xx Gibbens - MoD**	**Widg oral Xx by Hill – Fams**	**Widg oral Xx by Read – Trib**
R St #2	**R St #2**	**R St #2**	**R St #2**	**R St #2**	**R St #2**	**R St #2**	**R St #2**	**R St #2**
Vehicles had been moved up R St & were positioned on street opposite east corner Blk 1 RF					Moved to vehicles which had come up R St			
All mounted vehicles G was in back					Got in back of vehicle			
There for 2 mins when fired on by gunman from window 2nd storey Blk 1 RF (3 windows from western corner)					Came under fire again. G gets out & ran around vehicle to right hand side.	In vehicles for 1 min when fired on from flats. The driver had indicated where shots were coming from. F was at front of vehicle.		
Got out of vehicle & took up pos'n behind front right wheel & faced flats.					Heard more shots fired & window move.	Sees window move & were fired on again from this pos'n		
Sees muzzle flash & fires 1 shot but cannot say that definitely hit gunman					***G fires 1 round***	***G fires 1 shot***	***Waited at front of vehicle to see if get fired on again. Did not know where F was at the time.***	

AS 6 - 385

168-170	171	176-177	177.01	179-180	185 – 188	190 – 198	198 – 205	205 - 210
RMP# 1 31.1.72 at 2:15hrs	**Undated map**	**RMP #2 31.1.72 at 14:20hrs**	**Undated but amended copy of RMP #2**	**RMP #3 14.2.72 at 13:15hrs**	**SA stmt undated**	**Widg oral Xx Gibbens - MoD**	**Widg oral Xx by Hill – Fams**	**Widg oral Xx by Read – Trib**
Gunman fired approx 5 rounds at us – all shots went high over vehicle								
G fired 6 rounds in total					G fired 6 rounds in total that afternoon.	G fired 6 rounds in total that afternoon.		
Firing ceased & after 5 mins they pulled back from flats								
Stayed for a further 10 mins & then moved to another loc'n.								
					Corrections to RMP #1.		**Corrections to RMP #1.**	
					Debussed junction W St/R St		Had not mentioned F firing south Blk 2 in 1st stmt. Made dozens of stmts – Did not mention that was covering F when F fired south Blk 2.	
					Assumed in RMP#1 that he shot 1 of 2 men in GPN & F shot other 2 but possible that he shot 2 gunmen & F shot 3rd man.		Did not hear any nail bombs in R St – was covering F at all times in R St	
					Corrections to RMP #3			

FS 6 · 386

168-170	171	176-177	177.01	179-180	185 – 188	190 – 198	198 – 205	205 - 210
RMP# 1 31.1.72 at 2:15hrs	**Undated map**	**RMP #2 31.1.72 at 14:20hrs**	**Undated but amended copy of RMP #2**	**RMP #3 14.2.72 at 13:15hrs**	**SA stmt undated**	**Widg oral Xx Gibbens - MoD**	**Widg oral Xx by Hill – Fams**	**Widg oral Xx by Read – Trib**
					Did not have 3rd man under close observation near the 2 targets		Heard 1 bang in GPN – does not know what it was	
					Did not mean to say that hit both men & 3rd man with them			

Other corrections

					Confirms that saw weapons in GPN and disappeared after crowd surrounded 2 bodies.			
					Was wrong to say that man shot was throwing nailbombs			
					Only thing heard that day was a bang but wd not like to say where it was			
	Positions gunmen at nw GPN and sw GPN	Identifies photos of John Young as man shot in GPN – said was throwing nail bombs	Identifies photos of John Young as man shot in GPN – amends to was armed with a rifle					

A 6 · 387

Corporal E

86 -88	91-92	93.001 - 2	94 – 96	98 – 106	106 – 113	113 – 115
RMP #1 31.1.72 at 01:40hrs	**RMP #2 31.1.72 at 14:00hrs**	**RMP #3 31.1.72 at 14:10hrs but signed as F**	**SA stmt undated**	**Widg oral by Underhill – MoD**	**Widg oral by Hill – fams**	**Widg oral by Read Junior Tribunal**
Pre-entry	**Pre-entry**	**Pre-entry**	**Pre-entry**	**Pre-entry**	**Pre-entry**	**Pre-entry**
			At about 3:45pm his platoon rec'vd order to move forward.			
Entry	**Entry**	**Entry**	**Entry**	**Entry**	**Entry**	**Entry**
16 00hrs deployed at junction R St/W St			Debussed on vacant ground W St – opposite entrances to R St.	Debussed junction James St (sic) & W St		
			After debussing whole section (8 or 9) took up pos'n in area of 1st bldg on west side R St. – rec'vd quick briefing orders to go in & make arrests	1st pos'n = by 1st row of houses- rec'vd quick briefing to make arrests		Debussed & Platoon Commander gv quick briefing orders to make arrests – not to fire Shortly after knew that soldiers in front had come under fire.
As advanced cd see rioters & heard what thought was auto fire & also gunshots from vicinity of flats.			Shooting had broken out from dir'n R F car park – told to move forward & make arrests Firing was mixed	Heard firing in general area of flats – mixed calibre		
Rossville St	**Rossville St**	**Rossville St**	**Rossville St**	**Rossville St**	**Rossville St**	**Rossville St**
Rioters were throwing stones & bottles.			Cd see people running across open ground & saw large crowd behind r.b.			
			Moved forward in sgl file in front of low rise flats When reached end of flats – sniper fire & mch gun fire broke out from area RF.			

17.6.388

86 -88	91-92	93.001 - 2	94 – 96	98 – 106	106 – 113	113 – 115
RMP #1 31.1.72 at 01:40hrs	**RMP #2 31.1.72 at 14:00hrs**	**RMP #3 31.1.72 at 14:10hrs but signed as F**	**SA stmt undated**	**Widg oral by Underhill – MoD**	**Widg oral by Hill – fams**	**Widg oral by Read Junior Tribunal**
Saw a petrol bomb explode but did not see who threw it.				Heard explosion as moved down road – sounded like a nailbomb from area RF	Heard 1st nailbomb explosion when in R St. *(Major in command vehicle at north end RF did not hear)*	Did hear nailbomb as going down R St *(had not referred to it in RMP & SA stmt)*
Kells Walk wall	**K W wall**	**K W wall**	**Kells Walk wall**	**Kells Walk wall**	**Kells Walk wall**	**Kells Walk wall**
Took up pos'n right hand side of road behind small wall.			Took cover behind wall at end of flats.	Heard 3 shots – small machine pistol fire – took cover behind wall.	Saw Luger pistol fired from RF – not a camera. F[1] fired once only at window	3 shots fired from area RF – 1 was fired at E
Once in pos'n we came under sniper fire from RF						
Saw a man fire 1 shot from a pistol from window of top floor of flats at E's pos'n.			Saw sniper in 2nd storey from top RF who fired a shot			
E fired one shot at man & saw shot go thru window & strike ceiling.			***E fired 1 round at him – no idea whether hit***	***E was to left of wall when fired 1 round at sniper in RF – round went thru window.***		
Just after this saw one man behind r.b. with machine gun. Man took up firing pos'n & fell to ground as if had been shot.			Shortly after petrol bomb landed 30 yards in front of barricade.	Crowd around r.b. were very aggressive & throwing missiles Petrol bomb was thrown to their left – 20 metres from E.	Saw kneeling man at r b. with TMG – looking in E's dir'n. Did not hear TMGF & did not tell officers bec man fell back instantly – too quick.	Position which gunman holding gun led E to bel'v it was a machine gun.
Also saw a man next to one with mch-gun. He had what seemed to be butt of a gun.			Almost instantly saw 2 gunmen behind centre r.b. – one was kneeling & taking up a firing pos'n.	Almost at same time sees 2 gunmen in centre r.b. – 1 kneeling had a Thompson – other in crawling po'sn with a rifle.	Also saw man with a rifle behind r.b.	Other man was crawling to right
			Lot of mixed calibre firing going on & saw gunman falling to ground.	Mixed calibre firing at this time. Man in kneeling pos'n seemed to hv been hit		

[1] sic

AS6. 389

86 -88	91-92	93.001 - 2	94 – 96	98 – 106	106 – 113	113 – 115
RMP #1 31.1.72 at 01:40hrs	**RMP #2 31.1.72 at 14:00hrs**	**RMP #3 31.1.72 at 14:10hrs but signed as F**	**SA stmt undated**	**Widg oral by Underhill – MoD**	**Widg oral by Hill – fams**	**Widg oral by Read Junior Tribunal**
Rioters from r b. started to move off to right			Part of crowd moves to GPN	Crowd moved into GPK.		
GPN	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**
Moved into archway to try & head them off			E gets 4 or 5 men & moved thru archway	E acts on own initiative & ab 5 of them move round to cut them off.	Moves into GPN on own initiative – to head off rioting group. Accepts responsibility as NCO.	Cd not say whether he was 1st soldier to enter GPN Some of men who moved into GPN were from his section – others were not
About 6 men coming towards them & then a petrol bomb exploded.			About 40 or 50 people there – some throwing missiles 1 man threw petrol bomb which landed 10 yards from E.	Crowd of about 40 people throwing missiles. 1 man threw petrol bomb landed 10 metres in front		
Followed by a nail bomb.					Heard 2nd nail bomb explosion	
Other missiles thrown						
We deployed & took up firing pos'ns.						
Rioters cont'd to bombard them with missiles incl petrol & nail bombs.						
Heard shots & saw 2 of the rioters fall to the ground.						
Then saw 1 of men about 30 metres from E with a nail & petrol bomb in hands.						
Saw him light one of the objects & throw it & petrol bomb exploded						
Saw him light the other & shouted at him to drop it.			Also had nail bomb which he lit.	Man also had nailbomb		
E shouted at him to drop it. He threw it in E's dir'n.				E shouted 'drop it.'		

86 -88	91-92	93.001 - 2	94 – 96	98 – 106	106 – 113	113 – 115
RMP #1 31.1.72 at 01:40hrs	**RMP #2 31.1.72 at 14:00hrs**	**RMP #3 31.1.72 at 14:10hrs but signed as F**	**SA stmt undated**	**Widg oral by Underhill – MoD**	**Widg oral by Hill – fams**	**Widg oral by Read Junior Tribunal**
E fired 2 shots – 2nd shot hit man in chest & fell back.			***E fires 2 shots at him – 2nd shot hit.***	***E fired 2 shots at man who was in s.e. corner GPN. The 2nd shot hit him & fell to ground.***		
			Lot of shooting during this time. Saw 2 more bodies fall.	E saw 2 others fall.		
				Crowd still aggressive. E thinks 3 or 4 of his men still with him		
Immed after a nail bomb exploded near E's pos'n.						
			Moved forward to make arrests – 30 arrests	Moves to collect 30 prisoners – ferried back thru gap	The furthest south that E went was middle of eastern blk GPN	E did not go into that alleyway bec was carrying prisoners back Thinks the arrestees were in centre of GPN not gable end
			His section to arrestees back to wall that they had come from.		Saw three bodies in GPN fall Did not notice Officer 119. Rems getting verbal instr'n to withdraw	
			Crowd still aggressive & some surrounded body.			Did not see any soldier go down the sw alley into Abbey Park Did not see any soldiers firing towards that alley.
Rossville St #2	**R St #2**	**R St #2**	**Rossville St #2**	**Rossville St #2**	**Rossville St #2**	**Rossville St #2**
Lot of commotion. Withdrew to original pos'n on R St.			E was still covering pos'n at entrance to GPk then returned to vehicle	Returns to vehicle.		

FS 6 . 391

86 -88	91-92	93.001 - 2	94 – 96	98 – 106	106 – 113	113 – 115
RMP #1 31.1.72 at 01:40hrs	**RMP #2 31.1.72 at 14:00hrs**	**RMP #3 31.1.72 at 14:10hrs but signed as F**	**SA stmt undated**	**Widg oral by Underhill – MoD**	**Widg oral by Hill – fams**	**Widg oral by Read Junior Tribunal**
In this pos'n for ¾ hour. During this time came under sniper fire from RF			Waited for 45 mins & sniper fire at his pos'n – again mixed velocity fire Heard 1 bullet pass very close nearby	Half an hour – 45 mins – vehicle fired on. Saw G fire 1 round		
General	**General**	**General**	**General**	**General**	**General**	**General**
Map marks pos'n bomber on southeast side GPN.			Not now sure that Michael Kelly was the man he shot in GPK			
			Still reasonably satisfied that shot Gerard Donaghy			
	Identifies Michael Kelly as someone shot for throwing bombs.	Identifies Gerard Donaghy as person shot in GPk with nailbombs				

AS 6. 392

Soldier H

393

264.019-.022	264.023 – 026	264.016 - .018	264.027 - .033	264.034 - .049	264.050 - ?	262 – 264.08
RMP #1 31.1.72 at 02:10hrs	**RMP # 2 undated -acc to BSI it was taken 31.1.72 at 2:30hrs**	**SA 27 Heritage TSOL + Loden 2.3.72**	**Widg oral Xx by Underhill – junior MoD**	**Widg oral Xx by McSparren – fams**	**Widg oral Xx by Gibbens – senior MoD (transcripts ends)**	**BSI statement**

Pre entry	Pre entry	Pre entry	Pre entry	Pre entry	Pre entry	Pre entry
1				Does not rem rec'vg a briefing before went on ground	Only instr'ns re opening fire = Yellow Card	Assumes wd hv been given verbal warning order to prepare for Derry op
2				Not given any instructions ab opening fire in this area.		Wd hv been briefed re when moving out & equipment
3				Never told there was a legal mtg at FDC		
4		Formed up in a side street. While there heard a sgl shot & saw drainpipe on church fall.				1st memory = gathering with other mbrs of 1 Para close to a church - HV round hit church Everyone dived for cover.
5 Convoy proceeded along R St. His was 2nd from last		H was in 1st pig of his platoon – 119's pig				Cannot rem rec'vg order to move out – wd usually come over radio.

Entry	Entry	Entry	Entry	Entry	Entry	Entry
6		Started to move off & shortly before stopped heard a shot strike outside of Pig.	Before debussed heard rifle fire & 1 round hit left hand side of vehicle.			As drove into Bogside heard hail of bullets strike side of Pig.
7 Junction of W St & L J St debussed.		Pig stopped & immed debussed in front of CCille Ct.				Debussed immediately Pig stopped.
8 16 men (his & another APC) tasked to carry out foot patrol R						

264.019-.022	264.023 – 026	264.016 - .018	264.027 - .033	264.034 - .049	264.050 - ?	262 – 264.08
RMP #1 31.1.72 at 02:10hrs	**RMP # 2 undated -acc to BSI it was taken 31.1.72 at 2:30hrs**	**SA 27 Heritage TSOL + Loden 2.3.72**	**Widg oral Xx by Underhill – junior MoD**	**Widg oral Xx by McSparren – fams**	**Widg oral Xx by Gibbens – senior MoD (transcripts ends)**	**BSI statement**
St						
9 Entire company present – each given certain area to patrol.						
10 Reason debussed - to make as many arrests as poss.				Ghall clock shows 3:50pm 5 pigs stopped in front of his. Photo shows paras moving across towards crowd on w-grd side of R St		
11				EP33 shows Ghall clock at 4 10pm – same area but further down		
12 Lrg crowd approx 1000 persons along R St.		CS gas about – H puts on gas mask.	Gets out of vehicle – takes up pos'n by bldg - puts gas respirator on & moves forward.	Does not rem paras moving around Pig *(ie arrest op)* EP33		Everyone from his Pig moved out to take cover briefly beside short wall parallel to KW
13 Crowd was blocking route to Lecky Rd.		Moved forward to 2 low walls at end of that bldg & there came under fire.		Moved up to a wall behind 2 short walls.		
14				Saw 200 – 1000 people behind r.b & lrg crowd running from behind r b towards FDC Cannot rem whether any people running betw him & r.b.		Thousands of people all around us. People throwing stones at us
15				Heard shots as began to advance to 2 short walls. Crack went over his head. Does not think pistol shots – cd hv been mch-gun fire		
16 4 gunmen located in crowd behind r.b.		Atleast 2 gunmen at r.b. firing at us.	Came to wall & came under fire from r b. – cd definitely see 2 gunmen & people milling	Were advancing when came under fire – ran up to wall for cover.		Cannot rem any civilians moving towards us. Does not rem seeing any gunmen/bombers at r.b.

S 6 - 394

264.019-.022	264.023 – 026	264.016 - .018	264.027 - .033	264.034 - .049	264.050 - ?	262 – 264.08
RMP #1 31.1.72 at 02:10hrs	**RMP # 2 undated -acc to BSI it was taken 31.1.72 at 2:30hrs**	**SA 27 Heritage TSOL + Loden 2.3.72**	**Widg oral Xx by Underhill – junior MoD**	**Widg oral Xx by McSparren – fams**	**Widg oral Xx by Gibbens – senior MoD (transcripts ends)**	**BSI statement**
			around behind r.b.			
17				*(Morris photo no 8 – soldier in open)* – does not think soldier in that pos'n wd hv immed noticed if shooting coming from r b.		
18				Does not know whether any officers at wall at that time – did not rec'v any orders		

KW wall	KW wall	KW wall	KW wall	KW wall	KW wall	KW wall
19		Other mbrs of platoon ret'd fire & gunmen ceased firing	Some soldiers from his pos'n fired at the gunmen.			Does not rem any of his colleagues opening fire Does not rem seeing any civilians being shot or falling at r.b.
20 Gunmen were continually firing at us as moved towards crowd						
21 H was about 3rd from front man – moving close to bldgs 25 metres from nw footpath						
22 Patrol consisted of 16 men commanded by 119.						
23 Being stoned, nail bombed & acid bombed as well as being shot at						

264.019-.022	264.023 – 026	264.016 - .018	264.027 - .033	264.034 - .049	264.050 - ?	262 – 264.08
RMP #1 31.1.72 at 02:10hrs	**RMP # 2 undated -acc to BSI it was taken 31.1.72 at 2:30hrs**	**SA 27 Heritage TSOL + Loden 2.3.72**	**Widg oral Xx by Underhill – junior MoD**	**Widg oral Xx by McSparren – fams**	**Widg oral Xx by Gibbens – senior MoD (transcripts ends)**	**BSI statement**
24. Patrol neared a nw junction leading to flats facing W St – group of youths threw stones & nailbombs. Youths turned & ran northwest in dir'n waste land betw 2 blks of flats.		Led by F & G, H moved along wall – in front of him was alleyway. A group of lads appeared at the end of the wall. One of the lads had what looked like a nail bomb Lad threw the bomb – heard it hit ground near us – did not explode.	Began to advance when about 5 youths came & threw a round object. H was behind F & G. One of youths threw the object. H heard it land but it did not go off.	Saw an object being thrown from r.b. – did not explode. H was 20-30 metres from r.b. – did not see where object landed.		AS 6. 396
25 Pursued youths thru the gap betw flats.		Chased youths who ran down an alleyway & turned left under arch into GPN.		Chased after youths immediately		
GPN	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**	**GPN**
26	Approx 4pm positioned behind a car in ne corner GPN with other mbrs of platoon incl F.	Car thru alley H leaned on bonnet F & G on other side (had entered 2 secs in advance of H).	Pursued youths into GPN F & G 2 seconds ahead of H H took up firing pos'n on bonnet of car. F & G were at the boot of the car.	F & G 2 seconds in front of him into GPN		Next thing rems is being in n e. corner GPN Rems terrified Took cover behind a car or wall close to n e entry (Thinks F & G probably went ahead of E & H bec E = Brick Commander & F = Brick S-I-C)
27				When got to broken car – saw one soldier firing – did not see what soldier was firing at.		

264.019-.022	264.023 – 026	264.016 - .018	264.027 - .033	264.034 - .049	264.050 - ?	262 – 264.08
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28. At gap saw group of youths hiding behind a broken down car. Around them in all dir'ns were groups of other youths. Youths began to throw bricks & any other waste material. H saw 3 youths with nail bombs hiding behind a wall (70m away).	5 – 7 youths to sw on footpath. 2 of the youths were carrying nailbombs.		Saw a youth approx 70 metres away – same type of object in a throwing pos'n.	Saw youth about to throw brown object at him – wd not hv reached H if thrown.		Group of civilians at south side GPN. One of them threw a nail bomb at H. Heard nail bomb land quite close to him. – it did not explode. Saw a youth in group of civilians holding a smoking object in his hands – in airfix pos'n
29. H fired 2 shots at middle youth.	***H fired at one of youths***	***H fired 2 shots at lad who was in throwing pos'n. Bomb just thudded to ground.***	***H fired 2 shots & 2nd shot hit him. Object fell to ground & did not explode.***	***First shot hit wall directly behind youth – Object fell to ground but did not explode.***		***H fired 2 shots at youth. Did not shoot from hip. Hit him with 1 poss both shots. Youth fell to ground. (This was the first time that H had ever fired at a live target. It was the first time he had shot anybody.)***
30.F & G fired at other persons	& more shots from mbrs platoon					No memory of what F & G were doing
31.All three fell to ground.	4 of the youths were shot dead. Did not see who shot other 2 youths.					
32.Youth dressed in jean jacket - appeared from nw block of flats	Youth wearing denim jkt & trousers appeared from west side GPN	A youth ran from alleyway in opposite corner	Youth in denims ran over to body	Someone ran to body		Another youth ran out (cannot rem if from se or sw corner)
33 The youth picked up an object from one of the youths that had been shot.	Youth ran to bodies & picked up a nail bomb	Youth picked up bomb	Youth picked up nail bomb.	Picked up nailbomb –		Picked up bomb
34 Youth ran in dir'n of north blk of flats across wasteland.				arm pulled back		& started running – holding the bomb

264.019-.022	264.023 – 026	264.016 - .018	264.027 - .033	264.034 - .049	264.050 - ?	262 – 264.08
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35 H fired 1 shot & hit youth's shoulder.	***As youth turned H fired 1 shot & hit youth in upper right arm or shoulder.***	***H fired 1 shot & hit youth in shoulder or upper arm.***	***H believed he was about to throw it & fired 1 shot – hit arm or shoulder.***	***H fired 1 shot & hit him in upper arm or shoulder.***		***H fired 1 shot & hit youth in shoulder/upper arm.***
36 Youth disappeared in crowd of people converging on 3 youths who were lying at side of broken car	Youth left the area the way he had come. Cannot say what happened to (1 to 3) youths who were not shot	Youth staggered away – did not drop bomb	Youth staggered back same way.			Youth continued running. There was no explosion
37 The youth had clutched his right hand shoulder but cont'd running.						
38	At the time of firing, H was wearing a gas mask – so not able to say where F, E, & G stood. Altho F was near boot of a car					F & G had moved forward & were out in open courtyard Thinks E may still hv been taking cover behind car/wall.
39	Knows E and G fired but did not see what they were aiming at					
40. 119 examined bodies of youths & later informed them dead.	Shortly after shooting 119 arr'd & went to look at the bodies					
41. The patrol cont'd along R St towards barricade.						
42. H ret'd along R St back towards junction with W St.				H moved back to under archway – 70 metres away from window.		
43. Patrol came under fire from a concealed sniper.						Next thing rems is muzzle sticking out of a window & shape moving behind window

264.019-.022	264.023 – 026	264.016 - .018	264.027 - .033	264.034 - .049	264.050 - ?	262 – 264.08
RMP #1 31.1.72 at 02:10hrs	**RMP # 2 undated -acc to BSI it was taken 31.1.72 at 2:30hrs**	**SA 27 Heritage TSOL + Loden 2.3.72**	**Widg oral Xx by Underhill – junior MoD**	**Widg oral Xx by McSparren – fams**	**Widg oral Xx by Gibbens – senior MoD (transcripts ends)**	**BSI statement**
44. H located sniper in toilet.	Engaged a sniper in toilet on south side carpark.	Heard shot & saw muzzle of rifle sticking out of window.	Heard a shot & saw a rifle muzzle sticking out of a frosted window.			Aware that F & G out in open Cd not shout warning because respirator. So started firing at window.
45.H fired 17 rounds at sniper.	***Fired total of 19 shots & 19th shot hit – saw him fall back.***	***H fired total of 19 shots at this window.***	***H fired aiming at centre of silhouette. Fired 19 shots in total***	***Fired 19 shots thru window. Rifle stayed stationary thruout – on 19th shot person fell taking rifle.***		***Muzzle remained in pos'n thru out but did not hear or see any rounds fired from it.***
46. H changed magazine & fired 2 rounds.		***Replaced magazine & fired further 2 shots. Last shot saw him fall.***	***Changed magazine (17 & 2)***	***(No frosted window was damaged by bullet fire). 1 bullet hole in bedroom window to right.***		***Rems changing magazine – rested old magazine on car or wall behind which was taking cover.***
47.			19th shot – saw man fall Gunman had come forward 19 times			After 19th shot – shape in window did not reappear & muzzle disappeared
48 Sniper did not return fire						
49						Does not rem seeing any soldier approach body of nailbomber.
50. Did not investigate premises.						Did not see F & G's movements or anyone approach sw or se corners
51	Rec'vd order to ceasefire from Soldier 202 (CSM)	Rec'vd order to ceasefire	Got order to pull back to vehicle.			Knows that they were told to ceaseffire & withdraw

Rossville St #2	Rossville St #2	Rossville St #2	Rossville St #2	Rossville St #2	Rossville St #2	Rossville St #2
52 H returned to vehicles	15 mins after these 2 incids returned to APC in R St.	Returned to vehicle	vehicle had moved forward towards RF			
53						Next memory is of standing guard as sentry close to wall where first debussed. He was ab 100 yards from his Pig taking cover.
54						He was called over to his Pig – rems running across open ground – got back into Pig.

264.019-.022	264.023 – 026	264.016 - .018	264.027 - .033	264.034 - .049	264.050 - ?	262 – 264.08
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55	Vehicle came under fire	Heard firing again & saw F engaging a target.	Heard firing & saw mbr of his platoon firing.			F & G were standing sentry at his Pig. Cannot rem whether heard shots hit Pig.
56	Fire was ret'd by F & G the 2 sentries		Vehicle guard was also firing.			Either F or G or both of them fired shots at this time – cannot rem how many
57	Understood that fire was directed from Blk 1 RF		Cd not see what he was firing at.			Did not see them shooting or what they were shooting at
58						SM 202 gv verbal debriefing – satisfied re why had opened fire.

SOLDIER H
BSI ORAL

DAY 377	DAY 378	DAY 378	DAY 378	DAY 378
BSI ORAL Christopher Clarke QC	Xx Seamus Treacy QC	Xx Michael Mansfield QC	Xx Lord Gifford QC	Re-exam Christopher Clarke QC

Pre entry	Pre entry	Pre entry	Pre entry	Pre entry
1 No recall of being told what to expect when he got to Derry				
2 Local units had let the hooligan problem get out of hand				
3				
4 'C' Co were going in 1st & they were foll In vehicles				
5 When they went in they were to arrest anyone who started rioting				

Entry	Entry	Entry	Entry	Entry
6 Agrees may hv bn stones hit Pig not bullets & 1972 recoll. of only 1 shot likely to be more accurate				
7 – 13				

DAY 377 BSI ORAL Christopher Clarke QC	DAY 378 Xx Seamus Treacy QC	DAY 378 Xx Michael Mansfield QC	DAY 378 Xx Lord Gifford QC	DAY 378 Re-exam Christopher Clarke QC
14 Agrees ATP were not surrounded by thousands of people Account of nos in 1st RMP smt was probably suggested to him				
15 - 18				

KW wall **KW wall** **KW wall** **KW wall** **KW wall**

19 When they got to the KW wall they had come under fire				
20 - 24				
25 The 'brick' of E,F,G & H remained tog as a unit at the KW wall & moved together to GPK. E was brick Commander & F 2nd in command. E & H foll'd F & G in In brick 2 men cover front & side & 2 cover rear & side. No recall of order to cease fire before the move into GPK				

S6.402

DAY 377	DAY 378	DAY 378	DAY 378	DAY 378
BSI ORAL Christopher Clarke QC	Xx Seamus Treacy QC	Xx Michael Mansfield QC	Xx Lord Gifford QC	Re-exam Christopher Clarke QC

GPN	GPN	GPN	GPN	GPN
26 Came under fire from the front as soon as they moved into GPk			Went in following F & G No specific order.	
27				
28 Agreed Widgery evidence that object in youth's hand was not smoking.				
29 Should only have fired 1 shot not 2				
30 -34				
35				Assumed youth was about to throw a nailbomb even tho he was running away with his back to H
36 -37				
38			Agreed that if E followed F down the east side of GPK he prob foll'd G down west side since H & G were the RHS of the 'brick' working around the north & west walls.	
39 No recall of E firing in GPK			Saw no men with rifles at the alley	
DAY 377	DAY 378	DAY 378	DAY 378	DAY 378

AS-6-403

BSI ORAL Christopher Clarke QC	Xx Seamus Treacy QC	Xx Michael Mansfield QC	Xx Lord Gifford QC	Re-exam Christopher Clarke QC
40			Could have followed G down the alley	
41 -46				
47 Window does not shatter.	Unaware of what Widgery said about the 19 shots. Never disciplined	Agreed evidence suggests frosted window was not in Glenfada Park		
48				
49				
50				
51 Did not fire or see anyone else fire from GPK into sector 5				

Rossville St #2	Rossville St #2	Rossville St #2	Rossville St #2	Rossville St #2	Rossville St #2
52 - 58					

General	General	General	General	General	General
59. Stayed in army 10 years+ after B/S & left as senior NCO		Reported to Major Loden' s pig which was near the wasteground and pointed out on a map where he had been when he fired his shots. Saw list for 1st time on Friday before giving evidence			
60 Accounts in his RMP statement					

ES-6-404

prob something which was sugg'd to him & to which he assented				

AS 6 · 403

APPENDIX FOUR

1. Criminal Justice (Temporary Provisions) Act (Northern Ireland) 1970

2. Public Order Act 1951

3. Public Order (Amendment) Act (Northern Ireland) 1970

FS 6. 406

Section 3.

SCHEDULE.

AMENDMENTS CONSEQUENTIAL ON THE PAYMENT OF BENEFIT IN RESPECT OF CHILDREN OTHER THAN THE ELDER OR ELDEST.

1. For paragraph (*b*) of sub-section (3) of section twenty-two of the principal Act (which prevents the payment of an increase of a retirement pension in respect of a child to both a man and his wife), there shall be substituted the following paragraph :—

"(*b*) where a man and his wife are both entitled to a pension by virtue of his insurance—

(i) they shall not both be entitled for the same period to an increase under this section in respect of the same child ;

(ii) if they would both (but for this provision) be entitled for the same period to an increase under this section at the weekly rate of ten shillings in respect of different children, one of them shall be entitled to an increase at that rate and the other (subject to sub-paragraph (i) hereof) to an increase at the weekly rate of two shillings and sixpence.".

2. In sub-paragraph (1) of paragraph 1 of the Fourth Schedule to the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 (which among other things prevents the payment of an allowance under section twenty-one of the said Act to more than one person), for the words from the beginning to "that allowance" there shall be substituted the words—

"Where two or more persons satisfy the conditions, in respect of the same death, for receipt of an allowance or allowances under section twenty-one of this Act for any period—

(i) not more than one of those persons shall be entitled for that period to such an allowance in respect of the same child ;

(ii) if two or more of those persons would, but for this provision, be entitled for that period to such an allowance at the weekly rate of ten shillings in respect of different children, one person shall be entitled to an allowance at that rate and the other or each of the others (subject to head (i) hereof) to an allowance at the weekly rate of two shillings and sixpence."

3. In sub-paragraph (2) of the said paragraph 1 of the said Fourth Schedule, at the end of head (*a*), there shall be inserted the words "or, as the case may be, to the allowance at the weekly rate of ten shillings."

4. In sub-section (2) of section thirty of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 (which excludes from the family for the purposes of the Family Allowances Act (Northern Ireland), 1945, a child in respect of whom benefit is payable under section twenty-one of that Act) after the word "benefit", where it first occurs, there shall be inserted the words "at the weekly rate of ten shillings".

1951. Chapter 19.

An Act to make certain provision with respect to the maintenance of public order and the prevention of disturbance of public meetings, and for purposes connected with the matters aforesaid.

[23rd August, 1951.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Notice of processions.

1.—(1) Any person or persons intending to organise or form a public procession (other than a public procession which is customarily held along a particular route) shall, not less than forty-eight hours before the proposed time of commencement of the procession, give written notice thereof, and of the route proposed to be taken and of such proposed time, to a district inspector, head constable or sergeant of the Royal Ulster Constabulary by leaving the notice with him at the constabulary station nearest to the proposed place of commencement of the procession.

(2) Any person organising or conducting or attempting to conduct a public procession—

(*a*) in respect of which due notice has not been given under this section ; or

(*b*) otherwise than in accordance with such a notice ;

shall be guilty of an offence against this Act.

(3) In this section the expression "public procession" does not include a funeral.

Powers for the preservation of public order in certain circumstances.

2.—(1) If any officer or head constable of the Royal Ulster Constabulary, having regard to the time or place at which and the circumstances in which any public procession is taking place or is intended to take place and to the route taken or proposed to be taken by the procession, has reasonable grounds for apprehending that the procession may occasion a breach of the peace or serious public disorder, whether immediately or at any time thereafter, he may give directions imposing upon the persons organising or taking part in the procession such conditions as appear to him necessary for the preservation of public order, including (but without

prejudice to the generality of the foregoing words) conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from entering any place specified in the directions.

(2) If at any time the Minister of Home Affairs is of opinion that by reason of the existence of particular circumstances the exercise of the powers conferred by the preceding sub-section will not be sufficient to prevent serious public disorder being occasioned by the holding of public processions or meetings in any place, he may make an order prohibiting for such period, not exceeding three months, as may be specified in the order the holding in that place of all public processions or meetings or of any class of public procession or meeting so specified.

(3) Any person who knowingly fails to comply with any directions given or conditions imposed under this section, or organises or assists in organising any public procession or meeting held or intended to be held in contravention of an order made under this section or incites any person to take part in such a procession or meeting, shall be guilty of an offence against this Act.

Provocative conduct.

3.—(1) Any person who in any public place or at or in relation to any public meeting or public procession uses threatening, abusive or insulting words or behaviour or displays anything or does any act or, being the owner or occupier of any lands or premises causes or permits anything to be displayed or any act to be done thereon, with intent to provoke a breach of the peace or whereby a breach of the peace or public disorder is likely to be occasioned, whether immediately or at any time thereafter, shall be guilty of an offence against this Act.

(2) Where a person is convicted of an offence under the preceding sub-section, any instrument or other thing in respect of which he is so convicted shall by the conviction become forfeited to the Crown.

Endeavours to break up public meetings.

4.—(1) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an offence against this Act.

(2) If any officer or constable of the Royal Ulster Constabulary reasonably suspects any person of committing an offence under this section, he may if requested

so to do by the chairman of the meeting require that person to declare to him immediately his name and address, and if that person refuses or fails so to declare his name and address or gives a false name and address he shall be guilty of an offence against this Act.

(3) The Public Meeting Act, 1908, is hereby repealed. 8 Edw. 7. c. 66.

Penalties for offences against this Act, etc.

5.—(1) Any person who commits an offence under section one or under section three of this Act shall on summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and such fine.

(2) Any person who commits an offence under section two of this Act shall on summary conviction be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(3) Any person who commits an offence under sub-section (1) of the last preceding section at a political meeting held with reference to a parliamentary election in any constituency between the date of the issue of the writ and the date on which a return to the writ is made, shall on summary conviction be liable to the like pecuniary and other penalties as if he had been guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883. 46 & 47 Vict., c. 51.

(4) Any person who commits an offence under sub-section (1) of the last preceding section at a meeting held with reference to a local government election in the electoral area for that election on, or within three weeks before, the day of election shall be guilty of an illegal practice within the meaning of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884. 47 & 48 Vict., c. 70.

(5) Any person who at any meeting other than such as are referred to in the last two preceding sub-sections commits an offence under sub-section (1) of the last preceding section shall on summary conviction be liable to

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imprisonment for a term not exceeding three months or to a fine of twenty-five pounds or to both such imprisonment and such fine.

(6) Any person who commits an offence under subsection (2) of the last preceding section shall on summary conviction be liable to a fine not exceeding five pounds.

(7) Any person who incites or procures or endeavours to persuade others to commit an offence under this Act shall be guilty of a like offence.

(8) An officer or constable of the Royal Ulster Constabulary may without warrant arrest any person reasonably suspected by him to be committing or to have committed an offence against this Act.

Interpretation.

6.—(1) In this Act the expression—

"meeting" means a meeting held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters;

"public meeting" includes any meeting in a public place and any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise;

"public place" includes any street, road or highway and any place to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise;

"public procession" means a procession in a public place.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) A reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

Short Title.

7. This Act may be cited as the Public Order Act (Northern Ireland), 1951.

1951. Chap

An Act to amend the law rela other benefits payable to a persons who administer ju connected therewith.

BE it enacted by the King's and the Senate and th Northern Ireland in this prese and by the authority of the sa

PART

County Co

1.—(1) Every county c the commencement of this Ac the end of the completed yea which he attains the age of se

Provided that where any to vacate his office, not hav service, he may continue in completed year of service in years' service or attains the ag first occurs.

(2) The Minister of Ho to time recommend to the Mi shall be paid to any county by way of pension calculat provisions of the First Schec

(*a*) if his office is va preceding sub-sect

(*b*) if the said Ministe medical certificate of mind or body, h the duties of his o is likely to be per

(*c*) if he retires after the time of retire sixty-five.

(3) A person about to judge may elect that he appointed, furnish evidence

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of Eggs Acts (Northern together as the Marketing o 1970.

Public Order (Amendment) Act (Northern Ireland) 1970

1970. Chapter 4

An Act to make further provision for the maintenance of public order and the prevention of disturbance of lawful public processions and public meetings; to prohibit the wearing of uniforms in connection with political objects and the maintenance by private persons of associations of a military or similar character; to prohibit the carrying of offensive weapons in public places without lawful authority or reasonable excuse; and for purposes connected with those matters.

[5th February 1970]

BE it enacted by the Queen's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 1 of the Act of 1951. c. 19.

1.—(1) It shall be an offence under section 1 of the Public Order Act (Northern Ireland) 1951 (in this Act referred to as "the Act of 1951") for any person knowingly to take part in a public procession in respect of which notice required by that section has not been given or which is organised or conducted otherwise than in accordance with such a notice and, accordingly, in subsection (2) of that section after the words "attempting to conduct" there shall be inserted the words "or knowingly taking part in".

(2) The notice required by subsection (1) of section 1 of the Act of 1951 to be given by persons intending to organise or form certain public processions shall be given not less than seventy-two hours before the proposed time of commencement of the procession and, accordingly, in that subsection for the words "forty-eight" there shall be substituted the words "seventy-two".

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(3) At the end of subsection (3) of section 1 of the Act of 1951 there shall be added the words "or a procession organised by or on behalf of, and in furtherance of the lawful industrial objects of, a trade union".

Amendment of s. 2 of the Act of 1951.

2.—(1) At the end of section 2 (1) of the Act of 1951 there shall be added the following words:—

"and it shall be the duty of such officer or head constable in exercising his powers under this subsection to have regard to the time at which written notice of an intended procession is first given under section 1 and to the desirability of not interfering with a public procession customarily held along a particular route."

(2) For subsection (2) of section 2 of the Act of 1951 there shall be substituted the following subsection:—

"(2) If at any time the Minister of Home Affairs is of opinion in consequence of information furnished to him by any county or district inspector of the Royal Ulster Constabulary or for any other reason that the exercise of the powers conferred by the preceding subsection will not be sufficient to prevent serious public disorder being occasioned by the holding of any public procession in any place, he may—

(*a*) make an order permitting the public procession but prohibiting, for such period not exceeding one month as may be specified in the order, the holding of any other public procession or any public meeting in that place or any other place so specified; or

(*b*) make an order prohibiting, for such period not exceeding twelve months as may be specified in the order, the holding in that place of all public processions or of any class of public procession so specified."

(3) A recital in any order made by the Minister of Home Affairs under section 2 (2) of the Act of 1951 as to his opinion and the information upon which that opinion was formed shall be conclusive evidence of the matters stated therein.

(4) After section 2 (3) of the Act of 1951 there shall be added the following subsection:—

"(4) Any person who knowingly takes part in any public procession or meeting held in contravention of an order under this section shall be guilty of an offence against this Act."

Protection of public rights, buildings and activities.

3. After section 3 of the Act of 1951 there shall be inserted the following sections:—

"Endeavours to break up public processions.

3A.—(1) Any person who for the purpose of preventing or hindering any lawful public procession or of annoying persons taking part in or endeavouring to take part in any such procession hinders, molests, obstructs or acts in a disorderly manner towards, or behaves offensively and abusively towards, those persons or any of them shall be guilty of an offence against this Act.

(2) If any member of the Royal Ulster Constabulary reasonably suspects any person of committing or being about to commit or of having committed an offence under subsection (1) of this section he may require that person to declare to him immediately his name and address, and if that person refuses or fails so to declare his name or address or gives a false name or address he shall be guilty of an offence against this Act.

Obstructive sitting etc. in public places.

3B.—(1) Any person who, by sitting, kneeling or lying down in a public place, wilfully obstructs or seeks to obstruct traffic or wilfully hinders, or seeks to hinder, any lawful activity, shall be guilty of an offence against this Act.

(2) Subsection (2) of section 3A of this Act shall apply to an offence under subsection (1) of this section as it applies to an offence under subsection (1) of that section.

Protection of public buildings and activities.

3C.—(1) Any person who—

(*a*) enters any public building as a trespasser; or

(*b*) not being engaged in the discharge of duties, or the performance of obligations, connected with activities normally carried on in a public building or in part of a public building, wilfully neglects or fails to comply as soon as is practicable with a direction to leave that building or that part being a direction given by—

(i) a person authorised in writing by a body or authority owning, or lawfully occupying or using, the building or any part of the building to give such directions

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with respect to that building or that part; or

(ii) a member of the Royal Ulster Constabulary at the request of any person so authorised; or

(*c*) knowingly interferes with the carrying on of any lawful activity in any public building;

shall, without prejudice to the operation of any other enactment or rule of law, be guilty of an offence against this Act.

Provided that nothing in paragraph (*c*) shall operate to penalise—

(i) any lawful picketing carried on outside a public building; or

(ii) any other lawful act done;

by or on behalf of a trade union in contemplation or in furtherance of a trade dispute.

(2) A member of the Royal Ulster Constabulary, if so requested by a person authorised to give directions for the purposes of paragraph (*b*) of subsection (1) of this section with respect to any building or part of a building, may remove from that building or that part any person who commits an offence under that paragraph in that building or that part.

(3) A person authorised to give directions for the purposes of paragraph (*b*) of subsection (1) of this section with respect to any building or part of a building shall, if so required by any person to whom a direction is given under that paragraph to leave that building or that part, produce his authorisation to give such a direction.

(4) References in this section to a public building include references to any building which is owned, occupied or used for any purpose by or on behalf of a government department or a local or public authority or for the purposes of any grant-aided school or institution for further or higher education or which is occupied or used for parliamentary, judicial or police purposes, to any part of such a building and to any place or thing which is within the curtilage of such a building and, for the purposes of this section, any [illegible] which is—

(*a*) part of the Stormont Estate within the meaning of the Stormont Regulation and Government Property Act (Northern Ireland) 1933; or c. 6.

(*b*) part of the demesne and other lands referred to in section 1 of the Government Property (Amendment) Act (Northern Ireland) 1955; c. 2.

shall be deemed to be within the curtilage of a public building.

(5) For the purposes of subsection (4) "local or public authority" includes any local authority or any authority, committee or board appointed wholly or partly by a local authority and any board, commissioners or other body authorised to supply services under any statutory provision whether of a general or special nature and any other public authority, board, commissioners or body of any kind constituted by or under any statutory provision, whether of a general or special nature and in this subsection "statutory provision" has the meaning assigned to it by paragraph (f) of section 1 of the Interpretation Act (Northern Ireland) 1954." c. 33.

Amendment of s. 5 of the Act of 1951.

4.—(1) Section 5 of the Act of 1951 (penalties and enforcement) shall have effect subject to the succeeding provisions of this section.

(2) In subsections (1) and (5) of the said section 5, for the words "three months" there shall be substituted the words "six months" and for the words "twenty-five pounds" there shall be substituted the words "one hundred pounds".

(3) For subsection (2) of the said section 5 there shall be substituted the following subsections:—

"(2) Any person who commits an offence under section 2, under subsection (1) of section 3A or under section 3C of this Act shall be liable—

(*a*) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine; or

(*b*) on conviction on indictment, to imprisonment for a term not exceeding tw[illegible]rs or to a fine not exceeding five hundred pounds o[illegible] both such imprisonment and

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(2A) Any person who commits an offence under subsection (1) of section 3B of this Act shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding fifty pounds or to both such imprisonment and such fine."

(4) For subsection (6) of the said section 5 there shall be substituted the following subsection:—

"(6) Any person who commits an offence under subsection (2) of section 3A of this Act, or under that subsection as applied by subsection (2) of section 3B of this Act, or under subsection (2) of section 4 of this Act shall be liable on summary conviction to a fine not exceeding twenty pounds."

(5) Nothing in this section shall affect the amount of any fine or the duration of any term of imprisonment which may be imposed on conviction for an offence committed before the passing of this Act.

nendment s. 6 of the t of 1951.

5. In section 6 of the Act of 1951 (interpretation) at the end of the definition of "public procession" there shall be added the words "whether or not involving the use of vehicles or other conveyances".

earing iform.

6.—(1) Subject as hereinafter provided, any person who in any public place or any public meeting place or in any public meeting wears uniform signifying his association with any political organisation or with the promotion of any political object, shall be guilty of an offence:

Provided that, if the Inspector General is satisfied that the wearing of any such uniform as aforesaid on any ceremonial anniversary, or other special occasion, will not be likely to involve risk of public disorder, he may, with the consent of the Minister of Home Affairs, by order permit the wearing of such uniform on that occasion either absolutely or subject to such conditions as may be specified in the order.

(2) Where any person is charged before any court with an offence under this section, no further proceedings in respect thereof shall be taken against him without the consent of the Attorney-General, except such as the court may deem necessary by remand (whether in custody or bail) or otherwise to secure the due appearance of the person charged, so, however, that if the person is remanded in custody he shall after the expiration of a period of eight days from the date on which he was so remanded, be entitled to be discharged from custody on entering into a recognisance without sureties, unless within that peri[illegible]e Attorney-General has consented to such further proceed[illegible]gs as aforesaid.

(3) Any person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

Prohibition of quasi-military organisations.

7.—(1) If the members or adherents of any association of persons, whether incorporated or not, are—

(*a*) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the Royal Ulster Constabulary or the Ulster Special Constabulary or of the armed forces of the Crown; or

(*b*) organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose;

then any person who is a member or adherent of the association or who takes part in the control or management of the association, or in so organising or training as aforesaid any members or adherents thereof, shall be guilty of an offence under this section:

Provided that in any proceedings against a person charged with the offence of taking part in the control or management of such an association as aforesaid it shall be a defence to that charge to prove that he neither consented to nor connived at the organisation, training, or equipment of members or adherents of the association in contravention of the provisions of this section.

(2) No prosecution shall be instituted under this section without the consent of the Attorney-General.

(3) If upon application being made by the Attorney-General it appears to the High Court that any association is an association of which members or adherents are organised, trained, or equipped in contravention of the provisions of this section, the Court may make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the association and in accordance with rules of court may direct an inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association and make such further orders as appear to the Court to be just and equitable for the application of such property in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or since that date with the approval of the Court, in or towards the repayment of moneys to persons who became subscribers or contributors t[illegible] association in good faith and without knowledge of any suc[illegible]ontravention as aforesaid, and in or towards any costs incurred in connection with a[illegible]

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and report as aforesaid or in winding up or dissolving the association, and may order that any property which is not directed by the Court to be so applied as aforesaid shall be forfeited to the Crown.

(4) In any criminal or civil proceedings under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association (whether those persons or others) were organised, or trained, or equipped.

(5) If a judge of the High Court is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by a member of the Royal Ulster Constabulary of a rank not lower than that of head constable, grant a search warrant authorising any such member as aforesaid named in the warrant together with any other persons named in the warrant and any constables to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which a constable has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

Provided that no woman shall, in pursuance of a warrant issued under this subsection, be searched except by a woman.

(6) Nothing in this section shall be construed as prohibiting the employment by the organisers of any lawful public procession or lawful public meeting of a reasonable number of persons as stewards to assist in the preservation of order at that procession or meeting, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.

(7) Any person who incites, or procures, or endeavours to persuade others to commit, an offence under this section shall be guilty of an offence under this section.

(8) Any person who commits an offence under this section by reason only of his being a member or adherent of an association shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine

(9) Any person who commits an offence under this section other than an offence to which subsection (8) applies shall be liable—

(*a*) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine; or

(*b*) on conviction on indictment to imprisonment for a term not exceeding five years or to a fine not exceeding one thousand pounds or to both such imprisonment and such fine.

Prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse.

8.—(1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence and shall be liable—

(*a*) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine; or

(*b*) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(2) Where any person is convicted of an offence under subsection (1), the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

(3) A constable may arrest without warrant any person whom he has reasonable cause to believe to be committing an offence under subsection (1), if the constable is not satisfied as to that person's identity or place of residence, or has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of committing which an offensive weapon might be used.

(4) In this section "offensive weapon" means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him; and "public place" has the same meaning as in the Act of 1951.

Citation.

9.—(1) This Act may be cited as the Public Order (Amendment) Act (Northern Ireland) 1970.

(2) This Act and the Public Order Act (Northern Ireland) 1951 may be cited together as the Public Order Acts (Northern Ireland) 1951 and 1970

c. 19.

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TY REPEALS

	Extent of Repeal
ise) nd)	With effect from 15th February 1971, section 12 (4).
	In section 13 (6) the words "not exceeding three tons in unladen weight".
Nor-).	Section 8.

d, this Part has effect from

V
UTY REPEALS

	Extent of Repeal
otter- n Ire-	In section 8 (4) the words from "plus an amount" to the end.
(Nor- 969.	Section 14 (1).
	In Schedule 4, paragraph 2.

ookmaking office licences issued in on or after 1st June 1970.

Criminal Justice (Temporary Provisions) Act (Northern Ireland) 1970

1970. Chapter 22

An Act to provide for the imposition of minimum sentences of imprisonment on persons convicted of certain offences committed during the period of the present emergency; and for related purposes.

[1st July 1970]

BE it enacted by the Queen's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Minimum sentences to be imposed for certain offences.

1.—(1) Subject to subsection (3), any person who is convicted of an offence, committed during the period of the present emergency, under any of the statutory provisions mentioned in column 1 of the Schedule shall, notwithstanding anything to the contrary contained in that or in any other statutory provision, be sentenced to imprisonment for not less than the period specified opposite that provision in column 2 of the Schedule.

(2) For the purposes of subsection (1) "period of the present emergency" means the period beginning with the 30th day of June 1970 and ending with such day as the Governor may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end.

(3) Nothing in this section shall prejudice or affect any power of pardoning or reprieving offenders or remitting sentences which is exercisable under or by virtue of the Royal Prerogative.

Short title.

2. This Act may be cited as the Criminal Justice (Temporary Provisions) Act (Northern Ireland) 1970.

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Section 1.

SCHEDULE

Statutory provision creating offence	Minimum sentence to be imposed therefor
The Malicious Damage Act 1861 (c. 97) sections 1 to 18	Twelve months.
section 51	Six months.
The Explosives Act 1875 (c. 17) sections 4 or 5	Twelve months.
The Explosive Substances Act 1883 (c. 3) section 2	Five years.
sections 3, 4 or 5	Two years.
The Criminal Law and Procedure (Ireland) Act 1887 (c. 20) section 2	Six months.
The Public Order Act (Northern Ireland) 1951 (c. 19) sections 1, 2, 3, 3A (1), 3B (1), 3C or 4 (1)	Six months.
The Summary Jurisdiction Act (Northern Ireland) 1953 (c. 3) section 26	If the amount of the damage, in the opinion of the court, exceeds £5, six months, otherwise three months.
The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28) section 9	Six months in the case of a person convicted of riotous or disorderly behaviour in, or of any behaviour whereby a breach of the peace is likely to be occasioned in, any street, road, highway or other public place.
The Firearms Act (Northern Ireland) 1969 (c. 12) section 1 (1)	Six months.
section 1 (3)	Three months.
sections 14, 15 or 16	Three years.
sections 17, 18 or 19	Two years.
sections 20 or 21	Six months.
sections 39 (2), 39 (5) or 41 (3)	Six months.
Protection of the Person and Property Act (Northern Ireland) 1969 (c. 29) sections 1 or 2	Twelve months.
section 3	Two years.

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Statutory provision creating offence	Minimum sentence to be imposed therefor
Public Order (Amendment) Act (Northern Ireland) 1970 (c. 4) section 6	One month.
sections 7 or 8	If on summary conviction, six months and, if on conviction on indictment, twelve months.