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dated 15 June 2010 for the

# Report of the Bloody Sunday Inquiry

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

## Volume V

Sector 3: Events in  
Rossville Street

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

## **Volume V**

### Sector 3: Events in Rossville Street

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## **VOLUME V**

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Sector 3: Events in Rossville Street

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# Sector 3: Events in Rossville Street

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# Chapter 67: Introduction

67.1 Sector 3 is concerned with what happened in the area of Rossville Street, to the immediate west of the area covered by Sector 2. The area covered by Sector 3 is highlighted on the map below.



**67.2** There is no doubt that in Sector 3 Michael Kelly, Hugh Gilmour,<sup>1</sup> John Young, Michael McDaid, William Nash and Kevin McElhinney were killed by Army gunfire. Alexander Nash, the father of William Nash, was wounded by gunfire having probably previously been hit by a baton round, though whether his gunshot wound was the result of Army or civilian gunfire was a matter of dispute. All these casualties occurred in the area of the rubble barricade on Rossville Street, which we describe in detail below. It was submitted by the soldiers' representatives that there was at least one additional casualty of Army gunfire in this area, who was engaged in paramilitary activity when he was shot, but whose existence has for this reason been kept secret.<sup>2</sup> We consider this submission later in this report.<sup>3</sup>

<sup>1</sup> In many documents the surname of this casualty is given as "Gilmore" but we understand that "Gilmour" is correct.

<sup>2</sup> [FS7.1848](#)

<sup>3</sup> [Chapter 87](#)

**67.3** It must be kept in mind that, to a significant degree, there is a chronological overlap between the events of Sector 2 and those of Sector 3.

# Chapter 68: The layout of this part of the city

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**68.1** The most important feature in Sector 3 was the rubble barricade on Rossville Street, the position of which is marked on the map shown above,<sup>1</sup> since it was at that barricade or in its immediate vicinity that the casualties of Sector 3 were shot. We describe this barricade later in this chapter.<sup>2</sup>

<sup>1</sup> [Paragraph 67.1](#)

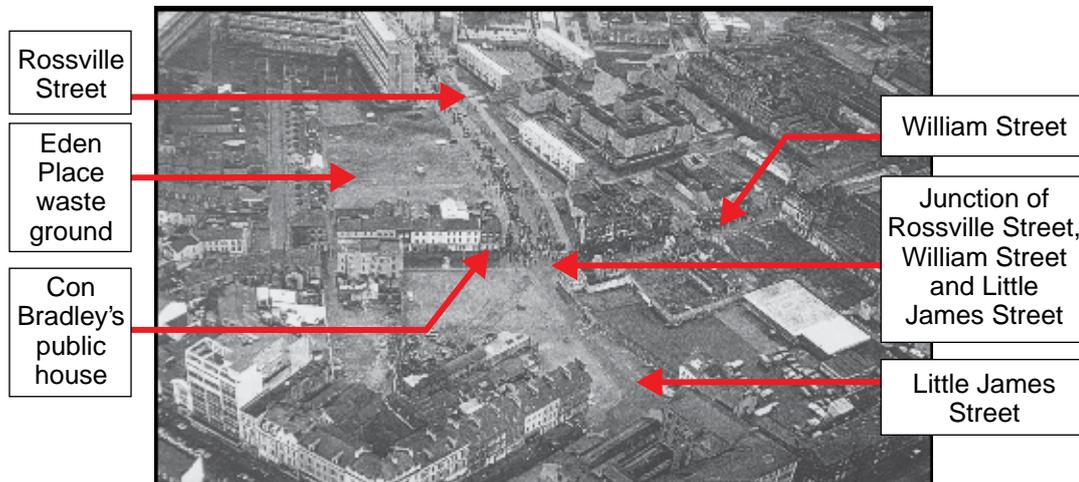
<sup>2</sup> [Paragraphs 68.30–35](#)

## Rossville Street

**68.2** As can be seen from the map reproduced below, Rossville Street ran from the junction of William Street and Little James Street in a south-westerly direction towards Free Derry Corner. For most of its length there was a relatively wide area of footpath or open ground on either side of the road. The distance between the junction of William Street and Little James Street and Free Derry Corner was approximately 370 yards. The distance from that junction to the north-eastern corner of Block 1 of the Rossville Flats, which ran along the eastern side of Rossville Street, was approximately 140 yards. From Barrier 12 in Little James Street to the same corner of Block 1 of the Rossville Flats was approximately 240 yards.



- 68.3** The junction of Rossville Street, William Street and Little James Street, which was sometimes referred to, usually by the Army, as Aggro Corner, is shown near the centre of the following aerial photograph.



- 68.4** Rossville Street is the street leading from that junction towards the top of the photograph, in the direction of Free Derry Corner, which is out of view. This photograph, although approximately contemporaneous with Bloody Sunday, was taken on another occasion and does not show the Northern Ireland Civil Rights Association march on that day.

## The south-eastern side of Rossville Street

- 68.5** As can be seen from the aerial photograph shown above, the route from the junction with William Street down the south-eastern side of Rossville Street passed initially along the side of Con Bradley's public house, which fronted onto William Street, and adjacent buildings. These buildings extended from William Street for about 25 yards along Rossville Street, before the area opened up into the Eden Place waste ground, at the point at which a soldier is shown kneeling in a photograph (shown below) taken on Bloody Sunday by Colman Doyle of the *Irish Press*.



**68.6** For approximately 100 yards beyond that point, the left side of Rossville Street passed along the north-western edge of the Eden Place waste ground, upon which the buildings of Eden Place and Pilot Row had formerly stood. Nothing remained of those buildings in January 1972, but the position previously occupied by the two streets was still discernible. They ran approximately parallel to one another from Rossville Street to the backs of the houses of Chamberlain Street on the opposite side of the waste ground. This area has been described in greater detail in our description of Sector 2.<sup>1</sup> At the south-western end of the waste ground, an access road led off Rossville Street to the car park of the Rossville Flats.

<sup>1</sup> [Paragraphs 23.12–20](#)

**68.7** Block 1 of the Rossville Flats, which was situated beyond this access road, was a ten-storey residential building containing both flats and maisonettes. It was a little over 60 yards long and ran parallel to Rossville Street. We have provided a fuller description of the Rossville Flats in the part of the report concerned with Sector 2.<sup>1</sup>

<sup>1</sup> [Paragraphs 23.25–38](#)

**68.8** A partly paved footpath about 8 yards wide separated the front of Block 1 from Rossville Street. This can be seen in the following photograph, which shows the view towards William Street from a point near the south-western end of Block 1, and also shows part of the rubble barricade, which we describe below.<sup>1</sup>

<sup>1</sup> [Paragraphs 68.30–35](#)



**68.9** The main entrance to Block 1 was situated at the south-western end of the side overlooking Rossville Street. It consisted of a double door, outside which was a canopy supported by four posts. The entrance can be seen in a photograph (which we show below) taken by Eamon Melaugh, although not on Bloody Sunday, which also shows the telephone kiosk that was located around the corner from the main entrance, at the southern end of Block 1.



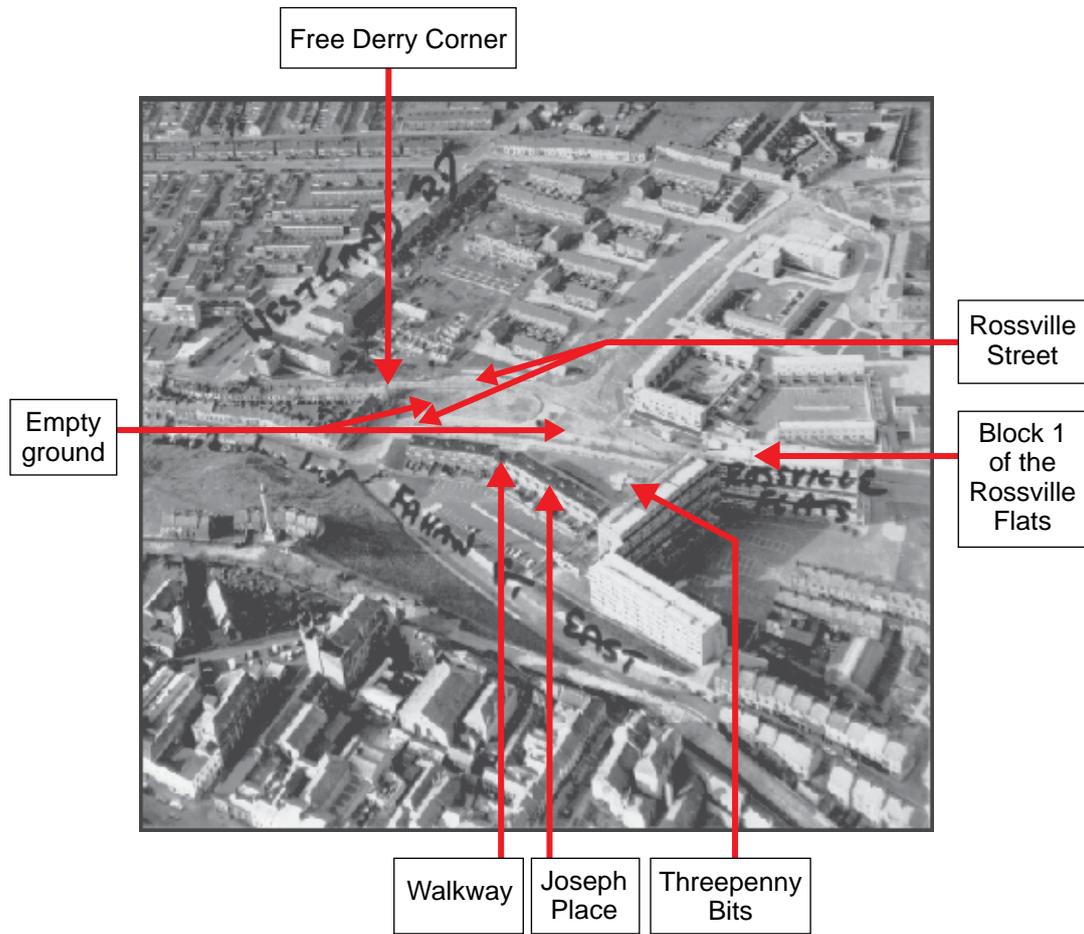
- 68.10** On the right side of the photograph above can be seen the lowest of three walkways that connected Block 1 to Block 2. In the foreground is visible one of six low hexagonal brick structures known to many witnesses as the Threepenny Bits. These can be seen more clearly in a photograph taken from Block 2 on Bloody Sunday by Derrick Tucker Senior.



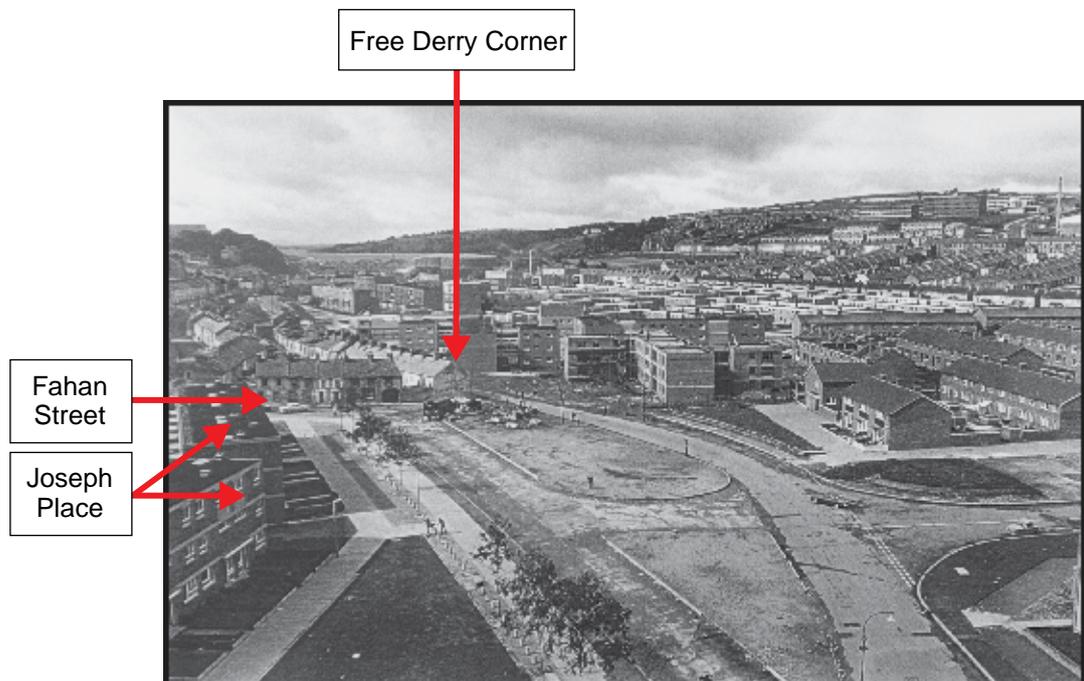
**68.11** Between the Threepenny Bits and Block 2 of the Rossville Flats there was access to a pedestrianised area leading off Rossville Street towards the City Walls. A line of trees occupied the centre of this area. The trees can be seen in the following photograph which also shows the south-western (front) side of Block 2 and Rossville Street in the background.



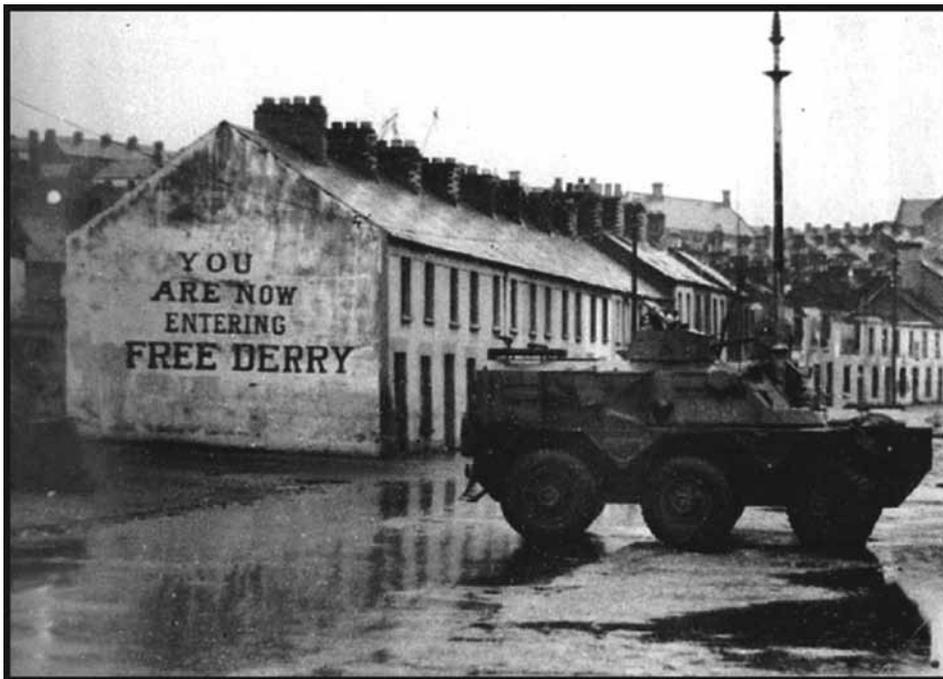
**68.12** The distance from the main entrance to Block 1 of the Rossville Flats to Free Derry Corner was approximately 175 yards. In this area Rossville Street became broader and the road divided into two carriageways, separated by two islands of empty ground. On the south-eastern side of the road, extending along most of this distance, lay the two three-storey residential blocks of Joseph Place. The first of these blocks, that is, the block closer to the Rossville Flats, was set back some 40 yards from the road at its north-eastern end but ran towards the road in a south-westerly direction. The second block of Joseph Place ran parallel to the road and closer to it. A second-floor walkway connected the two blocks. All these features can be seen in the following aerial photograph.



68.13 The next photograph shows the south-western end of Rossville Street, with the two blocks of Joseph Place on the left of the picture.

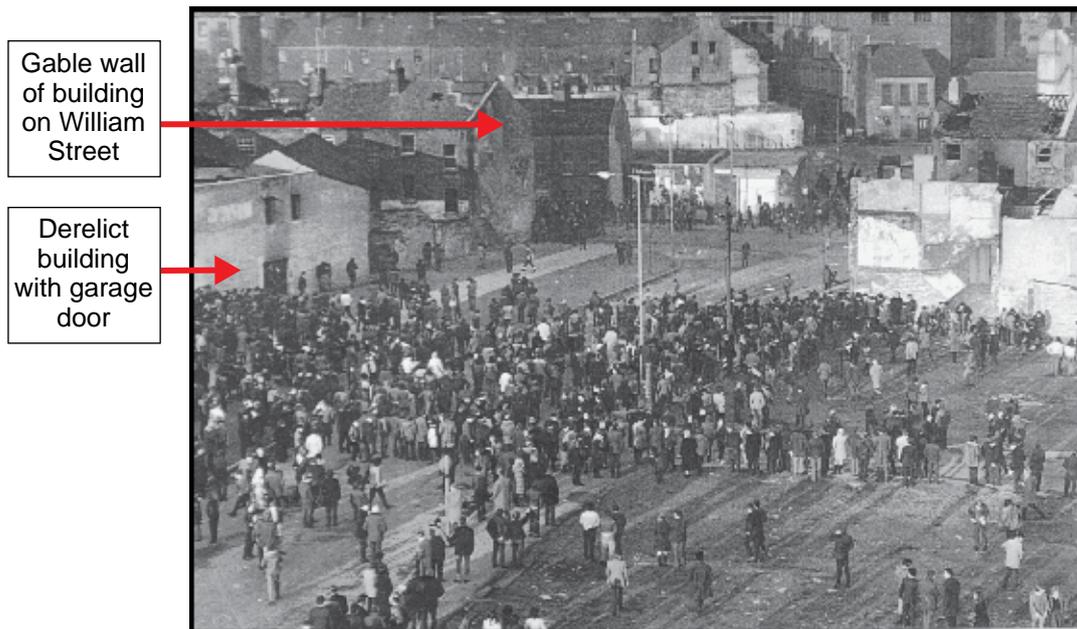


**68.14** As the photograph shows, the carriageway that ran in front of Joseph Place ended at a T-junction. At this junction it met Fahan Street, on which were situated a small terrace of houses and, further to the west, the gable wall of Free Derry Corner painted with the inscription “*YOU ARE NOW ENTERING FREE DERRY*”. The other carriageway of Rossville Street ran past Free Derry Corner on the western side, beyond which point the street became Lecky Road. The following photograph shows Free Derry Corner. This photograph was not taken on Bloody Sunday.

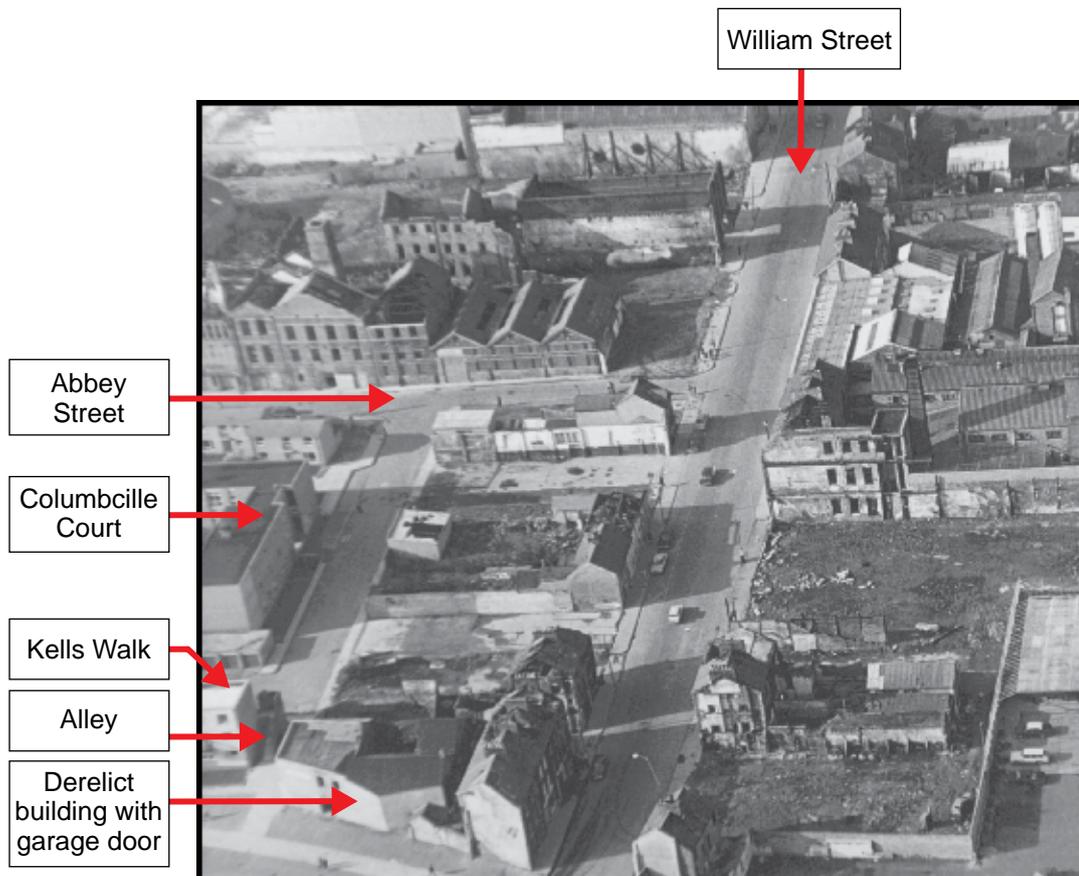


## The north-western side of Rossville Street

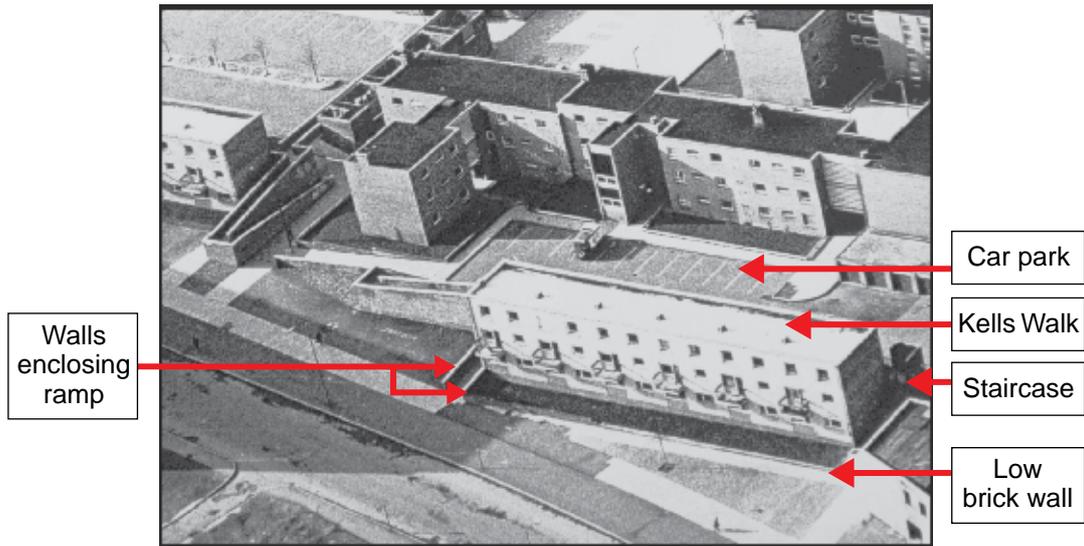
- 68.15** Closest to the junction with William Street on the north-western side of Rossville Street were the gable wall of a building on William Street and an adjacent lower wall. The next building to the south had a large garage door on the ground floor. The inside of the latter building was in a derelict state on Bloody Sunday. The following photograph, taken on Bloody Sunday, shows this part of Rossville Street.



- 68.16** The residential block known as Kells Walk was the next building on Rossville Street after the building with the garage door. Between Kells Walk and the latter building was an alley, occasionally also referred to as Kells Walk, which gave pedestrian access to a road that ran along the northern side of Columbcille Court, which was the larger complex of flats that lay behind Kells Walk, and led to Abbey Street. These features are illustrated in the following aerial photograph.



**68.17** Kells Walk was a rectangular three-storey block, about 40 yards long, positioned alongside Rossville Street, opposite the Eden Place waste ground. At first floor level each maisonette had access to a small balcony overlooking Rossville Street. In front of the block, and beneath these balconies, lay a small garden area enclosed by a low, and in places dilapidated, brick wall. At the southern end of the block a ramp passed between two slightly higher brick walls, giving pedestrian access to a parking area on the eastern side of Columbcille Court. The more northerly of the walls that enclosed this ramp projected from the southern end wall of Kells Walk. At the northern end of Kells Walk was an external staircase leading to a walkway (sometimes referred to as a verandah), which ran the length of the western side of the building at first floor level. Most of these features (although not the first floor walkway) can be seen in the following aerial photograph.



**68.18** The staircase at the northern end of the Kells Walk building is shown clearly in the photograph below, which was taken on Bloody Sunday by Jeffrey Morris of the *Daily Mail*.

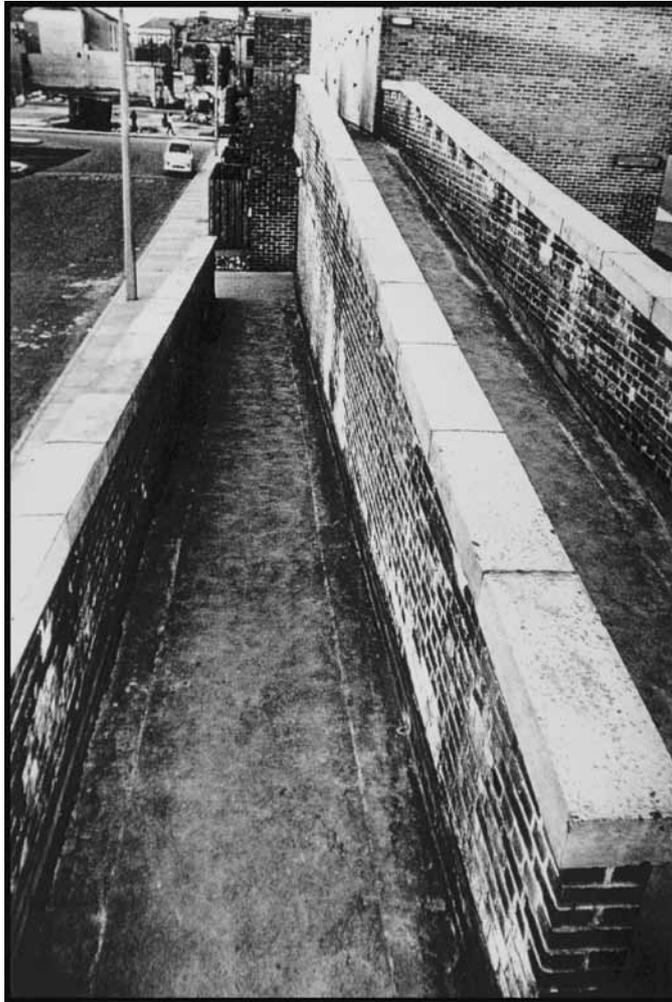


**68.19** A clearer view of the walls between which the ramp at the southern end of Kells Walk passed is given in two further photographs taken on Bloody Sunday, the first by Jeffrey Morris, from the north looking south, and the second by a freelance photographer, Liam Mailey, from the south looking north.



- 68.20** As the second of these photographs shows, the ramp described above passed beneath the upper flight of another ramp, sometimes referred to as a pram-ramp, which led down from the walkway, or verandah, at first floor level on the west side of Kells Walk. The upper flight of that ramp descended from north to south. The lower flight returned from south to north on the Columbcille Court side to complete the descent, and at ground level

met the ramp that gave access from Rossville Street. The descent of the ramp from the first floor walkway of Kells Walk can be seen in a photograph taken by Larry Doherty of the *Derry Journal* from halfway up the ramp, looking towards Kells Walk.



- 68.21** The next feature to the south on this side of Rossville Street was a brick wall, about 4ft high, which started from the southern end of the ramp that led down from the first floor walkway of Kells Walk. This wall projected a short distance towards Columbcille Court before turning to the left and running south for about 15 yards, approximately parallel to Rossville Street. Most of this wall can be seen on the left side of another of Liam Mailey's photographs.

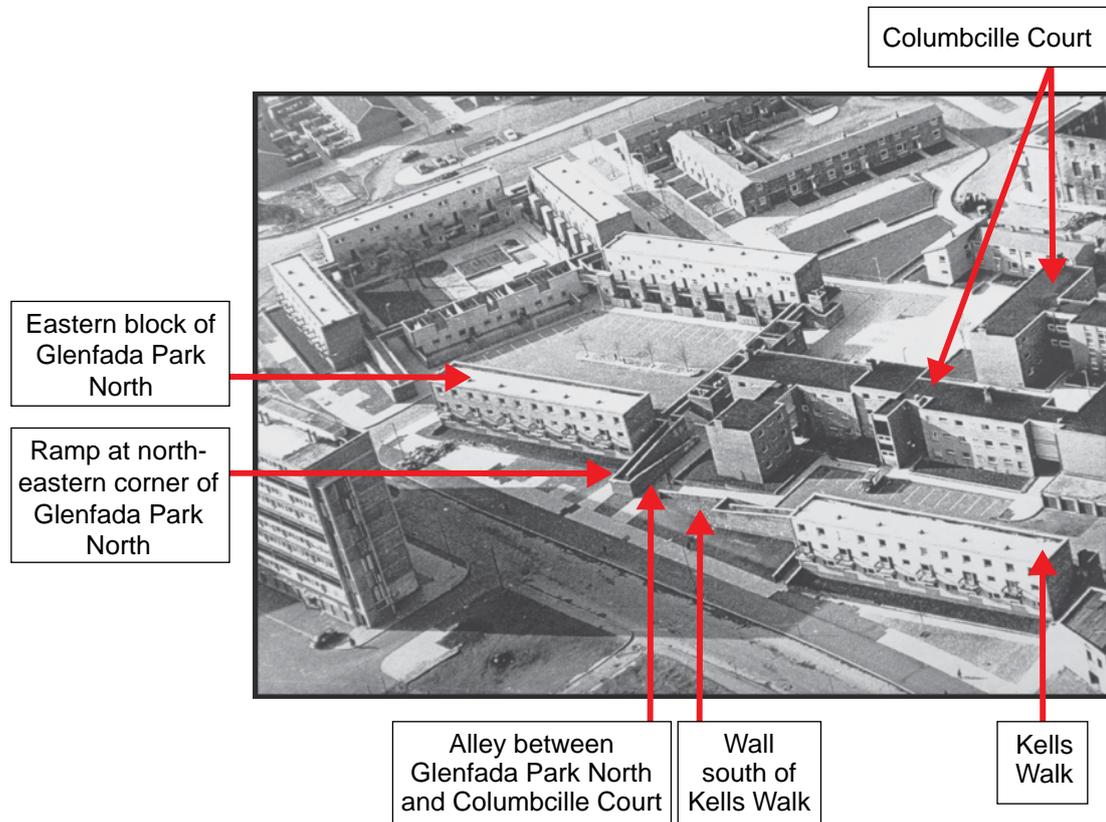


- 68.22** Beyond the southern end of this wall, an alley led off Rossville Street, passing between Columbcille Court to the north, and Glenfada Park North to the south. The entrance to the alley can be seen in a photograph taken on Bloody Sunday by Private 017.



- 68.23** As the photograph above shows, on the southern side of the alley, and lying parallel to it, was situated a ramp, again sometimes referred to as a pram-ramp, which rose in two flights, leading to a walkway. This walkway gave access at first-floor level to the Glenfada Park complex of buildings. To the south of the ramp, and overlooking Rossville Street opposite Block 1 of the Rossville Flats, lay the eastern block of Glenfada Park North. This three-storey block was similar in size and design to Kells Walk. As at Kells Walk,

there were balconies on the eastern side of the block at first floor level, and beneath the balconies a low brick wall enclosed a garden area. The walkway reached from the ramp ran along the other side of the block, facing the interior of Glenfada Park North. The following aerial photograph shows these features.



**68.24** Another photograph taken by Jeffrey Morris on Bloody Sunday provides a closer view of the eastern block of Glenfada Park North.



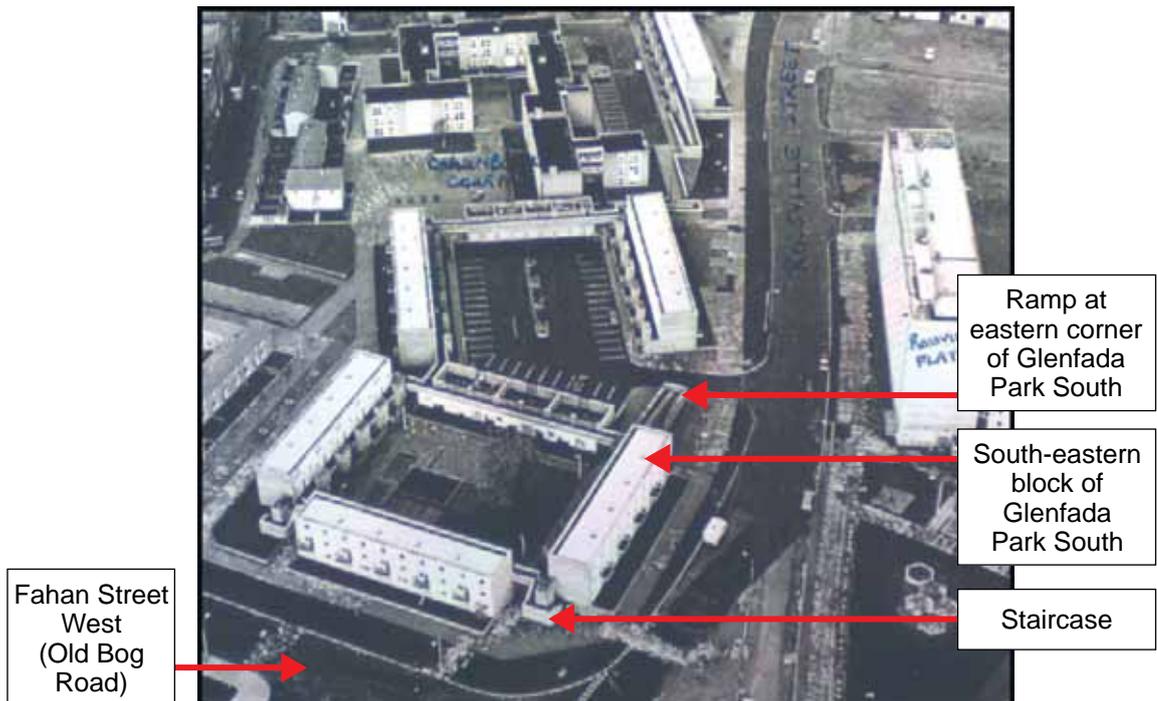
- 68.25** It was possible to reach the interior of Glenfada Park North either through a passage leading to the left from the foot of the ramp, or by an entry between the ramp and the northern wall of the eastern block of Glenfada Park North. The second of these routes is illustrated in a photograph taken by Larry Doherty from Block 1 of the Rosville Flats.



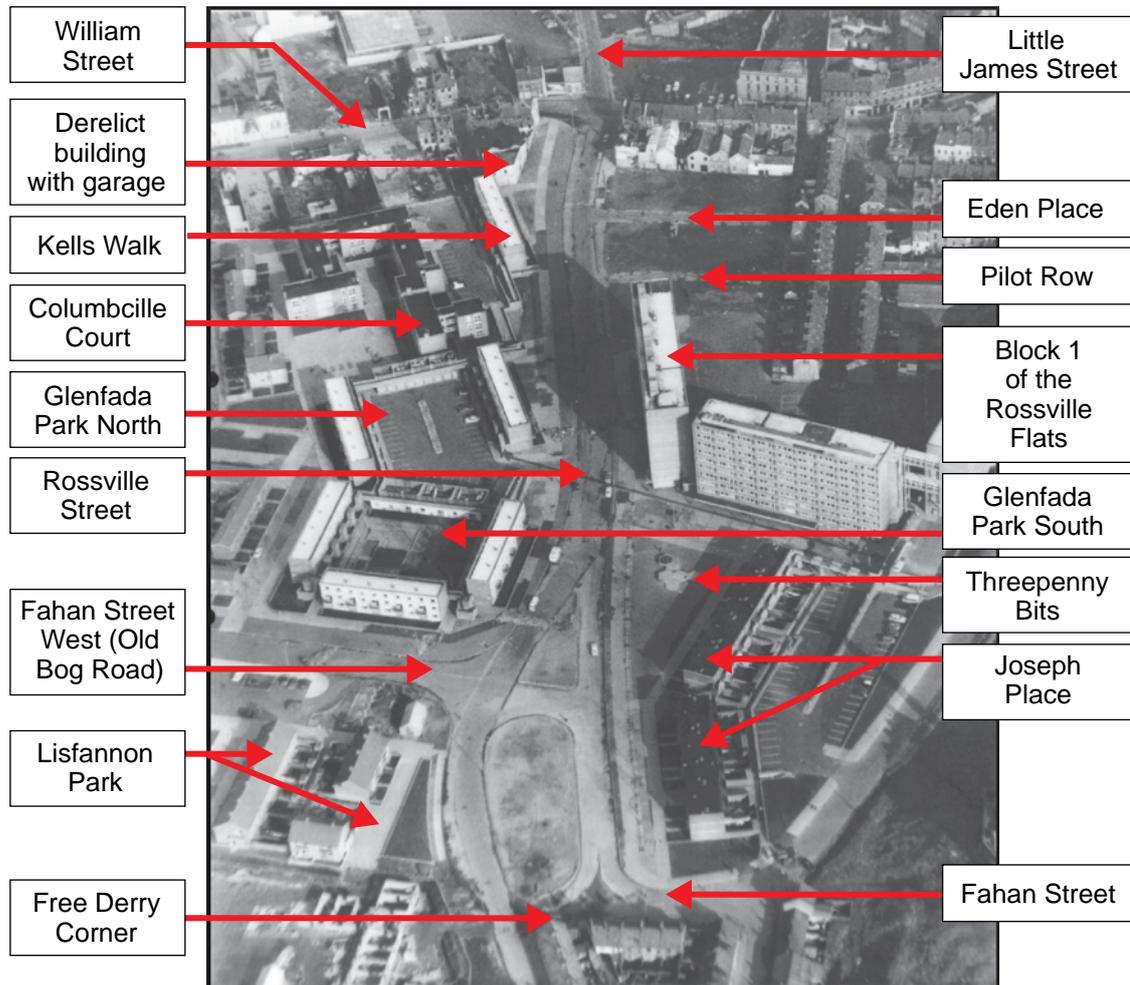
- 68.26** A turning off Rosville Street at the southern end of the eastern block of Glenfada Park North provided access for vehicles to a parking area, sometimes described as a courtyard, inside Glenfada Park North. This entrance can be seen in the following photograph.



**68.27** On the southern side of this entrance lay another ramp, beyond which was the south-eastern block of Glenfada Park South. The ramp started at the north-eastern end of that block, rose in a north-easterly direction parallel to Rossville Street, and returned to the south-west, leading to a walkway at first floor level that ran around the interior of Glenfada Park South. It was possible to enter Glenfada Park South at its eastern corner either from the base of the ramp, by passing under its upper flight, or from Glenfada Park North, by passing down the north-western side of the ramp and beneath the walkway. The south-eastern block of Glenfada Park South was similar in design to its counterpart in Glenfada Park North, although not so long. There were balconies overlooking Rossville Street at first floor level, and once again beneath the balconies there was a garden area enclosed by a low brick wall. The block faced south-east across Rossville Street towards the northern block of Joseph Place. At its south-western end was a staircase leading to another part of the walkway. The following aerial photograph shows these features.



**68.28** The photograph above also shows the street that led off Rossville Street in a north-westerly direction immediately south-west of Glenfada Park South. This street was Fahan Street West, often called the Old Bog Road. Further south, buildings that formed part of Lisfannon Park occupied the area on the north-western side of Rossville Street between the Old Bog Road and Free Derry Corner. Those buildings, and many of the others we describe, can be seen in the following aerial photograph, which shows the whole of Rossville Street, viewed from south-west to north-east.

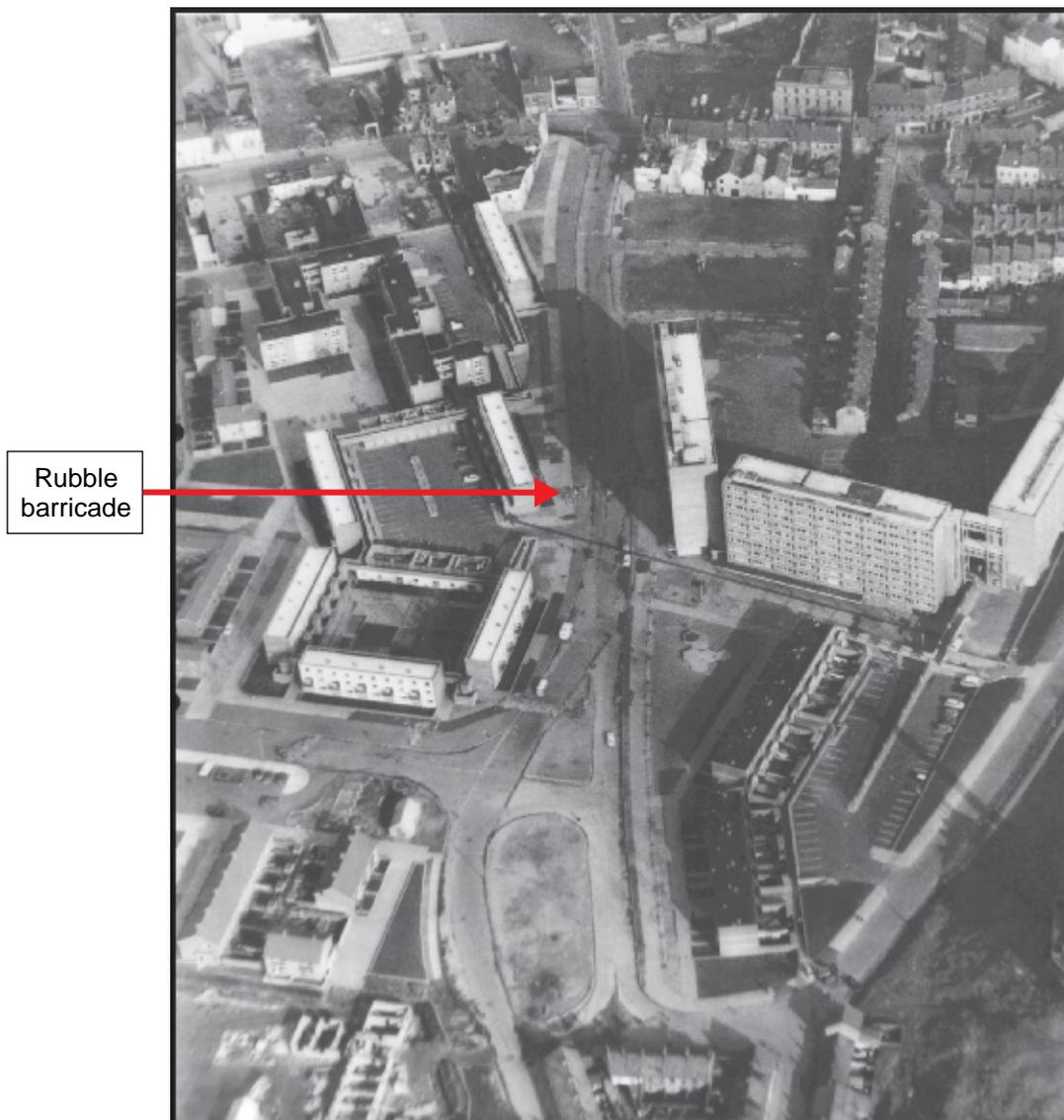


**68.29** At the beginning of this Inquiry the buildings of Joseph Place, Kells Walk, Columbcille Court and Glenfada Park remained largely unaltered, although substantial modifications were made to Kells Walk and Glenfada Park during the course of the Inquiry. We were therefore able to walk around these buildings and see their layout. This was not possible in the case of the Rossville Flats, which were demolished in the 1980s. There are now new buildings where the Rossville Flats used to be and on what was formerly the Eden Place waste ground.

## The rubble barricade

**68.30** The rubble barricade ran across Rossville Street, from a point close to the southern end of the eastern block of Glenfada Park North, to about the midpoint of Block 1 of the Rossville Flats, approximately 30 yards from the north-western corner of the block and 25 yards from the doors at the south-western corner. To show where the barricade was in

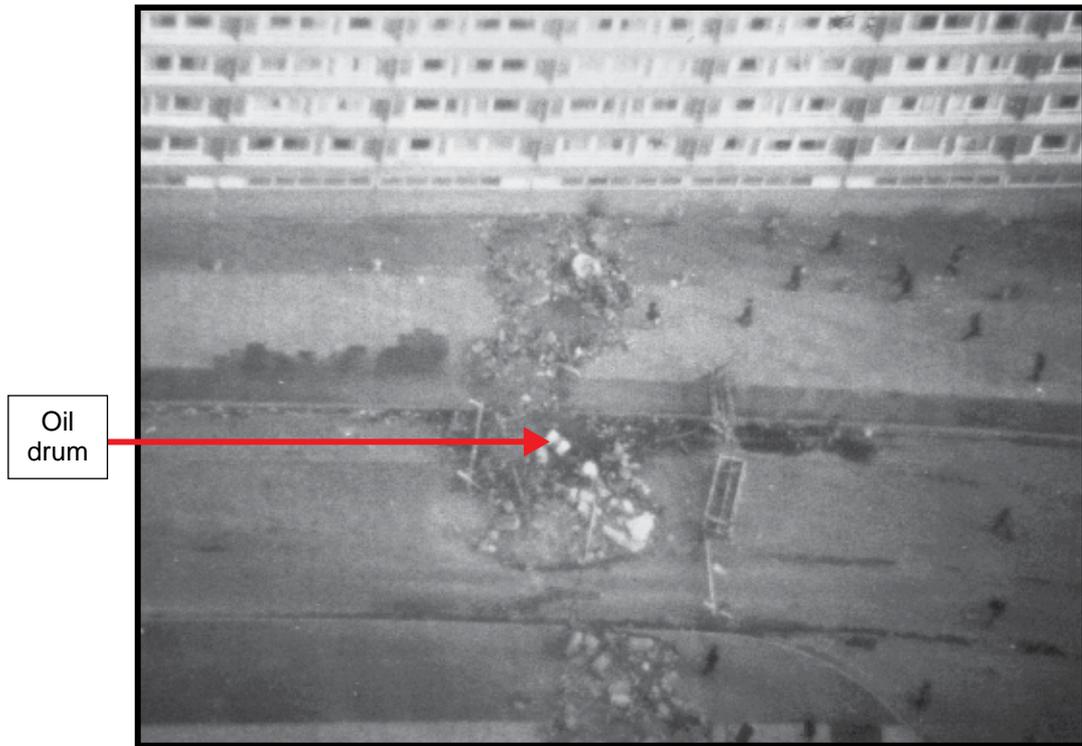
relation to the other features of Sector 3, we reproduce below an aerial photograph. This photograph was not taken on Bloody Sunday and it should be borne in mind that since the barricade was in existence for some time before and after Bloody Sunday, photographs taken on other dates may not show its exact configuration on the day. A barricade across Rossville Street had probably been in existence since August 1971, although it may have been cleared by the Army on one or more occasions and then rebuilt.



Rubble  
barricade

**68.31** There was a gap near the middle of the barricade, on the western side of the road. A still from the Army helicopter footage filmed on Bloody Sunday, reproduced below, shows the eastern part of the barricade, the gap and some of the western part. Another photograph, taken by the *Derry Journal* photographer Larry Doherty and also reproduced below,

shows the barricade as it appeared from the entrance to Block 1 of the Rossville Flats, ie looking towards the north, but as this photograph was taken on 12th March 1972 it is possible that it does not show the barricade in the same state as it was in on Bloody Sunday.



**68.32** It can be seen from the first of these photographs that there was an oil drum on top of the eastern part of the barricade. In front, that is to the north, of the drum there was a wooden trestle. Behind it there were further trestles, including one that barred the gap in the barricade, which could be moved to allow vehicles to pass. These trestles and other features of the barricade can be seen in three photographs (shown below) taken on Bloody Sunday by Ciaran Donnelly of the *Irish Times*.





68.33 Robert White took the following photograph on Bloody Sunday. It shows the eastern part of the barricade.



68.34 Other photographs of the rubble barricade taken on Bloody Sunday include two taken from the north by Colman Doyle, the *Irish Press* photographer. We show these photographs below.



**68.35** The following photograph, taken on Bloody Sunday by the freelance photographer Fulvio Grimaldi, shows the barricade viewed from the south.



# Chapter 69: The movement of the soldiers

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Other evidence relating to the movements of Corporal P and Private 017	69.49

**69.1** In our consideration of the events of Sector 2,<sup>1</sup> we described the movement of the first two vehicles to come into the Bogside, namely the two Armoured Personnel Carriers (APCs) of Mortar Platoon. With the exception of Corporal P and Private 017, who had travelled in the second APC commanded by Sergeant O, the other soldiers in those APCs deployed on the Eden Place waste ground and in the Rossville Flats car park and were involved in the events of Sector 2, though Private U and the baton gunner Private 112, who also disembarked from Sergeant O's APC in Rossville Street, were also involved in the events of Sector 3, in the course of which the former fired a shot.

<sup>1</sup> [Chapter 24](#)

**69.2** These two APCs were followed into the Bogside by Major Loden's command vehicle, behind which was a Ferret scout car with a mounted Browning machine gun. In turn came two APCs of Machine Gun Platoon, which were empty but for the drivers and (possibly) vehicle guards, the other members of Machine Gun Platoon still being in the Abbey Taxis building, as described in our discussion of the events of Sector 1.<sup>1</sup> Two soft-skinned lorries containing Composite Platoon (Guinness Force) followed these APCs. At the rear were the two APCs of Anti-Tank Platoon.

<sup>1</sup> [Paragraph 18.154](#)

**69.3** The vehicles that followed the two APCs of Mortar Platoon all initially stopped in Rossville Street. The first of these (Major Loden's command vehicle) stopped some yards short of Pilot Row; the Ferret car stopped to its side and a little behind; and the other vehicles

lined up in turn behind these two, as can be seen from an enlargement of a photograph taken by Ciaran Donnelly, which we have reproduced in full above,<sup>1</sup> and from a photograph taken by Liam Mailey, both of which are shown below.

<sup>1</sup> [Paragraph 68.32](#)



**69.4** Private 037 drove Major Loden in the command vehicle.<sup>1</sup> Warrant Officer Class II Lewis, the Company Sergeant Major (CSM), was also in this vehicle,<sup>2</sup> as were two radio operators, Lance Corporal 033<sup>3</sup> and Lance Corporal INQ 627.<sup>4</sup>

<sup>1</sup> B1635-B1636; Day 357/122-126

<sup>3</sup> B1617; B1621.001; B1621.003-4

<sup>2</sup> B2111.012-013

<sup>4</sup> C627.2-4; Day 324/35

**69.5** Corporal INQ 993 drove the Ferret scout car.<sup>1</sup> Corporal INQ 1826 also travelled in this vehicle.<sup>2</sup> Private INQ 665 was another Ferret car driver. Although this soldier told us he was sure that he was not with C Company,<sup>3</sup> we are of the view that he was mistaken about this, as he also told us that he drove through a barrier which most of the company crossed on foot; and that he then drove to the corner of Little James Street and William Street where he went “static”.<sup>4</sup> Sergeant INQ 1822 initially thought that he was in a Ferret car attached to Support Company, perhaps with Corporal INQ 993, but later in his oral evidence said that he now thought that he was mistaken about this and that he had in fact accompanied Private INQ 665 and C Company.<sup>5</sup>

<sup>1</sup> C993.1-3; Day 340/2-4

<sup>4</sup> C665.1-4

<sup>2</sup> C1826.1-3; Day 341/126

<sup>5</sup> Day 340/71-73; Day 340/93-94

<sup>3</sup> Day 356/162

**69.6** Behind these vehicles were the two APCs of Machine Gun Platoon. As noted, these were empty save for their drivers and (possibly) guards. Private 005 drove one of these vehicles<sup>1</sup> and it seems likely that Private INQ 439 drove the other.<sup>2</sup> Whether vehicle guards accompanied them is not clear. Private 005 recollected that he was on his own, but Private INQ 1544 (a member of Machine Gun Platoon) told us that he recalled guarding an APC close to the Rossville Flats.<sup>3</sup>

<sup>1</sup> B1373

<sup>3</sup> C1544.2

<sup>2</sup> C439.2

## Composite Platoon

**69.7** The next two vehicles, the two soft-skinned lorries, contained Composite Platoon (Guinness Force). As we have explained earlier in this report,<sup>1</sup> this platoon was a rifle platoon made up of soldiers who had other regular duties, such as administrative, band and catering tasks. Captain 200, the officer commanding Composite Platoon, described it as follows:<sup>2</sup>

“When the whole battalion is employed in an operation the Administrative Company provides an operational force in the form of a composite platoon usually known as guinness force. This operates under the command of the officer commanding Administrative Company and for the operations of 30 January was commanded by me. In those operations guinness force was used to strengthen Support Company.”

<sup>1</sup> Paragraph 12.53

<sup>2</sup> B2022.024

**69.8** Another, and less formal, description of Guinness Force was contained in the January 1972 edition of *Pegasus*, the magazine of the Parachute Regiment:

“Guinness Force is the nickname given to Admin Company when it turns out as a Rifle Company. This stalwart body, consisting of Quartermaster’s staff, Orderly Room Clerks, Pay Clerks, Bandsmen, off duty Dog Handlers, spare Drummers and not infrequently volunteer drivers and signallers from Command Company, was first formed during the severe rioting in Bligh’s Lane, Londonderry, in July this year.”

**69.9** On 29th January 1972 Captain 200 made a manuscript list<sup>1</sup> of the 36 members of his platoon who were to be in service the following day. The list was typed “*prior to our movement*”<sup>2</sup> with notations in manuscript added to the typescript following the engagement.<sup>3</sup> The call sign for the first lorry, with Captain 200 in command, was 71, while that for the second lorry, commanded by Colour Sergeant 002, was 71A. Captain 200’s list makes the following division of the soldiers between the two call signs:

71	71A
Captain 200	Colour Sergeant 002
Warrant Officer Class II INQ 1710	Sergeant 014
Colour Sergeant INQ 147	Sergeant 035
Sergeant 106	Sergeant K
Sergeant INQ 1318	Corporal 039
Corporal INQ 468	Corporal INQ 25
Corporal INQ 739	Corporal INQ 812
Corporal INQ 993	Lance Corporal D
Lance Corporal 229	Lance Corporal 010
Lance Corporal INQ 391	Lance Corporal INQ 816
Lance Corporal INQ 704	Private L
Lance Corporal INQ 1077	Private M

71	71A
Lance Corporal INQ 1175 <sup>4</sup>	Private 032
Lance Corporal INQ 2047	Private INQ 127
Bandsman INQ 1854	Private INQ 405
Private C	Private INQ 449
Private 024	Private INQ 748
Private 203	
Private INQ 24	

<sup>1</sup> [B2022.063](#)

<sup>2</sup> [Day 367/50](#)

<sup>3</sup> [B2022.064](#)

<sup>4</sup> When the Inquiry approached Lance Corporal INQ 1175, he told us that he was not present on Bloody Sunday and was attending a course in England on that day. It is possible therefore that the soldier named in the unredacted version of Captain 200's list was another soldier with the same surname, who has not been traced. The surname is a common one, so this is a real possibility.

**69.10** In the event, we are satisfied that the allocations for call sign 71A reflect what occurred on the day. The driver of this vehicle was Private INQ 405.<sup>1</sup> Colour Sergeant 002's radio operator was Private INQ 127.<sup>2</sup>

<sup>1</sup> [C405.001](#)

<sup>2</sup> [B2022.064](#); [Day 360/130](#)

**69.11** The allocations for call sign 71, however, have discrepancies. Corporal INQ 993 was driving the Ferret scout car on the day.<sup>1</sup> Bandsman INQ 1854<sup>2</sup> told us that he stayed in the area in front of the Presbyterian church off Great James Street and never went into the Bogside, though he may be mistaken about this, since he also told us that he had no recollection of his colleagues in Composite Platoon going in either. In addition, Private 203<sup>3</sup> and Lance Corporal INQ 2047<sup>4</sup> recalled, in our view mistakenly, that they, and in the case of Lance Corporal INQ 2047, all the soldiers of this call sign, went in on foot.

<sup>1</sup> [Day 340/2](#)

<sup>2</sup> [C1854.3](#)

<sup>3</sup> [Day 306/84](#)

<sup>4</sup> [C2047.2](#)

**69.12** Six soldiers from Composite Platoon claimed to have fired (in total) 15 live rounds in Sector 3.

## Anti-Tank Platoon

**69.13** Anti-Tank Platoon were in the ninth and tenth (the last two) of the vehicles that entered the Bogside. Both these vehicles were APCs.

**69.14** Lieutenant 119 commanded the first of these two vehicles.<sup>1</sup> His radio operator was Private 027<sup>2</sup> and his driver Private INQ 1581.<sup>3</sup> Corporal E<sup>4</sup> and Private H<sup>5</sup> also travelled in this vehicle. For the reason given below,<sup>6</sup> we think it likely that Private INQ 635 and Private INQ 1558 were also in this vehicle.

<sup>1</sup> [B1752.043](#)

<sup>4</sup> [B106](#)

<sup>2</sup> [Day 364/2-5](#)

<sup>5</sup> [B233](#)

<sup>3</sup> [B1752.012](#)

<sup>6</sup> [Paragraph 69.16](#)

**69.15** Sergeant INQ 1694 commanded the second of these APCs.<sup>1</sup> Private 147 was his radio operator and Lance Corporal 036 the driver.<sup>2</sup> Lance Corporal F,<sup>3</sup> Lance Corporal J<sup>4</sup> and Private G also travelled in this vehicle. In addition it is likely that Lance Corporal 018<sup>5</sup> and Private Longstaff<sup>6</sup> were in this vehicle. Private INQ 1237 told us that he was in the same vehicle as Lance Corporal F and Private 027 and possibly Private Longstaff.<sup>7</sup> In our view he was mistaken about this, as Lance Corporal F and Private 027 travelled in different vehicles. However, Private INQ 1237 also told us that at the end of the operation he was in the same vehicle as Lance Corporal F and Lance Corporal J. In our view he too probably travelled in the second APC.

<sup>1</sup> [B1752.012](#)

<sup>5</sup> [B1491](#)

<sup>2</sup> [B1886](#)

<sup>6</sup> [Day 374/65](#)

<sup>3</sup> [B145](#)

<sup>7</sup> [C1237.4](#)

<sup>4</sup> [B276-7](#)

**69.16** According to the nominal roll of Anti-Tank Platoon, 17 soldiers of this platoon were deployed on Bloody Sunday. In the case of two soldiers (Private INQ 635 and Private INQ 1558) it is not apparent from the evidence in which APC they travelled. Private INQ 635 told us he had no recollection,<sup>1</sup> while Private INQ 1558 gave no evidence of any kind. However, to put these in the second APC would mean a significant imbalance in the numbers in each APC, and so on the whole we consider that, as noted above,<sup>2</sup> they probably travelled in Lieutenant 119's APC.

<sup>1</sup> [Day 352/4](#)

<sup>2</sup> [Paragraph 69.14](#)

**69.17** Private INQ 1940 told us that he did not travel in either of the APCs, but went in on foot after receiving an order from Warrant Officer Class II Lewis to act as an escort for persons under arrest.<sup>1</sup> We do not know whether or not he was correct in this recollection.

<sup>1</sup> [C1940.2; Day 315/102-110](#)

**69.18** Five soldiers from Anti-Tank Platoon claimed to have fired (in total) 14 live rounds in Sector 3.

## Summary of the disposition of the soldiers in Sector 3

**69.19** The tables below show the weapon carried by each soldier and, in some cases, his position of command or other specific role. The evidence on these issues is not wholly consistent; for example, Private G told the Royal Military Police (RMP) that two members of Anti-Tank Platoon carried baton guns and 16 carried self-loading rifles (SLRs),<sup>1</sup> but the other evidence indicates that there were only 17 members of Anti-Tank Platoon present on the day, of whom only one is known to have carried a baton gun. Confusion may have been caused by the fact that some soldiers initially carried baton guns and then exchanged these guns for SLRs. Captain 200's annotated list of members of Composite Platoon<sup>2</sup> indicates that at least three soldiers with baton guns had sub-machine guns, as did the signallers. According to Captain 200's oral evidence to the Widgery Inquiry,<sup>3</sup> five soldiers had baton guns. Major Loden, in his evidence to the Widgery Inquiry, said that three members of Composite Platoon who carried baton guns also carried sub-machine guns.<sup>4</sup> The tables below show what weapons the soldiers were in our view probably carrying. For the sake of completeness, we include in these tables the soldiers of Mortar Platoon who were involved in the events of Sector 3.

<sup>1</sup> B168

<sup>3</sup> WT15.40

<sup>2</sup> B2022.064

<sup>4</sup> B2217; WT12.5

### Sergeant O's Armoured Personnel Carrier

Corporal P	SLR <sup>1</sup>	Section Commander <sup>2</sup>
Private 017	Baton gun and SLR <sup>3</sup>	
Private U	SLR <sup>4</sup>	
Private 112	Baton gun <sup>5</sup> and SLR <sup>6</sup>	

<sup>1</sup> B576

<sup>4</sup> B748

<sup>2</sup> B623.011

<sup>5</sup> B1730

<sup>3</sup> Private 017 told this Inquiry that he deployed initially with a baton gun alone, having left his SLR in the APC (B1484.001). He told this Inquiry that, after seeing a gunman, he returned to the APC and exchanged the baton gun for his SLR (B1484.005).

<sup>6</sup> Private 112 told this Inquiry that at some stage he put away his baton gun and took out his SLR (B1732.006).

## Major Loden's command vehicle

Major Loden		Officer Commanding Support Company
Warrant Officer Class II Lewis	Pistol <sup>1</sup>	Company Sergeant Major, Support Company <sup>2</sup>
Lance Corporal 033	SLR <sup>3</sup>	Radio operator for Major Loden
Lance Corporal INQ 627	SLR <sup>4</sup>	Radio operator for Major Loden
Private 037	SLR <sup>5</sup>	Driver <sup>6</sup>

<sup>1</sup> [B2111.012](#)

<sup>2</sup> [B2111.006](#)

<sup>3</sup> [B1617](#)

<sup>4</sup> [C627.2](#)

<sup>5</sup> [B1636.014](#)

<sup>6</sup> [B1635](#)

## Ferret scout car

Corporal INQ 993	Sterling sub-machine gun (SMG) <sup>1</sup>	Driver <sup>2</sup>
Corporal INQ 1826	Sterling sub-machine gun <sup>3</sup>	In charge of Ferret cars <sup>4</sup>

<sup>1</sup> [C993.4](#); [C1826.2](#)

<sup>2</sup> [C993.2](#)

<sup>3</sup> [C993.4](#); [C1826.2](#)

<sup>4</sup> [C1826.1](#)

## Machine Gun Platoon Armoured Personnel Carriers

Private 005	SLR <sup>1</sup>	Driver <sup>2</sup>
Private INQ 439	SLR <sup>3</sup>	Driver <sup>4</sup>
Private INQ 1544 (?)	SLR <sup>5</sup>	Vehicle guard (?)

<sup>1</sup> [B1374.003](#)

<sup>2</sup> [B1373-4](#)

<sup>3</sup> [C439.2](#)

<sup>4</sup> [C439.1-2](#)

<sup>5</sup> [C1544.3](#)

## First Composite Platoon lorry

Captain 200		Platoon Commander
Warrant Officer Class II INQ 1710	Baton gun and SMG <sup>1</sup>	Captain 200's bodyguard <sup>2</sup>
Colour Sergeant INQ 147	Probably SLR <sup>3,4</sup>	
Sergeant 106	SLR <sup>5</sup>	Section Commander <sup>6</sup>

Sergeant INQ 1318	SLR <sup>7</sup>	
Corporal INQ 468	Baton gun and SLR <sup>8</sup>	
Corporal INQ 739	SLR <sup>9</sup>	
Lance Corporal 229	SLR <sup>10</sup>	
Lance Corporal INQ 391	SLR <sup>11</sup>	Driver <sup>12</sup>
Lance Corporal INQ 704	Baton gun and SLR <sup>13,14</sup>	
Lance Corporal INQ 1077	SMG <sup>15</sup>	Radio operator <sup>16</sup>
Lance Corporal INQ 1175	Probably SLR (whether he or another soldier with the same name was present on Bloody Sunday) <sup>17</sup>	
Lance Corporal INQ 2047	Probably SLR <sup>18,19</sup>	
Bandsman INQ 1854	SLR <sup>20</sup>	
Private C	SLR <sup>21</sup>	
Private 024	SLR <sup>22</sup>	
Private 203	Baton gun <sup>23</sup> and SLR <sup>24</sup>	
Private INQ 24	SMG <sup>25</sup>	Radio operator <sup>26</sup>

<sup>1</sup> [B2022.064](#)

<sup>2</sup> [B2001](#); [Day 367/28](#)

<sup>3</sup> [C147.2](#)

<sup>4</sup> Colour Sergeant INQ 147 could not recall the type of weapon that he carried. The evidence of Captain 200 was that men who were not carrying SMGs were issued with SLRs ([WT15.40](#)). There is no evidence to suggest that Colour Sergeant INQ 147 was issued with an SMG.

<sup>5</sup> [B1713.001-002](#)

<sup>6</sup> [B1713.001](#)

<sup>7</sup> [C1318.1](#); [Day 354/160](#)

<sup>8</sup> [C468.1](#)

<sup>9</sup> [C739.2](#)

<sup>10</sup> [B2208](#); [B2211.002](#)

<sup>11</sup> [C391.3](#)

<sup>12</sup> [C391.2](#)

<sup>13</sup> [B2022.064](#)

<sup>14</sup> Lance Corporal INQ 704 did not give evidence to this Inquiry.

<sup>15</sup> [C1077.2](#)

<sup>16</sup> [C1077.2](#)

<sup>17</sup> The evidence of Captain 200 was that men who were not carrying SMGs were issued with SLRs ([WT15.40](#)). There is no evidence to suggest that Lance Corporal INQ 1175 (or a soldier with the same name) was issued with an SMG.

<sup>18</sup> [C2047.2](#)

<sup>19</sup> Lance Corporal INQ 2047 could not recall the type of weapon that he carried. The evidence of Captain 200 was that men who were not carrying SMGs were issued with SLRs ([WT15.40](#)). There is no evidence to suggest that Lance Corporal INQ 2047 was issued with an SMG.

<sup>20</sup> [C1854.1](#)

<sup>21</sup> [B44](#)

<sup>22</sup> [B1527](#)

<sup>23</sup> [B2022.064](#)

<sup>24</sup> [B2022.064](#); [B2114.006](#)

<sup>25</sup> [C24.1](#)

<sup>26</sup> [C24.1](#)

## Second Composite Platoon lorry

Colour Sergeant 002	SLR <sup>1</sup>	Commander, 71A <sup>2</sup>
Sergeant 014	SLR <sup>3</sup>	Section Commander <sup>4,5</sup>
Sergeant 035	SLR <sup>6</sup>	Section Commander <sup>7,8</sup>
Sergeant K	SLR or sniper rifle <sup>9</sup>	
Corporal 039	Baton gun and SMG <sup>10</sup>	
Corporal INQ 25	No firearm <sup>11,12</sup>	
Corporal INQ 812	SLR <sup>13</sup>	
Lance Corporal D	SLR <sup>14</sup>	
Lance Corporal 010	Baton gun <sup>15,16</sup>	
Lance Corporal INQ 816	SLR <sup>17</sup>	
Private L	SLR <sup>18</sup>	
Private M	SLR <sup>19</sup>	
Private 032	SLR <sup>20,21</sup>	
Private INQ 127	SMG <sup>22</sup>	Radio operator <sup>23</sup>
Private INQ 405	SLR or SMG <sup>24,25</sup>	Driver <sup>26</sup>
Private INQ 449	SLR <sup>27</sup>	
Private INQ 748	SLR or SMG <sup>28</sup>	

- 1 [B1349](#)
- 2 [B1348](#); [B1351.001](#); [B2022.64](#)
- 3 [B1412.002](#)
- 4 [B1409](#); [B1412.001](#)
- 5 Sergeant 014 was in command of eight members of Composite Platoon, including Private L and Private 032 ([B1412.004](#); [Day 372/4](#); [B1613](#)).
- 6 [B1625](#)
- 7 [B1625](#)
- 8 Sergeant 035 was in command of a section of four men.
- 9 Captain 200's evidence was that all members of Composite Platoon who did not carry an SMG carried an SLR. However, a note made by him after the event suggests that Composite Platoon had been issued with a sniper rifle ([B2022.061](#)). The note does not identify the soldier to whom the rifle was issued. However, there is some evidence (considered elsewhere) which shows that Sergeant K was armed with a sniper rifle.
- 10 [B1649](#); [B364](#)
- 11 [C25.1-2](#)
- 12 Corporal INQ 25 is shown in a photograph taken by Constable Robert S Simpson of the Royal Ulster Constabulary carrying only a baton.
- 13 [C812.1](#)
- 14 [B70](#)
- 15 [B1395.002](#); [B1395.006-7](#); [Day 355/83-4](#)
- 16 Lance Corporal 010 told this Inquiry that he was not carrying an SLR or pistol.
- 17 [C816.2](#)
- 18 [B312](#)
- 19 [B347](#)
- 20 [Day 362/1](#)
- 21 In his written statement to this Inquiry, Private 032 said that he thought that he was carrying an SMG ([B1616.001-2](#)). When he gave oral evidence, he said that he had been carrying an SLR. In our view his oral evidence is likely to be correct.
- 22 [C127.2](#)
- 23 [Day 360/129-130](#)
- 24 [C391.3](#); [C405.1](#)
- 25 The evidence of Lance Corporal INQ 391 was that Private INQ 405 was issued with an SLR. This evidence is consistent with Captain 200's list ([B2022.064](#)). However, Private INQ 405's own evidence was that he was carrying an SMG ([C405.1](#)). In his written statement to this Inquiry, Private INQ 405 told us: "*I was carrying an SMG. The majority of Guinness Force would have had SLRs ... 9mm were sometimes used, but not for a job like this. I had a magazine on the SMG and two spare magazines, 60 rounds in total.*" It remains unclear whether Private INQ 405 was carrying an SLR or an SMG.
- 26 [C391.2](#)
- 27 [C449.4](#)
- 28 In his written statement to this Inquiry, Private INQ 748 told us that he had an SLR ([C748.2-3](#)). Captain 200's list ([B2022.064](#)) suggests that Private INQ 748 was issued with an SMG. It remains unclear whether Private INQ 748 was carrying an SLR or SMG.

## First Anti-Tank Platoon Armoured Personnel Carrier

Lieutenant 119	SLR <sup>1</sup>	Platoon Commander <sup>2</sup>
Corporal E	SLR <sup>3</sup>	Section Commander <sup>4,5</sup>
Private H	SLR <sup>6</sup>	
Private 027	SLR <sup>7</sup>	Radio operator <sup>8</sup>
Private INQ 635	SLR <sup>9</sup>	
Private INQ 1558 <sup>10</sup>		
Private INQ 1581	SLR <sup>11</sup>	Driver <sup>12</sup>

- 1 [B1752.014](#)
- 2 [B1752.009](#)
- 3 [B86](#)
- 4 [B86](#); [B264](#)
- 5 Corporal E's section consisted of Lance Corporal F, Private G and Private H.
- 6 [B219](#)
- 7 [B1548](#)
- 8 [B1546](#)
- 9 [C635.2](#)
- 10 This soldier did not give evidence to this Inquiry.
- 11 [C1581.2](#)
- 12 [C1581.2](#)

## Second Anti-Tank Platoon Armoured Personnel Carrier

Sergeant INQ 1694 <sup>1</sup>		Section Commander
Lance Corporal F	SLR <sup>2</sup>	
Lance Corporal J	SLR <sup>3</sup>	
Lance Corporal 018	Baton gun <sup>4</sup>	
Lance Corporal 036	SLR <sup>5</sup>	Driver <sup>6</sup>
Private G	SLR <sup>7</sup>	
Private Longstaff	SLR <sup>8</sup>	
Private 147	SLR <sup>9</sup>	Radio operator <sup>10</sup>
Private INQ 1237	SLR <sup>11</sup>	

1 Sergeant INQ 1694 died before this Inquiry was established.

2 [B121](#)

3 [B265](#)

4 [B1485](#)

5 [B1631.12](#)

6 In his RMP statement Lance Corporal 036 recorded that he drove an APC along Rossville Street ([B1629](#)). Although he told this Inquiry that he did not drive a vehicle on Bloody Sunday, on being shown his RMP statement he accepted that it was possible that he had done so, though he could not remember doing so ([B1631.11](#)).

7 [B168-9](#)

8 [C23.4](#)

9 [B1891.002](#)

10 [B1889](#)

11 [C1237.4](#)

## Unknown

Private INQ 1940 <sup>1</sup>	SLR <sup>2</sup>
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1 This soldier's evidence was that he went in on foot after receiving an order from Warrant Officer Class II Lewis to act as an escort for persons under arrest ([C1940.2](#); [Day 315/102-110](#)). We do not know whether or not he was correct in this recollection.

2 [C1940.2](#)

## Mortar Platoon soldiers in Sector 3

**69.20** In the course of our consideration of the events of Sector 2,<sup>1</sup> we explained that Corporal P and Private 017 disembarked from Sergeant O's APC when it briefly stopped in Rossville Street, before it continued and turned into the car park of the Rossville Flats. Unlike the other soldiers who disembarked in Rossville Street from this APC, Corporal P and Private 017 (a baton gunner) crossed to the western side of Rossville Street. At this stage they were in front (ie to the south) of the other soldiers coming into Sector 3, and so it is convenient to start with their movements. We have referred to their accounts of hearing incoming fire in the context of Sector 2,<sup>2</sup> but for the sake of clarity we shall refer again to their evidence on this topic in discussing the events of Sector 3.

<sup>1</sup> [Paragraphs 24.33–36](#)

<sup>2</sup> [Paragraphs 49.30–37](#)

**69.21** Private U of Mortar Platoon was also involved in the events of Sector 3. We return to consider this soldier later in this report.<sup>1</sup>

<sup>1</sup> [Paragraphs 85.29–82](#)

## Corporal P

**69.22** According to his first RMP statement timed at 2230 hours on 30th January 1972,<sup>1</sup> Corporal P had cocked his rifle no later than when he was in the APC. When he disembarked he “*and two others*” deployed to the right of the APC (ie to the west) and “*immediately came under heavy stoning and bottling from the rioters*”. His statement continued:

“About 20 of the rioters were advancing towards us and were throwing stones and other missiles at us continually. One of the two chaps with me and armed with a anti riot gun fired a number of rubber bullets in an attempt to disperse the 20 who were attacking us. They were about 50 metres away at this time. The rioters on being hit by these rubber bullets split up.”

<sup>1</sup> [B576-7](#)

**69.23** According to this statement it was at this stage that Corporal P saw a nail bomber at the back of the crowd and fired two shots; and a little later that he fired at a man holding a pistol. We return later in this report<sup>1</sup> to this part of Corporal P's account and to his firing of further shots.

<sup>1</sup> [Chapter 73](#) and [paragraphs 85.2–28](#)

**69.24** In this statement Corporal P recorded that he went to the right of the APC with two others. One of these, as already noted, was the baton gunner Private 017, but whether there was a third soldier remains unclear. Corporal P did not mention a third soldier in his later evidence; and none of the other soldiers who disembarked from Sergeant O's APC in Rossville Street claimed to have moved to the western side of that street. In our view Corporal P was probably mistaken in referring to a third soldier, though it is possible that one of the others may temporarily have gone in that direction before moving back to the eastern side of the street.

**69.25** In his written statement for the Widgery Inquiry,<sup>1</sup> Corporal P gave the following description:

“When the vehicle stopped the section got out and split into twos and threes in order to make arrests. I was with another soldier. It was at this time that I cocked my rifle. As we got out of the vehicle I noticed a small crowd in the area in front of a wall on the left-hand side (from the direction I was looking) of the low rise flats in front of Columbcille Court. The crowd were throwing missiles in the general direction of the troops on the ground in front of the Rossville Flats. I was wearing a gas mask and I signalled to the soldier I was with to advance in the direction of the crowd in order to make arrests. As we moved across Rossville Street they dispersed up the alley way into Columbcille Court and the alleyway to the left of Columbcille Court (from the direction I was looking). By the time we reached the wall the crowd had dispersed. Upon reaching the wall we came under fire from roughly the direction of the barricade. At that time I could not see anyone firing at us. There were two shots which I thought to be high velocity shots. They appeared to go over our heads as I heard the crack of the round going overhead. We then took cover along-side the wall. Shortly after this we noticed a group of people coming along the alleyway who started stoning and bottling us. The soldier I was with then fired a number of baton rounds into the crowd in an attempt to disperse them. The crowd on being hit split up...”

<sup>1</sup> [B592](#)

**69.26** It will be noted that in this account Corporal P described hearing two shots that he stated he believed to be high velocity and coming from “*roughly*” the direction of the rubble barricade. Corporal P continued with a description of then seeing and firing at a nail bomber at the back of the crowd and at a man with a pistol, and of later shots, to which we return below.<sup>1</sup>

<sup>1</sup> [Chapter 73](#) and [paragraphs 85.2–28](#)

**69.27** In his oral evidence to the Widgery Inquiry, Corporal P said that when he disembarked there was a crowd of people on the waste ground and another crowd “*across the road from us*”. Both crowds were rioting, “*throwing stones, bottles, all sorts of missiles*”.<sup>1</sup>

<sup>1</sup> [WT13.45](#)

**69.28** Corporal P then gave a description of moving to a wall on the Kells Walk side of the street, and of hearing two shots that had come from the direction of the barricade. He told the Widgery Inquiry that there were quite a few people behind the barricade, throwing stones or moving back to Free Derry Corner. He said that there were only one or two people on his side of the barricade, trying to cross to the other side of the barricade, but that he then noticed “*a group of people coming out from the Columbcille Court alleyway and they started stoning us and bottling us*”. The other soldier he was with fired some baton rounds to disperse them.<sup>1</sup> He then again described his firing, to which we return below.<sup>2</sup>

<sup>1</sup> [WT13.46-47](#)

<sup>2</sup> [Chapter 73](#) and [paragraphs 85.2–28](#)

**69.29** Corporal P gave written and oral evidence to this Inquiry. In his written account<sup>1</sup> he told us that he had very little recollection of the day, but that he relied on what he had said in his oral evidence to the Widgery Inquiry.<sup>2</sup>

<sup>1</sup> [B623.001](#)

<sup>2</sup> [B623.004](#)

**69.30** In his oral evidence to the present Inquiry, Corporal P said that Bloody Sunday was the only time he had fired live rounds, apart from on the rifle ranges, but despite this he said that he had practically no memory of the day.<sup>1</sup> He could give no explanation for why he had told the RMP that his rifle had been cocked while he was in the APC, whereas he had told the Widgery Inquiry that he had cocked it on disembarking,<sup>2</sup> nor for the fact that there was no mention in his RMP statement of the two shots he told the Widgery Inquiry that he had heard.

<sup>1</sup> [Day 353/2-3](#)

<sup>2</sup> [Day 353/15-16](#)

69.31 We return to Corporal P's evidence later in this report,<sup>1</sup> when we consider the firing by soldiers in Sector 3.

<sup>1</sup> [Chapter 73](#) and [paragraphs 85.2–28](#)

## Private 017

69.32 In his first RMP statement timed at 0130 hours on 31st January 1972, Private 017 described how, armed only with a baton gun, he disembarked and moved to a position near a low wall to the north-west of the northernmost block of the Rossville Flats:<sup>1</sup>

“A barricade had been erected by the crowd in Rossville St some 60 metres to my front. This barricade was made up of bricks and rubble. There was a rioting crowd at the barricade and they were stoning troops who deployed around the flats. I fired a number of baton rounds at the crowd. They stoned me. A group of about 4 to 5 male youths came close to me around the corner of a wall to my right. They stoned me heavily. I realised that I could make an arrest from this small group and prepared to rush forward. As I ran towards the corner I saw a man walk around the corner towards me.”

<sup>1</sup> [B1472](#)

69.33 Private 017 then explained that this man was carrying a handgun, and gave an account of firing a baton round at him. We consider this evidence later in this report.<sup>1</sup>

<sup>1</sup> [Chapter 74](#)

69.34 Private 017 made a second RMP statement timed at 2030 hours on 4th February 1972,<sup>1</sup> in which he described being behind a brick wall about 10m from No 2 Columbcille Court. He stated that there was a crowd of about 50 people milling around in front of the barricade. “*They rushed towards me so I fired one round from my rubber bullet gun, which split them up.*” Private 017 then gave a description of seeing a man come from behind the crowd with what he took to be a nail bomb, at whom Corporal P, “*who was located just behind me*”, fired one shot. The man fell, the bomb did not go off, and the crowd carried the man away. We return to this part of Private 017's evidence when considering below<sup>2</sup> the firing by Corporal P.

<sup>1</sup> [B1479](#)

<sup>2</sup> [Paragraphs 73.11–18](#)

69.35 The brick wall about 10m from 2 Columbcille Court is the wall near which Private 017 can be seen in photographs that we consider below.<sup>1</sup>

<sup>1</sup> [Paragraphs 69.44–58](#)

**69.36** In his written statement for the Widgery Inquiry, Private 017 gave this account:<sup>1,2</sup>

“2. About 4.10 that afternoon my platoon debussed at the north end of Block 1 of Rossville Flats. Whilst we had been moving to this position in our vehicles we could hear stones continuously hitting our armoured vehicle and on leaving the vehicle we were surrounded by a large crowd who were milling about the area of the front of the flats and in Rossville Street and the other side of the road and a lot of stones and debris was thrown in my direction.

3. Immediately after leaving the vehicle and together with soldier ‘P’ who was armed with an SLR as a protection for myself I went across Rossville Street to the side of a wall in front of Columbcille Court. Soon after we took up this position I heard two single high velocity shots which I believe may have come from around the area of Rossville Flats but I am not sure what the direction of the fire was. There was a crowd of about 50 people in front of the barricade in Rossville Street, they rushed towards me so I fired one round from my rubber bullet gun which split the crowd up.”

<sup>1</sup> [B1482](#)

<sup>2</sup> In this statement Private 017 was given the cipher 125.

**69.37** This statement continued with Private 017’s account of seeing a nail bomber who had come from behind this crowd and who was shot by Corporal P; of the crowd then retreating behind the rubble barricade; of people running in and out of the alleyway leading to Columbcille Court and throwing stones and bottles in the direction of the two soldiers; and of then firing his baton gun at a man with a handgun who came round the corner of that alleyway. We deal with the man with the handgun below.<sup>1</sup>

<sup>1</sup> [Chapter 74](#)

**69.38** Private 017 gave written<sup>1</sup> and oral evidence<sup>2</sup> to this Inquiry. As already noted,<sup>3</sup> though in his written statement he told us that he was pretty sure that he had been in the leading APC, in his oral evidence he said that this was wrong and that he had been in Sergeant O’s vehicle. For reasons already given,<sup>4</sup> we take the view that he had indeed travelled with Sergeant O.

<sup>1</sup> [B1484.001-0035](#)

<sup>3</sup> [Paragraph 24.12](#)

<sup>2</sup> [Day 358/35-185](#)

<sup>4</sup> [Paragraph 24.12](#)

**69.39** In his written statement to this Inquiry, Private 017 described firing a rubber bullet and chasing the crowd after he disembarked from the APC. The crowd generally moved south and “*A lot of them joined the main crowd at a barricade across Rossville Street*”. He stated that he initially made his way to a point that he described as the north-east corner

of Block 1 of the Rossville Flats (although on a map<sup>1</sup> he marked it as the entrance to the access road leading from Rossville Street to the car park of the Rossville Flats), and that he then crossed to the west side of Rossville Street. He told us that at this stage he heard some shots but did not know where they were coming from and did not think that they were aimed at him. He also told us that he was being stoned. His statement continued:<sup>2</sup>

“23. A group mainly of youths aged 20 to 25, broke away from the crowd behind the Rubble Barricade and made four or five half hearted approaches towards me. They were trying to urge the rest of the crowd to join them. They were shouting ‘Get him’. They would have ripped me to pieces if they had got me. Crowds had killed soldiers before. I felt very vulnerable there on my own.

24. I fired two or three rubber bullets into the riot. Shortly afterwards P joined me. He cannot have been far behind me because I think I was only there for seconds before he joined me.

25. The next thing I remember is that a large group of people (40 to 50) ran out of an alleyway that was on our right, leading from Rossville Street to Columbcille Court (grid reference J13). The crowd turned and ran south to join the main group of rioters at the Rubble Barricade. I didn’t fire any rubber bullets as the group ran past but once they joined the rest of the crowd I fired a steady trickle of rubber bullets to contain them. In all, I think I fired 12–15 rubber bullets that day.”

<sup>1</sup> B1484.010

<sup>2</sup> B1484.004

**69.40** After giving a description of Corporal P shouting a warning about a nail bomber, and of hearing him fire, Private 017 stated:<sup>1</sup>

“29. Not long after that, I looked west down the alleyway immediately to my right (the one leading to Columbcille Court). I could see rubble and old prams lying around, across the alleyway. Four or five youths had formed a line and were throwing bottles or bricks towards me. In particular, I saw a guy with long hair and I decided to arrest him. As I ran forward, the youths doubled back and ran away and I saw a man with a pistol come around the corner, from the north east corner of Glenfada Park North, into the alleyway towards me. The gunman was about 20 to 30 yards from me. I don’t remember which hand his gun was in, but I could see that it was a pistol. He was pointing it in my direction. I fired a rubber bullet at him and he shied away. I then ran round the corner, back into Rossville Street and called P. I can’t be certain, as I did so, whether or not the man with the pistol fired at me, but I think that he did. The gunman was a young man, not fat but of normal build. If I had seen him again that day I would have recognised him.”

<sup>1</sup> [B1484.005](#)

**69.41** In his oral evidence to this Inquiry, Private 017 said that he had fired his baton gun at the crowd, rather than bouncing the rounds off the ground. He agreed that he had probably fired his baton gun soon after disembarking from the APC, although the crowd was running away, to “*Keep ’em moving*”.<sup>1</sup> He also corrected his written statement, in which he had recorded that he had initially made his way to a point on the eastern side of Rossville Street, agreeing that he had only later gone to that position, having first gone to the western side of Rossville Street.<sup>2</sup>

<sup>1</sup> [Day 358/49](#); [Day 358/135-136](#); [Vid 48 12.26](#)

<sup>2</sup> [Day 358/51-52](#)

**69.42** Private 017 said that at this stage he had heard what he thought was high velocity fire, but could not say how many shots he had heard. Asked how big the crowd was at the barricade, he estimated the number at “*around 100*”. Asked what they were doing, he said:<sup>1</sup>

“They were mainly behind the barricade. On occasions they charged forward and stopped in front of the barricade and then went back; they were making half-hearted attempts to charge.”

<sup>1</sup> [Day 358/55](#)

69.43 Private 017 said that he was about 50 metres or so from the barricade.<sup>1</sup>

<sup>1</sup> [Day 358/55-56](#)

69.44 During his oral evidence Private 017 was asked to look at a photograph, which was taken by the *Irish Press* photographer Colman Doyle, and to which we have already referred<sup>1</sup> when considering, in our discussion of the events of Sector 2, the arrest of William John Dillon:

<sup>1</sup> [Paragraph 33.36](#)



69.45 Private 017 agreed that the figure in the background on the left of the photograph was probably him. *“It looks like I am firing a rubber bullet gun and that is the smoke from it.”* He also identified the soldier with him as Corporal P. He said he did not recall being any closer than this to the rubble barricade before the incident in which he fired a baton round at a gunman.<sup>1</sup>

<sup>1</sup> [Day 358/56](#)

69.46 Next, Private 017 was shown two photographs taken by the freelance photographer Liam Mailey in the order shown below.



**69.47** Private 017 identified himself as the soldier on the left standing at the corner of the wall. He did so because of the pouch that can be seen at the hip, in which he carried a camera. He agreed that it was from this position that he had fired his baton gun. He also identified the soldier behind him as Corporal P.<sup>1</sup>

<sup>1</sup> [Day 358/57-60](#)

69.48 Private 017 said that the group that had run out of the alleyway leading from Columbcille Court was not the 40 to 50 he had described in his written statement, but “*round about 15*”.<sup>1</sup> He was sure that this group had turned south and run towards the rubble barricade; and he thought that the two incidents involving the nail bomber and the gunman were separate from this.<sup>2</sup>

<sup>1</sup> [Day 358/62](#)

<sup>2</sup> [Day 358/61-62](#)

## Other evidence relating to the movements of Corporal P and Private 017

69.49 From the photograph taken by Colman Doyle, which we have reproduced above,<sup>1</sup> and Private 017’s identification of himself and Corporal P, it can be seen that when the photograph was taken Private 017 had just discharged his baton gun, with Corporal P close behind him. The following is the second photograph of the scene taken by Colman Doyle. This was taken immediately after the first photograph, as can be seen from the different positions of the soldier on the right running towards the group in the foreground.

<sup>1</sup> [Paragraph 69.44](#)



**69.50** As will have been seen from our account of the arrest of William John Dillon in Sector 2,<sup>1</sup> Colman Doyle took these photographs after Lieutenant N had fired up the Eden Place alleyway, but before Lieutenant N had returned to his APC.

<sup>1</sup> [Chapter 33](#)

**69.51** As to the photographs taken by Liam Mailey, those shown to Private 017 are part of a series taken of this scene. We set the complete series out below, in the order in which they were taken, which is established by the contact prints.

## The first photograph

**69.52** Of the six in this series, we have already shown the first<sup>1</sup> when describing the arrival of the vehicles in Rossville Street. By the time this photograph was taken, the two APCs of Mortar Platoon had moved from Rossville Street into the Eden Place waste ground and the Rossville Flats car park and so are out of sight. On the left of the photograph can be seen a group of soldiers.

<sup>1</sup> [Paragraph 69.3](#)



## The second photograph

**69.53** The group of soldiers is in much the same position in the second photograph, but in front of the sloping wall of the low ramp at the southern end of Kells Walk another soldier can be seen, apparently running west. Liam Mailey told the Widgery Inquiry that this soldier had a rubber bullet gun.<sup>1</sup> This photograph was referred to as photograph 6 in Liam Mailey's evidence to the Widgery Inquiry.

<sup>1</sup> [WT7.29-30](#)



## The third and fourth photographs

**69.54** The third and fourth photographs are those in which Private 017 identified himself and Corporal P. The latter also identified himself and Private 017 in the third photograph in his oral evidence to the Widgery Inquiry.<sup>1</sup> Liam Mailey told that Inquiry that the soldier with the rubber bullet gun shown in the second photograph could be seen in the third in the position from which he fired rubber bullets.<sup>2</sup> In his written statement for the Widgery Inquiry, Liam Mailey recorded that when he took the third photograph this soldier had just fired a few rubber bullets.<sup>3</sup>

<sup>1</sup> [WT13.48](#)

<sup>2</sup> [WT7.30](#)

<sup>3</sup> [M50.58](#)



### The fifth and sixth photographs

**69.55** The next two photographs show that by this stage other soldiers had arrived at the low ramp at the southern end of Kells Walk. Liam Mailey told the Widgery Inquiry that “*the troops ran towards the ramp and towards the alleyway there. They should have obviously gone between the walls. They ran in front of them and turned back again and went up between the walls.*”<sup>1</sup>

<sup>1</sup> [WT7.30](#)



**69.56** The last two of these six photographs show soldiers at the low ramp at the southern end of Kells Walk. In Colman Doyle's two photographs of the scene (reproduced above<sup>1</sup>), no soldiers can be seen in this position, from which we conclude that he took these photographs before they arrived and probably just before Liam Mailey took his third and fourth photographs, the third of which, as noted above,<sup>2</sup> Liam Mailey told the Widgery Inquiry he had taken just after the soldier with the rubber bullet gun had fired.

<sup>1</sup> Paragraphs 69.44 and 69.49

<sup>2</sup> Paragraph 69.54

**69.57** Although Private 017 told us that he thought he was not one of the soldiers shown in the fifth of Liam Mailey's photographs, because he did not recollect "*that amount of people being there*",<sup>1</sup> we consider, in the light of this series of photographs, that he was mistaken about this and that he was the soldier seen furthest to the left in the fifth and sixth photographs. Corporal P told the Widgery Inquiry that he had fired two shots at a man he said was a nail bomber, before the group of soldiers had arrived at the low ramp at the southern end of Kells Walk.<sup>2</sup>

<sup>1</sup> Day 358/59

<sup>2</sup> WT13.48-49

**69.58** On the basis of this evidence, we are satisfied that Corporal P and Private 017 did initially go to the Kells Walk side of Rossville Street and that Private 017 fired some baton rounds when standing at the southern corner of the wall of the high ramp at the southern end of Kells Walk, with Corporal P close by. Private 017 appears to have fired at least one of these baton rounds after William John Dillon had been arrested. Later in this report<sup>1</sup> we consider Corporal P's account of firing two shots at a man with a nail bomb and Private 017's account of firing his baton gun at a man with a handgun.

<sup>1</sup> Chapters 73 and 74

## Chapter 70: The actions of civilians in Rossville Street on and after the arrival of the Army vehicles

**70.1** In our consideration of the events of Sector 2,<sup>1</sup> we concluded that while some civilians threw stones and bottles at the vehicles as they came into the Bogside, the general reaction of the crowd was to run away. So far as Sector 3 is concerned, there was initially the same general movement away, as can be seen from the film of the two leading vehicles driving in.<sup>2</sup>

<sup>1</sup> [Paragraph 24.72](#)

<sup>2</sup> [Vid 48 12.26](#)

**70.2** We have referred earlier, in our consideration of the events of Sector 2,<sup>1</sup> to photographs taken by Derrick Tucker Senior from Block 2 of the Rossville Flats, before and as the Army vehicles came in. We set out below the photograph that he took after the Armoured Personnel Carriers (APCs) of Mortar Platoon had turned off Rossville Street.

<sup>1</sup> [Paragraphs 23.20, 23.22 and 24.27–28](#)



**70.3** Ciaran Donnelly, the *Irish Times* photographer, took a number of photographs when the vehicles arrived. He told us that he took the first two of these from the ramp at the north-eastern corner of Glenfada Park South (ie from behind and slightly above the rubble barricade) and the second two at ground level and also from behind the barricade.<sup>1</sup> His contact prints show that the photographs were taken in the following order.

<sup>1</sup> [Day 71/21-23](#); [Day 71/30-36](#)





**70.4** At the stage when these photographs were taken, Lieutenant N's APC had already turned into the Eden Place waste ground and Sergeant O's APC into the Rossville Flats car park, and so they are out of view.

**70.5** Before the sequence of six photographs taken by Liam Mailey that show the arrival of Corporal P and Private 017 at the pram-ramp wall south of Kells Walk, which we have set out above,<sup>1</sup> Liam Mailey had taken another photograph, which we show below.

<sup>1</sup> [Paragraphs 69.51–56](#)



**70.6** Although each of the photographs that we have set out above shows only a moment in time and must be treated on that basis, together they give a view of people moving away from the Army vehicles, a number gathering at the rubble barricade, some to the north of that barricade and some apparently armed with stones and similar missiles. A number of civilians gave evidence that there was rioting at and north of the barricade, in the form of throwing bricks, stones and similar missiles.

**70.7** Thomas Heaney,<sup>1</sup> Vincent McCauley,<sup>2</sup> Ciaran Donnelly<sup>3</sup> and Peter Lancaster<sup>4</sup> told us of rallying cries and calls for people at Free Derry Corner to return to the rubble barricade. Some witnesses, such as Don Mullan,<sup>5</sup> told us of returning to the barricade with “*maybe a dozen or two dozen people*” to throw stones.<sup>6</sup> Paul McGeady put the number returning at “*maybe several dozen*”.<sup>7</sup> Gavan Duffy said “*about ... 80 people ... surged forward towards the [Free Derry Corner side of the] barricade*” from Glenfada Park North on seeing a soldier hitting a youth with a rifle butt.<sup>8</sup>

<sup>1</sup> Day 140/32

<sup>5</sup> Day 148/105-9

<sup>2</sup> Day 119/115

<sup>6</sup> Day 148/105

<sup>3</sup> M22.7

<sup>7</sup> Day 137/128

<sup>4</sup> AL4.8

<sup>8</sup> Day 126/144

**70.8** Vincent McCauley told us of rioters “*charging towards the soldiers*”<sup>1</sup> and of “*youths running towards the soldiers with the intent of tackling them with bricks*”,<sup>2</sup> from about the south end of Glenfada Park South.<sup>3</sup> Paul McGeady thought “*maybe between 6 to 12 people*” went over the barricade,<sup>4</sup> while George Downey thought “*three or four guys*” went over the barricade “*five or six foot*”.<sup>5</sup> Hugh Patrick O’Donnell said that 30 to 50 people ran towards soldiers at

the corner of the Rossville Flats, and that he thought that there had been “30/40 of us north of the barricade”.<sup>6</sup> Frankie Mellon said that “20 or 30 people”, including Hugh Gilmour (one of those shot and killed in Sector 3), would pick up fist-sized stones from behind the barricade and run forward “about 40 or 50 yards” to hurl them at the soldiers.<sup>7</sup> James Quinn said that, while he threw stones from behind the barricade, some were stoning from the north side of the barricade.<sup>8</sup> George Roberts said that he and between 15 and 20 others threw stones from the rubble barricade, but the soldiers were too far away for them to reach.<sup>9</sup>

<sup>1</sup> Day 119/117

<sup>6</sup> AO32.4; Day 405/13-14

<sup>2</sup> Day 119/118

<sup>7</sup> AM399.3; Day 151/137-138

<sup>3</sup> Day 119/135-138; AM99.10

<sup>8</sup> AQ10.5; Day 179/54-55

<sup>4</sup> Day 137/128

<sup>9</sup> Day 151/69-70

<sup>5</sup> Day 123/16-19

## 70.9

Many civilian witnesses described seeing or taking part in rioting at the barricade itself. Paul McGeady thought “*Maybe a dozen*” youths were involved in the stoning.<sup>1</sup> Brian Kelly described rioting by some of “*between 12 and 15*” youths behind the barricade, but thought that the youths would have realised that the stones “*could not reach the soldiers and that there was no chance of causing injury*”.<sup>2</sup> Gavan Duffy believed that only a minority in the crowd were rioting with stones and bottles while the remainder watched without participating.<sup>3</sup> Ciaran Donnelly said that of the 20 or so youths lined up behind the barricade, only six to ten “*were constantly throwing stones*”.<sup>4</sup> Ronald Wood said that a crowd of ten to 15 people were throwing rubble and pieces of brick from the centre of the rubble barricade, among whom were two young men who fell, though he said that he had not actually seen the two men throwing stones.<sup>5</sup> Professor Terence O’Keeffe (who in 1972 was Fr O’Keeffe) told us that he had the “*impression*” that “*a small group of youths, about 7 or 8, towards the middle of the barricade*” were throwing stones.<sup>6</sup> George Roberts put the number at “*15 to 20 maybe*”, but said that the soldiers were out of range.<sup>7</sup> Jack Nash threw stones from behind the barricade and saw others do the same.<sup>8</sup> Donal Deeney thought that “*There might have been more*” than 10 to 20 rioters.<sup>9</sup>

<sup>1</sup> Day 137/125-126

<sup>6</sup> H21.46; Day 127/99

<sup>2</sup> AK6.14-15

<sup>7</sup> Day 151/69-70

<sup>3</sup> Day 126/140-143

<sup>8</sup> Day 137/31

<sup>4</sup> WT2.81

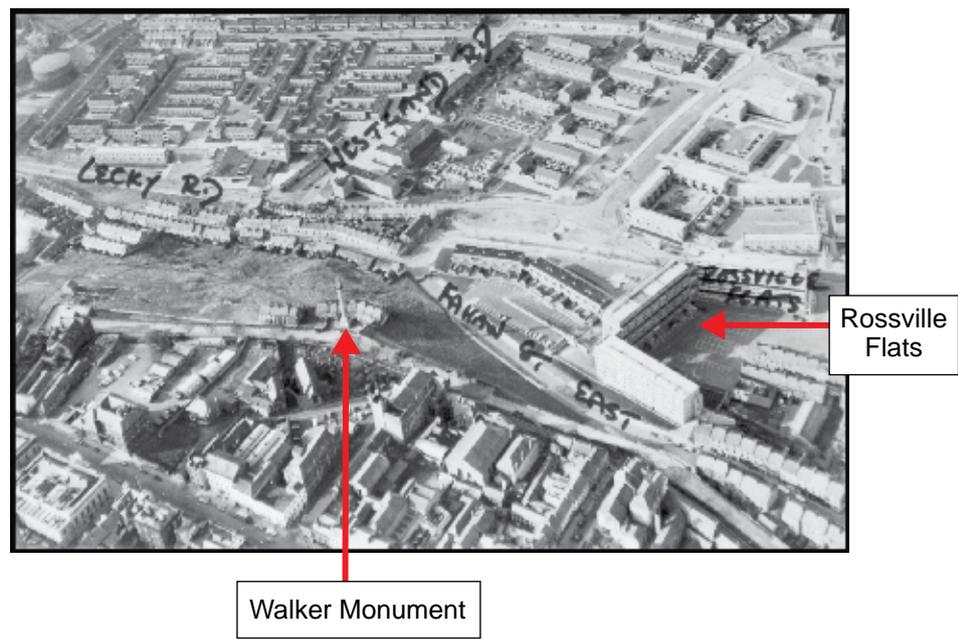
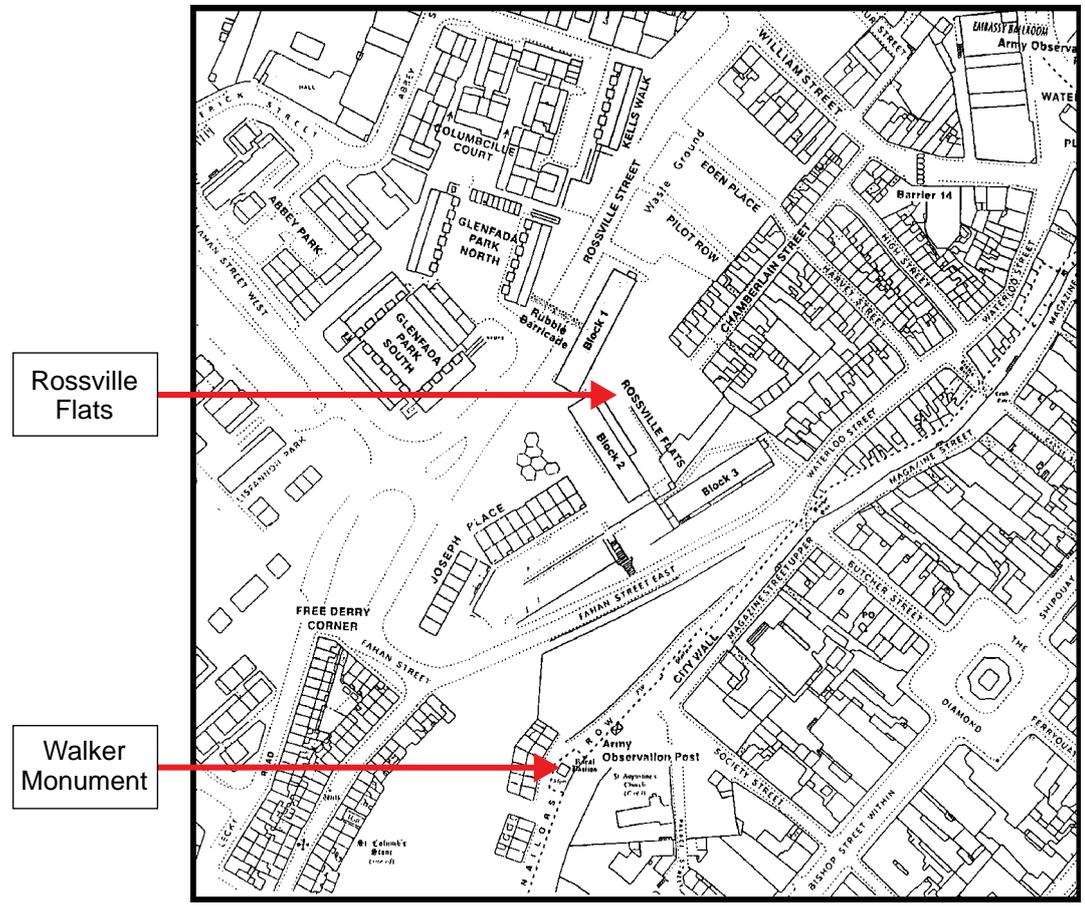
<sup>9</sup> Day 86/42

<sup>5</sup> AW24.3; Day 127/21-22

## 70.10

Assistant Chief Constable Robert Campbell, of the Renfrew and Bute Constabulary, and Superintendent Samuel McGonigle, then the Planning Officer of that constabulary, were visiting Northern Ireland in order to study the methods employed there for dealing with major incidents; and were present on Bloody Sunday. They accepted an invitation from

the Royal Ulster Constabulary (RUC) to observe the civil rights march from near the Walker Monument on the City Walls. We indicate the position of the Walker Monument on the following map and photograph.



**70.11** Both these police officers reported being able to observe, among other things, part of the rubble barricade, though their view of Rossville Street further north was obscured by the Rossville Flats; and that they saw people running north to the rubble barricade and hurling stones and similar missiles at what they assumed were soldiers out of their view.<sup>1</sup> According to Superintendent McGonigle, a crowd formed up behind the rubble barricade and then ran forward throwing these missiles.<sup>2</sup>

<sup>1</sup> [JC4.6](#); [JM19.6](#)

<sup>2</sup> [JM19.16](#)

**70.12** There was some evidence to suggest that a number of people at the rubble barricade went forward and threw stones after seeing a person arrested by soldiers on the Eden Place waste ground.

**70.13** George Downey,<sup>1</sup> Gavan Duffy,<sup>2</sup> Paul McGeady,<sup>3</sup> Alphonsus Cunningham,<sup>4</sup> Noel McCartney<sup>5</sup> and Hugh Patrick O'Donnell<sup>6</sup> all gave accounts of what some described as a “surge” forward, with numbers varying from about three and four up to as many as several dozen crossing the barricade and going forward. However, none suggested that they came close to the arresting soldiers or near enough to do them harm. We accept that, as George Downey said, the surge was really more a gesture than a real attempt to engage the soldiers.<sup>7</sup>

<sup>1</sup> [Day 123/16-19](#)

<sup>5</sup> [M55.8](#)

<sup>2</sup> [AD155.2](#); [Day 126/144](#)

<sup>6</sup> [Day 405/13](#)

<sup>3</sup> [AM219.3-4](#); [Day 137/128](#)

<sup>7</sup> [Day 123/65-66](#)

<sup>4</sup> [AC125.11](#)

**70.14** Although it is not certain, we consider it more likely than not that the arrest, or one of the arrests, to which these civilians were referring, was that of William John Dillon. We considered this arrest in our discussion of the events of Sector 2.<sup>1</sup> Neither of the soldiers who arrested William John Dillon (Private 006 and Private 037) gave any evidence of being approached by civilians or being stoned as they did so.

<sup>1</sup> [Chapter 33](#)

**70.15** As we noted while considering the arrest of William John Dillon,<sup>1</sup> both Jeffrey Morris of the *Daily Mail* and Colman Doyle of the *Irish Press* photographed this event. The first photograph taken by Jeffrey Morris from the Eden Place waste ground gives a view across Rossville Street and of part of the rubble barricade.

<sup>1</sup> [Paragraphs 33.13–14](#) and [33.35–37](#)



**70.16** There is an enlargement of the left-hand side of this photograph shown below.



**70.17** This shows two figures north of the rubble barricade and perhaps moving northwards. However, the photograph as a whole shows no-one near the soldier arresting William John Dillon, and the part of Rossville Street in view (from the western part of the rubble barricade to a position a few yards from the corner where Corporal P and Private 017 can be seen in the photographs we have considered above<sup>1</sup>) is shown entirely clear of people.

<sup>1</sup> [Paragraphs 69.44](#), [69.46](#) and [69.49](#)

**70.18** As we have also already noted<sup>1</sup> when discussing the arrest of William John Dillon, Colman Doyle took a very similar photograph from a position that must have been close to Jeffrey Morris. Colman Doyle's contact prints show that after that he took five further photographs of the arrest of William John Dillon. In the background of the last three of these can be seen Corporal P and Private 017. Two of these photographs we have reproduced above.<sup>2</sup> The contact sheet we show below.

<sup>1</sup> Paragraph 33.36

<sup>2</sup> Paragraphs 69.44 and 69.49



**70.19** In our view there can be little doubt that this series of photographs, and those of Jeffrey Morris, were taken over a short period of time. With the exception of the figures just to the north of the rubble barricade shown in the enlargement of Jeffrey Morris's photograph, none shows any civilians (apart from William John Dillon) in the area of Rossville Street or along its western side.

## Conclusions on the rioting at and near the rubble barricade

**70.20** From the evidence we have considered above we are sure that rioting broke out at the rubble barricade soon after the Army vehicles arrived in Rossville Street, in the form of some dozen or more men collecting and throwing stones, bricks, rubble, bottles and the like towards the soldiers. Some went forward of the rubble barricade to stone from nearer the soldiers, but in our view none came near enough to soldiers to pose a real danger to them. At this stage most of the soldiers in Sector 3 were some 70 yards away from the rubble barricade, in the Kells Walk area of Rossville Street.

## Chapter 71: Rioters coming from the Columbcille Court alleyway

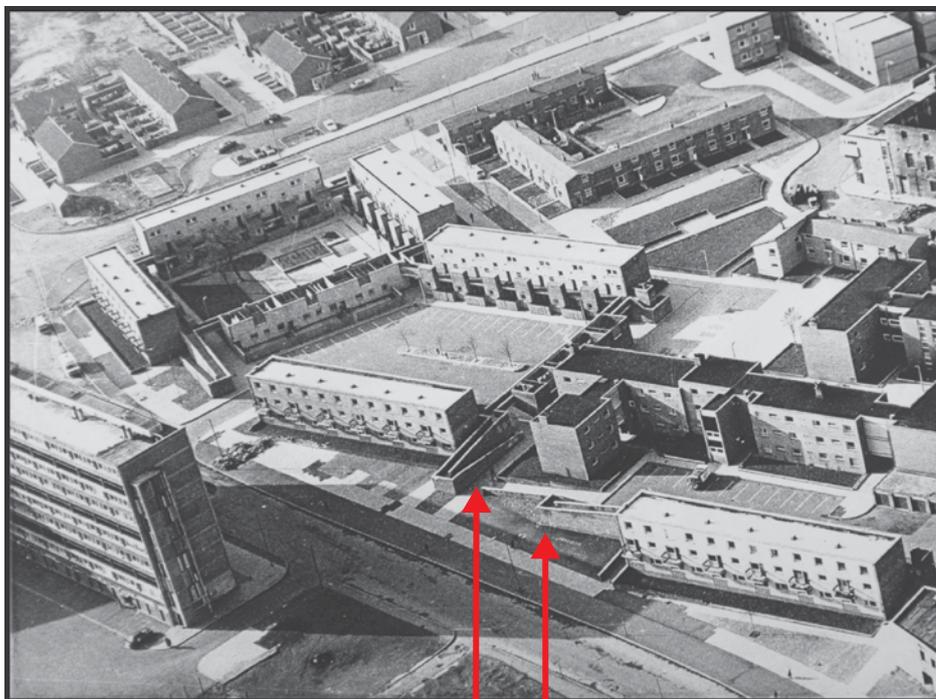
71.1 In a part of his first RMP statement<sup>1</sup> that we have quoted above,<sup>2</sup> Corporal P described about 20 advancing rioters, who were about 50m away and at whom Private 017 fired a number of baton rounds, causing the rioters to split up. The rubble barricade would have been about 50m away from the corner where Corporal P and Private 017 can be seen in the photographs shown above.<sup>3</sup> However, in a part of his written statement for the Widgery Inquiry that we have also quoted above,<sup>4</sup> Corporal P described taking cover against a wall (which appears from the context to be the wall where he and Private 017 can be seen in the photographs), after which a group of people came along the alleyway and started stoning and bottling them. Again from the context, this would appear to be the alleyway that led off Rossville Street towards Columbcille Court. This alleyway is shown in the following photograph, on which we have also marked the position of Corporal P and Private 017 when they were photographed by Colman Doyle.

<sup>1</sup> B576

<sup>2</sup> Paragraph 69.22

<sup>3</sup> Paragraphs 69.44, 69.46 and 69.49

<sup>4</sup> B592



Alleyway  
leading to  
Columbcille Court

Location of Corporal P and  
Private 017, when photographed  
by Colman Doyle



**71.7** Brendan Carlin was 13 at the time of Bloody Sunday. He stated that he had run down Chamberlain Street and through the gap between Blocks 2 and 3 of the Rossville Flats, and taken shelter at the Threepenny Bits (the hexagonal brick structures to the south of Block 1 of the Rossville Flats). His account continued as follows:<sup>1</sup>

“12. I could see up Rossville Street but I have no recollection of what was happening around the Rubble Barricade. What grabbed my attention was two soldiers who were in the area I have marked D on the map in map reference K12. They were standing on an area that had cobbled stones pushed into cement. I do not recall seeing any other soldiers around these two, as my attention was focused entirely on them. The crowd had come out of the alleyway eastwards from the north of Glenfada Park North at point E on the map at reference J13 and had turned to confront the soldiers. They were taking on the two soldiers and were giving them a right stoning. One of the soldiers had a rubber bullet gun and the other had a rifle. The one with the rubber bullet gun was loading his gun as fast as he possibly could and was firing out at the youths who were coming back and forth from the alley but he was going to lose out and he knew it. These two were under pressure and the other soldier with a rifle shot a live round. He did this with his right elbow at the hip but with the gun pointing above the heads of the youths. Witnessing this scene convinced me that things were going to go wrong.”

<sup>1</sup> [AC30.6-7](#)

**71.8** The area Brendan Carlin marked “D” was by the corner of the wall where Private 017 and Corporal P can be seen in the photographs that we have set out above.<sup>1</sup> The alleyway he marked “E” was the alleyway leading from Rossville Street to Columbcille Court.<sup>2</sup> Brendan Carlin told us that after witnessing this he crossed Rossville Street and went into Glenfada Park North, but did not remember seeing anyone injured at the rubble barricade at this time.

<sup>1</sup> [Paragraphs 69.44, 69.46 and 69.49](#)

<sup>2</sup> [AC30.9](#)

**71.9** We draw no adverse inference from the fact that Brendan Carlin did not give oral evidence. His account of the two soldiers in the position he described who were being stoned by people coming out of the alleyway leading from Columbcille Court in our view supports the evidence of Corporal P and Private 017 that on their arrival at the wall there were people who came out of that alleyway and threw stones and bottles. We return later in this report<sup>1</sup> to Brendan Carlin’s evidence of Corporal P firing a shot over their heads.

<sup>1</sup> [Paragraphs 73.20 and 73.25–27](#)

**71.10** In summary, therefore, we conclude that in addition to the crowd at or near the rubble barricade, a few people (Private 017 told us it was about four or five<sup>1</sup>) were throwing objects from the Columbcille Court alleyway towards him.

<sup>1</sup> [B1484.008](#)

## Chapter 72: The high velocity shots heard by Corporal P and Private 017

**72.1** As we have noted,<sup>1</sup> in his written statement for the Widgery Inquiry,<sup>2</sup> Corporal P described hearing two shots as he and Private 017 reached the wall. He stated that he thought that these were high velocity shots that had come “*roughly*” from the direction of the rubble barricade and that he heard the crack of the round going overhead. In his written statement for the Widgery Inquiry,<sup>3</sup> Private 017 recorded that soon after he had taken up his position at the wall in front of Columbcille Court he heard two high velocity shots “*which I believe may have come from around the area of Rossville Flats but I am not sure what the direction of the fire was*”. In his written statement to this Inquiry,<sup>4</sup> Private 017 told us he had heard some shots but did not know where they had come from and did not think that they were aimed at him.

<sup>1</sup> Paragraph 69.25

<sup>3</sup> B1482

<sup>2</sup> B592

<sup>4</sup> B1484.004

**72.2** We have found no other evidence from any source to suggest that two high velocity shots were fired from the area of the rubble barricade towards Corporal P and Private 017. It is noteworthy that Private 017 was from the outset uncertain of the direction of fire. In our view these shots were two of the three fired by Lieutenant N up the Eden Place alleyway, an incident that we considered in the context of Sector 2.<sup>1</sup> This incident, which occurred quite soon after Lieutenant N had disembarked from his APC, and some 85m from where Corporal P and Private 017 were situated, corresponds in time with the firing that Corporal P and Private 017 said that they heard. We do not accept Corporal P’s account of hearing the shots pass over his head. Had this happened, there is no reason why Private 017 should not also have heard this, but this soldier has never suggested that he came under fire. As will be seen later in this report,<sup>2</sup> we have concluded that Corporal P has throughout lied, to the RMP, to the Widgery Inquiry and to this Inquiry. This is an additional reason for not accepting his account that this was incoming fire.

<sup>1</sup> Paragraphs 30.36–129

<sup>2</sup> Paragraphs 73.27–28 and 85.25–28

## Chapter 73: The initial firing by Corporal P

**73.1** In his first RMP statement, Corporal P described firing two shots at a nail bomber who was behind a crowd about 50m away:<sup>1</sup>

“About 20 of the rioters were advancing towards us and were throwing stones and other missiles at us continually. One of the two chaps with me and armed with a anti riot gun fired a number of rubber bullets in an attempt to disperse the 20 who were attacking us. They were about 50 metres away at this time. The rioters on being hit by these rubber bullets split up.

As they split up I saw a man aged about 23–25 yrs wearing a light coloured jacket just behind the crowd. I saw him light an object in his hand. I saw it fizzle and sparks came from it. I shouted a warning to the chaps with me and then fired two aimed shots. The first I saw strike the ground near the nail bombers feet. The second I saw strike him in the chest, and this knocked him backwards, he fell to the ground.

The crowd then pulled back temporarily about 5–10 metres. The nailbomb did not explode. They then surged forward again and removed the body of the man I had shot.”

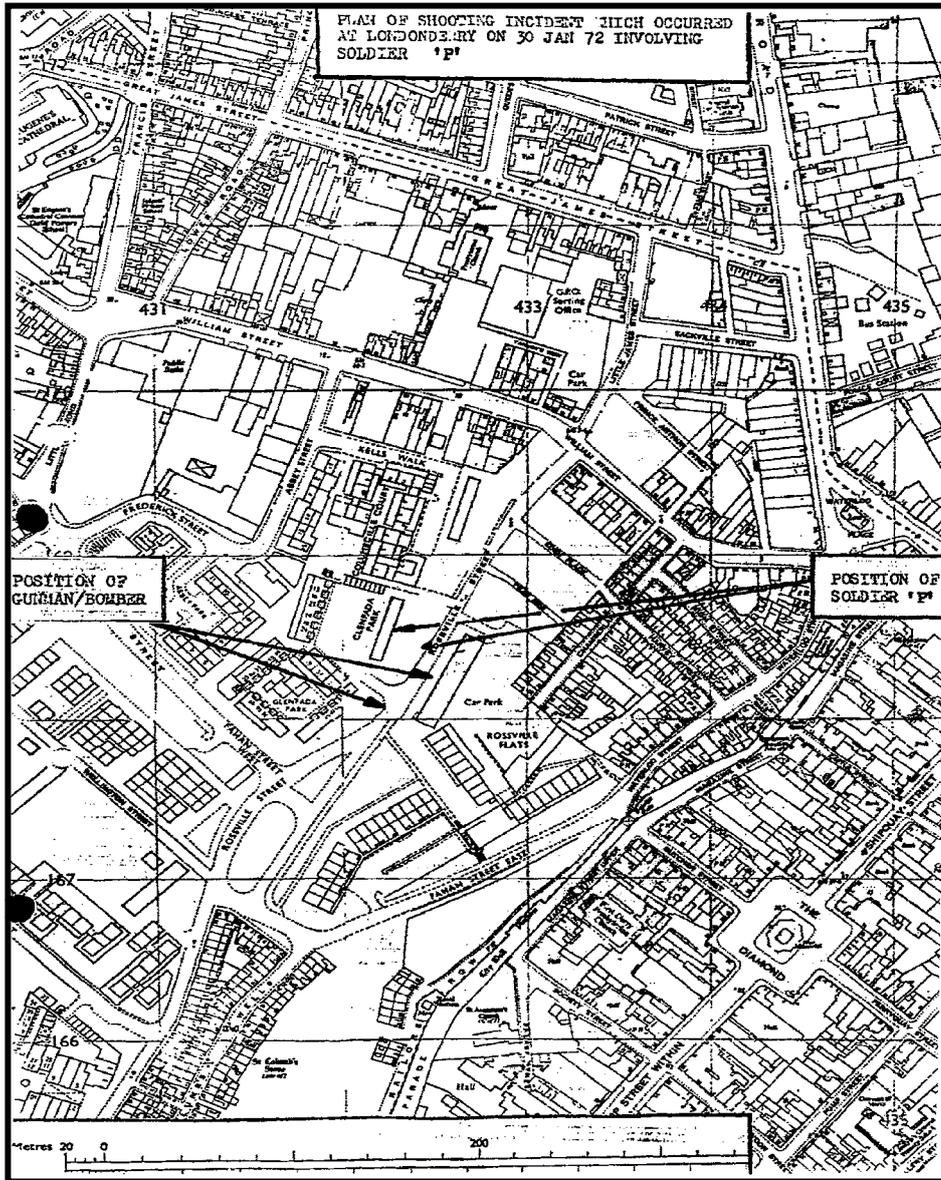
<sup>1</sup> B577

**73.2** On Corporal P’s RMP map are marked two positions for him and two positions for his targets. The map was intended to mark not only the position of the nail bomber Corporal P had stated that he had shot but also the position of a man with a pistol he said that he had shot later behind the barricade. We consider the pistol man later in this report,<sup>1</sup> but so far as the nail bomber is concerned neither of the positions of Corporal P marked on the map corresponds with the position from which Corporal P had stated that he had fired, though his first target is perhaps intended to be indicated by the more southerly of the two “target” arrows.<sup>2</sup> We explain later in this report<sup>3</sup> that the RMP maps were not prepared or approved by the soldier concerned. The map does not show the wall of the high ramp south of Kells Walk, which may have led the compiler of the map mistakenly to place Corporal P further to the south than this soldier had said he was.

<sup>1</sup> Paragraphs 85.2–28

<sup>2</sup> B579

<sup>3</sup> Paragraph 173.149



73.3 Corporal P gave a significantly different account in his evidence to the Widgery Inquiry. In a part of his written statement for that Inquiry that we have previously set out,<sup>1</sup> he described a group of people coming along the alleyway and the soldier he was with (Private 017) firing a number of baton rounds to disperse them. This statement continued:<sup>2</sup>

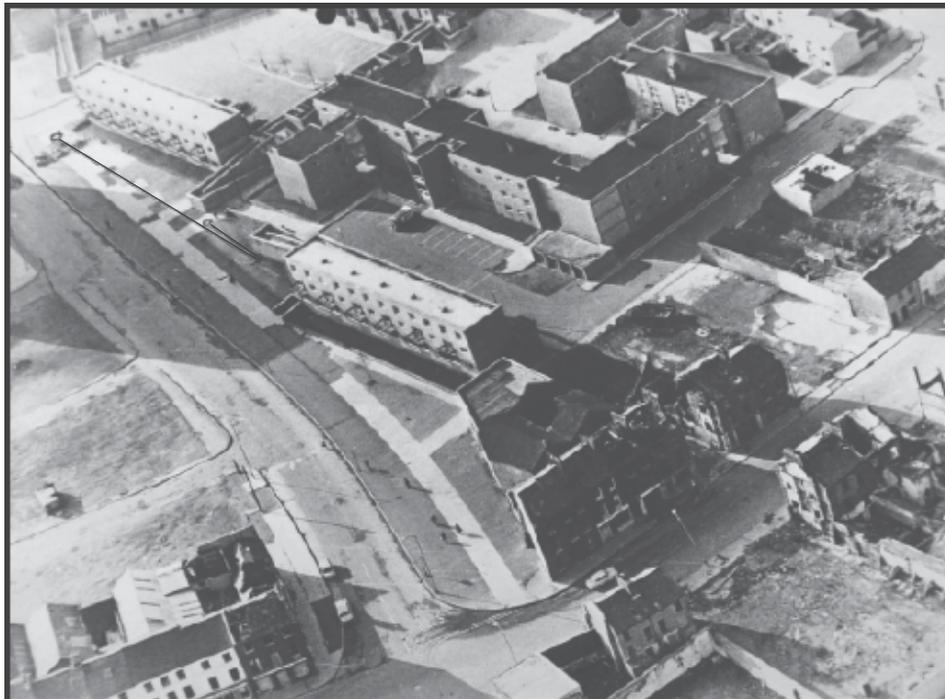
“The crowd on being hit split up and I noticed a man (he appeared to be aged about twenty-five and was wearing a light-coloured jacket) who was taking cover behind the crowd light an object which I would describe as an explosive missile and which seemed to me to be a nail bomb which began to fizz. I told the other soldier I was with to watch out and I took aim at the man and fired two shots. The man fell, dropping the object which did not explode. At that time my attention was directed down Rossville Street but when I re-directed my attention to where I had shot the man, the body had been removed and I could not see any object on the ground.”

<sup>1</sup> Paragraph 69.25

<sup>2</sup> B592

73.4 Corporal P’s trajectory photograph put him at the wall where he can be seen in the photographs set out above,<sup>1</sup> and his first target at the entrance of the alleyway leading into Columbcille Court.

<sup>1</sup> Paragraphs 69.44, 69.46 and 69.49



**73.5** The longer of the two lines drawn on this photograph from the corner of the high ramp at the south end of Kells Walk relates to the shot that Corporal P said that he later fired at a man holding a pistol behind the rubble barricade. We note at this point that there is no entry in Major Loden's List of Engagements<sup>1</sup> that relates to any of the shots that Corporal P said that he had fired. The reason for this is that Corporal P had gone up to Altnagelvin Hospital with the bodies of three of the casualties at the time when Major Loden was compiling this list.<sup>2</sup>

<sup>1</sup> ED49.12

<sup>2</sup> B593; WT13.52

**73.6** Corporal P initially gave a somewhat similar account of shooting a nail bomber in his oral evidence to the Widgery Inquiry:<sup>1</sup>

"Mr. GIBBENS: The people behind the barrier, did they just throw a few stones and leave?

A. No, sir, they stayed where they were.

Q. Did they persist in throwing things?

A. Yes, sir.

Q. What happened then?

A. Around this time I noticed a group of people coming out from the Columbcille Court alleyway and they started stoning us and bottling us. The other person I was with fired some baton rounds in an attempt to disperse them, which he did, but when they split up I noticed a man standing behind and attempting to light an object, an explosive missile.

LORD WIDGERY: Yes. Describe it.

A. It was black. It was a black object with what seemed to be a fuse sticking out of it and at the time it was fizzing.

MR. GIBBENS: What do you mean by fizzing?

A. Smoking and spluttering – that sort of thing.

Q. Have you ever seen similar things before in your service in Northern Ireland?

A. Yes, three or four times.

Q. What have they proved to be?

A. Nail bombs.

Q. What did you believe this one was?

A. A nail bomb.

Q. What did you do then?

A. I shouted a warning to this soldier I was with and fired two aimed shots at him.

Q. Not at the soldier?

A. At the nail bomber, sir.

Q. What position were you in when you fired those shots?

A. I was standing, sir.

Q. And where was your weapon?

A. At the shoulder.

Q. Did you ever fire any shots from the hip?

A. No, sir, it is not part of our training.

LORD WIDGERY: Forgive me. You and this other soldier who had been with you all the time, were you alone at this stage or were there others close to you?

A. There was a group of people, from what I understand, to the rear of us.

Q. I am talking about other soldiers of your battalion. You and your mate were there by yourselves?

A. Yes.”

<sup>1</sup> WT13.47

**73.7** Corporal P told the Widgery Inquiry that the man dropped the object, which did not go off, that his attention was directed to the rear and that when he turned back the body had gone, along with the nail bomb.<sup>1</sup>

<sup>1</sup> WT13.49

**73.8** A little later in his oral evidence Corporal P told the Widgery Inquiry that the man with the nail bomb was about 50 to 75m from him.<sup>1</sup> This distance would suggest that the man was in the area of the rubble barricade, whereas the distance from Corporal P's position to the Columbcille Court alleyway (and the distance between him and his target according to the trajectory photograph) was only some 20m. A little later in his oral evidence to the

Widgery Inquiry, Corporal P was shown his trajectory photograph. He agreed that the nail bomber would have been right in the open on the concrete pathway; and said that the nail bomber was about 50 yards away; and was positive that he had hit him in the chest.<sup>2</sup>

<sup>1</sup> WT13.54

<sup>2</sup> WT13.69

**73.9** Corporal P initially told the Widgery Inquiry that he had seen the man light the nail bomb:<sup>1</sup>

“Q. This nail bomb, was it fizzing at the time when the man had it in his hand?

A. Yes sir.

Q. Did you see him light it?

A. Yes sir.

Q. How did he light it?

A. Well, he just held it down, struck a match.

Q. Did he have it in his left hand or right?

A. Left.

Q. Did he have the match in his right hand?

A. I believe so.

Q. Did he strike it on a box?

A. I couldn't be certain.

Q. If he did not strike it on a box, what did he strike it on?

A. I could not be certain, sir.

Q. Could you show me now how you think the man with the nail bomb in his left hand lit it with his right?

A. Well, he had the nail bomb and, as I say, I don't know how he struck the match. He just lit the fuse.

Q. Would you just go back? Two seconds before you see a lighted match in his right hand. Can you tell me how that match materialized in his right hand?

A. No, I couldn't say, sir.

Q. You could not say?

A. No.

Q. Did it appear as if by magic?

A. I shouldn't think so, sir.

Q. Did he have a wall on his right-hand where he may have struck it?

A. He would have an entrance to the alleyway.

Q. When he was in Rossville Street, looking towards William Street, would it not be quite untrue to suggest that he had a wall near his right-hand? Do you recall where you pointed out to my Lord only a few minutes ago where the man was standing?

A. Yes sir.

Q. Are you trying to tell the Tribunal that he would have had a wall near his right hand?

A. No sir.

Q. Did he have a matchbox then?

A. I couldn't be certain, sir.

Q. If he got it lit, you saw the match come towards the nail bomb?

A. I saw the nail bomb fizzing."

<sup>1</sup> [WT13.58-59](#)

**73.10** However, at the end of Corporal P's oral evidence to the Widgery Inquiry, there was this question and answer:<sup>1</sup>

"Q. ... As regards the man with the nail bomb, did you or did you not see him actually light the match or did you first see the match lit?

A. I did not see the match being lit. I just seen the object spluttering and a certain amount of smoke coming from it."

<sup>1</sup> [WT13.71](#)

**73.11** Private 017 mentioned nothing in his first RMP statement about Corporal P shooting a nail bomber. However, in his second RMP statement<sup>1</sup> he gave this account:

“Further to my statement of 30 Jan 72 which I made at Londonderry. I would like to add that I was positioned behind a brick wall about 10 metres from No 2 Columbcille Court. There was a crowd of about 50 people milling around in front of the barricade which was built across Rossville St. They rushed towards me so I fired one round from my rubber bullet gun, which split them up. From behind the crowd came a man wearing a blue coat and carrying in his hand what I took to be a nail bomb. It was lit as I could see the smoke coming from the fuse. As he raised his arm to throw the bomb towards us ‘P’ who was located just behind me fired 1 x 7.62 rd from his SLR. I don’t know where the round hit the man but he fell and was quickly enveloped by the crowd. The bomb did not go off and the crowd carried away the injured man.”

<sup>1</sup> B1479

**73.12** Private 017 gave a similar account in his written statement for the Widgery Inquiry.<sup>1</sup> In this statement, having described Corporal P firing at the nail bomber, he continued by describing how the crowd retreated behind the barricade but other people ran in and out of the alleyway and threw bricks and stones and bottles.

<sup>1</sup> B1482

**73.13** Private 017 gave this description of the man with a nail bomb in his written evidence to this Inquiry:<sup>1</sup>

“Not long after the crowd ran out of the alleyway, P shouted ‘Look out, bomber!’ There was a crowd just north of the Rubble Barricade in the area marked G on the map (grid references J14 and K14). At first I did not see the bomber because there were a lot of people there. I then saw some blue-white smoke low down amongst the crowd. I saw someone crouched down with a dark object in his hand, which I took to be a nail bomb. He had his arm back as if he was ready to throw. I couldn’t now give a description of the man. I heard a shot. I did not actually see the man struck by the bullet but I saw him spin to his right and go down. I don’t know if he fell on his back or on his face. Within seconds, he was engulfed by the crowd and that was the last I saw of him. When the crowd went back he had gone. The device did not go off. I was waiting for a bang but there was nothing.”

<sup>1</sup> B1484.004

73.14 In his written evidence to this Inquiry,<sup>1</sup> Private 017 gave this explanation for making no mention of the nail bomber in his first RMP statement:

“I didn’t mention the nail bomber that [Corporal P] fired at in that statement. I thought seeing the gunman was more important so that is what I mentioned seeing. I think that was what I was specifically asked about.”

<sup>1</sup> B1484.008

73.15 In his oral evidence to this Inquiry, Private 017 said that he had not mentioned the nail bomber in his first RMP statement “*because Corporal P was ... dealing with that one*”.<sup>1</sup> His evidence continued as follows:<sup>2</sup>

“Q. When you say, ‘Corporal P was dealing with that,’ had you discussed the matter with Corporal P?

A. No.

Q. Do you mean that he was dealing with it in the sense that he is the one who fired the shots at the nail bomber?

A. Yes.

Q. But nevertheless, if this evidence is right, you had seen a suspected nail bomber fall in front of your eyes?

A. Correct.

Q. Apparently shot by another soldier?

A. Yes.

Q. And presumably that nail bomber had been wounded or maybe killed; is that not right?

A. Correct.

Q. Was that not something sufficiently important to be included in your first statement to the Military Police?

A. Maybe, but they were not interested in it.

Q. How do you know they were not interested in it?

A. They were only interested in the gunman.

Q. Did you tell them about the nail bomber?

A. During that, during that night it could have been, the company commander asked if anybody had seen a gunman and I said I did and he said, 'You better make a statement,' and that is what I made, the early hours of the morning.

Q. Did you tell either the company commander or the RMP that you had seen a nail bomber shot in front of your eyes?

A. No, Corporal P did that.

Q. So you did not tell either the company commander or the military policeman who was taking your first statement, anything about the nail bomber?

A. No.

Q. The reason you did not is that the company commander had asked you whether you had seen a gunman; is that right?

A. I think it was the company commander, yes.

Q. Did it not occur to you that unless you told somebody that you had seen a nail bomber they would not be in a position to tell you whether that was something you ought to make a statement about or not?

A. Could you say that again?

Q. Yes. Did it not occur to you that unless and until you told somebody that you had seen a nail bomber being shot right in front of you, nobody would be in a position to say, 'Well, you ought to make a statement about that'?

A. It did not occur to me to, to mention it.

Q. Because you say the Military Police were not interested in the nail bomber?

A. Yes, he was just interested in my encounter with the gunman.

Q. How can you tell whether he was interested in the nail bomber if you had not told him that there was a nail bomber?

A. I took it that Corporal P was dealing with that.

Q. Did the military policeman not say to you in the course of taking that statement was there anything else that you saw?

A. No.

Q. Not at all?

A. Not at all.

Q. You are not suggesting, are you, that you had forgotten about the nail bomber when you saw the RMP?

A. No.

Q. Just that you took a conscious decision not to mention it?

A. Only because Corporal P had been – had given a statement the early hours of that morning about it.

Q. Did you know that?

A. Yes, or everybody that fired had to make a statement that morning.

Q. Do you say that you had no discussion, either before or after making your statement that night, with Corporal P about either what he was going to say or what he had said?

A. No.

Q. You then made a second statement to the Military Police on 4th February; is that not right?

A. Yes.

Q. And if we look at B1484.007, paragraph 46, you refer to that and you say:

‘When we got back to Palace Barracks, we were told that there was going to be an inquiry into what had happened that day. I was interviewed again by someone in civilian clothes ... A copy of that statement is attached marked appendix 2. We were told that anyone involved had to make a statement and anyone who had witnessed what had happened that day had to make a statement to back up the statement of the person who fired the round.’

Should we understand that the purpose of the second statement was to back up what Corporal P had said?

A. Yes.

Q. And do you remember who told you that you were required to make another statement to back up the statement of the person who fired the round?

A. It could have been platoon commander or the platoon sergeant, N or P – sorry, N or O.

Q. N or O. By the time you came to make this second statement, did you know what P had said in his first statement?

A. No, I did not.

Q. Had you still not discussed the matter with P at all?

A. We probably did mention it at 22nd Light Air Defence barracks, but just in talking, not in great detail.

Q. Can you remember anything that he said to you about what he had told the Military Police?

A. No, I cannot.

Q. It may be suggested that the reason why you did not mention the nail bomber in your first statement was that you had not seen the nail bomber and that it was only when you knew what P was saying that you decided to make a statement about the nail bomber yourself, in order to back him up. Is that what happened or not?

A. No.”

<sup>1</sup> Day 358/64

<sup>2</sup> Day 358/64-69

**73.16** Private 017 was also asked about his second RMP statement and his written statement for the Widgery Inquiry, in both of which he had stated that he had seen a smoking fuse:<sup>1</sup>

“Q. Let us look at B1484.013, which is the second [RMP] statement. In the account that you give of the incident, you say: ‘From behind the crowd came a man wearing a blue coat and carrying in his hand what I took to be a nail bomb. It was lit, as I could see the smoke coming from the fuse.’ You have told the Inquiry in your statement of the year 2000 that you do not now remember smoke coming from a fuse?

A. I remember seeing smoke, but not like a fuse the size of a pencil sticking out of the bomb.

Q. Did you see a fuse at all, never mind what size it was?

A. No, just smoke and a dark object in his hand.

Q. If we go to B1484.008, paragraph 49.1 [Private 017's written statement to this Inquiry], you have said there: 'I do not think actually I saw a fuse. The RMP taking the statement would have put that in. All I saw was smoke and a dark object. The IRA were famous for using nail bombs, so I probably did say that the object was a nail bomb.'

So you are suggesting, are you, that the military policeman introduced the reference to seeing a fuse when you had not said anything about seeing a fuse?

A. Yes.

Q. Why would the military policeman have done that?

A. He was helping me along with the statement and, um, he has probably done it all before and he put it in.

Q. Did you read through the statement that he prepared before you signed it?

A. Yes, I did.

Q. And would you not have spotted, when you read it through, that the reference to seeing a fuse was incorrect?

A. It did not occur to me as I took it it was a nail bomb which would have had a fuse.

Q. Let us look, then, at B1484.015, which is the statement that you made to the Treasury Solicitor. Do you remember making this statement?

A. Vaguely.

Q. Do you recall what the procedure was for taking the statement?

A. No, no, I do not.

Q. Can you remember someone asking you questions or was some other procedure followed?

A. I cannot remember.

Q. Do you remember whether you had your Military Police statements in front of you when you made this statement?

A. I am not sure.

Q. If we look in paragraph 3, you say:

'P then told me to look out as he had seen a man come from behind the crowd. This man was about 25, wearing a light blue jacket and carrying in his hand an object which I could see had a smoking fuse which I took to be a nail bomb.'

Do you see there that in this statement as well you were saying that you could see a smoking fuse?

A. Yes, I see what you mean, but if I took it it was a nail bomb, it would obviously have a fuse.

Q. Is the position that you might have told the Treasury Solicitor that you could see a smoking fuse, even though in fact you had seen smoke but no fuse?

A. Yes, I think so.

Q. Did you in fact see anything in the hand of this person?

A. Yes, a dark object.

Q. Did you see smoke around him or around the object?

A. Yes.

Q. Was it clear to you that the smoke that you saw was coming from the object in the hand of this person?

A. Yes."

<sup>1</sup> [Day 358/69-72](#)

**73.17** It will be noted that the accounts Private 017 gave of the position of the nail bomber correspond with that given by Corporal P in his first RMP statement, according to which the nail bomber appeared from behind a crowd advancing from the rubble barricade. The accounts are inconsistent with the second version that Corporal P gave of this incident, according to which the nail bomber had been taking cover behind a crowd that had emerged, not from the direction of the rubble barricade, but from the alleyway leading into Columbcille Court.

**73.18** We have concluded that the reason why Private 017 made no mention of a nail bomber in his first RMP statement was that he had not seen one. We find his varying explanations of why there is nothing about a nail bomber in this statement unconvincing and we reject them. In our view, after he had given his first RMP statement, Private 017 made up a false account of seeing a nail bomber in an attempt to provide support for Corporal P's

evidence. In this attempt he appears to have relied upon Corporal P's original version of shooting a nail bomber who was behind a crowd advancing from the Rossville Flats area; not the later version Corporal P gave of the nail bomber sheltering behind people appearing from the alleyway leading into Columbcille Court. The suggestion made by the representatives of the majority of the families that Private 017 colluded with members of the RMP and the solicitors working for the Widgery Inquiry "*to provide an account of events consistent with that of Soldier P*"<sup>1</sup> cannot therefore be sustained, as their accounts are not consistent.

<sup>1</sup> [FS1.1669](#)

**73.19** There is, however, evidence that Corporal P did fire his rifle at about the time he said that he had shot a nail bomber.

**73.20** We have referred above<sup>1</sup> to the evidence of Brendan Carlin, who told us that he saw a soldier, who from his account we consider must have been Corporal P, fire a shot from the hip over the heads of the people stoning him and the soldier with him.

<sup>1</sup> [Paragraphs 71.6–9](#)

**73.21** In his written statement for the Widgery Inquiry,<sup>1</sup> the photographer Liam Mailey recorded that his impression was that just before he had taken what we have described above<sup>2</sup> as his third photograph (showing Private 017 at the corner of the wall of the high ramp at the southern end of Kells Walk), the soldier on the right (Corporal P) had fired about two rifle shots towards the barricade from his hip.

<sup>1</sup> [M50.58](#)

<sup>2</sup> [Paragraph 69.54](#)

**73.22** In his written statement for the Widgery Inquiry,<sup>1</sup> Fr Thomas O'Gara described taking up a position about 15 yards south of the barricade in Rossville Street and seeing some soldiers in battle dress who were positioned beside a wall at the Free Derry Corner end of Kells Walk:

"One fired rubber bullets and the other got down on one knee several times pretending to fire. On the last of these occasions a sharp crack rang out and I knew this was live rifle fire. I saw no one fall. The soldier was aiming in the Glenfada park direction."

<sup>1</sup> [H19.5](#)

**73.23** In the statement that Peter Pringle of the *Sunday Times* Insight Team took from Eamon Melaugh, there is the following account:<sup>1</sup>

“The soldiers who jumped out of the pigs caught a young lad and were giving him an unmerciful beating. He was on the ground and they were giving him a kicking. And a number of us ran forward to try and effect a rescue and we were throwing stones. There’s no doubt about I threw stones. We ran forward for about 10 or 15 yards and then we could hear shooting. I would assume that this shooting was going up Chamberlain St to my right. A number of people turned and ran back up Rossville St. and I did the same. Residents from the first floor of the flats called down to me that I had dropped part of my camera. It was a lens hood. And I walked back down and collected it. I would be at this time the last civilian going up Rossville St. I was the last. I walked back up again to the barricade and I turned round and the army were still pouring in on the left hand side of Glenfad Park as I looked at it. There were three troopers who came the furthest up Rossville St. One was a rubber bullet man who was at the front and he was shooting his rubber bullet gun almost as quickly as he could load it. Immediately behind him and slightly further away because they were standing tight into the brick wall one of the troops I know now to be a paratrooper fired two rounds. He didn’t take aim. He fired from the waist. I know he was a paratrooper because it is generally recognised now that they were all paras.

I was in front of the barricade going down towards Rossville St at this time – on the Rossville St. side of the barricade. When this happened I got up on top of the barricade and I attempted to take a photograph of the guy who had shot, but he saw I had long telephoto lens he turned his back to me and he walked down the length of the wall and he kept taking a quick glance over his shoulder to see if I had my camera to my eyes.

When I saw he had twigged on to what I was trying to do I got down off the top of the barricade into the Free Derry side.”

<sup>1</sup> AM397.23-24

**73.24** Although Eamon Melaugh claimed in his oral evidence to this Inquiry<sup>1</sup> that some of the contents of these notes did not reflect anything that he had said to Peter Pringle, he did tell us that he remembered seeing a soldier fire two rounds from behind another soldier

who had a baton gun; and that he attempted to photograph the soldier who had opened fire.<sup>2</sup> We should add that we are of the view that Peter Pringle probably did record accurately what Eamon Melaugh told him.

<sup>1</sup> [Day 143/24](#); [Day 143/65](#)

<sup>2</sup> [Day 143/42-43](#)

**73.25** Thus there is evidence from three civilians and a priest that Corporal P fired at least one shot, if not two, at the stage under consideration.

**73.26** For reasons that we give later in this report,<sup>1</sup> there is no doubt that the first person to be shot in the area of the rubble barricade was Michael Kelly. There is equally no doubt that he was shot by Lance Corporal F of Anti-Tank Platoon, since the bullet recovered from his body matched Lance Corporal F's rifle. There is no evidence from any source (including journalists but apart from that of Corporal P and Private 017) that anyone was shot in Sector 3 before Michael Kelly; and we are sure that Michael Kelly was the first casualty in that sector.

<sup>1</sup> [Paragraphs 81.21–33](#) and [86.43–47](#)

**73.27** It follows that we reject Corporal P's account that he shot a nail bomber. Thus in our view either Corporal P fired at someone, or at more than one person, but missed, or he fired otherwise than at people. There is nothing to suggest to us that Corporal P fired by way of last resort, in order to avoid being caught by the crowd. Nor have we found any other evidence that suggests to us that he fired at someone with a nail bomb. On the basis of the evidence to which we have referred we have concluded that Corporal P fired from the waist or hip over the heads of the people further south on Rossville Street, as a means of frightening them off; and then made up accounts of shooting a nail bomber in order to conceal this firing. We can see no possible justification for this use of his weapon, fired in contravention of the provisions of the Yellow Card.<sup>1</sup>

<sup>1</sup> [ED71.1–2](#)

**73.28** The false accounts that Corporal P gave of shooting at a nail bomber in our view make it difficult to rely on the accounts he gave of his later shots. We consider these accounts later in this report.<sup>1</sup>

<sup>1</sup> [Paragraphs 85.2–28](#)

**73.29** At this point we record that Corporal P told the Widgery Inquiry<sup>1</sup> that when he disembarked from the APC he was wearing a respirator. He gave no evidence about whether or when he took it off. It is not possible from the photographs of Corporal P that we have discussed earlier in this report<sup>2</sup> to see whether or not he was wearing a respirator when they were taken.

<sup>1</sup> [B592; WT13.46](#)

<sup>2</sup> [Paragraphs 69.44, 69.46 and 69.49](#)

## Chapter 74: Private 017's gunman

**74.1** Private 017 has given consistent accounts of this incident, starting with his first RMP statement. In the part of this statement that we have reproduced above,<sup>1</sup> Private 017 described a group of four to five male persons coming close to him from around a corner to his right and stoning him. He then stated that as he ran towards the corner a man came round it towards him:<sup>2</sup>

“He was a young man of about 19/20 years of age. He was wearing a blue shirt and a dark jacket. I could only see the part of the man above his knees. He was about 20 metres away from me. In his hand, I cannot say now which hand, he had a black object I recognised as a hand weapon; either a pistol or a revolver. I raised my baton gun and fired a round at the man. I did not hit him. I turned and ran off. As I did so I heard two small calibre weapon shots behind me as if the man had fired twice at me or other troops.”

<sup>1</sup> Paragraph 69.32

<sup>2</sup> B1472

**74.2** In his written statement for the Widgery Inquiry,<sup>1</sup> Private 017, after giving an account of the nail bomber, continued:<sup>2</sup>

“4. After this had happened the crowd then went behind the barricade and continued to throw stones and bottles in our direction. Also bricks and stones and bottles were also being thrown at us by people who were running in and out of the alleyway leading to Columbcille Court. I noticed one man in particular who was throwing bricks from this position and I realized that I could arrest him. I therefore decided to run towards the alleyway. As I did so I saw a man walk around the corner towards me. From where I was he was about 15–20 metres away from me. He was aged about 20 and was wearing a blue shirt and a dark jacket. In his hand he had either a pistol or a revolver. I raised my baton gun and fired a round at him. I do not know if I hit him because my main concern was to get out of his line of fire so I turned and ran off back to where I had come from. As I did so I heard two small calibre weapon shots behind me as if the man had fired twice at me or other troops in my area.”

<sup>1</sup> B1482

<sup>2</sup> In this statement Private 017 was given the cipher 125.

**74.3** In his written evidence to this Inquiry, Private 017, after giving the account we have rejected concerning the nail bomber, told us:<sup>1</sup>

“Not long after that, I looked west down the alleyway immediately to my right (the one leading to Columbcille Court). I could see rubble and old prams lying around, across the alleyway. Four or five youths had formed a line and were throwing bottles or bricks towards me. In particular, I saw a guy with long hair and I decided to arrest him. As I ran forward, the youths doubled back and ran away and I saw a man with a pistol come around the corner, from the north east corner of Glenfada Park North, into the alleyway towards me. The gunman was about 20 to 30 yards from me. I don't remember which hand his gun was in, but I could see that it was a pistol. He was pointing it in my direction. I fired a rubber bullet at him and he shied away. I then ran round the corner, back into Rossville Street and called P. I can't be certain, as I did so, whether or not the man with the pistol fired at me, but I think that he did. The gunman was a young man, not fat but of normal build. If I had seen him again that day I would have recognised him.”

<sup>1</sup> [B1484.005](#)

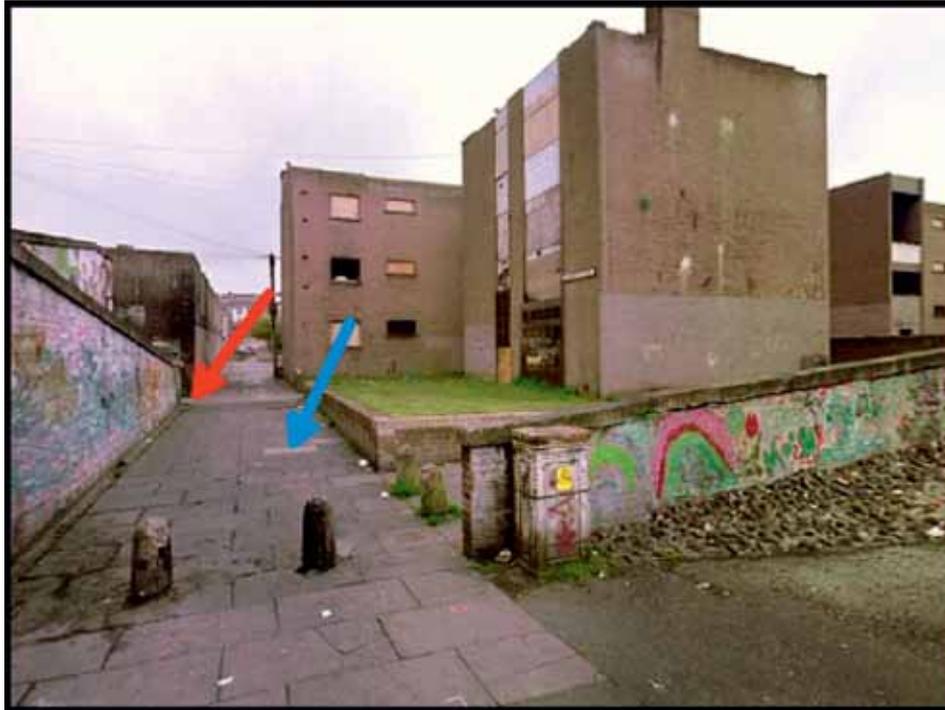
**74.4** During the course of his oral evidence to this Inquiry, Private 017 was closely questioned about the gunman he said that he had seen and at whom he had fired his baton gun.<sup>1</sup> He did not resile from the accounts that he had previously given about this.

<sup>1</sup> [Day 358/1-185](#)

**74.5** In his oral evidence to this Inquiry, Private 017 marked with a red arrow on a photograph the location from which he said that the gunman had come.<sup>1</sup> The photograph is reproduced below.<sup>2</sup> The blue arrow shows where Private 017 put his own position.

<sup>1</sup> [Day 358/76-78](#)

<sup>2</sup> [B1484.035](#)



## Private 017 and the Loden List of Engagements

**74.6** In the course of our consideration of the events of Sectors 1 and 2,<sup>1</sup> we referred to what we described as the Loden List of Engagements, which Major Loden compiled from information provided to him by soldiers soon after the shooting on Bloody Sunday. We consider the preparation of this list elsewhere in this report.<sup>2</sup>

<sup>1</sup> [Paragraphs 18.134 and 51.4–7](#)

<sup>2</sup> [Chapter 165](#)

**74.7** The seventh entry in this list is in the following terms:<sup>1</sup>

“7. 1 gunman with pistol fired 2 rounds at a soldier armed only with a baton gun at GR 43231688 (Alleyway). Soldier fired one baton round and withdrew swiftly.”

<sup>1</sup> [ED49.12](#)

**74.8** Private 017’s position, as indicated by the grid reference, is shown in blue on the following map, prepared for the purposes of this Inquiry by the legal representatives of one of the families.<sup>1</sup>

<sup>1</sup> [OS2.59](#) (extract)



74.9 As is explained elsewhere in this report,<sup>1</sup> we take the view that the grid references contained in the list as a whole do not necessarily indicate the precise positions that those interviewed by Major Loden wished to convey, as inaccuracies undoubtedly arose as a result of the difficult circumstances in which the list was created. However, the similarity between the account of his encounter with a gunman given in Private 017's first RMP statement<sup>2</sup> and in his written statement for the Widgery Inquiry,<sup>3</sup> and the details recorded in the seventh entry in Major Loden's List of Engagements leave us in no doubt that he was the source for that entry. Private 017 could not remember being interviewed by Major Loden, but did remember telling someone about his encounter with the gunman, and agreed that he might have spoken to Major Loden as well as the RMP.<sup>4</sup>

<sup>1</sup> Paragraphs 18.137 and 165.8

<sup>2</sup> B1472-1473

<sup>3</sup> B1482-1483

<sup>4</sup> Day 358/184

**74.10** It is our view, for reasons that we give when considering the list and individual entries in it,<sup>1</sup> that entries 1 to 7 in Major Loden's List of Engagements record engagements involving members of Mortar Platoon, entry 8 is an account given by a member or members of Machine Gun Platoon, entries 9 to 11 concern Anti-Tank Platoon and entries 12 to 15 refer to Composite Platoon (Guinness Force). From this it would appear that Major Loden interviewed members of each platoon in turn, and that Private 017 was the last member of Mortar Platoon to see his Company Commander.

<sup>1</sup> Paragraphs 18.135–138, 51.19–23, 51.93–95, 51.146–148, 51.178–184, 51.277–281, 74.7–9, 84.7–12, 97.58–66, 105.25, 123.16–18 and 165.13

**74.11** There are thus consistent accounts from Private 017, the first given to Major Loden soon after the events of the day, of an encounter with a civilian carrying a handgun.

# Chapter 75: Other evidence of a man with a handgun in Rossville Street

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## Military witnesses

**75.1** Only one other military witness gave evidence of seeing a gunman in the area to which Private 017 had gone. This was Lieutenant Colonel INQ 1383.

### Lieutenant Colonel INQ 1383

**75.2** This officer was the Assistant Provost Marshal in Northern Ireland at the time and was present on Bloody Sunday. He told us that he had followed Support Company through Barrier 12. He was on foot and in civilian clothes. After hearing firing he saw a pistol man emerge from and withdraw behind a wall. According to his written statement to this Inquiry he did not recall whether the man fired, or his exact location, though he described the wall as being in Rossville Street.<sup>1</sup>

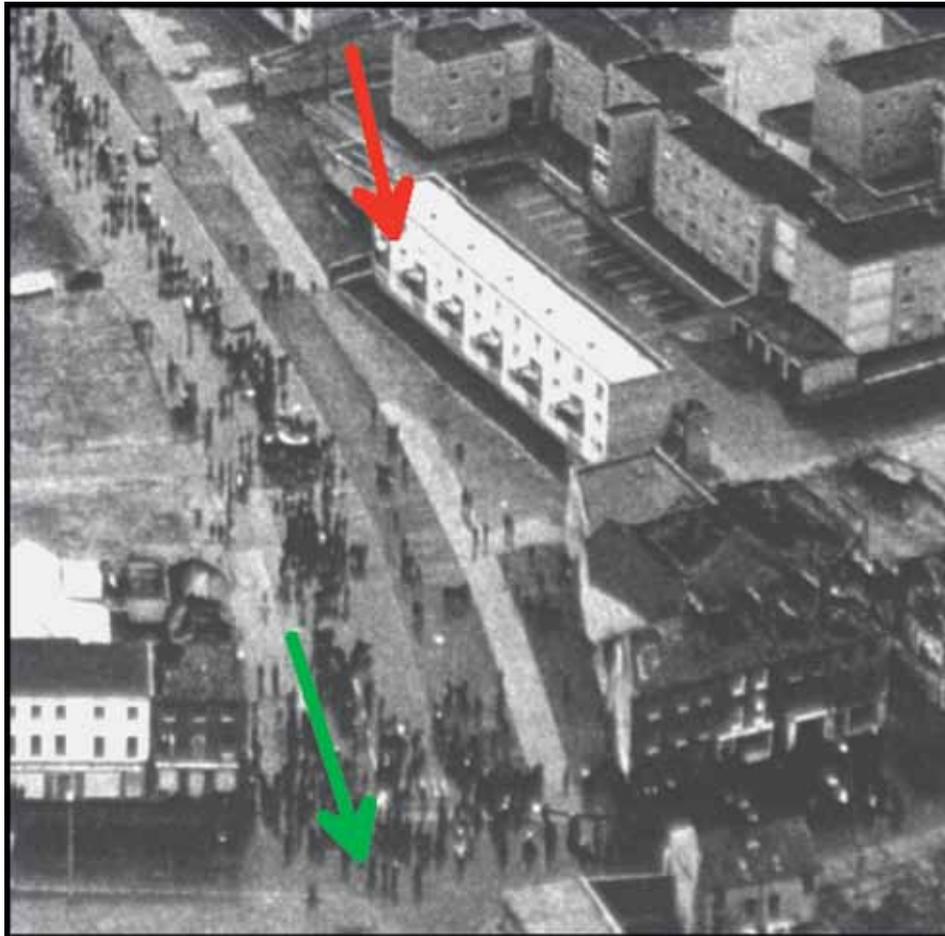
<sup>1</sup> [B1383.5](#)

**75.3** Lieutenant Colonel INQ 1383 gave oral evidence to this Inquiry, during the course of which he was shown a photograph of the area. On this he marked his position as being on the eastern corner of the junction between William Street and Rossville Street when he caught a fleeting glance of a gunman who appeared from behind a wall in the area of

the southern end of Kells Walk. He said: "... it appeared he had a pistol in his hand, fleetingly, and then disappeared."<sup>1</sup> We set out below the photograph (not taken on Bloody Sunday) marked by this officer.<sup>2</sup>

<sup>1</sup> Day 304/89-92

<sup>2</sup> C1383.0010



**75.4** Colonel INQ 1383 was unable to recall any details of the age or hair colour of the gunman he said that he had seen, though he told us that he might have been wearing a raincoat.<sup>1</sup>

<sup>1</sup> Day 304/92-93

**75.5** We have no reason to doubt Colonel INQ 1383's account of catching a glimpse of a gunman in Rossville Street. Since this sighting appears to have been made at about the time when Private 017 was at the corner of the high ramp at the southern end of Kells Walk, we think it possible that Colonel INQ 1383 saw the gunman described by Private 017, but in view of the lack of detail in his account, we cannot be certain of this.

## Civilian witnesses

### Fr Thomas O’Gara

**75.6** Fr Thomas O’Gara is dead and gave no evidence to this Inquiry. However, he gave a written statement for the Widgery Inquiry and oral evidence to that Inquiry.

**75.7** We have already noted<sup>1</sup> that in his written statement for the Widgery Inquiry,<sup>2</sup> Fr O’Gara described seeing two soldiers, who in our view were Private 017 and Corporal P, the former firing his baton gun and the latter kneeling and pretending to fire, though Fr O’Gara then heard the sharp crack of rifle fire. In the next paragraph of the statement, Fr O’Gara described the scene at the barricade:

“Secondly my attention was taken by some young lads on the barricade at the Flats. They were screaming for the mass of the people at Free Derry Corner to come back. None of them had fire-arms or nail bombs or petrol bombs. They shouted both at the army and their own people and I can vaguely recall some stones being thrown. I stood there for about 1 minute and heard some other muffled shots like rubber bullets all from the William Street area. I didn’t realise the danger.”

<sup>1</sup> [Paragraph 73.22](#)

<sup>2</sup> [H19.5](#)

**75.8** Fr O’Gara continued:<sup>1</sup>

“The third incident which I can clearly recall happened about thirty seconds after the soldier discharged his shot. A young man appeared from the Cathedral side of Kells Walk unknown and unseen by soldiers, drew a pistol from his pocket leaned over a wall at the end of Kell’s walk and fired three shots quickly. The soldiers didn’t even recognize his presence and he disappeared. This was the only weapon I saw throughout that day. The man wore a ‘longish’ coat. He was completely separated from the main crowd even those around the barricade on Rossville Street. There was at no stage any gunfire from behind me or beside me. I am certain the revolver was fired after the troops opened fire.”

<sup>1</sup> [H19.5-6](#)

75.9 Fr O’Gara gave a similar account of this gunman in his oral evidence to the Widgery Inquiry. He added that the gunman “*could not possibly have hit any troops but was possibly aiming at a Saracen car that was parked on Rossville Street about 25 yards away, I would say*”.<sup>1</sup>

<sup>1</sup> [WT7.86](#)

75.10 It is not entirely clear from his account where Fr O’Gara put the gunman. From his viewpoint behind the rubble barricade “*the Cathedral side of Kells Walk*” could indicate the western side of Kells Walk. His evidence could also be interpreted as meaning that the gunman appeared between the walls of the low ramp at the southern end of Kells Walk. However, in view of the other evidence that we have considered above,<sup>1</sup> we consider this unlikely, as Corporal P and Private 017 had already gone south of these walls and other soldiers were not far away. To our minds the description Fr O’Gara gave could also apply to the wall extending south from the high ramp at the southern end of Kells Walk, which would put him in a position, and his firing at a time (soon after Corporal P had fired), that would correspond reasonably closely with the place and time given by Private 017. Fr O’Gara told the Widgery Inquiry that the soldiers did not see this gunman, but it remains possible that he either did not see Private 017 firing his baton gun or did not associate this with the gunman.

<sup>1</sup> [Paragraphs 69.22–58](#) and [Chapters 73](#) and [74](#)

## Marian McMenamín

75.11 Marian McMenamín was 17 at the time of Bloody Sunday. She gave a Northern Ireland Civil Rights Association (NICRA) statement<sup>1</sup> in which she made no mention of seeing a civilian gunman, but in her written statement to this Inquiry she described running south from the junction of William Street and Rossville Street with her mother as the Army vehicles came in. Her account continued:<sup>2</sup>

“As we were running away, I saw a civilian with a gun. I hate myself for saying this; I have never told anybody about this before, not even my husband and we have been married for over 25 years. I feel disloyal to the innocent men who died on Bloody Sunday, but I did see him and I feel that the truth must now be told. The gunman was in an alleyway, near the pram ramp at the south gable end wall of Kells Walk. I have marked his approximate position on the attached map point D (grid reference K12).

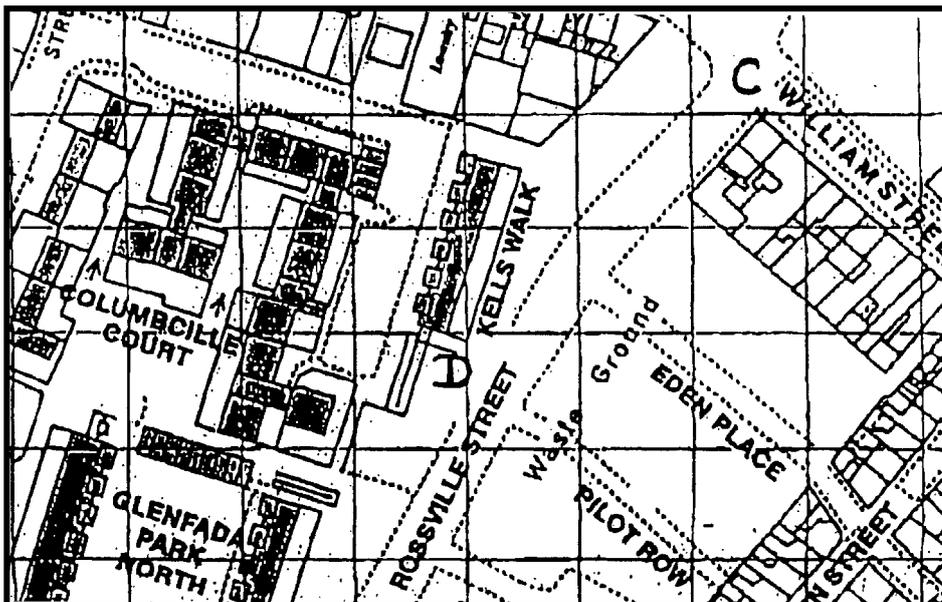
The man was at ground level in the area around the pram ramps, but not actually on the pram ramp. To the best of my recollection, he had his back to the gable end wall of Kells Walk. He was young, probably in his mid to late 20s, about 5'8" tall, average build, dark hair and wearing dark clothing ( $\frac{3}{4}$  black coat). He did not have his face covered with a mask or balaclava. He was on his own – there was no-one around him; he was just a single gunman. He had a quite big, squarish, hand gun in his right hand. He was holding the hand gun out in front of him, but not aiming it. I did not see him fire it. He appeared from behind the wall, walked east towards Rossville Street, looked south towards the Rossville Flats' shops and then withdrew again. I do not know where he went after that.”

<sup>1</sup> AM363.1

<sup>2</sup> AM363.2-3

**75.12** The part of the map on which Marian McMenemy marked point D is reproduced below.<sup>1</sup>

<sup>1</sup> AM363.5



**75.13** In her oral evidence to this Inquiry, Marian McMenemy said that “it is still hard after 30 years to actually pinpoint” the gunman’s location.<sup>1</sup> Initially, she told us that the gunman was in the area immediately south of the low walls at the southern end of Kells Walk, but she later expressed doubt about this as she would not have been able to see him if he

had been in that area.<sup>2</sup> Later, she said that “*quite possibly*”<sup>3</sup> he could have been in the area of the alleyway leading off Rossville Street between Glenfada Park North and Columbcille Court.

<sup>1</sup> [Day 194/214](#)

<sup>3</sup> [Day 194/211](#)

<sup>2</sup> [Day 194/207-211](#)

**75.14** Marian McMenemy marked with an arrow on the following photograph the area where she thought there was “*a good possibility*” she had seen the gunman.<sup>1</sup>

<sup>1</sup> [Day 194/212; AM363.10](#)



**75.15** She told us that the gunman was moving slowly along the wall of a block of flats with his back to it.<sup>1</sup> He came out towards Rossville Street but then withdrew without actually putting his foot onto Rossville Street. The wall was “*much higher than him*” and “*sort of in a covered area*”. She could only see the man from his knees upwards. On this basis it is possible that Marian McMenemy saw a gunman moving along the eastern wall of Columbcille Court and then approaching the low wall shown in this photograph from its western side.

<sup>1</sup> [Day 194/212-215](#)

**75.16** Marian McMenemy told us that the man was confronted by a steward who told him to leave and that he would have been seen by “*maybe half a dozen people*”.<sup>1</sup>

<sup>1</sup> [Day 194/218-220](#)

**75.17** It is not surprising that Marian McMenemy cannot be precise. She had not previously spoken of the incident. She was running with her mother in a noisy, frightening and confusing situation as Army vehicles were coming south down Rossville Street. Nevertheless her accounts put a gunman close to where, according to Private 017, one appeared shortly afterwards.

## Michael Lynch

**75.18** Michael Lynch, who was then 16 years old and observing from the living room of a flat on the seventh floor of Block 1 of the Rossville Flats, told us that he saw a young man with a handgun, who was wearing a three-quarter-length parka with its hood covering his head, come from the north-east side of Glenfada Park North.<sup>1</sup> Michael Lynch saw the gunman after the soldiers entered the Bogside and before he saw people lying on the barricade, one of whom was apparently dead. He stated that this man fired twice towards soldiers on Rossville Street by putting “*his hand round the corner*”.<sup>2</sup> He marked the gunman’s position with an arrow on the following photograph.<sup>3</sup>

<sup>1</sup> AL38.2; Day 148/231

<sup>3</sup> AL38.10

<sup>2</sup> Day 148/189



**75.19** It was suggested to Michael Lynch, who gave no statement in 1972, that he might have been confused and might in fact have seen the gunman we discussed when considering the events of Sector 2,<sup>1</sup> who has become known as “Father Daly’s gunman” (OIRA 4), while looking from the bedroom of the flat that overlooked the Rossville Flats car park. Michael Lynch acknowledged the possibility that he might have been looking out of the bedroom window rather than the living room window, but said that he still believed that this was not so and that he had seen the gunman when looking onto Rossville Street, though his confidence in this belief became somewhat less certain in the course of his evidence.<sup>2</sup>

<sup>1</sup> Paragraphs 58.2–108

<sup>2</sup> Day 148/216-219; Day 148/223-229

75.20 In our view Michael Lynch probably saw a gunman when looking onto Rossville Street. The gunman he described appears to have been dressed differently from OIRA 4; and there is some question as to whether OIRA 4 would have been visible from the flat from which Michael Lynch was watching. In addition, Michael Lynch described the gunman as having run both out of and back into an alleyway, and referred to “*the speed of how quick he run out and run back again*”,<sup>1</sup> which does not correspond to the actions of OIRA 4.

<sup>1</sup> Day 148/237

75.21 Not surprisingly, after so long Michael Lynch found it difficult to give any sort of estimate as to the length of time that passed between seeing the gunman and seeing the bodies on the rubble barricade.<sup>1</sup> He told us that he did not see any reaction from the soldiers but explained that he was not right up against the window so that his view was limited.<sup>2</sup> He was shown what Fr O’Gara had said about a gunman and agreed that it was possible that they were both describing the same man.<sup>3</sup>

<sup>1</sup> Day 148/192-193

<sup>3</sup> Day 148/233-234

<sup>2</sup> Day 148/220

## Margo Harkin

75.22 Margo Harkin also watched events in Rossville Street from Block 1 of the Rossville Flats. She was in her grandmother’s fifth floor flat. She told this Inquiry that although she was not sure of the sequence of events, at a time when people were lying dead in Rossville Street, she saw two young men emerge from the alleyway separating Glenfada Park North and Columbcille Court. One of the men took a handgun from the other, “*swung round the corner*” and fired one unaimed shot southwards down Rossville Street.<sup>1</sup> Margo Harkin told us, in her written evidence to this Inquiry, that the gunman “*went to the edge of the gable, ducked his head around the gable end to his right – and fired*”. The gunman then appeared to return the gun to his companion.<sup>2</sup> The two young men (who Margo Harkin thought were aged between 16 and their early twenties and wearing jackets<sup>3</sup>), ran off in the direction from which they had come and then separated, the one who appeared to have the gun going to the left (towards Abbey Park) and the other to the right.<sup>4</sup> According to Margo Harkin, this incident occurred as a soldier was inching his way down the eastern wall of the eastern block of Glenfada Park North, and this soldier reacted to the shot by turning round.<sup>5</sup> Margo Harkin remained confident, as she was questioned,

that the two young men had come from, and returned along, the alleyway to the north of the pram-ramp at the north-eastern corner of Glenfada Park North, and not to the south of it. She was also certain that the gunman had fired in a southerly direction, not northwards.

<sup>1</sup> Day 416/26-28

<sup>4</sup> Day 416/31-32

<sup>2</sup> AH23.17

<sup>5</sup> AH23.16-17; Day 416/27

<sup>3</sup> Day 416/25

**75.23** There is no other evidence of a soldier moving or reacting to a shot in the way Margo Harkin described. However, we are of the view that she probably did at some stage see a gunman firing in Rossville Street, though it may well be that with the passage of time, her memory of the details of that sighting has become blurred. Thus whether this was the same gunman that Private 017 said that he had seen remains uncertain.

## Liam Mailey

**75.24** We have previously referred to some of the photographs taken by the freelance photographer Liam Mailey.<sup>1</sup> He recorded in his written statement for the Widgery Inquiry that after he had taken the photograph that we have reproduced above,<sup>2</sup> of civilians advancing over the rubble barricade in the direction of the soldiers, and before he took the six further photographs that we have numbered and reproduced above,<sup>3</sup> he moved towards the Rossville Flats, and that as he did so he heard:<sup>4</sup>

“... 3 single shots which appeared to be of lower calibre than the rifle shots. They appeared to be fired from the area of Glenfada Park or Kells Walk. I cannot give the direction.”

<sup>1</sup> Paragraphs 69.51–56 and 70.5

<sup>3</sup> Paragraphs 69.52–55

<sup>2</sup> Paragraph 70.5

<sup>4</sup> M50.57-58

**75.25** During his oral evidence to the Widgery Inquiry, Liam Mailey said that the sound of low calibre shots came from Kells Walk but “*possibly in a built-up area it could have come from somewhere else*”.<sup>1</sup>

<sup>1</sup> WT7.29

**75.26** According to Liam Mailey’s evidence to the Widgery Inquiry, therefore, these shots were fired at a relatively early stage, before he took the photographs of Private 017 at the corner of the high ramp at the southern end of Kells Walk, and before other soldiers arrived at the low ramp at the southern end of Kells Walk.

75.27 Liam Mailey did not mention these shots in his 1972 *Sunday Times* and NICRA interviews.<sup>1</sup> In his written evidence to this Inquiry he told us that he recalled hearing approximately three or four low calibre shots, but he could not remember exactly when he heard them or where he was when he did so. He told us that he thought that these shots came from the area of either Glenfada Park North or the southern end of Columbcille Court, with the latter being perhaps more likely.<sup>2</sup> Liam Mailey was unable to assist further during his oral evidence,<sup>3</sup> and said that he considered his evidence to the Widgery Inquiry to be his most accurate account.<sup>4</sup>

<sup>1</sup> M50.51-54; M50.60

<sup>3</sup> Day 163/94-96

<sup>2</sup> M50.2

<sup>4</sup> Day 163/112-113

## Consideration of the evidence of a gunman in Rossville Street

75.28 Our consideration of the evidence we have set out above leads us to conclude that Liam Mailey heard shots fired by a civilian gunman, and that Lieutenant Colonel INQ 1383 and the civilian witnesses saw a civilian gunman, on the western side of Rossville Street after the soldiers had come in.

75.29 There are differences in the accounts of a gunman that the witnesses have given. Private 017 described the gunman as a young man of normal build, wearing a blue shirt and a dark jacket. Colonel INQ 1383 thought that the gunman might have been wearing a raincoat. Fr O’Gara described the man as young and wearing a “*longish*” coat. Marian McMenamin described the gunman as young, probably in his mid or late twenties, of average build, with dark hair and wearing a dark three-quarter-length coat. Michael Lynch described the gunman as a young man wearing a three-quarter-length parka with its hood covering his head. Margo Harkin described two young men wearing jackets, one of whom took a handgun from the other and fired southwards down Rossville Street. There are also differences between the accounts of the witnesses as to when and where the gunman appeared.

75.30 The differences between, and in some case within, the various accounts do not in our view establish that there was more than one gunman operating at the time and in the area of Rossville Street under consideration. The confusion, noise and panic created by the arrival of the soldiers, the short time during which the witnesses caught a glimpse of a gunman, the different viewpoints of the witnesses, and the fact that in most cases the witness was trying to recollect something seen decades ago, could well explain these

differences. It could also be the case, for example, that Margo Harkin saw the same gunman as described by other witnesses but at a later stage. At the same time, we cannot reject the possibility that the witnesses were describing more than one gunman, though with the exception perhaps of Margo Harkin, we consider it more likely than not that they were describing the same man.

- 75.31** Much of this evidence supports the account that Private 017 gave of encountering a man with a handgun who shortly afterwards fired his weapon. Although his misguided attempt to support Corporal P's account of shooting a nail bomber leads us to treat Private 017's evidence with caution, in the end we are sure that he did, as he described, encounter a man with a handgun after Corporal P had fired. We are also sure that this gunman then fired one or more shots, possibly at Private 017.
- 75.32** We should note one further matter. With the exception of Colonel INQ 1383, no other soldier has given evidence of seeing a gunman at or about the same time and place as Private 017. There is thus nothing to suggest that this incident had anything to do with what happened very soon afterwards, when soldiers in Rossville Street fired towards the rubble barricade and killed people at or near that barricade.
- 75.33** No-one has admitted being the gunman discussed in the previous paragraphs, nor has either the Official or the Provisional IRA accepted that it could have been any of its members. We do not know who this gunman was.

# Chapter 76: Other firing of baton rounds in Sector 3

## Contents

	Paragraph
Private 112	76.1
Lance Corporal 018	76.5

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## Private 112

- 76.1** For the reasons that we gave when discussing the events of Sector 2,<sup>1</sup> we consider it probable that Private 112, a baton gunner, disembarked from Sergeant O's APC when it briefly stopped in Rossville Street. After this he assisted Private U in the arrest of Charles Canning and then took up a position at the north end of Block 1 of the Rossville Flats.
- <sup>1</sup> [Paragraphs 24.33–36](#)
- 76.2** In his RMP statement,<sup>1</sup> in which he did not mention being involved in the arrest of Charles Canning, Private 112 recorded that he took up a position at the corner of Block 1 of the Rossville Flats and fired a number of baton rounds to disperse rioters, but he did not specify which corner, or where the rioters were located.
- <sup>1</sup> [B1730](#)
- 76.3** In his written statement to this Inquiry,<sup>1</sup> he told us that he went first to the north-east corner of Block 1 and from there fired baton rounds towards stone-throwers who had emerged from the passage between Blocks 1 and 2 of the Rossville Flats. Then he moved to the north-west corner of Block 1. A group of men advanced towards him from the rubble barricade, throwing bricks and rubble. He fired, on his estimate, about six baton rounds in their direction. They retreated and dispersed.
- <sup>1</sup> [B1732.004](#)
- 76.4** Private 112 also told us that as soon as he reached the north-west corner of Block 1 he noticed a body lying on top of the rubble barricade, apparently unconscious or dead.<sup>1</sup> This appears to indicate that he did not fire baton rounds towards the group of men who advanced from the rubble barricade until after at least one person had been shot at the

barricade. However, in his oral evidence to this Inquiry,<sup>2</sup> he said that he could not remember whether he fired these baton rounds before or after he saw the body. We are left in doubt as to when Private 112 fired these baton rounds.

<sup>1</sup> B1732.004

<sup>2</sup> Day 320/112

## Lance Corporal 018

**76.5** This soldier was a member of Anti-Tank Platoon who probably travelled in the last of the vehicles to enter the Bogside, ie the APC commanded by Sergeant INQ 1694.

**76.6** In his RMP statement timed at 1915 hours on 4th February 1972,<sup>1</sup> Lance Corporal 018 recorded that he was armed only with a baton gun. He stated that after disembarkation he was initially positioned “*ten metres south of the north east corner of a Block of Flats, against the east wall. The flats were situated forty metres west of the junction Eden Place, Rossville Street.*”

<sup>1</sup> B1485-1486

**76.7** On the basis of this description it would seem that Lance Corporal 018 was initially a short distance down from the northern end of the Kells Walk flats.

**76.8** Lance Corporal 018 recorded in his RMP statement that while he was in this position he was:<sup>1</sup>

“... fired on by a gunman located on the ground beside the doorway to Block 1 of Rossville Flats, near the south west corner of the block. I did not see anyone engage this gunman as he was operating from behind a crowd of people at a barricade.

The gunman’s shots fell short of my position by about twenty metres and nearly hit a camera crew who immediately ran to cover. I am unable to describe the gunman.”

<sup>1</sup> B1485-1486

**76.9** Lance Corporal 018's RMP statement continued:<sup>1</sup>

"I then moved my position by the Block of Flats and took up a similar position by the south east corner of the same block. From this position I fired at the crowd behind the barricade. The distance was about 120 metres and the direction south. The barricade was positioned near to the southern end of Block 1 of Rossville Flats and stretched across Rossville Street.

I moved positions again and took up a position behind the north east corner of a block of flats in Glenfada Park. The Block was situated about fifty metres west of block 1, Rossville Flats. I fired one baton round from this position at a woman who emptied liquid from a glass jar onto troops below. The round must have been weak because it did not reach the flats. I fired a further round from this position at people behind the barricade. I did not see a strike on any occasion."

<sup>1</sup> B1486

**76.10** Lance Corporal 018 gave written evidence to this Inquiry,<sup>1</sup> but was too unwell to give oral evidence. He told us that his recollection now differed from what was in his RMP statement; and that he believed that the latter contained some details that were not accurate and that some of the incidents were out of sequence.<sup>2</sup> He stated that he initially took up position at the northern end of Kells Walk, and lost contact with the rest of his platoon, whom he thought had moved to the other (western) side of Kells Walk.<sup>3</sup> He made no mention of firing his baton gun before he fired at the woman in Block 1 of the Rossville Flats, which in this statement he told us that he did from a position at the southern end of Kells Walk.<sup>4</sup> He also recorded in this statement that (while he was still on his own) he fired a further baton round from the same position towards the rubble barricade in order to try to repel a group of people that had gathered on the south side of the barricade, some of whom were starting to throw pieces of rubble. He stated that he aimed this baton round at the ground in front of the barricade, in order not to hit anyone directly.<sup>5</sup> Lance Corporal 018 then told this Inquiry that:

“Shortly after I fired the round, I noticed the group of men on the side of the Barricade nearest to Block 1 of the Flats move towards the middle of the Barricade ... Then a gunman appeared from the doorway at the (southwest) corner of Block 1 of the Flats. His approximate position is marked ‘F’ on the map (grid reference J16). I would estimate that he was a man in his mid 30’s. He was wearing dark clothing and, I think, a casual jacket. He was not wearing any head gear or a mask. He came out quickly from the doorway and fired two shots in quick succession from a weapon which looked like an M1 Carbine. He did not have time to get into a really steady position and I do not think the shots were aimed at any particular target. I do not think he was aiming at me, but the shots were fired in the general direction (northwards) up Rossville Street. After the shots were fired, the man moved quickly back into the doorway of the Flats and I did not see him again.”

<sup>1</sup> B1489

<sup>4</sup> B1491.005

<sup>2</sup> B1491.004

<sup>5</sup> B1491.002

<sup>3</sup> B1491.001

**76.11** The position marked “F” on Lance Corporal 018’s map was at the south-western end of Block 1 of the Rossville Flats.<sup>1</sup> Lance Corporal 018 told us that as far as he could recall, there were no other soldiers in the area around him when the shots were fired and that he did not remember hearing any other gunfire at about the same time.<sup>2</sup>

<sup>1</sup> B1491.10

<sup>2</sup> B1491.002

**76.12** As to his RMP statement, Lance Corporal 018 told us that the details he gave of the gunman “*are not quite as I remember them*”. He told us that his recollection was that he was behind the low wall at the southern end of Kells Walk when he saw the gunman; and that he did not remember seeing the gunman’s shots falling short of his position. “*I do remember seeing a camera crew running for cover, but I recall that they did so as a result of shots fired before the incident involving the gunman at the door of the Flats.*” He explained that at the time he made his RMP statement, “*I had so many images flashing through my mind that I could not give any details as to description*”.<sup>1</sup>

<sup>1</sup> B1491.005

**76.13** So far as his baton gun firing is concerned, it is far from clear at what stage Lance Corporal 018 fired any of his rounds. In his written statement to this Inquiry he told us that the reason he fired at the woman was not that she was pouring something from the window, but rather for her own protection, since by then he had heard live fire.<sup>1</sup> In view of what he had recorded in his RMP statement, it is difficult to accept this explanation.

<sup>1</sup> B1491.002

- 76.14** We also find it difficult to accept his accounts of seeing a gunman. According to his RMP statement, the shots the gunman fired “*nearly hit a camera crew, who immediately ran to cover*”.<sup>1</sup> We have no evidence from any other source that this happened. If Lance Corporal 018 was at the northern end of Kells Walk, while there was still a crowd at the rubble barricade, there must have been soldiers of his platoon, or Composite Platoon, or both platoons in front of him. The account Lance Corporal 018 gave in his written statement to this Inquiry was to the effect that he was on his own when he saw the gunman and further south on Rossville Street. However, as will become clear in this report, by the time Anti-Tank Platoon soldiers had moved from Rossville Street, the rubble barricade was deserted or virtually deserted and remained so thereafter.
- <sup>1</sup> [B1486](#)
- 76.15** In his RMP statement Lance Corporal 018 recorded that he was unable to describe the gunman. This statement was given on 5th February 1972, and we find unconvincing Lance Corporal 018’s explanation for why he was unable at that time to give the detailed description he provided to us.
- 76.16** We did not have the opportunity to question Lance Corporal 018 about these matters. It is possible that what he had recorded in 1972 related to an incident, which we consider later in this report,<sup>1</sup> in which at a late stage a gunman fired a handgun from the entrance to Block 1 of the Rossville Flats and that over the years his recollection of events has become distorted. In the end we concluded that we should place no reliance on Lance Corporal 018’s account of seeing a gunman. We have no reason to doubt that he fired his baton gun, though we have no other evidence about the round that he stated that he fired at a woman in Block 1 of the Rossville Flats, or the further round that he said that he fired at people behind the rubble barricade, nor is it clear at what stage he fired any of his rounds.
- <sup>1</sup> [Paragraphs 86.561–608](#)
- 76.17** Private 017, Private 112 and Lance Corporal 018 are the only soldiers who gave evidence in 1972 that they had fired baton guns towards the rubble barricade. In his written statement to this Inquiry, Lance Corporal 010, a member of Composite Platoon (Guinness Force) who travelled in the second of the two lorries of that platoon, told us that he fired a baton round at the rubble barricade.<sup>1</sup> However, he had not mentioned doing so in his RMP statement,<sup>2</sup> and in his oral evidence to us<sup>3</sup> he said that he thought that his recollection that he had fired a baton round was incorrect. In these circumstances we consider it unlikely that Lance Corporal 010 fired his baton gun on Bloody Sunday.

<sup>1</sup> [B1395.006](#)

<sup>3</sup> [Day 355/99](#)

<sup>2</sup> [B1393-1394](#)

## Chapter 77: The injury to Seamus Liddy

**77.1** Seamus (or James) Liddy was 49 at the time of Bloody Sunday. He was arrested on Bloody Sunday. He is dead and gave no evidence to this Inquiry.

**77.2** Peter Pringle of the *Sunday Times* Insight Team interviewed Seamus Liddy on 18th May 1972. According to the note of the interview, in which his age is incorrectly noted as 43, Seamus Liddy ran into Glenfada Park when the Army entered the Bogside. The note continues:<sup>1</sup>

“There was a group standing by the gable and he went over to it. He could see a soldier across near the barricade, standing at the bottom of the Rossville flats. The soldier fired a rubber bullet which hit Liddy in the chest close to his heart. He is not a strong man, is 43, and it hurt him badly. He was helped by his brother Barry and Fr Bradley. The next thing he saw was a group bending over the body of Michael Kelly...”

<sup>1</sup> AL12.5

**77.3** In his Keville interview,<sup>1</sup> Seamus Liddy had made no reference to this incident, claiming instead that the Army had detained him in William Street while he was on his way to work. It is likely that since he was at that time employed as a bar steward in the NAAFI (the bar run by the Navy, Army and Air Force Institutes) at Fort George,<sup>2</sup> he was concerned at the time of that interview not to admit that he had been among the crowd in Glenfada Park North or in the area of the rubble barricade.

<sup>1</sup> AL12.2-4

<sup>2</sup> AL12.5-6

**77.4** There is other evidence to confirm that Seamus Liddy received an injury from a baton round. His brother Barry Liddy, who was 45 years old at the time and who is also dead, did not make a statement to this Inquiry, but mentioned the incident in his Keville interview.<sup>1</sup> In an undated handwritten statement, Barry Liddy recorded that while he was at “*the Gable End house*” in Glenfada Park, someone shouted that his brother had been shot. He went to where a crowd had gathered and found his brother in a distressed condition. He helped him into the shelter of the houses and discovered that a baton round had struck him.<sup>2</sup>

<sup>1</sup> AL13.14

<sup>2</sup> AL13.3; AL13.7

77.5 Paddy Doherty, who was accompanied on the march by his brother-in-law Joseph Donnelly, said in his written statement to this Inquiry that he was standing just out from the south-east corner of the eastern block of Glenfada Park North when he saw a “*quite short and stocky*” soldier with a rubber bullet gun step out from the northern end of that block. The soldier “*made to fire*” his baton gun whereupon everyone ducked or made for cover, but an older man behind Paddy Doherty, whose name he later heard was Liddy, was not fast enough and was hit in the chest by a rubber bullet when the soldier fired. He fell to the ground on the western side of Rossville Street just south of the entrance to Glenfada Park North. When Paddy Doherty offered assistance, Seamus Liddy said not to worry about him as a young man had been more badly hurt. Seamus Liddy was pointing to Michael Kelly when he said this.<sup>1</sup> Paddy Doherty mentioned the incident briefly in his NICRA statement of 1st February 1972<sup>2</sup> and also in his oral evidence to this Inquiry.<sup>3</sup>

<sup>1</sup> AD97.2-3

<sup>3</sup> Day 157/143-145

<sup>2</sup> AD97.1

77.6 Joseph Donnelly told us in his written statement to this Inquiry that he saw Seamus Liddy standing just south of the wall at the southern end of the eastern block of Glenfada Park North, hunched over in some pain, and receiving assistance from two men. He recalled that Seamus Liddy had said that a baton round had hit him in the chest.<sup>1</sup> The incident is briefly mentioned in Joseph Donnelly’s NICRA statement<sup>2</sup> and in his oral evidence to this Inquiry.<sup>3</sup>

<sup>1</sup> AD124.3

<sup>3</sup> Day 128/90-91

<sup>2</sup> AD124.1

77.7 In a statement dated 23rd February 1972, John O’Kane recorded that he saw Seamus Liddy in terrible agony, standing with the help of people around him who were opening his collar and tie. John O’Kane recorded that he saw blood coming from Seamus Liddy’s front and heard that a baton round had hit him; and that this happened before the shooting of Michael Kelly.<sup>1</sup> In a supplementary written statement to this Inquiry, John O’Kane told us that he no longer remembered this incident, although he had “*a vague recollection*” of Seamus Liddy being there.<sup>2</sup> In his oral evidence, he said that “*As far as I remember*” he came across a man in Glenfada Park who had been shot with a rubber bullet.<sup>3</sup>

<sup>1</sup> AO48.35-36

<sup>3</sup> Day 163/11

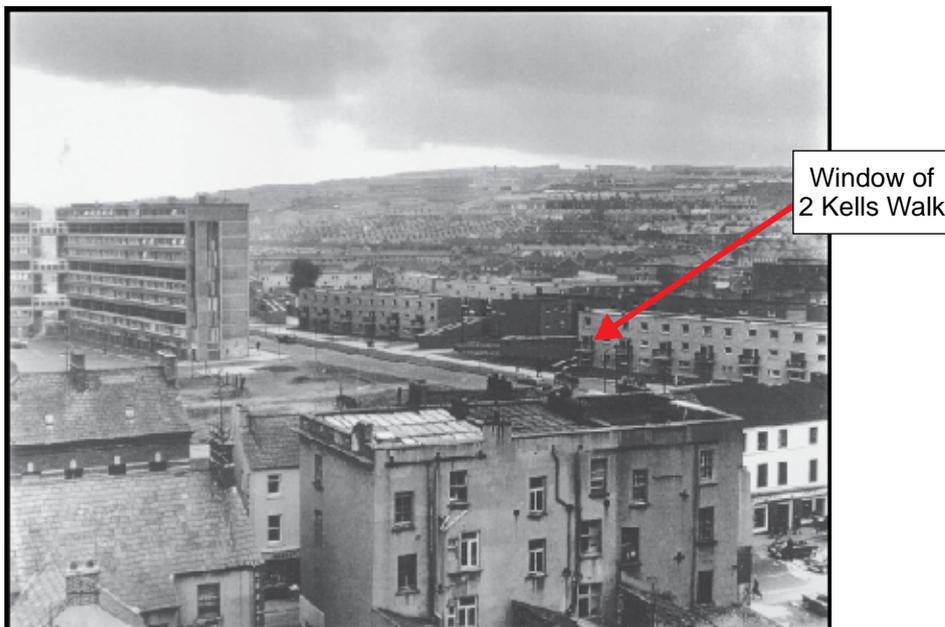
<sup>2</sup> AO48.32

- 77.8** On the basis of this evidence we are sure that Seamus Liddy was hit by a baton round when he was behind the rubble barricade and near the entrance to Glenfada Park North. This incident seems to have occurred just before Michael Kelly was shot and mortally injured near the rubble barricade.
- 77.9** Seamus Liddy himself, in his interview with Peter Pringle, attributed the baton round to a soldier “*standing at the bottom of the Rossville flats*”. Paddy Doherty, in his evidence to us, described the soldier stepping out and firing from the northern end of the eastern block of Glenfada Park North. In our view the account given by Seamus Liddy in 1972 is the more likely to be correct. It will have been seen from our discussion of the movements of Corporal P and Private 017<sup>1</sup> that although the latter fired his baton gun towards the rubble barricade, he may have been too far from the barricade for his baton round to be travelling with sufficient force to cause Seamus Liddy to fall. As to Lance Corporal 018, it is difficult to tell from his accounts, to which we have referred in the previous chapter,<sup>2</sup> where he was when he fired his baton gun.
- <sup>1</sup> Paragraphs 69.20–58 <sup>2</sup> Paragraphs 76.5–17
- 77.10** In these circumstances we have concluded that it is likely, though far from certain, that the baton round that hit Seamus Liddy was fired by Private 112 from the northern end of Block 1 of the Rossville Flats. He was the closest baton gunner in Sector 3 to the rioting near the rubble barricade. The distance between the northern end of Block 1 of the Rossville Flats and the area where Seamus Liddy was hit was within, though at about the limit, of the effective range for a baton gun. There is nothing to suggest that Private 112 deliberately targeted Seamus Liddy; and we consider that this soldier may well (as he said) have been attempting to deter the advance of rioters beyond the rubble barricade. In our view the use of a baton gun for this purpose cannot fairly be criticised.

## Chapter 78: The injury to Mary Smith

**78.1** Mary Smith, who was 17 years old at the time of Bloody Sunday, was watching events outside from the larger of the two windows of the sitting room of her mother's flat at 2 Kells Walk.<sup>1</sup> This was the southernmost window on the first floor on the eastern side of the block, facing Rossville Street and the Eden Place waste ground. The window can be seen in the following photograph.

<sup>1</sup> [AB80.1](#)



**78.2** In her written statement to this Inquiry, Mary Smith (now Mary Breslin) said that after the soldiers entered Rossville Street, a foreign photographer arrived in the flat and went to the smaller, more northerly window of the sitting room. Someone in the flat warned that a soldier was pointing a gun up at the flat. Mary Smith heard a bang and was hit on the left side of her face and in her left eye by flying glass. She did not think that anyone had been doing anything at either window to attract attention. Mary Smith was admitted to hospital and underwent an operation. She lost the sight in her left eye for a week or so.<sup>1</sup>

<sup>1</sup> [AB80.1-3](#)

**78.3** Mary Smith's aunt, the late Kathleen Kelly, confirmed the substance of this account in her written evidence to this Inquiry, although she did not make a distinction between the two windows of the sitting room. Kathleen Kelly was in the room with her niece. She recalled that her sister had shouted out of the window to some soldiers "*Leave them wee 'uns alone*" and that a journalist had been trying to take photographs from the window. She

then saw a soldier fire his gun from the western side of Rossville Street beneath the window of the flat. She believed that he had fired a baton round because the whole window was smashed.<sup>1</sup>

<sup>1</sup> AK14.3

**78.4** Brian Power, a self-confessed “*well known rioter*”,<sup>1</sup> was also in the sitting room at 2 Kells Walk. In his written evidence to this Inquiry, he said that an officer was talking to a Corporal “*in the area of the wall where there was a ramp up from Rossville Street*”. The officer pointed to the window of the flat, obviously saying something to the soldier, who then swivelled around, aimed at the window and fired a baton round, which shattered the glass.<sup>2</sup> In his oral evidence to this Inquiry, Brian Power said that no-one had been throwing anything out of the windows of the room and that he was not sure whether the photographer had been using his camera at the time when the baton round was fired.<sup>3</sup>

<sup>1</sup> AP18.1

<sup>3</sup> Day 425/26

<sup>2</sup> AP18.4

**78.5** Maura Power, Brian Power’s girlfriend at the time and later his wife, was in the room as well. She told us that as the photographer went to the window to take photographs, a rubber bullet was fired and the glass broken. She did not see the soldier who fired the baton round.<sup>1</sup>

<sup>1</sup> AP19.2

**78.6** Damien Friel recorded in his NICRA statement<sup>1</sup> that he entered 2 Kells Walk as the soldiers were advancing down Rossville Street. From the flat he also saw soldiers in Rossville Street apprehend a young man. In our view this was William John Dillon. Damien Friel stated that a “*French cameraman*” stepped out onto the balcony overlooking Rossville Street. A soldier holding a baton gun was standing beside a Sergeant at the back of an Army vehicle along with three other soldiers. The Sergeant grabbed the soldier with the baton gun by the left arm, turned him towards the balcony and pointed at the cameraman. The soldier fired one baton round, which missed the cameraman by about a foot, smashed the window, hit the window frame and bounced back into the street. The broken glass severely cut the face of a girl in the room.

<sup>1</sup> AF30.14

**78.7** Damien Friel also described this incident in his written evidence to this Inquiry, in which he said that the cameraman “*kept trying to look out of the window*”. He said that before the baton round was fired people in the flat had implored the cameraman to come away from the window in case he drew fire. Damien Friel said that the soldier who fired the

baton round had been standing near an Army vehicle just short of the entrance to the car park of the Rossville Flats.<sup>1</sup> In his oral evidence, he said that he was “*not too sure*” whether the cameraman was at the window or outside, but that his NICRA statement, in which he had stated that the cameraman was on the balcony, was more likely to be correct.<sup>2</sup>

<sup>1</sup> AF30.4

<sup>2</sup> Day 159/147-148

**78.8** The only soldier who has given evidence that he fired a baton round at a window in Kells Walk is Corporal 039 of Composite Platoon. In his RMP statement, he recorded that:<sup>1</sup>

“... a first floor window opened in ... about the centre of the block and two women appeared and started to throw missiles at us. There was also one man in the window who had a camera and was trying to take photographs of us...”

<sup>1</sup> B1640

**78.9** He stated that he fired a baton round in the direction of the window in order to clear the people away from it. When the smoke from the discharge cleared, he saw a hole in the main pane of the window, to the left centre. The three people had disappeared. Within a few seconds a figure appeared to move across in front of the window and pick someone up from the floor. Corporal 039 could then see a female figure being supported by another person, holding her hands to her face, having apparently been struck by the baton round.<sup>1</sup>

<sup>1</sup> B1640-1641

**78.10** In his written statement for the Widgery Inquiry,<sup>1</sup> Corporal 039 recorded that “*on a balcony I saw two women who were shouting at us and throwing missiles*”, whereas in his RMP statement he had said that a window opened and “*two women appeared and started to throw missiles at us*”. He recorded in his written statement for the Widgery Inquiry that a man was “*taking photographs from the balcony*”, whereas in his RMP statement he had said that the man “*in the window ... was trying to take photographs*”. In his written statement for the Widgery Inquiry he continued, “*She and the others were in the room rather than out on the edge of the balcony*”. He stated that he fired the baton round after having moved forward to an APC parked in Rossville Street “*by the building fronting Columbcille Court*”, that is Kells Walk. He also stated that when he raised his baton gun and took aim, one of the women began to close the window.

<sup>1</sup> B1649

**78.11** Corporal 039's recollection of the incident was less clear in his written evidence to this Inquiry. He stated:<sup>1</sup>

"Something about the window caught my attention although it is difficult now to say what it was. Whatever it was I saw, I must have considered it to be a threat. Someone may have been throwing something out of this window."

<sup>1</sup> B1651.3

**78.12** He told us that he had no reason to doubt the accuracy of the statements that he had made at the time.<sup>1</sup> In his oral evidence to this Inquiry, Corporal 039 said that he now had no recollection of seeing women throwing missiles or of anyone attempting to take photographs, but that he would stand by the statements that he made in 1972.<sup>2</sup>

<sup>1</sup> B1651.6-7

<sup>2</sup> Day 362/60-61

**78.13** Private M, who was providing cover for Corporal 039, did not mention this incident in either of his two RMP statements or in his written statement for the Widgery Inquiry.<sup>1</sup> He was not asked about it in the course of his oral evidence to Lord Widgery, nor was any other military witness. In his written evidence to this Inquiry, he told us only that he recalled that a woman at one of the windows in Kells Walk screamed abuse at them.<sup>2</sup> In his oral evidence to this Inquiry, Private M said that he could not remember whether anything had been thrown or pointed out of the window, nor could he recall Corporal 039 firing his baton gun. He resisted the suggestion that he could not have failed to be aware of the incident at the time,<sup>3</sup> and denied that he would have attempted to protect Corporal 039 by failing to mention the matter to the RMP or to the solicitor who took his statement on behalf of the Widgery Inquiry.<sup>4</sup> We are not persuaded that Private M's failure to mention the incident in 1972 or his present apparently meagre memory about it was motivated by an effort to protect Corporal 039. It appears not to have been treated as a major issue in 1972 and, although Mary Smith's injuries were not minor, the incident was overshadowed by what happened when soldiers opened fire with live rounds.

<sup>1</sup> B347-348; B356-357; B359-362

<sup>3</sup> Day 365/69

<sup>2</sup> B372.004

<sup>4</sup> Day 365/75

**78.14** In his written evidence to this Inquiry, Colour Sergeant 002 of Composite Platoon told us that people "*on the balconies of Kells Walk*" were shouting abuse at the soldiers.<sup>1</sup> He did not mention that missiles had been thrown.

<sup>1</sup> B1363.003-004

- 78.15** Despite some inconsistencies in the evidence, we are sure that Corporal 039 fired the baton round that caused Mary Smith to be injured by flying glass. A photographer, who has not been identified, was either taking photographs or trying to do so before the baton round was fired. There is no suggestion that his camera was mistaken for a weapon. Kathleen Kelly acknowledged that her sister shouted at the soldiers, although the reported remark was hardly abusive. The evidence of Kathleen Kelly, Brian Power and Corporal 039 himself indicates that the baton round was fired from somewhere on the western side of Rossville Street, not far from the window and thus at relatively close range. Damien Friel's evidence that it was fired from the waste ground is in our view mistaken. Brian Power and Damien Friel appear independently to have recalled that a more senior soldier had pointed out the window of the flat to the soldier who fired the baton round. Corporal 039 has, however, never suggested that he fired other than on his own initiative. If someone pointed out the window to him, his identity remains unknown.
- 78.16** Corporal 039's assertion in his RMP statement that two women had been throwing missiles from the window before he fired and that he fired towards the window to clear the people away from it is diminished by his later statement for the Widgery Inquiry, in which he said that before he fired one of them began to close the window. Additionally, in the latter statement he recorded both that they and the photographer were on the balcony and that they were in the room. It is also difficult to accept that two middle-aged mothers, one with her children present, the other being concerned about her marching son,<sup>1</sup> would take the lead in throwing missiles at soldiers when there were youths, one being a well-known rioter, in the room. At most, it seems to us that one of the women was shouting at the soldiers. General Ford's Internal Security Instruction 1/71<sup>2</sup> dated 15th October 1971 sanctioned the use of baton rounds, subject to the proviso that the minimum force must be used at all times to achieve the immediate aim. The annex to the 8th Infantry Brigade Operational Directive No 4/71 dated 10th November 1971 governing the use of internal security weapons<sup>3</sup> indicates that baton rounds were primarily used for crowd control, that they were best fired in salvos, and that they were normally to be fired towards the ground since they could cause severe injury if fired directly at the crowd.

<sup>1</sup> AB80.1; AK14.1

<sup>3</sup> G27.217-218

<sup>2</sup> G20.148

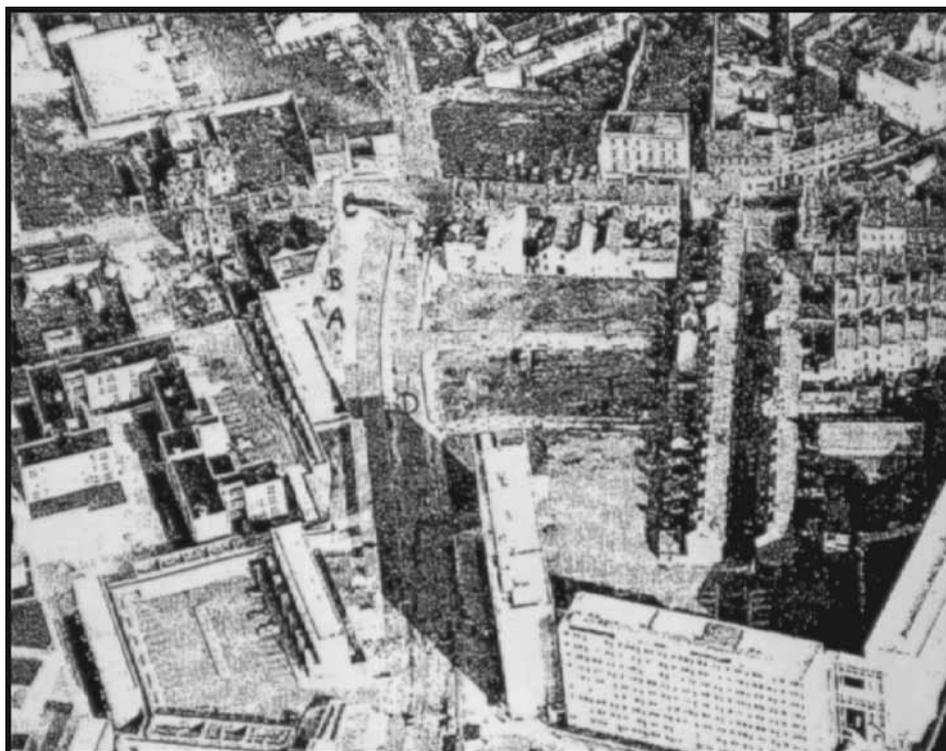
**78.17** In our view Corporal 039 was not justified in firing this baton round nor could he have believed that he was. According to the account that he gave to the Widgery Inquiry, the act of raising his baton gun had had the desired effect, even if, which we are not persuaded was the case, the women had been throwing things. The fact that one of the women was shouting at the soldiers, even to the extent of screaming abuse, could not have justified firing a baton round at them.

## Chapter 79: Joseph Lynn and the incident in the derelict building

- 79.1** Just after members of Composite Platoon debussed in Rossville Street, Lance Corporal 229 and Private L became involved in an incident in a derelict building on Rossville Street, where Joseph Lynn had sought refuge.
- 79.2** Joseph Lynn, who was then 18 years old and lived in Strabane, told us that he entered a building on the western side of Rossville Street immediately to the north of Kells Walk to take cover.<sup>1</sup> He identified it on the following photograph by the letter A, with an arrow pointing to the building.<sup>2</sup>

<sup>1</sup> AL39.2-3

<sup>2</sup> AL39.9



- 79.3** According to Joseph Lynn, after going into the derelict building, he climbed to the top of an interior wall, where a soldier later found him. According to his account, one soldier with black camouflage on his face came into the building, saw Joseph Lynn and told him to get down. Hoping to be left alone, Joseph Lynn said that he could not get down. The soldier said something to the effect of “*Get down or I’ll effing shoot you down*” and then fired a shot with his rifle. Joseph Lynn felt something pass through his hair. Although not certain, he told us that he now believes that this can only have been a bullet. The soldier shouted

at him again and fired another shot, and again Joseph Lynn felt something pass through his hair. Joseph Lynn then jumped down and the soldier pulled him outside and stood him against a wall to the north of the building.<sup>1</sup> Joseph Lynn insisted that two shots were fired at him and that there was only one soldier in the building.

<sup>1</sup> [AL39.2-3; Day 193/8-13](#)

**79.4** Joseph Lynn was arrested and taken to Fort George. He told us that there he and other prisoners were mistreated. We deal with allegations of mistreatment at Fort George later in this report.<sup>1</sup>

<sup>1</sup> [Chapters 155–164](#)

**79.5** Joseph Lynn stated that Lance Corporal 229 identified him at Fort George as a man whom he had arrested.<sup>1</sup> He told us that he learned the name of Lance Corporal 229 when they were photographed together. Joseph Lynn, however, thought that Lance Corporal 229 was not the arresting soldier, as that soldier had been the same height as he was, whereas Lance Corporal 229 only came up to his shoulder.<sup>2</sup> The photograph taken at Fort George shows that although Lance Corporal 229 was substantially shorter than Joseph Lynn, it was not accurate to say that he only came up to Joseph Lynn's shoulder.

<sup>1</sup> [AL39.6](#)

<sup>2</sup> [AL39.6](#)

**79.6** In his RMP statement of 15th February 1972,<sup>1</sup> Lance Corporal 229 recorded that Composite Platoon (Guinness Force), of which he was a member, disembarked from its vehicles “*near Barrier 14, in Little James Street*”. He was in the first of the two lorries of this platoon. He stated that shortly before he disembarked, he saw a youth, who he later learned was Joseph Lynn, run “*from one side of the road to the other, to the other side of the barricade*”. In his written statement to this Inquiry,<sup>2</sup> Lance Corporal 229 told us that he believed that the references to “*Barrier 14*” and “*the barricade*” in his RMP statement should both have been references to Barrier 12. In our view he was right about this.

<sup>1</sup> [B2208-2210](#)

<sup>2</sup> [B2211.008](#)

**79.7** According to his RMP statement, Lance Corporal 229 chased Joseph Lynn and found him in a deserted building with a burned-out car inside. Joseph Lynn had climbed into the rafters. Lance Corporal 229 ordered him to come down three times, by which time Private L had arrived in the building. Joseph Lynn jumped down and was arrested. Lance Corporal 229 took him from the building and he “*was almost immediately handed over to members of Guinness Force*”.<sup>1</sup>

<sup>1</sup> [B2208](#)

**79.8** Lance Corporal 229 recorded in his RMP statement that he identified Joseph Lynn at Fort George and was photographed with him.<sup>1</sup>

<sup>1</sup> [B2211.016](#)

**79.9** In his written statement to this Inquiry, Lance Corporal 229 told us that after debussing “*We were all very disorientated*” and he was “*frightened*”. He told us that he followed Joseph Lynn into an old building that might have been a burned-out garage. He ordered Joseph Lynn to get down from the rafters at least twice and then noticed that Private L had come into the building. Private L shouted to Joseph Lynn to come down and at the same time fired an unaimed shot into the roof above Joseph Lynn; a shot that Lance Corporal 229 stated that he thought was intended as a warning. When it was fired Joseph Lynn immediately started to come down from the rafters.<sup>1</sup>

<sup>1</sup> [B2211.003-004](#)

**79.10** Lance Corporal 229 told us that his only explanation for his omission to refer to Private L’s warning shot in his RMP statement was that the investigator did not ask him about it.<sup>1</sup> He said that he would not have withheld the information in order to protect Private L. In his oral evidence<sup>2</sup> he denied that he and Private L had made an agreement that neither would refer to the shot.

<sup>1</sup> [B2211.009](#); [Day 341/23-24](#)

<sup>2</sup> [Day 341/44](#)

**79.11** In his RMP statement,<sup>1</sup> Private L, a member of Composite Platoon who had travelled in the second of the two lorries of that platoon, recorded that he was in a derelict building at the side of Rossville Street and saw “*a man climbing along the rooftops*”. He arrested the man at gunpoint and took him back to the battalion arrest team. In his written statement for the Widgery Inquiry,<sup>2</sup> Private L stated that after he debussed he saw two men on the roof of the Rossville Flats and that the crowd in Rossville Street was throwing stones and bottles sporadically. He and another soldier took cover in a derelict building, where they heard a noise in the rafters and some rubble fell from the apex of the roof. They shouted to a man in the rafters to come down. The man stood up and said that he could not come down. Private L cocked his weapon, which he stated he had not done until that stage, and the man jumped down. Private L’s oral evidence to the Widgery Inquiry<sup>3</sup> was to the same effect. He said that he and the other soldier took the man away.

<sup>1</sup> [B312](#)

<sup>3</sup> [WT16.3-4](#)

<sup>2</sup> [B320](#)

**79.12** In his written statement to this Inquiry,<sup>1</sup> Private L told us that he saw a number of rioters run into a derelict building, which, in his oral evidence,<sup>2</sup> he identified as being the same building that Joseph Lynn had indicated. He recalled that some of the rioters ran out of the back of the building but that one man stayed up in the rafters. When that man dropped to the ground, Private L grabbed him, took him from the building and handed him over to soldiers at an APC. In this statement, he told us that he had cocked his weapon before he reached Rossville Street, but that he did not take the safety catch off when he was with the man in the derelict building. Private L told us that he had only “*the vaguest recollection*” of another soldier being present, and could not remember who this might have been. Private L stated that there was “*no way*” that he fired a shot at the man when he pointed his gun at him, a position he reiterated in his oral evidence to us.<sup>3</sup> In that evidence, he said that he, and not Lance Corporal 229, took the man from the building. When shown Joseph Lynn’s arrest photograph, Private L said he could not recognise Joseph Lynn as the man in the building, or Lance Corporal 229 as the soldier in the building with him.<sup>4</sup>

<sup>1</sup> B345-346

<sup>2</sup> Day 381/16

<sup>3</sup> Day 381/17

<sup>4</sup> Day 381/22-23

**79.13** We are sure that Joseph Lynn was the man in the derelict building and was arrested there. The first question is whether a soldier fired at Joseph Lynn, as both he and (when he gave evidence to us but not in 1972) Lance Corporal 229 have said.

**79.14** As will have been seen, Lance Corporal 229 identified that soldier as Private L.

**79.15** In a statement made on 5th February 1972 in the form of an RMP statement,<sup>1</sup> Captain 200 (the Platoon Commander) recorded that when Composite Platoon returned to Clarence Avenue at the end of the operation, he immediately ordered an ammunition check and conducted preliminary questioning of those who had fired their weapons. In relation to Private L, he recorded the following as one of four shots fired by this soldier:

“1 x 7.62 in rafters of ruin 43281696 at possible sniper in roof – deliberate miss after two warnings to come down. Man jumped down from roof (15 feet) and was arrested. Roof not searched for weapons.”

<sup>1</sup> B1982-1983. Captain 200 told us that he had not made or signed a formal RMP statement but had written up his own account (B2022.040) which he had given to the Adjutant; and that this was later typed up on an RMP statement form. For convenience, we refer hereafter to this statement as Captain 200’s RMP statement.

- 79.16** The grid reference corresponds to the derelict building on Rossville Street immediately north of Kells Walk. In his oral evidence to this Inquiry,<sup>1</sup> Captain 200 confirmed that this information could only have come from Private L. Lance Corporal 229 said that he did not give this information to Captain 200.<sup>2</sup>
- <sup>1</sup> [Day 367/157](#) <sup>2</sup> [Day 341/116-119](#)
- 79.17** In our view the statement made by Captain 200 on 5th February 1972 supports the evidence of Lance Corporal 229 that Private L fired one shot in the derelict building before the arrest of Joseph Lynn. In his oral evidence to this Inquiry,<sup>1</sup> Private L maintained that he did not fire a shot into the rafters of the derelict building, and was unable to explain how Captain 200 came to record that he had done so. He denied that he had decided to pretend that he did not fire the shot after having realised that it was unjustifiable. In our view Private L was not telling us the truth. We are sure that he did tell Captain 200 that he had fired a shot as recorded in the latter's RMP statement. This and the evidence of Lance Corporal 229 and Joseph Lynn satisfy us that Private L fired in the derelict building.
- <sup>1</sup> [Day 381/25-30](#)
- 79.18** The second question is whether Private L fired only one shot, or two as Joseph Lynn told us.
- 79.19** As we are of the view that Private L told Captain 200 that he had fired one shot in the derelict building, we think it unlikely that in fact he had fired two, as it would not have served Private L any useful purpose to conceal one shot while admitting the other. For that reason, we accept the evidence of Lance Corporal 229 that Private L fired one shot rather than the evidence of Joseph Lynn that the soldier who arrested him fired two shots.
- 79.20** In his written statement to this Inquiry,<sup>1</sup> Lance Corporal 229 told us that Private L came into the building carrying his rifle pointing upwards, and that Private L "*shouted to Lynn to come down and shot at the same time. The shot was not an aimed shot and it was not aimed at Lynn ... the shot was a warning to Lynn...*" That Lance Corporal 229 viewed it as a warning shot is consistent with the description of the shot in Captain 200's RMP statement as a "*deliberate miss*". Although Joseph Lynn said that he felt something pass through his hair when the soldier fired, we are not persuaded of this. Joseph Lynn did not suggest that the soldier had attempted to kill him. In our view an aimed shot at that short

range could not have missed the target. When Joseph Lynn was asked whether the soldier could have missed if he had been shooting to kill, he said “*At that range he would have probably took me off at the waist*”.<sup>2</sup>

<sup>1</sup> B2211.004

<sup>2</sup> Day 193/13

**79.21** In these circumstances we are satisfied that Private L intended his shot as a warning to Joseph Lynn and to encourage him to climb down, and that he did not intend to hit Joseph Lynn. The Yellow Card (which we have discussed elsewhere in this report<sup>1</sup> and which set out the circumstances in which soldiers were entitled to open fire) required that a soldier should not fire more rounds than absolutely necessary.<sup>2</sup> Private L agreed that there had been no need to fire at the man in the rafters of the derelict building.<sup>3</sup> Lance Corporal 229 said that he did not believe that Joseph Lynn presented any form of threat and that if Joseph Lynn had not come down from the rafters, he would have gone up himself and brought him down.<sup>4</sup>

<sup>1</sup> Paragraphs 8.121–123

<sup>3</sup> Day 381/17

<sup>2</sup> ED71.1-2

<sup>4</sup> Day 341/35

**79.22** Private L’s shot in the derelict building was in our view unjustified and contrary to the Yellow Card.

**79.23** There is nothing in Major Loden’s List of Engagements<sup>1</sup> that corresponds with the shot fired by Private L in the derelict building.

<sup>1</sup> ED49.12

**79.24** The third question relates to the identity of the soldier who arrested Joseph Lynn.

**79.25** Lance Corporal 229 and Private L both claimed to have arrested him. Joseph Lynn’s evidence is that only one soldier was involved in his arrest and that this soldier was different from, and taller than, either Lance Corporal 229 or Private L. In his oral evidence to this Inquiry, Joseph Lynn said that he was as sure as he could be that this soldier was white, although his face was blackened. Joseph Lynn was about 5ft 11in tall and, on his evidence, the soldier who arrested him was about the same height.<sup>1</sup> If this evidence is accurate, it would exclude both Lance Corporal 229, who was 5ft 8in tall,<sup>2</sup> and Private L, who was not white, did not wear camouflage paint, and was only 5ft 7in tall.<sup>3</sup> The implication of Joseph Lynn’s evidence, if accurate, is therefore that an unknown third soldier arrested him and that the incidents described by Lance Corporal 229 and Private L were either invented or related to the arrest of someone else.

<sup>1</sup> Day 193/10-11; Day 193/47-48

<sup>3</sup> B342; B346; Day 381/2

<sup>2</sup> Day 341/76

79.26 It seems to us that Joseph Lynn may have become confused about the height of the soldier because of a newspaper photograph he had seen after Bloody Sunday,<sup>1</sup> which showed him standing against a wall after being arrested, with a soldier of approximately the same height standing at his back. It is possible that the photograph in question was the first of the two shown below (taken by the *Daily Mail* photographer Jeffrey Morris) and that Joseph Lynn is the individual seen on the far left, who can also be seen beside a soldier in the second photograph (taken by Constable A Brown of the RUC).

<sup>1</sup> AL39.3-4



**79.27** If Joseph Lynn mistakenly believed that the soldier who stood behind him at the wall was the soldier who had arrested him, it is possible that the photograph that he saw caused him to reach an erroneous conclusion about the height of the soldier who arrested him. In any event, it is our view that Joseph Lynn was mistaken both in his belief that the soldier who arrested him was alone and about the height of that soldier. On the basis of the evidence we have considered above we are satisfied that Lance Corporal 229 and Private L arrested Joseph Lynn.

**79.28** The last question is whether Joseph Lynn's arrest was justified.

**79.29** The justification for the arrest given by Lance Corporal 229 in a statement made at Fort George that evening was that he had seen Joseph Lynn throwing stones. This statement is the only evidence that Joseph Lynn was seen engaging in such activity. There is nothing about Joseph Lynn throwing stones in Lance Corporal 229's RMP statement made on 15th February 1972.<sup>1</sup> In his written statement to this Inquiry,<sup>2</sup> Lance Corporal 229 told us that he went after a man who he had seen run into a derelict building and no longer recalled whether he had seen that man throwing stones or whether someone told him that this is what he had been doing. Nor could he recall whether he was ordered to go after Joseph Lynn or whether he did so of his own accord. Lance Corporal 229 stated that people had been throwing stones when the soldiers arrived in the area and that Joseph Lynn "*may have been*" one of them.

<sup>1</sup> B2208

<sup>2</sup> B2211.004

**79.30** In his oral evidence to this Inquiry,<sup>1</sup> Lance Corporal 229 said that he would not have been able to make out the features of individuals because he was wearing a respirator. He said that he was sure that he had not seen Joseph Lynn doing anything wrong. When asked why he chased after Joseph Lynn, Lance Corporal 229 said that he had "*probably been told to go and get him*", although he did not remember being told this. He also said that it was possible that he had simply gone after anyone whom he could catch. In his RMP statement,<sup>2</sup> Lance Corporal 229 recorded that he chased Joseph Lynn and found him in the derelict building and that Private L joined him in the building at a later stage. In Lance Corporal 229's written statement to this Inquiry<sup>3</sup> he told us the same, although there and in his oral evidence,<sup>4</sup> he acknowledged that it was possible that he only entered the derelict building for cover and caught sight of Joseph Lynn once he was inside it.

<sup>1</sup> Day 341/28-34

<sup>3</sup> B2211.004-005

<sup>2</sup> B2208

<sup>4</sup> Day 341/32

**79.31** That possibility would be consistent with Private L's written statement for the Widgery Inquiry<sup>1</sup> and with his oral evidence to that Inquiry,<sup>2</sup> in which he said that he and another soldier entered the building to take cover, and then heard a noise and realised that there was someone in the rafters. This account by Private L, however, is inconsistent with his written statement to this Inquiry<sup>3</sup> and with his oral evidence to this Inquiry,<sup>4</sup> in which he said that he followed rioters into the building. Because of the time lapse and certain personal difficulties that Private L has undergone in the interim, we prefer the accounts that he gave in 1972 to his more recent ones, though even the former give rise to problems.

<sup>1</sup> B320

<sup>3</sup> B345-6

<sup>2</sup> WT16.2

<sup>4</sup> Day 381/15

**79.32** In his written statement to this Inquiry,<sup>1</sup> Joseph Lynn told us that he thought that the soldier who arrested him had not followed him into the building, but was just checking the area. Joseph Lynn denied that he threw any stones.<sup>2</sup>

<sup>1</sup> AL39.3

<sup>2</sup> AL39.8; Day 193/38-39

**79.33** Lance Corporal D, a member of Composite Platoon, recorded in his RMP statement<sup>1</sup> that after disembarking from his vehicle, he was given an arrested youth to look after, who told him that his name was Finn and that he had "*become mixed in the riot accidentally*". The description given by Lance Corporal D suggests that this was Joseph Lynn.

<sup>1</sup> B69

**79.34** At the time, Lance Corporal 229 justified the arrest of Joseph Lynn on the basis that he had seen Joseph Lynn throwing stones. There is a real doubt as to whether Lance Corporal 229 had seen Joseph Lynn at all before he entered the building, let alone seen him throwing stones. The evidence, particularly the evidence given in 1972, persuades us that Lance Corporal 229 could not have held a genuine belief that Joseph Lynn had been throwing stones. As will be seen in our consideration of events at Fort George, to which Joseph Lynn was taken, there are other instances in which arrest forms were completed with false details of activities justifying arrest. In our view Joseph Lynn, a stranger to the area, was probably caught by soldiers simply because he was in the wrong place at the wrong time, and not because he had been seen throwing stones; and there is no evidence to contradict his denial that he had engaged in this activity. For these reasons his arrest was in our view probably unjustified.

# Chapter 80: The initial movements of the soldiers in Sector 3

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## Mortar Platoon

**80.1** Earlier in our consideration of the events of Sector 3<sup>1</sup> we examined the movement and initial action of three soldiers from Mortar Platoon, namely Corporal P and the baton gunners Private 017 and Private 112. Another soldier from Mortar Platoon, Private U, was also involved in the events of Sector 3.

<sup>1</sup> [Paragraphs 69.20–58](#), [Chapters 73 and 74](#), and [paragraphs 80.1–4](#)

**80.2** As we described when considering the events of Sector 2,<sup>1</sup> soon after disembarking from Sergeant O's Armoured Personnel Carrier (APC) in Rossville Street, Private U was involved in the arrest of Charles Canning, after which he made his way past Major Loden's command vehicle to the north end of Block 1 of the Rossville Flats. According to his accounts, he fired one shot from there at a man with a pistol who appeared some distance away to the south of the rubble barricade. We deal with the firing by Private U later in this report.<sup>2</sup> He told the Widgery Inquiry that he was not wearing his respirator when he disembarked from Sergeant O's APC.<sup>3</sup>

<sup>1</sup> [Paragraphs 34.4–8](#), and [Chapters 35 and 36](#)

<sup>3</sup> [WT13.95](#)

<sup>2</sup> [Paragraphs 85.29–82](#)

## Composite Platoon (Guinness Force) and Anti-Tank Platoon

80.3 As we have described earlier in this report,<sup>1</sup> the two lorries containing Composite Platoon (also known as Guinness Force) followed the two APCs of Machine Gun Platoon into the Bogside; and were followed by the two APCs of Anti-Tank Platoon. When the vehicles stopped in Rossville Street, the soldiers of Composite Platoon and Anti-Tank Platoon disembarked. There is film footage showing soldiers disembarking from the lorries in Rossville Street.<sup>2</sup>

<sup>1</sup> Paragraphs 73.1–6

<sup>2</sup> Vid 48 12.41; Vid 48 12.54

### Captain 200 – the Commander of Composite Platoon

80.4 In his Royal Military Police (RMP) statement dated 5th February 1972,<sup>1</sup> Captain 200, the Commander of Composite Platoon, recorded that when his platoon disembarked there was CS gas in the air: *“This delayed our deployment slightly as we had to put on gas masks. I decided to split my Force, with 71 [the call sign for the soldiers in the first lorry] moving to the left to give support to the Mor Pl [Mortar Platoon] and 71A [the call sign for the soldiers in the second lorry] to move right flanking along the eastern side of Columbcille Court.”* He stated that his orders to Colour Sergeant 002, in command of 71A, were to move up the right flank of Rossville Street and act on his own initiative if they got separated. *“I went left with 71.”* He then stated that on moving off, he noticed Anti-Tank Platoon overtaking the 71A soldiers<sup>2</sup> and moving quickly through Columbcille Court and the *“long block east of the Court”*, by which he must have meant Kells Walk. *“I stopped and shouted quick orders to ‘L.1’ [Colour Sergeant 002, who was his Platoon Sergeant] to move up in support of the Anti Tank Pl.”*

<sup>1</sup> B1978-1983

<sup>2</sup> In his RMP statement, Captain 200 stated that Anti-Tank Platoon overtook 71A in their APCs, but in his oral evidence to this Inquiry he said that he clearly recalled, as we believe was the case, that the Anti-Tank Platoon soldiers overtook his men on foot (Day 367/85-89).

80.5 In his written statement for the Widgery Inquiry,<sup>1</sup> Captain 200 recorded that his vehicles had stopped *“under cover”* just past the junction with William Street. In this statement he recorded that it was his Company Commander (Major Loden) who told him to assist Mortar Platoon, but that he decided to split his force, *“half to support the anti-tank platoon which were now in position near the long straight building between Rossville Street and Kells Walk and half to support the mortar platoon”*. He continued:

“It was at this stage that I saw at least three men from the anti-tank platoon kneeling behind the wall on the right hand side of Rossville Street by the building firing their SLR. I looked to see what they were firing at and saw a barrier in Rossville Street near the Rossville flats. I could see people behind the barrier. Immediately behind the barrier I could see perhaps two heads beyond that near Glenfada Park there were about 30 scattered people on the right hand side of the road near the Glenfada Park building. There were others further down the road – scattered not in a crowd. This was all taken in in a matter of seconds. My feeling was that the crowd had dispersed rapidly and that gunmen would be likely to appear. I told my men in the vicinity of the long building to spread out – they were too bunched, an obvious target. It was about this time that I removed my gas-mask. I then went over to the half of my platoon which was supporting the mortar platoon and on my way over I saw two women sheltering behind a car who were obviously frightened and I told them to move out through Eden Place into Chamberlain Street.”

<sup>1</sup> B1985-1986

**80.6** A little later in this statement, Captain 200 described moving between the two halves of his force “*and in the end all those not employed in dealing with prisoners or guarding vehicles were in the vicinity of the long building and of Columbcille Court*”.<sup>1</sup> Again, it seems that by “*the long building*” Captain 200 meant Kells Walk.

<sup>1</sup> B1987

**80.7** Captain 200 gave a similar account in his oral evidence to the Widgery Inquiry. He told that Inquiry that after Anti-Tank Platoon had moved forward “*round the corner towards the Glenfada Park area*” he ordered Colour Sergeant 002 to move his soldiers up to the wall from where that platoon had been firing.<sup>1</sup> He also told the Widgery Inquiry that he did not see any of his soldiers firing.<sup>2</sup>

<sup>1</sup> WT15.44

<sup>2</sup> WT15.48

**80.8** Captain 200 gave written and oral evidence to this Inquiry. In his written statement,<sup>1</sup> he gave much the same account of his movements and that of his soldiers as he had in the accounts that he gave in 1972. In this statement, Captain 200 told us that Major Loden had told him to support Anti-Tank Platoon, not Mortar Platoon, but he corrected this in his oral evidence.<sup>2</sup>

<sup>1</sup> B2022.006-008

<sup>2</sup> Day 367/25

**80.9** In his oral evidence to this Inquiry,<sup>1</sup> Captain 200 said that the initial deployment of his soldiers was to send half to move up the “*right flank*”, ie the western side of Rossville Street, and that after the other half had stayed for a while at a wall at the north end of Rossville Street he sent them to the “*left flank*”, behind Mortar Platoon.

<sup>1</sup> [Day 367/84](#)

**80.10** Captain 200 also told us that he moved to the left, ie to the east, and shepherded people away from the Eden Place waste ground, not after receiving orders from Major Loden, as he had said in his written statement to this Inquiry,<sup>1</sup> but just before he went back to Major Loden, as he had recorded in his RMP statement and in his written statement for the Widgery Inquiry.<sup>2</sup> This, therefore, would have been after he had seen soldiers from Anti-Tank Platoon firing from a wall at Kells Walk.

<sup>1</sup> [B2022.006](#)

<sup>2</sup> [B1980](#); [B1986](#); [Day 367/90-91](#)

## Lieutenant 119 – the Commander of Anti-Tank Platoon

**80.11** Lieutenant 119 was the Commander of Anti-Tank Platoon. Although in the accounts that he gave in 1972 he did not provide as much detail as Captain 200 of the movement of his soldiers, nothing he said on this subject was inconsistent with the accounts of Captain 200. In his second RMP statement,<sup>1</sup> Lieutenant 119 recorded:

“About 1615 hrs 30 Jan 72 I moved into the Rossville Street area of Londonderry with my Platoon. We moved along Rossville Street in a Southerly direction, towards Rossville Flats.

When we arrived at MR 43251688, we came under fire from at least two different directions. We were on foot and in open ground without adequate cover. Just prior to this we had been advancing rapidly towards the mob of rioters with the object of arresting as many as possible. As soon as we came under fire, I moved those soldiers with me to the cover of a wall just in front of us, at the Map Reference given.”

<sup>1</sup> [B1752.036](#)

**80.12** We deal elsewhere in this report<sup>1</sup> with accounts of incoming fire given by the soldiers involved in the events of Sector 3.

<sup>1</sup> [Chapters 72 and 82](#)

## Summary of the initial movements of the soldiers in Sector 3

**80.13** On the basis of the foregoing evidence, we have concluded that the sequence of events, so far as the soldiers were concerned, was that Corporal P and Private 017 from Mortar Platoon disembarked from Sergeant O's APC in Rossville Street and went to the western side of that street, where Corporal P fired two shots and Private 017 encountered a man with a handgun. These matters we have already considered in detail.<sup>1</sup> Meanwhile Composite Platoon and Anti-Tank Platoon disembarked from their vehicles. Soldiers from the latter platoon moved ahead (ie south) of the soldiers from Composite Platoon and reached the low walls of the Kells Walk ramp after Corporal P had fired two shots. In our view the fifth and sixth of the six photographs taken by Liam Mailey, which we have set out earlier in this report,<sup>2</sup> but which for the sake of clarity we set out again below, show soldiers of Anti-Tank Platoon reaching those low walls, with Corporal P and Private 017, who had reached that area earlier, in front of them.

<sup>1</sup> [Chapters 73 and 74](#)

<sup>2</sup> [Paragraphs 69.52–55](#)





**80.14** Very shortly after soldiers of Anti-Tank Platoon arrived at the low walls of the Kells Walk ramp, there was firing from that position. As noted above,<sup>1</sup> Captain 200, the Commander of Composite Platoon, described seeing at least three soldiers from Anti-Tank Platoon kneeling in that position and firing their rifles.

<sup>1</sup> [Paragraph 80.5](#)

# Chapter 81: Firing by Anti-Tank Platoon soldiers from the low walls of the Kells Walk ramp

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**81.1** There is convincing evidence, which we discuss later in this report,<sup>1</sup> that the first of the identified casualties to be shot by Army gunfire at the rubble barricade was Michael Kelly, and that he was hit by a shot fired by Lance Corporal F, a member of Anti-Tank Platoon. Although it does not follow that this was the first firing by a soldier of Anti-Tank Platoon in Sector 3, it is convenient to consider first the accounts given by Lance Corporal F and then to deal with the accounts of the other soldiers who have stated that they fired from the low walls of the Kells Walk ramp.

<sup>1</sup> [Paragraphs 81.21–35](#) and [86.43–58](#)

## Lance Corporal F

**81.2** As noted above,<sup>1</sup> Lance Corporal F had travelled into the Bogside in the second of the two Armoured Personnel Carriers (APCs) of Anti-Tank Platoon.

<sup>1</sup> [Paragraph 69.15](#)

**81.3** In his first RMP statement, timed at 0240 hours on 31st January 1972,<sup>1</sup> Lance Corporal F recorded:<sup>2</sup>

"I am a member of Sec, Commanded by 'F1'. About 1600 hrs we deployed from our vehicle at the junction of William Street and Rossville Street. We deployed in pairs and I was working with 'G'. We advanced along Rossville St towards Rossville Flats where numerous rioters were. I was armed with a SLR loaded with a magazine of 20 rounds. When we deployed and started to advance I cocked my weapon with one round in the breech. The safety catch was on safe.

We advanced about 30 yards and came under sniper fire which sounded like rifle fire. These shots came from the direction of Rossville flats. We were too far from the flats to pinpoint the gunmen at this stage.

We continued to advance and as we got nearer to the flats I could see that there was a barricade across the street at the far end of the flats. I estimate there were about 200 rioters in this area at that time. They were throwing stones, bottles and other missiles at us and other troops as they advanced. I saw at least two nail bombs explode as we advanced.

We took up position behind a wall on the right hand side of Rossville St about 40 yards short of the Rossville Flats. We again came under sniper fire from the flats. I estimated that this gunfire was coming from the second floor of the flats and the third window along. I fired 3 aimed shots at this window and I saw all three shots strike the windows.

After these shots the sniper fire stopped and I saw about 30–40 rioters leave the barricade and go to the right behind a block of flats out of our sight."

<sup>1</sup> B125.004

<sup>2</sup> B121-122

#### 81.4

The handwritten original version of this statement contains more text than the typed version. In the handwritten version the second paragraph of the passage set out above begins: "*We advanced along Rossville Street taking cover in doorways. After we had covered about 30 yds we came under sniper fire which sounded like rifle fire.*"<sup>1</sup> In the handwritten version, the word "*windows*" (the last word of the penultimate sentence of the passage set out above) appears as "*window*".<sup>2</sup> These were probably errors made when the statement was typed up.

<sup>1</sup> B125.001

<sup>2</sup> B125.002

**81.5** The first sentence of the extract quoted above has been redacted. The blank space before the abbreviation “Sec” has replaced “56A”, this being the call sign for a section within Anti-Tank Platoon. “F1” was the cipher given by the RMP to a soldier known in the present Inquiry as Sergeant INQ 1694.

**81.6** This statement continued with a description by Lance Corporal F of moving into Glenfada Park North and there firing at a nail bomber, then arresting people and escorting them back to Rossville Street, and afterwards firing “*approximately*” four further shots at a window in the Rossville Flats followed by another four shots, also at a window in those flats.<sup>1</sup> We consider what Lance Corporal F did in Glenfada Park North in the context of Sector 4;<sup>2</sup> and return to the shots that he said that he fired at the flats in our consideration of the later events of Sector 3.<sup>3</sup>

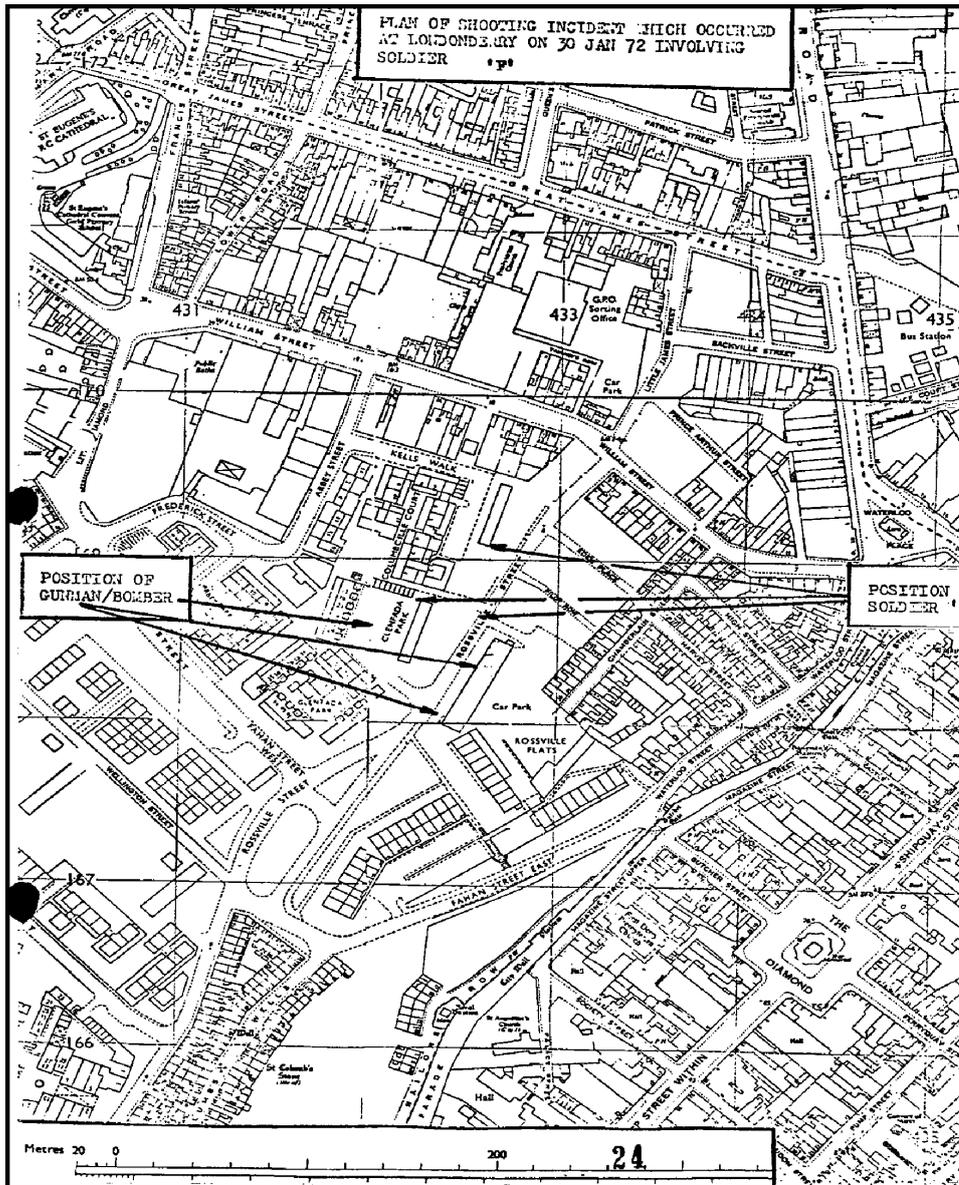
<sup>1</sup> [B122-123](#)

<sup>3</sup> [Paragraphs 123.118–180 and 123.212–278](#)

<sup>2</sup> [Paragraphs 97.13–26 and Chapter 113](#)

**81.7** The following RMP map accompanied Lance Corporal F’s statement.<sup>1</sup>

<sup>1</sup> [B124](#)



81.8 As in the first RMP statement itself, it will be seen that there is nothing on this map to suggest that Lance Corporal F fired at the rubble barricade. The two lowest arrows indicate the positions of the alleged gunmen in Block 1 of the Rossville Flats.

81.9 Lance Corporal F made three later RMP statements. One was timed at 1410 hours on 31st January 1972.<sup>1</sup> Another was timed at 2030 hours on 4th February 1972. The typed copy of the latter has no date or time,<sup>2</sup> but the original handwritten copy seen by the Tribunal bears this date and time. A further RMP statement was dated 15th February 1972.<sup>3</sup> These statements dealt respectively with the identification of a man shot in Glenfada Park North, with events in Rossville Street and Glenfada Park North, and with

events at Fort George, to which people arrested on Bloody Sunday had been taken. In none of these statements did Lance Corporal F mention anything about firing across the rubble barricade.

<sup>1</sup> B126-127

<sup>3</sup> B132-133

<sup>2</sup> B129-130

**81.10** On 19th February 1972 Lance Corporal F made a further statement,<sup>1</sup> this time to Colonel Overbury. This officer was, as we explained in the part of this report dealing with Sector 2,<sup>2</sup> a solicitor and Assistant Director of the Army Legal Services at the Ministry of Defence, who had arrived in Northern Ireland at the beginning of February 1972 to join the Army Tribunal Team preparing for the Widgery Inquiry.

<sup>1</sup> B135

<sup>2</sup> Paragraph 51.124

**81.11** We set out this statement in full,<sup>1</sup> since, as will be seen, it was in this statement that for the first time Lance Corporal F gave an account not only of firing at a man behind the rubble barricade in Rossville Street before moving into Glenfada Park North, but also of firing from there at a man on the south side of the Rossville Flats. The firing to the south of the Rossville Flats is a matter to which we return when considering the events of Sector 5.<sup>2</sup>

“Further to my previous statements.

I have now read my previous statements and looked at maps and photographs of the area, and realise that I have mistaken the sequence of events.

After we first left our vehicles in the Rossville Flats area, I did not, as said earlier, fire at a window in the Rossville Flats. I fired these shots later. I did however fire; I aimed round at a man I saw behind the barricade about 40 yards from me who was about to throw a bomb. It was a large object and I saw sparks coming from it. As I said earlier, 2 nail bombs had earlier exploded near us as we moved towards the Rossville Flats.

When I moved with G into Glenfada Park I fired 2 rounds as I said earlier at another man who was about to throw a bomb. The object in his hand was definitely a bomb because it was fizzing. Immediately after this I ran along the Eastern wall of Glenfada Park to the corner. As I did so I heard pistol shots coming from the area of the wall at the far end of the Rossville Flats. I shouted ‘there’s a gunman’ and I dropped to one knee and took an aim position. I saw a man near the wall facing in my direction who turned as if to run. I saw he had an object in his hand. He was the only person in the area from which the gunfire had come. The object in his hand was large and black like an automatic pistol. I fired 2 rounds at this man and he fell to the ground. I then saw 20 people, 19 men and one woman standing near me huddled together at the end of the flats in Glenfada Park. I arrested these people with others including G who came up.

After I had returned to my vehicle and came under fire again as I described earlier I fired 3 shots at the 2nd floor window of Rossville Flats. I also fired a further 5 rounds at men firing in my direction from the windows of Rossville Flats. I can work out the number of rounds I fired on the last two occasions from the ammunition check I made very shortly afterwards when I counted 7 rounds left in my magazine. I am certain that I fired 1 round at the nail bomber at the barricade, 2 rounds at the nail bomber in Glenfada Park, 2 rounds at the gunman at the end of Rossville Flats and 3 rounds at the window on the 2nd Floor of the Rossville Flats. The remaining 5 rounds I fired on 2 separate occasions at different windows of the Rossville Flats. On each occasion I saw a man with a rifle who had on each occasion fired in our direction. At no time did I fire except aimed shots at a person who was attacking us.”

<sup>1</sup> B135

<sup>2</sup> Paragraphs 119.164–175

**81.12** Lance Corporal F made a written statement for the Widgery Inquiry.<sup>1</sup> In this statement he again described seeing explosions in Rossville Street near the north end of the Rossville Flats as he advanced along Rossville Street after disembarking. He recorded that he had taken cover behind the wall at the south end of the low-rise flats on the west side of Rossville Street in front of Columbcille Court. We have no doubt that this was a description of one of the low walls of the Kells Walk ramp. He continued:

“4. I then observed a number of people behind the barricade. One of them was attempting to throw what looked like a bomb which was in his hand. It was fizzing. I have seen nail bombs before and I am in no doubt that this was one. I fired one aimed shot and he fell. The bomb did not explode. I did not see what happened to it. Then I saw three men leave the barricade. One was carrying a rifle, and they moved to the right in the direction of Glenfada Park.”

<sup>1</sup> B137

**81.13** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Lance Corporal F described seeing two nail bombs explode about 40m in front of the rubble barricade, about halfway up to where he was positioned. He then said that there was nobody on his side of the rubble barricade when he saw “*a person attempting to throw what looked like a nail bomb. It was fizzing in his hand. I took an aimed shot and then the man with the bomb fell to the ground.*”<sup>2</sup>

<sup>1</sup> WT14.45

<sup>2</sup> WT14.46

**81.14** In the course of his oral evidence to the Widgery Inquiry, Lance Corporal F was asked why he had failed to tell the RMP of the shots he had fired on the south side of the Rossville Flats.<sup>1</sup> We return to this in our consideration of the events of Sector 5,<sup>2</sup> but it is to be noted here that he was not asked why he had failed to tell the RMP about the shot that he was now saying that he had fired at a nail bomber behind the rubble barricade. When he told the Widgery Inquiry, in reply to a question from counsel for the families and for the injured, who did not have access to the RMP statements, that he had told the RMP about both the nail bombers he had shot, no-one intervened to disclose that his RMP statements contained no reference to the nail bomber behind the rubble barricade.<sup>3</sup> We do not know why Lance Corporal F was not questioned about this matter and Colonel Overbury said to us that he did not know either.<sup>4</sup>

<sup>1</sup> WT14.60

<sup>3</sup> WT14.61

<sup>2</sup> Paragraphs 119.169–170

<sup>4</sup> Day 243/60-61

**81.15** The trajectory photograph below apparently shows the shot that Lance Corporal F fired at the man he said was a nail bomber behind the rubble barricade. It is one of a number of trajectory photographs prepared for the purposes of the Widgery Inquiry to illustrate the shots that the soldiers of 1 PARA said that they had fired, but we have no evidence of the exact date on which this photograph was prepared. In his statement to Colonel Overbury,<sup>1</sup>

Lance Corporal F recorded that he had been shown maps and photographs, but neither this nor any of the other accounts that he gave in 1972 refers to a photograph marked to illustrate the trajectory of his shot fired across the rubble barricade.

<sup>1</sup> B135



**81.16** There is no entry in Major Loden's List of Engagements<sup>1</sup> that corresponds with the shot fired by Lance Corporal F that hit Michael Kelly at the rubble barricade. Nor is there an entry that corresponds with his firing in Sector 5. As we explain in our discussion of the events of Sector 4,<sup>2</sup> we are of the view that Lance Corporal F gave Major Loden an

account of shooting in Glenfada Park North. If this is so, Lance Corporal F told Major Loden of some of his shooting, but failed to inform him of his shot across the rubble barricade, despite the fact that it had been fired only a short time before.

<sup>1</sup> ED49.12

<sup>2</sup> Paragraph 97.62

**81.17** In his written statement to this Inquiry,<sup>1</sup> Lance Corporal F told us that he did not now “recall firing one shot at the barricade”. Early in his oral evidence to this Inquiry he gave the following answers:<sup>2</sup>

“Q. Have you ever killed anyone before Bloody Sunday?

A. No.

Q. Or after Bloody Sunday in Northern Ireland?

A. No.

Q. This must, therefore, must it not, have been a pretty dramatic day?

A. It was, yes.

Q. And are you being truthful when you say that you remember practically nothing whatever about it?

A. That is correct.”

<sup>1</sup> B167.008

<sup>2</sup> Day 375/59

**81.18** Later, when his attention was drawn to the absence of any reference in his first RMP statement<sup>1</sup> either to the shot across the rubble barricade or to the two shots that he later said that he had fired to the south of the Rossville Flats, Lance Corporal F gave the following evidence:<sup>2</sup>

“Q. May we have that on one side and may we have the next page, 123, on the other. You described firing eight shots in two sets of four at windows in the Rossville Flats. You see there is a reference to firing ‘approximately four aimed shots at’ one window and then ‘four aimed shots’ at another window; do you follow?

A. Yes.

Q. We need not worry for the moment about the details of the eight shots fired at the windows of the Rossville Flats, but you will see from that account that you do refer to 13 shots, but you begin with three shots at a window in the flats before you go into Glenfada Park and you then describe two shots being fired in Glenfada Park before a further eight shots after you had come out of Glenfada Park; do you follow?

A. Yes.

Q. Why is it that there is no reference in this statement to firing, as your first shot, one shot from the Kells Walk wall towards the barricade, or to firing two shots from Glenfada Park towards a man with a pistol at the wall below the Rossville Flats?

A. All I can say is that there is errors in the judgement of making the statements and they got confused.

Q. Let us take that in stages: you were not confused on this occasion, were you, about the number of bullets that you fired?

A. Not at that particular time.

Q. And you gave a precise account of the number of shots, the sets of shots, the targets and the sequence?

A. That is correct.

Q. One of the shots that you omitted to refer to was your first shot of the day at a man with a nail bomb whom you in fact killed; that is right, is it not?

A. As my statement says, yes.

Q. And you must have been trying to kill him?

A. The person has got a nail bomb, he was trying to kill me, then, yes.

Q. And the other shots that you omitted to refer to were two shots at a man with a pistol whom you were also trying to kill?

A. That is correct.

Q. How can you possibly have forgotten those shots?

A. There was a lot going on that day, there was a lot of activity going on and when I made the statements, the statements got confused and there was errors made.

Q. What you have done is to omit all reference to firing in two very controversial areas, firstly towards the barricade and, secondly, towards the south of the Rossville Flats; do you follow?

A. Yes.

Q. Is the reason why there is no mention of either of those firings because the firing that took place from the Kells Walk wall to the barricade and from Glenfada Park to below the Rossville Flats, was known by you to be unjustifiable and you wished to hide the part that you had played in it?

A. No.”

<sup>1</sup> B121-123

<sup>2</sup> Day 375/138-140

**81.19** Later in his oral evidence there was another exchange about Lance Corporal F’s professed lack of recollection:<sup>1</sup>

“Q. You told the Inquiry yesterday that as far as your experiences in Northern Ireland were concerned, that was confined to a number of shooting incidents prior to Bloody Sunday; is that correct?

A. That is correct, yes.

Q. So as far as Northern Ireland is concerned, the only circumstances in which you admit to killing people was on Bloody Sunday itself?

A. That is correct.

Q. Notwithstanding that fact, you are asking this Tribunal and all of the people, who have travelled a very long way to find out what you have to say about this, the best that you can do is to say that you cannot remember anything at all about it, even though those are the only human beings that you killed in Northern Ireland?

A. I was speaking the truth, to the best of my knowledge.

Q. You have the benefit of anonymity; is that not right?

A. That is correct.

Q. And you also have the benefit and assurance from the Attorney General – you and a number of other witnesses – that any evidence that you give before this Inquiry could not be used against you in a subsequent trial; you do understand that, do you not?

A. I do, yes.

Q. Notwithstanding – of course you have had the opportunity to come to London and give your evidence, rather than have to come to Derry and give it; is that not right?

A. That is correct.

Q. With all those combination of safeguards and given the fact we are now in 2003, some 30 years or so after Bloody Sunday, and all these people who have been waiting for so long to find out exactly what happened on Rossville Street and what happened in Glenfada Park and what happened in Abbey Park and what happened at the back of Block 2 of Rossville Flats, are you not now prepared to tell us something about what you saw and heard that day?

A. I can only tell you what I remember and that is it.

Q. Which is nothing?

A. That is correct.”

<sup>1</sup> Day 376/22-23

**81.20** In our view Lance Corporal F did not tell the truth when he told us that he had practically no recollection of what he did on Bloody Sunday.

## The bullet recovered from Michael Kelly’s body

**81.21** We have referred earlier in this report<sup>1</sup> to some of the evidence given by Dr John Martin, then a Principal Scientific Officer in the Department of Industrial and Forensic Science (DIFS) in Belfast.

<sup>1</sup> Paragraphs 55.15–16

**81.22** In the period from 7th to 15th February 1972, a total of 29 rifles used by the Army on Bloody Sunday were submitted to DIFS for examination, and the receipt of each weapon was recorded on a submission form in which it was identified by a number.<sup>1</sup> The numbers entered on the submission forms were not the complete serial numbers of the weapons but only the last part of the serial numbers.<sup>2</sup> They were, however, sufficient to distinguish each weapon from the others in the set of 29. The number of rifles submitted for

examination is one more than the number of soldiers who had at the time admitted deliberately firing their rifles on Bloody Sunday. We do not know why this is so, though it is possible that the additional weapon was the rifle used by Gunner INQ 1255, a member of 22 Lt AD Regt, who at about 1700 hours on Bloody Sunday accidentally shot himself in the foot when on duty in a building at the eastern end of Prince Arthur Street. We consider this incident elsewhere in this report.<sup>3</sup>

<sup>1</sup> [D438-D496](#)

<sup>3</sup> [Chapter 168](#)

<sup>2</sup> [OPA1.63](#)

**81.23** DIFS had already received, on 2nd February 1972, bullets recovered from the bodies of two of those who died, Michael Kelly<sup>1</sup> and Gerald Donaghey,<sup>2</sup> and, on 3rd February 1972, one bullet and three metal fragments recovered from the bodies of three of the surviving casualties.<sup>3</sup>

<sup>1</sup> [D36-D37](#)

<sup>3</sup> [D802-D803; D825-D825.1; D903-D904](#)

<sup>2</sup> [D329-D330](#). In the evidence, Gerald Donaghey's first name is often given as Gerard and his second name as Donaghy. We have ascertained from his family that the correct name is Gerald Donaghey.

**81.24** Herbert Donnelly, an Assistant Scientific Officer at DIFS, carried out test firings of the rifles<sup>1</sup> and Dr Martin conducted a microscopic examination of bullets from the test firings and of the bullets recovered from the casualties. In the case of Michael Kelly, Dr Martin found agreement between the rifling marks on the bullet recovered from the deceased and the test bullets fired in rifle number A32515, which satisfied him that the bullet that hit Michael Kelly had been fired from that rifle.<sup>2</sup>

<sup>1</sup> [D741.59](#)

<sup>2</sup> [D47; WT9.14](#)

**81.25** Dr Martin told this Inquiry that he matched the bullet recovered from the body of Michael Kelly to that rifle by comparing the grooves on the recovered bullet with the grooves on the bullets test-fired by Herbert Donnelly. Dr Martin said that he believed that the matches that he made in this case and in the case of Gerald Donaghey (who was killed in Sector 4) were definite and not just the “*best matches*”.<sup>1</sup>

<sup>1</sup> [D610.6-8; Day 226/95-96; Day 226/152-156; Day 226/159](#)

**81.26** Dr Martin initially told us that on making a “*match*” for the rifles that fired the bullets recovered from Michael Kelly and Gerald Donaghey, he would have ceased his examination.<sup>1</sup> This meant that he might not have compared the recovered bullets to those

fired from all of the remaining weapons in the pool of 29 submitted to DIFS. However, later in his oral evidence he said that he “*probably looked at all the rest anyway, on the way through*”.<sup>2</sup>

<sup>1</sup> Day 226/95-96

<sup>2</sup> Day 226/154

**81.27** Mr Kevin O’Callaghan (the ballistics expert retained by this Inquiry) told us that his method would have been to continue to examine the bullets test-fired from all the remaining rifles in the pool to see whether any of them had marks corresponding with those on the recovered bullets.<sup>1</sup> However, he said:<sup>2</sup> “... *I am not saying for one moment that Dr Martin was wrong. I am saying that I am simply unable to say whether he was correct or not ... [H]e felt confident in his conclusions and certainly I am expressing ... the approach I would take and it is just one approach.*”

<sup>1</sup> Day 230/48-51

<sup>2</sup> Day 230/52

**81.28** Mr O’Callaghan could not give an idea of the level of probability that the marks on the bullet recovered from Michael Kelly’s body might have corresponded to the marks on the bullets test-fired from more than one of the rifles in the pool of 29 submitted to DIFS.<sup>1</sup>

<sup>1</sup> Day 230/50-51

**81.29** Mr O’Callaghan also told this Inquiry that he would not describe the process carried out by Dr Martin as matching a bullet to a weapon. He preferred to talk of a “*corresponding agreement between marks on the test bullets and the fired bullet ... recovered from the victims*”.<sup>1</sup>

<sup>1</sup> Day 230/50

**81.30** Although perhaps Dr Martin could have used a more thorough method, we are satisfied that the bullet recovered from Michael Kelly’s body was fired from Lance Corporal F’s rifle. In his oral evidence to the Widgery Inquiry,<sup>1</sup> Lance Corporal F confirmed that the number of his rifle was A32515 and that there was no possibility that anyone else could have used it on Bloody Sunday.

<sup>1</sup> WT14.73

**81.31** Mr O’Callaghan and Dr Richard Shepherd, the latter being the expert pathologist retained by this Inquiry, concluded from the features of the entry wound that the bullet that killed Michael Kelly was unstable when it hit him<sup>1</sup> and that the most likely cause of this instability was contact with some other object or person before the bullet hit Michael Kelly.<sup>2</sup> The experts could not be precise about the nature of any such contact and could not say, for example, whether the bullet might have ricocheted from a hard surface or

whether it had travelled through the body of another person.<sup>3</sup> In his oral evidence to this Inquiry, Dr Shepherd said that he thought that the bullet would not have travelled *through* any hard object.<sup>4</sup> Mr O’Callaghan said that the lack of any evidence of damage to the bullet made it impossible to determine the nature of any contact that the bullet may have had before it hit Michael Kelly.<sup>5</sup>

<sup>1</sup> E2.7; E2.40-41

<sup>4</sup> Day 229/78-79

<sup>2</sup> Day 229/6-7

<sup>5</sup> Day 230/18-22

<sup>3</sup> Day 229/78-79; Day 230/18-25

## Lance Corporal F and Michael Kelly

**81.32** In view of the matters considered above, we have no doubt that Lance Corporal F fired the bullet that killed Michael Kelly at the rubble barricade. Later in this report,<sup>1</sup> we give reasons for our view that Lance Corporal F did not believe at any stage that there was a man with a nail bomb behind the rubble barricade.

<sup>1</sup> Paragraph 89.16

**81.33** We also return later in this report<sup>1</sup> to the evidence of civilians and others relating to the shooting of Michael Kelly, but note at this point that there are two photographs taken by Robert White (an amateur photographer) that show a body lying on the ground behind the rubble barricade. We have no doubt that this is the body of Michael Kelly (he was identified by his brother John Kelly)<sup>2</sup> and equally no doubt that he is lying at or very close to the position in which he fell when shot, as a number of witnesses told us, namely Hugh O’Boyle;<sup>3</sup> Jack Nash;<sup>4</sup> Charles Lamberton;<sup>5</sup> Ronald Wood;<sup>6</sup> and Fr Terence O’Keeffe.<sup>7</sup>

<sup>1</sup> Paragraphs 86.43–58

<sup>5</sup> Day 183/113-114

<sup>2</sup> AK13.4

<sup>6</sup> Day 127/17-20

<sup>3</sup> Day 132/8-9

<sup>7</sup> Day 127/102

<sup>4</sup> Day 137/14



**81.34** We return to the other shots that Lance Corporal F said that he had fired when considering the events of Sectors 4 and 5 and the later events of Sector 3.<sup>1</sup>

<sup>1</sup> Paragraphs 97.13–26, 119.164–175, 123.118–180 and 123.212–278

**81.35** We observe at this point that it was submitted by the representatives of the majority of the represented soldiers that Michael Kelly was “*the unfortunate victim of a ‘shoot through’ round*” that first hit a nail bomber standing in front of him.<sup>1</sup> In support of this submission these representatives suggest, among other things, that the photographs displayed above<sup>2</sup> “*clearly show*” part of an additional body lying at the rubble barricade at the same time as Michael Kelly.<sup>3</sup> We consider this submission later in this report<sup>4</sup> and for reasons we give there reach the conclusion that no-one else was shot at the rubble barricade at the same time as Michael Kelly.

<sup>1</sup> FS7.1817

<sup>2</sup> Paragraph 81.33

<sup>3</sup> FS7.1818-1819

<sup>4</sup> Chapter 87

## Lance Corporal J

**81.36** Lance Corporal J had travelled into the Bogside in the same vehicle as Lance Corporal F, namely in the second of the APCs of Anti-Tank Platoon.

**81.37** In his first RMP statement, timed at 1515 hours on 1st February 1972,<sup>1</sup> Lance Corporal J gave the following account:

“At Londonderry on 30 Jan 72 about 1610 hrs my Coy was deployed at the junction of William St and Rossville Street.

We were tasked to advance along the Rossville Street towards the Lecky Road and disperse a crowd of about 1500 rioters.

The rioters were congregated at a barricade opposite the junction facing the Rossville St Flats.

As we advanced along Rossville St I heard shots coming from Rossville Flats. They sounded like automatic shots.

I was positioned on the right hand side of Rossville Street advancing near to Columbcill Court group of houses.

As we moved along we came under fire and heavy stoning from groups of young persons, mostly male youths, located in the Glenfada Court area. I was armed with a 7.62 SLR fitted with a magazine of 20 rounds of 7.62mm ammunition.

At that time we were near to the barricade about 100 metres distant. I could see a group of youths, throwing missiles at us. The barricade consisted of broken cars and other materials mostly paving stones obtained from the nearby scrap wasteland.

My location was about 100 metres from the entrance of Glenfada Park facing the Rossville Lecky Road junction. I could clearly see the barricade from my location.

Shots were being fired at us from gunmen located at the barricade.

I saw a youth, I cannot describe his dress, in his hand which was in the throwing position, I saw an object which I could clearly see smoke coming from. I levelled my rifle which was cocked on the start of the advance. I fired one aimed 7.62 round at the youth. He was about 100 metres from me. I observed the round hit the top of the barricade the youth then ducked behind the barricade. I did not think that I hit him. Other troops had opened fire on other snipers located around the Rossville and Glenfada Flats area.”

<sup>1</sup> [B265-266](#)

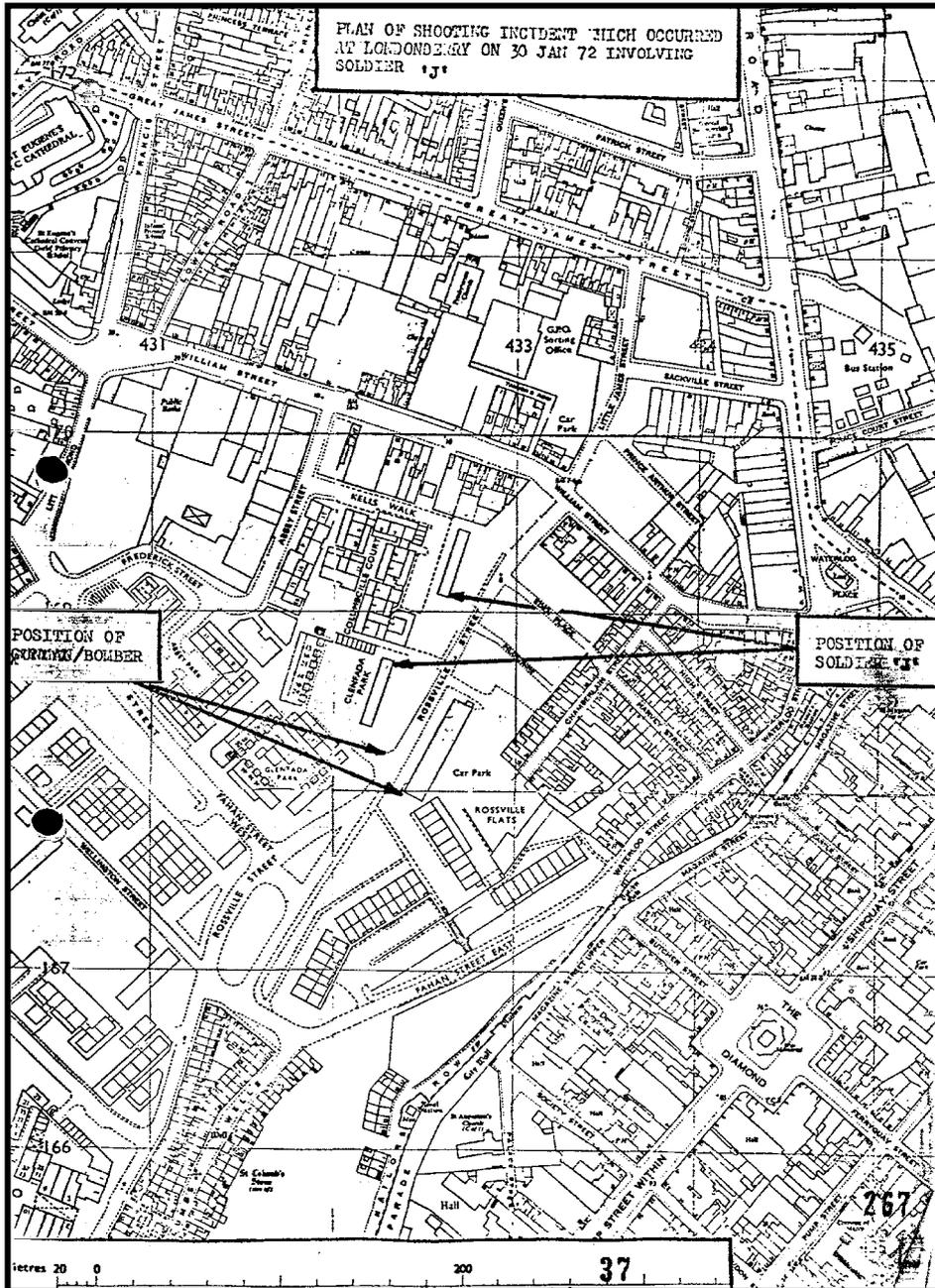
**81.38** This statement continued with an account of moving further along Rossville Street and firing at another nail bomber. We return to this part of Lance Corporal J's account below.<sup>1</sup>

<sup>1</sup> [Paragraph 85.83](#)

**81.39** According to this account, therefore, Lance Corporal J fired a shot, which he thought missed, at a youth behind the rubble barricade who was in the act of throwing a smoking object at a time when other troops had opened fire. At this stage he was about 100m from the rubble barricade.

**81.40** The following RMP map accompanied this statement.<sup>1</sup>

<sup>1</sup> [B267](#)



81.41 According to this map, Lance Corporal J fired at one stage from the area of the low walls of the Kells Walk ramp and at another from a position at the north-east corner of the eastern block of Glenfada Park North. We return to the latter incident below.<sup>1</sup>

<sup>1</sup> Paragraphs 85.83–94

81.42 Lance Corporal J made a second RMP statement, timed at 1510 hours on 4th February 1972.<sup>1</sup> Much of this statement was concerned with his account of what happened when he went into Glenfada Park North, which we consider when dealing with the events of

Sector 4;<sup>2</sup> and with what he saw when he returned to Rossville Street, to which we return later in our consideration of the later events of Sector 3.<sup>3</sup> However, at the beginning of this statement he recorded:

“Furtherance to my statement which I made on the 1 Feb 72 about 1500 hrs I would like to add. That on the 30 Jan 72 about 1600 hrs I was positioned alongside a brick wall on the right hand side of Rossville Street, about opposite Eden Place. At this time the weather conditions were clear skies and sunny, visibility was very good. From this position I observed two male persons taking cover behind a barrier which was placed across the street at Rossville Flats. The distance between them and myself was about 100 metres. These male persons were wearing dark clothes but I would not be able to identify them again. From my position members of my Coy returned fire at the nail bombers but I cannot say who they were as at this point everyone was wearing gas masks.”

<sup>1</sup> B269

<sup>3</sup> Paragraphs 123.161–166

<sup>2</sup> Paragraphs 98.11–15 and 100.21

#### 81.43

Lance Corporal J gave a further account in his written statement for the Widgery Inquiry.<sup>1</sup> So far as his own firing was concerned, he recorded:

“We moved off from the position where we had arrived after some delay and the convoy of armoured vehicles moved down Great James Street and crossed the barricade in Little James Street and then crossed William Street and parked just on the west side of Rossville Street by some derelict houses. Just as we got out of our vehicles I heard what I took to be automatic fire coming from the direction of Rossville Flats. I took up a position just by one of the derelict houses. By this time the rioters had crossed over the barricade in Rossville Street and I was in this position for approximately five minutes. I was with another soldier and we were covering each other.

We then moved along in front of the wall behind which are low rise flats and while we were moving along to the end of this wall I could see stones and bottles and also nail bombs being thrown in our direction, from the direction of the barricade. I saw one nail bomb explode. None of the missiles got as far as the position where we were standing.

Shooting then commenced from the barricade. I saw about three people behind the barricade and I could also see smoke coming from their rifles. We could hear the rounds going overhead. I then took cover behind the wall with at least two members of the platoon. The other two soldiers then engaged the two gunmen at the barricade. I then saw a third person come up from behind the barricade and he was holding an object, which was fizzing, in a throwing position. From my experience I was sure this was a nail bomb. He was a young person although I cannot describe him clearly. I had cocked my rifle when I had debussed from the armoured vehicle and I took aim at this youth and fired one aimed shot at him. I saw a puff of dust from the top of the barricade and since this young man ducked down behind the barricade I do not think I hit him.”

<sup>1</sup> B272-273

**81.44** In his oral evidence to the Widgery Inquiry, Lance Corporal J said that he heard one burst of automatic fire as he disembarked from the APC, and that “*it seemed to me there was some nail bombs thrown, and I heard one explode*”. He then said that as he moved along a kind of low wall that jugged out into the street (by which it seems he was referring to one of the low walls of the Kells Walk ramp), two gunmen opened up from the rubble barricade. He said that “*it seemed as if they had rifles from the position they were holding them*”, and that “*You could see puffs of smoke as they were firing*”.<sup>1</sup>

<sup>1</sup> WT15.28-29

**81.45** Lance Corporal J told the Widgery Inquiry that it was because of this firing that he and at least two other soldiers from his platoon took cover behind the low wall; and that they returned fire. He said that it was at this stage that he saw “*a third person who kind of came up from behind the barricade in a throwing position. He had a metallic object, a cylindrical object, in his hand, which was fizzing, so I realized this was a nail bomb and I took one aimed shot at him.*” He said that he did not think that he had hit this person, but that he saw a puff of smoke as his bullet hit the top of the barricade.<sup>1</sup>

<sup>1</sup> WT15.30

**81.46** Lance Corporal J gave accounts of moving forward towards the rubble barricade and firing at another man with a nail bomb, which we consider below,<sup>1</sup> of then going into Glenfada Park North, which we consider when dealing with the events of Sector 4,<sup>2</sup> and of then witnessing firing after he had returned to Rossville Street, to which we return when considering the later events of Sector 3.<sup>3</sup>

<sup>1</sup> Paragraphs 85.83–94

<sup>3</sup> Paragraphs 123.161–166

<sup>2</sup> Paragraphs 98.11–15 and 100.21

81.47 We set out below Lance Corporal J's trajectory photograph.<sup>1</sup>

<sup>1</sup> B289



81.48 There is no entry in Major Loden's List of Engagements that corresponds with either of the shots that Lance Corporal J said that he had fired in Rossville Street. It appears therefore that he did not report this firing to Major Loden, but we do not know why this was so.

81.49 Lance Corporal J gave written and oral evidence to this Inquiry. In his written evidence<sup>1</sup> he said that his recollection was poor, but that he recalled firing at a man at the rubble barricade who was holding something that had smoke coming from it, which Lance Corporal J identified as a nail bomb. He stated that he fired at the man but was certain

that he had missed. He also described firing at another nail bomber after having moved further south down Rossville Street and said that he was sure that he had not hit this person, but had hit the wall above him.

<sup>1</sup> [B289.003-4](#)

**81.50** Lance Corporal J was interviewed for the purposes of taking this statement on 26th April 1999. He was sent a draft on 22nd June 1999, which he signed on 1st March 2000.

**81.51** On 20th May 1999 an article written by Toby Harnden appeared in the *Daily Telegraph* under the headline: “*We want the truth of Bloody Sunday to come out. Toby Harnden talks to two ex-Paras who were there on the day 13 people died. They want to set the record straight ...*”<sup>1</sup>

<sup>1</sup> [L282](#)

**81.52** According to this article a soldier, called “Soldier X” by Toby Harnden, had been present on Bloody Sunday and had given the *Daily Telegraph* an account of the events of that day. In an accompanying article, also by Toby Harnden,<sup>1</sup> the following passage appeared in quotation marks, and was attributed to “Soldier X”:

“I was grilled for several hours this year by lawyers acting for the Saville Inquiry. ... I told them the bare minimum and said I could not really enlarge on anything said to Widgery or contained in my original statement the day after Bloody Sunday. When I heard there was to be another inquiry I was shattered. It was pure politics.”

<sup>1</sup> [L282.1-2](#)

**81.53** The Inquiry wished to discover the identity of “Soldier X” in order to question him about the account that he had given to Toby Harnden. We suspected that Lance Corporal J might have been “Soldier X”, but through his solicitors he denied that this was so. Toby Harnden refused to divulge the identity of “Soldier X” on grounds of journalistic confidentiality. It was not until 12th September 2003 that Lance Corporal J finally admitted, in a supplemental written statement, that he was indeed “Soldier X”. He admitted that he had on several occasions denied this when asked by his own solicitors. He stated that he had done this because he was concerned about his anonymity.<sup>1</sup>

<sup>1</sup> [B289.028-9](#)

**81.54** However, Lance Corporal J asserted in this statement that he had not made the comments about his interview by solicitors acting on behalf of the present Inquiry that we have quoted above.<sup>1</sup>

<sup>1</sup> [B289.028-9](#)

**81.55** After Lance Corporal J had admitted that he was “Soldier X”, the Inquiry obtained a statement from Toby Harnden, which was dated 4th December 2003.<sup>1</sup> This statement contains the following passage:

“I telephoned Soldier X from a hotel in County Cork, where I was covering another story. I found Soldier X to be nervous to the point of paranoia about his identity. As a ‘shooter’, he was aware he would be very much under the microscope. He seemed to have a clear recollection of what happened on Bloody Sunday though I believed it was possible he might have added or omitted some details in order to prevent his being identified; he seemed to weigh every word he said. He was very emotional and made me promise again and again that I would protect his anonymity. Again, the interview was noted and taped and a full transcript made afterwards. I would say the conversation lasted 10 or 15 minutes but again I cannot be precise about this.

Following the interviews, I telephoned my news desk to discuss what the soldiers had said to me. I was asked to write two separate articles. After a normal editing process, including discussions with Richard Spencer, then news editor, Neil Darbyshire, then home editor, and Arthur Wynn Davies, the Telegraph’s in-house lawyer, they were published. Because the tribunal had already been established, I knew the articles could generate controversy and would be examined very closely. I was therefore especially careful to check and double-check my notes and the tapes. I am certain that every quotation was accurate. At this juncture, I cannot recall anything about the detailed content of the interviews beyond what was published.”

<sup>1</sup> [M117.34-35](#)

**81.56** Toby Harnden is a reputable journalist. We have no reason to doubt what he said in this statement, whereas Lance Corporal J, on his own admission, lied to his own solicitors about the interview on more than one occasion. In these circumstances we have no doubt that he did make the comments about the interview that we have quoted above.

**81.57** In his oral evidence to this Inquiry, Lance Corporal J repeatedly told us that he could not remember events that were put to him, including giving statements to the RMP and to the Widgery Inquiry.<sup>1</sup> In effect Lance Corporal J professed to remember little or nothing of the events of the day, though he said that the accounts that he gave in 1972 must have been true. In the light of what Lance Corporal J said to Toby Harnden and our assessment of this soldier when he gave evidence to us, we do not believe that Lance Corporal J genuinely had no recollection of events.

<sup>1</sup> [Day 370/11](#); [Day 370/14](#)

## Corporal E

**81.58** In his first RMP statement, timed at 0140 hours on 31st January 1972,<sup>1</sup> Corporal E described deploying with his section at the junction of William Street and Rossville Street, and then gave this account:

“We advanced along Rossville Street towards Rossville Flats. As we advanced I could see numerous rioters in the vicinity of the flats and that there was a barricade across Rossville Street.

I heard what I thought was automatic gunfire and also other gunshots coming from the vicinity of Rossville Flats. The rioters in the street were throwing stones and bottles. I also saw a petrol bomb explode but I did not see who threw it or from where.

I was armed with a SLR loaded with a magazine of 20 rounds. My weapon was cocked with one round in the breech. The safety catch was at safe.

We took up position on the right hand side of the road behind a small wall, about 20 metres from Rossville Flats, but on the opposite side of the road. Once in position we came under sniper fire from Rossville Flats.

I saw a man in a window in the next to the top floor of the flats. He had what appeared to be a pistol of some sort in his hands. I saw this man fire one shot at our position from this weapon. I fired off one aimed shot at this man. I saw the shot go through the window that he was in and strike the ceiling.

Just after this I saw one man behind the barricade with what appeared to be a machine gun. I saw him take up a firing position and then fall to the ground as if he had been shot. I saw that he wore glasses and had cloth tied around the lower part of his face and he was dressed in dark clothing.

I also saw a man next to the one with what appeared to be a machine gun. He had what seemed to be the butt of a gun. I could not see anymore of the instrument.

At this time rioters from the area of the barricade started to move off to our right and go behind a block of flats there.”

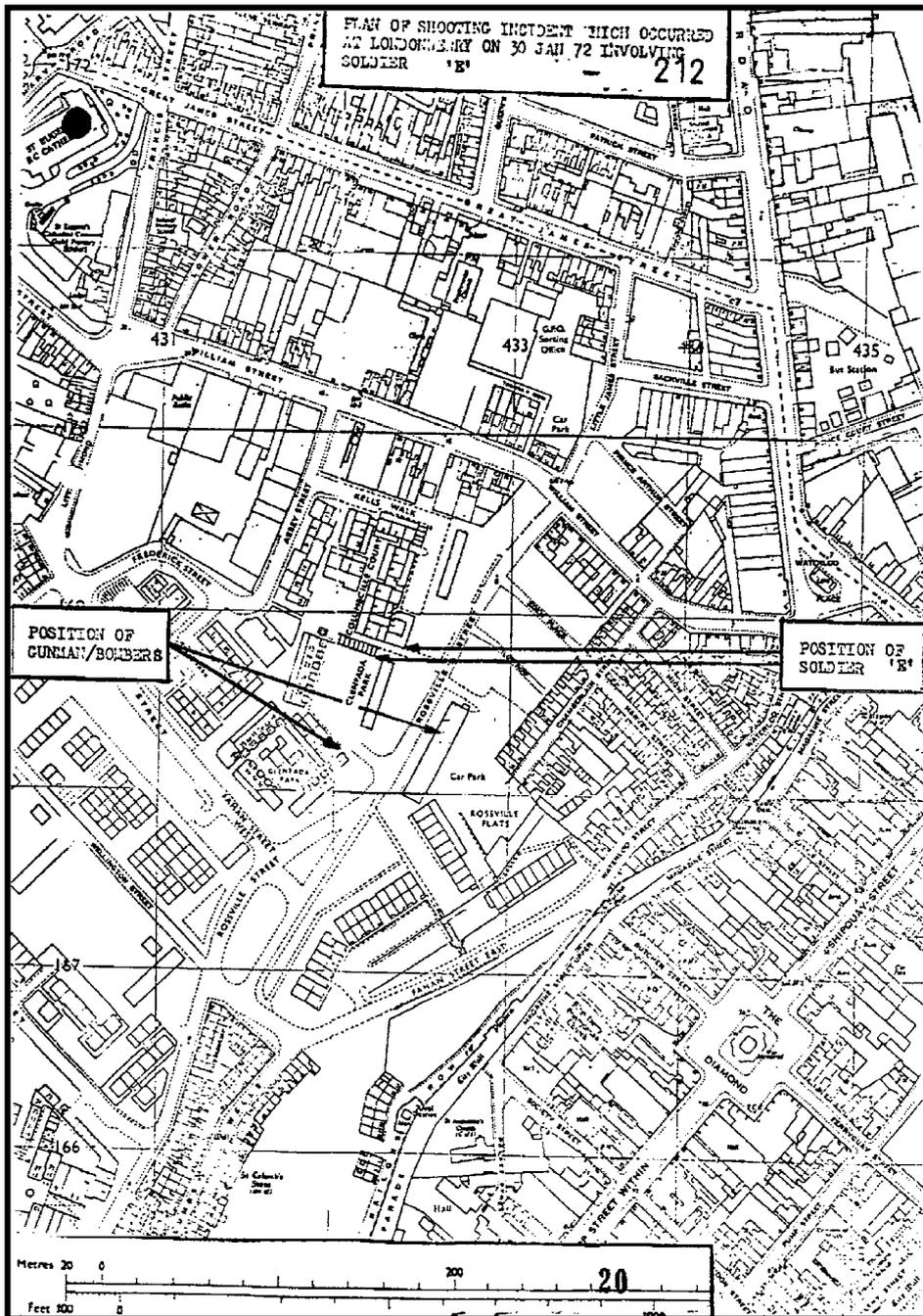
<sup>1</sup> [B86-87](#)

**81.59** This account continued with a description of moving into Glenfada Park North, encountering nail and petrol bombers, and shooting a man who threw a petrol bomb and then a nail bomb. We deal with this part of Corporal E’s account when we consider the events of Sector 4.<sup>1</sup>

<sup>1</sup> [Paragraph 97.50](#)

**81.60** The RMP map that accompanied Corporal E’s first RMP statement shows both his positions and those of the two people at whom he had recorded that he fired.<sup>1</sup>

<sup>1</sup> [B89](#)



81.61 In his second RMP statement, timed at 1400 hours on 31st January 1972,<sup>1</sup> Corporal E recorded that he was reasonably sure that two photographs of “Kelly” (ie Michael Kelly) showed the man he shot “in an incident at the Glenfada flats”.

<sup>1</sup> B91

81.62 Corporal E gave written and oral evidence to the Widgery Inquiry.

81.63 In his written statement for the Widgery Inquiry,<sup>1</sup> Corporal E described disembarking from his vehicle “on the corner of the piece of vacant ground in William Street, opposite the entrance to Rossville Street”. He stated that his whole section, “which is eight or nine of us, took up position in the area of the first building on the west side of Rossville Street”. This statement continued:

“Since shooting had broken out from the direction of Rossville Car Park we were told to move forward to make arrests. I could see about one hundred people scuttling off in different directions across the open ground and towards the barricade and behind the barricade I saw what seemed to me to be a very large crowd. I had an SLR with twenty rounds in a magazine together with a further magazine of twenty rounds and ten rounds wrapped in a bandolier. As soon as the firing which was mixed had broken out I cocked my rifle which is the normal procedure.

We moved forward in single file in front of the low rise flats on the west side on Rossville Street and when we reached the end of the flats sniper fire broke out from the area of the Rossville Flats and I heard machine gun fire. As soon as this happened we deployed and I took cover behind a wall at the end of the flats. I saw a sniper in the second storey from the top of Rossville Flats at a window and he fired one shot with what looked like a machine pistol. I fired one round in the direction of this sniper. The round went in through the window and I have no idea whether I hit the sniper. Shortly after I shot at the sniper I saw a petrol bomb land about thirty yards in front of the barricade. The petrol bomb smashed and burned. Almost instantaneously I saw two gunmen behind the centre of the barricade. One of the gunmen was kneeling and taking up a firing position. He was wearing dark clothes and goggles and a handkerchief over the lower part of his face. There was a lot of mixed calibre firing going on at this stage and I saw this gunman falling to the ground but I cannot be sure where the shot came from.”

<sup>1</sup> B94

81.64 Corporal E continued with his account of moving into Glenfada Park North,<sup>1</sup> to which we return when considering the events of Sector 4.<sup>2</sup> He also stated that he was now not sure that Michael Kelly was the man he had shot in Glenfada Park, as he had claimed in his second RMP statement. As we have already observed,<sup>3</sup> there is no doubt that Michael Kelly was shot at the rubble barricade by Lance Corporal F, who was firing from the low walls at the south end of Kells Walk.

<sup>1</sup> B94-B95

<sup>2</sup> Paragraph 97.53

<sup>3</sup> Paragraph 81.32

**81.65** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Corporal E described hearing “*mixed calibre*” shots as he and his men moved forward after disembarking. He then said that he heard an explosion like that of a nail bomb and that when he came under fire from what he said was a “*small machine pistol*”, he took cover behind what must, in our view, have been one of the walls of the low ramp at the south end of Kells Walk. He told the Widgery Inquiry that he was just to the left of the wall when he fired at a sniper located in the centre of the Rossville Flats, one floor down from the top floor. The sniper, he said, had fired roughly three shots, one at him, with “*a Luger-type pistol, sir, a machine gun*”.<sup>2</sup>

<sup>1</sup> WT14.28

<sup>2</sup> WT14.29-30; WT14.42

**81.66** Corporal E then described seeing a petrol bomb, which according to him was thrown from the crowd round the rubble barricade and smashed and burned about 20m from his position. He also described seeing two gunmen in the centre of the barricade at about the same time as the petrol bomb was thrown:<sup>1</sup>

“Q. Were they on the other side of it from you?”

A. Yes sir.

Q. Which way were they facing?

A. Towards us.

Q. You say two gunmen. Did you see what sort of weapons either of them had?

A. The one in the kneeling position had a Thompson, sir, in the shoulder and the other one had what appeared to be a rifle, sir.

Q. One was in a kneeling position with the Thompson?

A. Yes sir.

Q. What position was the other one in?

A. He was sort of crawling, sir, behind it, in a crawling position.

Q. When you first saw them, was either of them in a firing position with the weapon?

A. Only the Thompson machine gun.

Q. The kneeling man?

A. Yes sir.

Q. Can you describe him at all, Corporal? What sort of clothes was he wearing?

A. He had dark clothes, sir.

Q. Anything about his face?

A. He had a cloth over the bottom part of his face.

Q. A cloth over the bottom part of his face?

A. And he was wearing goggles.

Q. What sort of goggles?

A. They seemed to be motor bike goggles, sir.

Q. When you saw those two gunmen at that point just tell my Lord was there any firing going on from anywhere?

A. Yes sir.

Q. There was?

A. Yes, all around the area.

Q. High or low velocity?

A. Again mixed calibre.

Q. Did you see that man who had been in the kneeling position do anything?

A. He seemed to have been hit, sir. He fell back.

Q. Could you tell at all where the shot came from if he was hit?

A. No sir."

<sup>1</sup> [WT14.30-31](#)

**81.67** Corporal E told the Widgery Inquiry that he did not at any stage hear the man at the rubble barricade fire the Thompson sub-machine gun.<sup>1</sup>

<sup>1</sup> [WT14.38](#)

**81.68** It was pointed out to Corporal E that neither in his first RMP statement nor in his written statement for the Widgery Inquiry had he mentioned hearing a nail bomb explode when he was in Rossville Street. He told the Widgery Inquiry that when he made his RMP statement, everybody was tired; and that so far as his written statement for the Widgery Inquiry was concerned, "*obviously it has been missed out from somewhere. I did hear the explosion in that area.*"<sup>1</sup>

<sup>1</sup> [WT14.42](#)

**81.69** We return later in this report<sup>1</sup> to what Corporal E told the Widgery Inquiry about moving into Glenfada Park North, when we deal with the events of Sector 4.

<sup>1</sup> [Paragraph 93.22](#)

**81.70** There are no entries in Major Loden's List of Engagements that appear to relate to the shots that Corporal E stated he had fired, and so it seems that he did not report his firing to Major Loden. The explanation for this may be that Corporal E was at the time in question occupied with arrestees taken to Fort George.

**81.71** There is, however, a trajectory photograph that shows the two shots that Corporal E said that he fired, the first from the low walls of the Kells Walk ramp into the western side of Block 1 of the Rossville Flats, and the second in Glenfada Park North.



**81.72** Corporal E is dead and gave no evidence to this Inquiry. Later in this report<sup>1</sup> we consider what reliance we can place on his account of firing a shot at a man who had fired one shot at him with what looked like a machine pistol from a window in Block 1 of the Rossville Flats.

<sup>1</sup> [Paragraphs 89.42–45](#)

## Summary of Anti-Tank Platoon evidence of shooting from the low walls of the Kells Walk ramp

**81.73** At this point we summarise the evidence given by soldiers of Anti-Tank Platoon of their firing from the low walls at the Kells Walk ramp. We return below<sup>1</sup> to consider the evidence they gave of incoming fire and of nail and petrol bombs; and what reliance we can place on their accounts.

<sup>1</sup> [Paragraphs 82.2–7](#) and [Chapter 83](#)

**81.74** Lance Corporal F originally stated that he had fired three shots from this position at windows of the Rossville Flats, but later said that this was wrong and that at this stage he had fired only one shot, at a nail bomber behind the rubble barricade, who fell to the ground.

**81.75** Lance Corporal J stated that he had fired one shot at a nail bomber behind the rubble barricade but did not think that he had hit him.

**81.76** Corporal E stated that he had fired one shot at a sniper located at a window in the centre of Block 1 of the Rossville Flats, one storey down from the top of the flats, but had no idea whether he had hit him.

**81.77** In total therefore, according to the accounts discussed above, and on the assumption that Lance Corporal F's later accounts are to be preferred to his earliest, soldiers of Anti-Tank Platoon fired three shots from the low walls of the Kells Walk ramp, two of which were at targets at the rubble barricade; and claimed one certain hit. As we have already stated,<sup>1</sup> there is no doubt that Lance Corporal F, positioned at the low walls of the Kells Walk ramp, shot and killed Michael Kelly, who was behind the rubble barricade.

<sup>1</sup> [Paragraph 81.32](#)

# Chapter 82: Evidence of soldiers of gunmen at or firing from the rubble barricade

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**82.1** All the identified casualties in Sector 3 were sustained in the area of the rubble barricade. Michael Kelly, Michael McDaid, John Young, William Nash and Alexander Nash were all shot at or immediately behind the rubble barricade. Hugh Gilmour and Kevin McElhinney were shot close by. It is thus important to consider in detail the evidence of soldiers about gunmen in the area of the rubble barricade. We have found no evidence that suggests to us, nor has it been suggested by those acting for soldiers in this Inquiry, that any of the identified casualties was carrying a gun.

## The soldiers of Anti-Tank Platoon who admitted firing from the southern end of Kells Walk

**82.2** In his third RMP statement,<sup>1</sup> Lance Corporal F recorded that he saw three men move from the rubble barricade “*north west into the area of Glenfada Park flats*” and that one of them was carrying what looked like a rifle. In his written statement for the Widgery Inquiry,<sup>2</sup> he recorded that the man was carrying a rifle. In his oral evidence to the Widgery Inquiry,<sup>3</sup> he said that the man was carrying what appeared to be a rifle. In his written

statement to this Inquiry,<sup>4</sup> he said that he no longer recalled seeing a man carrying something that looked like a rifle. He made no mention at any stage of incoming fire from the rubble barricade.

<sup>1</sup> B129

<sup>3</sup> WT14.46

<sup>2</sup> B137

<sup>4</sup> B167.007

**82.3** In his first RMP statement, Lance Corporal J described shots being fired from the rubble barricade, but said that he fired at a nail bomber.<sup>1</sup> In his second RMP statement, he said that members of his company “*returned fire at the nail bombers*”.<sup>2</sup> In his written statement for the Widgery Inquiry<sup>3</sup> he recorded that he saw smoke coming from the rifles of about three people at the rubble barricade and could hear the rounds going overhead; and in his oral evidence that two soldiers engaged two gunmen at the barricade.<sup>4</sup> No other soldier gave specific evidence about Lance Corporal J firing from the low walls of the Kells Walk ramp.

<sup>1</sup> B265-266

<sup>3</sup> B272-273

<sup>2</sup> B269

<sup>4</sup> WT15.28-30

**82.4** Corporal E said that he saw a man behind the rubble barricade with a machine gun who took up a firing position and then fell as if shot. He said that the man next to the man with the machine gun seemed to have what looked like the butt of a rifle.<sup>1</sup> He did not say that either of these men had fired. On his account he did not fire himself at targets at the rubble barricade. No other soldier gave specific evidence about Corporal E firing from the low walls of the Kells Walk ramp.

<sup>1</sup> B87; WT14.30-31; WT14.38

**82.5** Accordingly, of the three soldiers of Anti-Tank Platoon who admitted firing from the low walls of the Kells Walk ramp, one (Lance Corporal F) said nothing about incoming fire from the rubble barricade, one (Lance Corporal J) described two or three men with rifles firing from there, and one (Corporal E) described seeing a man with a machine gun and another man with what appeared to be a butt of a rifle, but did not suggest he saw either of these men firing or that he fired at them.

## **Consideration of the evidence of Lance Corporal F, Lance Corporal J and Corporal E**

**82.6** In the remainder of this chapter we consider whether the evidence of other soldiers lends any support to the accounts of these soldiers that there were men with rifles or a machine gun at the rubble barricade while they were at the low walls of the Kells Walk ramp. We have found nothing that to our minds lends any such support. As will be seen, there is no

evidence from civilians, journalists or photographers that there were men deploying firearms at the rubble barricade either when soldiers of Anti-Tank Platoon were at the low walls of the Kells Walk ramp or indeed at any other time.

**82.7** The three soldiers under consideration did not suggest that they fired at gunmen there, nor did any other soldier of Anti-Tank Platoon claim to have done so. We consider below<sup>1</sup> and for reasons that we give there reject the claim by Corporal P of Mortar Platoon to have shot a man with a pistol at the rubble barricade. Had there been gunmen at the rubble barricade while these soldiers were at the low walls of the Kells Walk ramp, they would have posed an instant danger to soldiers and would have been an obvious and indeed justifiable target. Yet no soldier of Anti-Tank Platoon claimed to have fired at a gunman at the rubble barricade.

<sup>1</sup> Paragraphs 85.2–28

## Other soldiers

### Mortar Platoon

#### Corporal P

**82.8** Corporal P of Mortar Platoon said that he had heard two shots that came “*roughly*” from the direction of the rubble barricade.<sup>1</sup> Private 017 also said he heard two shots, but was not sure of the direction of fire.<sup>2</sup> We have already expressed the view<sup>3</sup> that these shots were two of those fired by Lieutenant N up the Eden Place alleyway.

<sup>1</sup> B592

<sup>3</sup> Paragraph 72.2

<sup>2</sup> B1482

**82.9** Corporal P initially said that after shooting a nail bomber whose body was removed by the crowd, he saw a man behind the rubble barricade get up with a pistol and point it in his direction. He said he fired four shots at this man.<sup>1</sup> He recorded in his written statement for the Widgery Inquiry<sup>2</sup> that he had seen this gunman fire a number of shots, something that he had not previously mentioned. He also told the Widgery Inquiry that there were about five or six people at the barricade, on either side of this gunman, who were throwing stones.

<sup>1</sup> B578

<sup>2</sup> B592-593

82.10 We consider in detail later in this report<sup>1</sup> the accounts of this incident given by Corporal P and there give reasons for rejecting his evidence. In short, in view of the unreliability of Corporal P's evidence as a whole, we do not accept that he saw and fired at a pistol man at the rubble barricade. It is noteworthy that none of the three Anti-Tank Platoon soldiers who admitted firing from the low walls of the Kells Walk ramp said anything about seeing a pistol man there, let alone that this pistol man fired a number of shots. Had a man with a pistol stood up at the rubble barricade he would have been in full view of the soldiers in Rossville Street, yet apart from Corporal P none reported seeing this. We cannot believe that anyone would have been so foolish as to stand holding a gun in such a conspicuous position.

<sup>1</sup> Paragraphs 85.2–28

## Anti-Tank Platoon

### Lieutenant 119

82.11 Lieutenant 119 was the Commander of Anti-Tank Platoon.

82.12 In his first RMP statement,<sup>1</sup> Lieutenant 119 recorded that as he and his men advanced along the western side of Rossville Street they came under fire from “*snipers concealed in the Glenfadda Flats*” at GR 43201683 (immediately within the south-east entrance to Glenfada Park North). He did not state that any of the soldiers of his platoon returned fire.

<sup>1</sup> B1752.041

82.13 In his second RMP statement,<sup>1</sup> Lieutenant 119 recorded that he and his men took cover behind a wall at GR 43251688 (the western side of Rossville Street immediately north of the entrance to the alley between Columbcille Court and Glenfada Park North) after they had come under fire from at least two directions. According to this account he then heard a number of shots from what sounded like a pistol and an M1 rifle; and these shots passed very close over the heads of the soldiers. He estimated that seven to ten rounds were fired. The weapon that sounded like a pistol was located about 30m ahead of him at ground level, at the southern corner of the eastern block of Glenfada Park North. Lieutenant 119 stated that he saw muzzle flashes but did not see the weapon or the person holding it, who was clearly aiming quickly around the corner of the building without showing himself. The weapon that sounded like an M1 rifle was located at a window towards the southern end of Block 1 of the Rossville Flats, probably on the top floor. Lieutenant 119 did not state that any of the soldiers of his platoon returned fire.

<sup>1</sup> B1752.039-B1752.040

**82.14** In his written statement for the Widgery Inquiry,<sup>1</sup> Lieutenant 119 recorded that as he and his men disembarked from their vehicles they came under fire from an M1 carbine in Block 1 of the Rossville Flats and from single shots fired from a low velocity weapon at the south-east entrance to Glenfada Park North. He saw muzzle flashes as the low velocity weapon was fired. He moved forward to the low walls at the southern end of Kells Walk, which gave protection against the low velocity fire. Again Lieutenant 119 did not state that any of the soldiers of his platoon returned fire.

<sup>1</sup> [B1752.044](#)

**82.15** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Lieutenant 119 said that he and his men took cover at the low walls at the southern end of Kells Walk after they had come under fire from an M1 carbine and from a pistol or other hand-held weapon. He thought that about eight or nine rounds had been fired with the M1 carbine from the southern end of Block 1 of the Rossville Flats on about the middle floor, and that three or four rounds had been fired with the pistol around the southern corner of the eastern block of Glenfada Park North. He saw muzzle flashes from the pistol. Asked whether his men had returned fire, Lieutenant 119 initially said that he had heard but not seen fire being returned in the direction of the pistol man, but then said that he had seen one of his men fire one aimed shot. He said that he could not say which soldier this had been.

<sup>1</sup> [WT14.12-WT14.13](#)

**82.16** In his written statement to this Inquiry,<sup>1</sup> Lieutenant 119 told us that he was aware that he and his men had been under fire at this stage, but he no longer recalled the details, nor did he now recall his men firing their rifles from the low walls.

<sup>1</sup> [B1752.016](#)

**82.17** In his oral evidence to this Inquiry,<sup>1</sup> Lieutenant 119 again said that he lacked recollection of these matters. He was asked how it had come about that even when he gave oral evidence to the Widgery Inquiry, he had apparently recalled the firing of no more than one shot from the low walls at the southern end of Kells Walk.<sup>2</sup> He replied that he did not know, but assumed that the reason was that “*a lot of other things were going on at the same time*” and that his attention had been distracted by “*the general situation*”. He said that he had no recollection of any of his men reporting at this stage that he had hit a target.<sup>3</sup> He rejected Private 027’s account of concerted firing by a number of soldiers towards the rubble barricade.<sup>4</sup> We consider Private 027’s evidence below.<sup>5</sup>

<sup>1</sup> [Day 363/129-134](#)

<sup>2</sup> [Day 363/135-137](#)

<sup>3</sup> [Day 363/137-138](#)

<sup>4</sup> [Day 363/141-144](#)

<sup>5</sup> [Paragraphs 82.46–61](#)

- 82.18** Lieutenant 119 did not suggest at any stage that he had observed gunmen at or firing from the rubble barricade, as opposed to the south-east entrance into Glenfada Park North.
- 82.19** Had there been a pistol man where Lieutenant 119 claimed to have seen flashes, it seems to us that other soldiers would also have seen him. Yet no other soldier suggested that he had seen a pistol man at the south-east corner of Glenfada Park North, or flashes from that position, or that he had fired at a gunman in that position.
- 82.20** As we describe elsewhere in this report,<sup>1</sup> we have found much of Lieutenant 119's evidence to be unsatisfactory. We do not accept his unsupported account of seeing flashes from a gunman firing from the south-east corner of Glenfada Park North. Nor do we accept his equally unsupported account of witnessing someone firing about eight or nine rounds with an M1 carbine from near the southern end of the top or middle floor of Block 1 of the Rossville Flats. It will have been noted that the reason Lance Corporal J gave for taking cover was that there were riflemen firing from the rubble barricade. It will also have been noted that the gunman in Block 1 of the Rossville Flats whom Corporal E claimed to have engaged fired, according to Corporal E, three shots with what appeared to be a machine pistol. Corporal E could hardly have missed seeing a man firing eight or nine shots from an M1 carbine, had such an event in fact occurred. Private G did give accounts of fire coming from Block 1 of the Rossville Flats and we consider his evidence next.
- <sup>1</sup> Paragraphs 24.51, 93.34, 93.43–44, 93.51, 93.54, 96.4–7, 100.15–17 and 113.58–60
- 82.21** Later in this chapter<sup>1</sup> we consider the evidence of soldiers who must have been close to Lieutenant 119 but did not observe incoming fire.

<sup>1</sup> Paragraphs 82.38–61

## Private G

- 82.22** In his first RMP statement,<sup>1</sup> Private G recorded that a gunman in Block 1 of the Rossville Flats fired about three shots at members of his platoon soon after they had disembarked from their vehicles. About 30 seconds later, the soldiers again came under fire from Block 1. About six of the soldiers took cover behind a low wall. Some of the men returned fire when the gunman was located.

<sup>1</sup> B168

**82.23** In his written statement for the Widgery Inquiry,<sup>1</sup> Private G recorded that after disembarking from his vehicle, he ran to take cover against the wall of an old building at the northern end of Rossville Street. According to this account, shots were fired at him and the soldiers who were with him in that position. Although he was not sure, Private G thought that these shots might have been fired from the Rossville Flats. The sound came from that direction. He heard the bullets pass overhead. He and the other soldiers moved “*down the new building of Columbcille Court to the low wall at its far end*”. He heard quite a bit of firing at this stage from the Rossville Flats and the area of the rubble barricade. This included automatic fire that he thought came from a Thompson sub-machine gun. Members of his platoon were returning fire from the same position as Private G, who was looking in a different direction and did not himself identify any targets.

<sup>1</sup> B185

**82.24** Private G gave a similar account in his oral evidence to the Widgery Inquiry.<sup>1</sup> He said that the automatic fire was coming from above ground level, but from a “*pretty low*” level and definitely not from the top of the Rossville Flats. Private G heard fire being returned by the soldiers with him at the low wall, but could not say which of them had fired.

<sup>1</sup> WT14.75-WT14.77

**82.25** Again, none of the Anti-Tank Platoon soldiers claimed to have fired at anyone armed with a sub-machine gun. Elsewhere in this report<sup>1</sup> we give reasons for our view that Private G lied about his actions on Bloody Sunday, which has led us to conclude that it would be unwise to rely upon his evidence save where otherwise supported. In our view his accounts do not support those of Lieutenant 119, who said nothing about automatic fire or his soldiers returning fire at the rifleman he claimed to have seen firing from Block 1 of the Rossville Flats.

<sup>1</sup> Paragraphs 94.34, 100.11, 108.17, 112.13 and 123.98

## Private H

**82.26** Elsewhere in this report,<sup>1</sup> we have discussed the order in which Private H made his three RMP statements. In his RMP statement taken by Corporal Smith,<sup>2</sup> which in our view was the third of those statements that he gave, Private H recorded that, after hearing gunfire from the rubble barricade, he took cover behind “*a four foot brick wall which runs from the South wall of number 1 Columbcille Court, East to Rossville Street*”. According to this account, he thought that two gunmen were firing from the rubble barricade. Two soldiers

in his location engaged the gunmen, who ceased firing. In his oral evidence to this Inquiry,<sup>3</sup> he confirmed that the description of his location given in this statement was likely to have been intended to refer to the southern end of Kells Walk.

<sup>1</sup> Paragraphs 97.27–34

<sup>3</sup> Day 377/129

<sup>2</sup> B229

**82.27** In his written statement for the Widgery Inquiry,<sup>1</sup> Private H recorded that he and other soldiers moved forward to two low walls at the end of “*Columbcille Court on Rossville Street*” and there came under fire from at least two gunmen at the rubble barricade. Other members of his platoon returned the fire and the gunmen ceased firing.

<sup>1</sup> B233

**82.28** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Private H said that he had definitely seen two gunmen at the rubble barricade. He could not be certain whether there had been more. The gunmen were armed with what he took to be small rifles or machine guns. Some soldiers fired at them from his location.

<sup>1</sup> WT14.96

**82.29** In his written statement to this Inquiry,<sup>1</sup> Private H told us that he no longer remembered seeing any other soldiers open fire from the low walls at the southern end of Kells Walk, nor did he remember seeing any gunmen at the rubble barricade.

<sup>1</sup> B264

**82.30** In his oral evidence to this Inquiry,<sup>1</sup> Private H repeated that he lacked present recollection, but said that the evidence that he gave to the Widgery Inquiry must have been right. He said that he did not see Lance Corporal F firing from the low walls towards the rubble barricade.<sup>2</sup>

<sup>1</sup> Day 377/28-30

<sup>2</sup> Day 377/33

**82.31** We consider the accounts given by Private H elsewhere in this report.<sup>1</sup> It will be seen that he made a number of muddled and inconsistent RMP statements; and also gave an account of his own firing that we have found unbelievable. In our view it would be unwise to rely upon any of his accounts of what he saw or did on Bloody Sunday. It will be noted that his account of soldiers firing at gunmen armed with small rifles or machine guns at the rubble barricade is not supported by either of the members of Anti-Tank Platoon who admitted firing at targets at the rubble barricade, or by Corporal P of Mortar Platoon who claimed to have seen and shot a pistol man at that location.

<sup>1</sup> Paragraphs 97.27–49, 99.7–10, 100.12–14, 105.9–31 and 123.155–160

## Private INQ 635

**82.32** Private INQ 635 was a member of Anti-Tank Platoon. He made no statement in 1972.

**82.33** In his written statement to this Inquiry,<sup>1</sup> Private INQ 635 told us that he had moved only a few paces down Rossville Street after disembarking from his vehicle when he saw three or possibly four men move out from the southern end of the eastern block of Glenfada Park North towards the rubble barricade. Two or possibly three of these men were carrying weapons. According to this account he had a clear view of the wooden stocks of the weapons. He did not think that he had shouted a warning about the gunmen, but believed that the other soldiers of his section had also seen them, because their actions were so blatant, and because the soldiers all immediately took cover. Private INQ 635 told us that he moved with most of his section to a small wall at the southern end of Kells Walk and took cover behind another soldier at the eastern end of the wall. Six or seven soldiers of his platoon were on his right, including one who had his rifle to his shoulder and was pointing it over the wall.

<sup>1</sup> [C635.3-C635.4](#)

**82.34** Private INQ 635 told us that the men who had come out from Glenfada Park North walked at a fast pace towards the middle of the barricade from west to east, holding their weapons down. They were not hidden by the barricade, either because it was not high enough or because they were not crouching. He assumed that they were moving to a firing position. He did not remember seeing anyone else at the barricade, although there was a crowd of people some distance away to the south and slightly to his right. He did not remember any incoming fire from the area of the barricade, but he heard one or more of the soldiers on his right fire shots towards the barricade. He did not know how many rounds were fired and did not remember seeing which soldiers fired them. He could not remember whether the shots were fired separately or together. He assumed that the shots were being fired at the gunmen at the barricade, but he was not looking at the barricade because he was taking cover, and so he did not see anyone fall. He then heard an order to cease firing. He could not recall by whom or from where this order was given. He could not distinctly recall whether Colonel Wilford was present, but believed that senior officers must have been in the immediate vicinity because of the order that he heard. During this incident he heard other gunfire as well as the shots fired by the soldiers at Kells Walk. He could not remember whether he heard only high velocity rounds or whether he also heard pistol fire.

**82.35** In his oral evidence to this Inquiry,<sup>1</sup> Private INQ 635 rejected a suggestion that one or more of the men at the barricade might have been carrying a piece of wood rather than a firearm. He was sure that he had seen at least two men with weapons. Although his current recollection was only of seeing the wooden stocks, he thought that he had seen more of the weapons. He agreed that the gunmen were taking an enormous risk of being seen and shot. They were only in his view for a matter of seconds. The firing started as he reached the wall and once he had taken cover behind the wall he did not see the men again. He did not see them take up firing positions. Private INQ 635 said that he believed that one of the soldiers behind the wall with him had been Private Longstaff. He had a picture in his mind of the soldier at the wall with his rifle to his shoulder but he did not know which soldier this was. He said that the number of shots fired from the southern end of Kells Walk was “*more than two or three*”, but he could not say how many shots were fired, nor could he say whether more than one soldier fired them.

<sup>1</sup> [Day 352/6-17](#)

**82.36** Private INQ 635 told us that he had no recollection of seeing anyone with a pistol behind the barricade, or anyone with a weapon at the southern end of the eastern block of Glenfada Park North other than the men who came out to the barricade. He did not recall hearing any incoming fire from the Rossville Flats or from the area of the barricade. He said that when he saw the gunmen at the barricade<sup>1</sup> they were in an area that he indicated by marking a photograph<sup>2</sup> (near the centre of the western part of the barricade). He also said that he thought that he had become confused about the order to cease firing by watching television coverage over the years, and that his recollection of hearing such an order might relate to another occasion.<sup>3</sup> He told us that he did not know why no statement was taken from him at the time about this incident.<sup>4</sup>

<sup>1</sup> [Day 352/52-64](#)

<sup>3</sup> [Day 352/1-2](#)

<sup>2</sup> [C635.12](#)

<sup>4</sup> [Day 352/64-67](#)

**82.37** We do not accept the evidence of Private INQ 635, given many years after Bloody Sunday, of seeing two or three men carrying weapons come from the south-east corner of Glenfada Park North and move in the open towards the rubble barricade. Apart from the fact that no other soldier has given an account of seeing this, or anything like it, we cannot believe that anyone would have been so foolish as to come carrying weapons into the view of a substantial number of soldiers only some 80 yards away.

## Private INQ 1237

**82.38** Private INQ 1237 was also a member of Anti-Tank Platoon. He too made no statement in 1972.

**82.39** In his written statement to this Inquiry,<sup>1</sup> he told us that when he disembarked from his vehicle there were some high flats to his right and a huge crowd in the corner of a big open space ahead of him and to his left. He did not remember seeing a rubble barricade. There may have been between 600 and 1,500 people in the crowd. A hail of missiles, including more than one petrol bomb, was being thrown towards the soldiers but most of them were falling short because the crowd was, on Private INQ 1237's estimate, about 150 yards away.

<sup>1</sup> C1237.5-6

**82.40** Private INQ 1237 told us<sup>1</sup> that within seconds he saw six to eight soldiers of Anti-Tank Platoon, including Lance Corporal F, Private G and Lance Corporal J, in a "*rough line facing the crowd*" about ten to 15 yards beyond and to the east of the parked Army vehicles. Some of them were lying prone and others were kneeling. Private INQ 1237 stated that he seemed to recall that there was an incline in the ground or a wall that provided cover for the soldiers from any threat from the southern part of Rossville Street, but he had been shown a photograph of the low walls at the southern end of Kells Walk<sup>2</sup> and said that this was not where he saw the soldiers. According to this account the soldiers opened fire at the crowd with their rifles.

<sup>1</sup> C1237.6; C1237.9-10

<sup>2</sup> C1237.14

**82.41** Private INQ 1237 told us<sup>1</sup> that he imagined that they fired a minimum of about 30 to 40 shots intermittently over a period of a few seconds, although it "*seemed to last an eternity*". These were aimed shots. According to this account, he saw the soldiers tracking their rifles from side to side and then firing. He did not see any civilian gunmen or anyone falling wounded or killed. He did not see the strikes of any incoming bullets or hear any incoming fire, but it was difficult to "*pick anything out*" because of other noises such as the sound of breaking glass or landing bricks and stones. He then heard Warrant Officer Class II Lewis behind him shouting "*Cease-fire, stop your firing*". Private INQ 1237 had the impression that the soldiers were already ceasing their fire as Warrant Officer Class II Lewis came forward. Private INQ 1237 was not aware of any other officer in the area. The whole episode took no more than one to one and a half minutes. When it was over, the crowd was still there but had been subdued. Private INQ 1237 recalled seeing

500 to 600 people waving white handkerchiefs over their heads. Then people started screaming “*Get help*” or “*You shot them*”. Private INQ 1237 could not see any injured civilians because of the density of the crowd.

<sup>1</sup> [C1237.6-7](#); [C1237.11](#)

**82.42** In his oral evidence to this Inquiry,<sup>1</sup> Private INQ 1237 said that he did not remember seeing three blocks of flats in front of him and to his left. He did not think that he had overestimated the size of the crowd in his written statement. He recalled that the place where the soldiers took up position was a “*low rubble wall that was broken down in the open space*”.<sup>2</sup> He was asked whether Lance Corporal F, Private G and Lance Corporal J were the only three soldiers of whom he could say with certainty that he had seen them firing, and said that they were. It was possible that other soldiers in the group had not fired their weapons.

<sup>1</sup> [Day 366/6-27](#)

<sup>2</sup> [Day 366/20](#)

**82.43** Private INQ 1237 said that his estimate of 30 to 40 shots being fired was just his best recollection. There did not seem to be a lot of firing but it happened quickly. When the soldiers opened fire the crowd was still about the same size as it had been when they disembarked, and missiles were still being thrown. He did not recall any warnings being shouted by other soldiers of his platoon about gunmen. He did not see anyone in the crowd with a firearm.

**82.44** Private INQ 1237 was asked whether he could be mistaken in his recollection that Warrant Officer Class II Lewis had shouted a ceasefire order soon after soldiers of his platoon had begun firing in Rossville Street. He said that this was what he recalled, but he could not be sure.<sup>1</sup> Private INQ 1237 was told that Private G had not admitted firing any shots towards the barricade. He replied that, whether or not Private G fired a shot, he was “*on the front row*”. Private INQ 1237 was surprised that he was never asked to make a statement for the Widgery Inquiry.<sup>2</sup> He said that when Lance Corporal F was firing towards the crowd he was perhaps about 20 or 30 feet away from him. Private INQ 1237 said that it was not possible that the ceasefire order had been given by Lieutenant 119 rather than by Warrant Officer Class II Lewis.<sup>3</sup>

<sup>1</sup> [Day 366/52-59](#)

<sup>3</sup> [Day 366/71-72](#)

<sup>2</sup> [Day 366/67-71](#)

**82.45** We formed the view that Private INQ 1237 had such a confused memory of events that it would be unwise to rely upon his account, given long after the event. Nothing in it lent any support to the accounts given by the Anti-Tank Platoon soldiers who admitted firing at targets at the rubble barricade, or to those given by Corporal P.

## Private 027

**82.46** In his RMP statement,<sup>1</sup> Private 027, a member of Anti-Tank Platoon, recorded that he and four or five other members of his platoon, including Lance Corporal F, reached a 2ft 6in high garden wall with Rossville Street on their left and Block 1 of the Rossville Flats further down the street. According to this account, as they took shelter behind the wall, someone shouted “*Sniper*”. Almost immediately, members of the platoon fired at the rubble barricade. Private 027 saw the strikes of several rounds on the barricade, but could not say which soldiers had fired. Their target appeared to be a male civilian. Private 027 stated that he believed that this man was carrying a firearm, possibly a rifle. The man fell almost immediately. At the same time, Private 027 saw “*two men of the machine platoon*” at the “*North east corner of Rossville Flats*”, who also appeared to be firing at targets located behind the central section of the barricade, which consisted of white masonry. Private 027 did not observe the effect of their shots. An order to cease fire was then shouted from the rear and repeated by the soldiers near to Private 027. He could not say who gave the original order.

<sup>1</sup> B1546-B1547

**82.47** In his supplementary written statement taken by John Heritage on 8th March 1972,<sup>1</sup> and in his written statement for the Widgery Inquiry,<sup>2</sup> Private 027 recorded that Lance Corporal F was one of the soldiers who fired in the direction of the barricade. When the soldiers opened fire, Private 027 looked over the wall and saw a man who had something in his hands that appeared to be a weapon. Private 027 aimed his rifle at the man in preparation for shooting, but the man fell before Private 027 could fire. This happened within ten seconds of the other soldiers opening fire. At this stage Private 027 could see an Armoured Personnel Carrier drawn up at the “*near corner*” of Block 1 of the Rossville Flats. A group of “*our men*” was standing around the vehicle, aiming rifles and baton guns in the direction of the barricade. Private 027 saw the rifles being fired. By this time the crowd on the other side of the barricade was running away. Some people were crawling down the side of Block 1 from the barricade to its far corner. He saw shots from “*our troops*” striking the centre of the barricade. He was scanning the flats, and his attention was directed away on a number of occasions, and so he did not see any other civilians

hit, or any other civilians with weapons. An order to cease fire was then shouted from the rear and repeated by the soldiers near to Private 027. He could not say who gave the original order.

<sup>1</sup> B1565.114

<sup>2</sup> B1551-B1552

**82.48** It will be noted that in these statements Private 027 gave an account of men from his platoon firing at a man with a firearm at the rubble barricade, whereas both Lance Corporal F and Lance Corporal J said that they had fired at a nail bomber.

**82.49** Later in this report<sup>1</sup> we describe the various accounts later given by Private 027. In his account written in or about 1975,<sup>2</sup> Private 027 stated that he was with the leading group of soldiers as they reached a “*small garden at the corner of Kells Walk*”. They were approximately 100 yards from the crowd. Lance Corporal F fired at the centre of the crowd from behind the low wall that ran around the garden. Private G immediately jumped down beside Lance Corporal F and also opened fire. On the pavement just beyond the wall, Private INQ 635 also began firing. Looking at the centre of the barricade, Private 027 saw two bodies fall. He brought his rifle to the aim and tracked across the people in front of him, who were mostly men but included some women and children. He could see no-one with a weapon and so lowered his rifle. He could best describe his feelings as “*amazed, although this is very inadequate*”. There were now half a dozen other soldiers positioned side by side. Private 027 asked himself whether they knew something that he did not. Opposite the soldiers of his platoon, “*members of the machine guns*” were also firing at quite a rapid rate. He estimated that 100 rounds were fired at the crowd in the first 30 seconds of firing.

<sup>1</sup> Paragraphs 179.1–18

<sup>2</sup> B1565.005-B1565.006

**82.50** This account continued with a description of people falling, bodies being dragged away, and men lying on their faces, crawling along the pavement in front of Block 1 in an attempt to escape.<sup>1</sup> After “*an eternity of timeless moments and sights*”, Major Loden’s voice came over the radio, ordering a ceasefire. Soldiers were “*getting in while the going was good*” by running up from the rear and elbowing their way into the line of firers. Private 027 shouted the order to cease fire and ran along the line, tapping the soldiers on their shoulders. The firing slackened and died as the crowd dispersed. Private 027 stated<sup>2</sup> that in the course of the operation Private INQ 635 fired ten rounds into the crowd from a private supply of dum-dum (ie modified) bullets. Because Private INQ 635 still had his quota of issued ammunition, he got away with saying in the subsequent investigations that he had fired no shots. Other soldiers in Private 027’s vehicle did the same.

<sup>1</sup> B1565.006

<sup>2</sup> B1565.008

**82.51** In his draft for a proposed book written in or about 1999,<sup>1</sup> Private 027 said that he was in the first group of a few soldiers to arrive at a low garden wall, perhaps 2ft or 3ft high, projecting from a block of flats on the right. As they reached the wall, a soldier on the pavement just ahead of him knelt and fired in the direction of the centre of the crowd behind the barricade. This was the first shot fired by a member of his platoon of which Private 027 was aware. Almost immediately other soldiers arrived on the scene, took up positions around the wall and opened fire. White chips and dust flew off the barricade as rounds struck it. Private 027 saw two men fall among the rubble. He scanned the crowd through the sights of his rifle, trying to identify a target, but failed to locate one. He did not understand at what the other soldiers were firing. As the crowd pulled back, he saw a prostrate body by the entrance to Block 1 of the Rossville Flats with someone kneeling beside it. Others were crawling or bent double as they tried to move away. He saw “*soldiers from the machine gun platoon*” around a stationary vehicle near the northern end of Block 1. One of them was firing along the front of the block. The muzzle flash and smoke discharge were clearly visible. Other soldiers were arriving at the garden wall. One member of Composite Platoon was smiling broadly and said something like “... *isn't this great*” before eagerly joining in with those who were firing from the wall. The firing had become intermittent by the time Private 027 received a ceasefire order from Major Loden over the radio. Private 027 shouted the order out several times and clapped some of those around him on the shoulder as he did so.

<sup>1</sup> [B1565.310-B1565.311](#)

**82.52** In his written statement to this Inquiry,<sup>1</sup> Private 027 told us that the crowd was south of the rubble barricade, “*slightly to the east towards the Rossville Flats*”. A soldier of his section, identified subsequently by Private 027 in his supplementary written statement to this Inquiry<sup>2</sup> as Lance Corporal F, started firing towards the centre of the crowd as soon as he had reached the pavement by the end of the garden wall. Private 027 was standing behind Lance Corporal F. Within seconds, other soldiers came on the scene and joined in the firing. Private 027 saw the strikes of bullets on the barricade. He recalled that the barricade was white, but may simply have seen white dust rising from it when it was hit. Two people towards the centre of the barricade fell within a few seconds of each other during the opening burst of fire.

<sup>1</sup> [B1565.039](#)

<sup>2</sup> [B1565.113](#)

**82.53** Private 027 told us<sup>1</sup> that he moved to his right and stood “*at the junction between the wall and Kells Walk*”. The other soldiers were to his left. A member of Composite Platoon ran up and pushed himself in between two other soldiers who were firing, so that he could

open fire himself. He indicated to Private 027 that he thought that what was happening was great. Private 027 thought that this soldier was a Corporal but could not recall his name. Private 027 scanned the crowd through the sights of his rifle, trying to identify a target, but did not see anyone with a weapon, nor did he see or hear any explosive device. He lowered his rifle, looked at the firing soldiers and tried to see their targets. He was unable to do so, and recalled feeling some inadequacy as a result. He could not recall which other soldiers had been there, although those present included “*all the characters*” in his section. He had the impression that some soldiers had not wanted to miss the chance to fire their weapons, and that an absence of officers at the scene had contributed to what happened.

<sup>1</sup> [B1565.039-040](#)

**82.54** Private 027 stated<sup>1</sup> that he could not say how many rounds any individual soldier had fired. Initially, when only two or three soldiers were firing, he would say that shots were being fired steadily at intervals of a second or two. As more soldiers arrived, the shooting intensified, and continued for a number of minutes. Private 027 thought that he could remember Private G firing from the southern end of Kells Walk, and said that it was likely that he had done so because he always acted as a pair with Lance Corporal F. Private 027 also had a mental image of Private INQ 635 firing from this location, but was not now sure whether this was correct.

<sup>1</sup> [B1565.040](#)

**82.55** According to this account,<sup>1</sup> after a period of immobility, the crowd broke up and people tried to flee. Some could be seen crouching or crawling on the pavement in front of Block 1 of the Rossville Flats. One man was apparently prostrate with someone kneeling beside him. Private 027 thought that by the time he saw these people he had moved further south down Rossville Street, because he recalled looking almost immediately to his left and seeing a Mortar Platoon vehicle at the northern end of Block 1. A soldier standing in the open near the corner of Block 1 was aiming his rifle to the south, along the length of the block. Private 027 saw a muzzle flash and discharge of smoke as the soldier fired. Private 027 could not say how many times the soldier fired.

<sup>1</sup> [B1565.041-042](#)

**82.56** Private 027 then told us<sup>1</sup> that as the crowd dispersed, the volume of firing subsided. He stated that he received a ceasefire order over the radio from Major Loden, and relayed it to the members of his section by shouting it several times and tapping some of the men on the shoulder. The firing came to an end. Private 027 stated that it was not true, as he had claimed in his RMP statement, that someone had shouted “*sniper*” when

the soldiers were at the southern end of Kells Walk, and that the references in that statement and in his written statement for the Widgery Inquiry to a civilian with a firearm falling in Rossville Street had been pure fabrication.<sup>2</sup> Private 027 told us that it may have been an overstatement to say in his account written in or about 1975 that 100 rounds were fired at the crowd in the first 30 seconds of firing. On the other hand, he thought that an estimate of 50 rounds in the first two or three minutes would be too low. He recalled continuous and sustained firing over a period of several minutes.<sup>3</sup>

<sup>1</sup> B1565.042

<sup>3</sup> B1565.056

<sup>2</sup> B1565.050-B1565.054

**82.57** In his oral evidence to this Inquiry,<sup>1</sup> Private 027 said that it was his impression that when Lance Corporal F began firing the crowd stretched from one side of Rossville Street to the other and was of “*some depth*”. His recollection was that Lance Corporal F was kneeling in approximately the same position as the soldier shown standing on the left in Jeffrey Morris’s photograph of soldiers at the low walls of the Kells Walk ramp,<sup>2</sup> or perhaps a little further back.

<sup>1</sup> Day 246/53-79

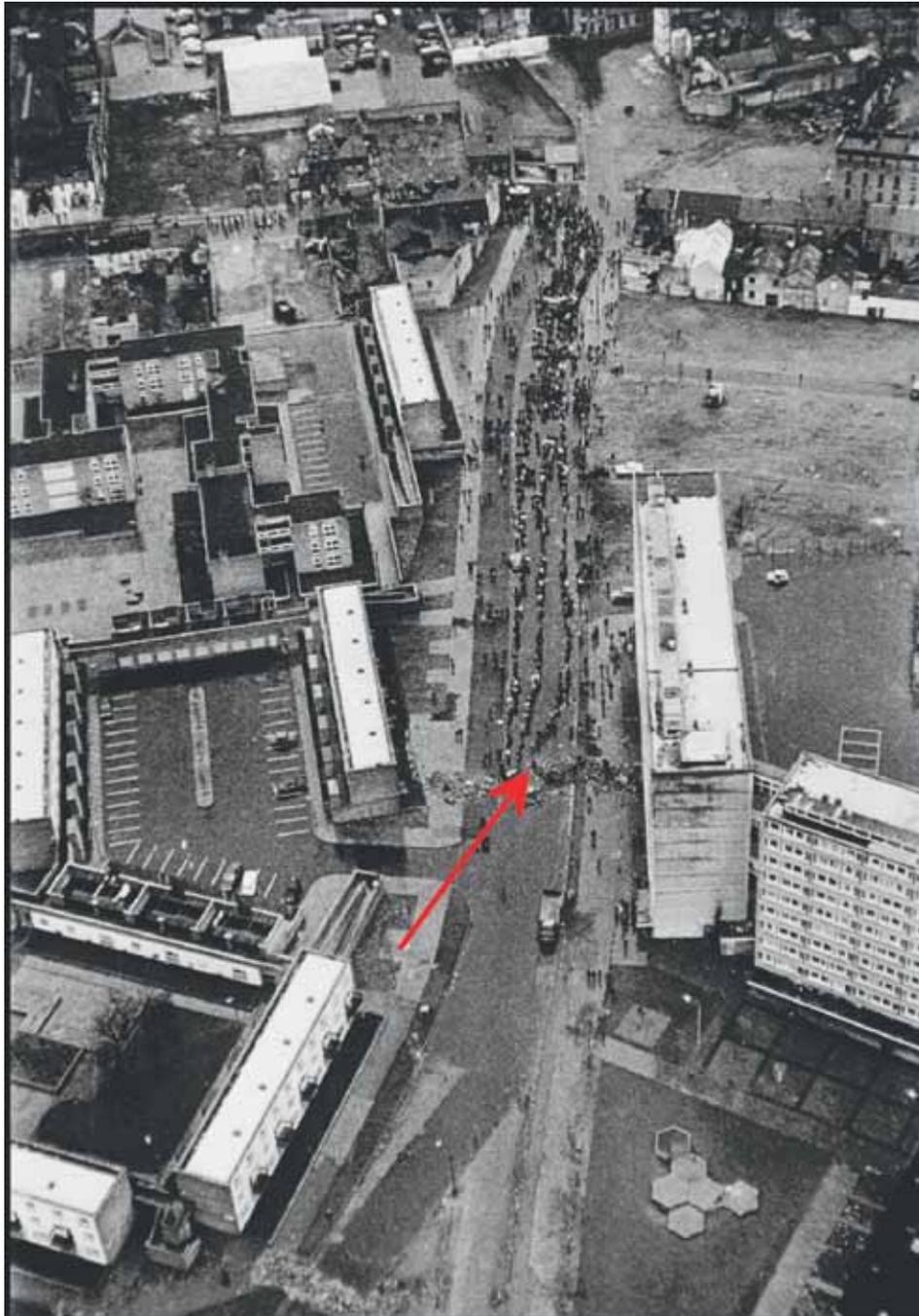
<sup>2</sup> This photograph shows soldiers of Composite Platoon, not Anti-Tank Platoon.



**82.58** Private 027 thought that after a short period of time soldiers of both Anti-Tank Platoon and Composite Platoon had arrived at the scene and opened fire. The situation was fluid but he said that he recalled that at some stages there were soldiers both behind the more

northerly of the two low walls at the southern end of Kells Walk and on the ramp between those walls. Private 027 marked an aerial photograph<sup>1</sup> (reproduced below) to show where he saw two people fall in the initial burst of firing.

<sup>1</sup> [B1565.275](#)



**82.59** Private 027 told us that he could not now recall with any certainty which individuals other than Lance Corporal F had opened fire from the southern end of Kells Walk, although he believed that Private G and Private INQ 635 had been present, and believed that his

account written in or about 1975 accurately recorded what at that time he believed had happened. Private 027 could not say whether the Corporal of Composite Platoon described in his written statement to this Inquiry had been one of the soldiers who opened fire. When he said in that statement<sup>1</sup> that “*all the characters*” in his section had been present, his comment had contained “*an element of assumption*”.<sup>2</sup> He was unwilling to estimate the total number of shots fired from the southern end of Kells Walk, saying that any figure that he gave would be a guess. Private 027 said that he saw nothing that appeared to justify the shooting that took place, and did not recall any of the soldiers saying why or at what he was firing, or warning of the presence of any gunman or bomber. He said that he did not know the identity of the soldier who fired from the northern end of Block 1, and that he did not see at what that soldier was firing. Private 027 told us<sup>3</sup> that he could not have had direct knowledge that Private INQ 635 had fired rounds from a private supply of dum-dum bullets into the crowd, and could not recall why he had said in his account written in or about 1975 that this had happened. Private 027 said<sup>4</sup> that it had not been true to say in his RMP statement that he could not say which soldiers had fired from the southern end of Kells Walk, since he had seen Lance Corporal F fire. On the other hand, he said that he had no reason to think that the account that he gave in that statement of firing by soldiers from the northern end of Block 1 had been fabricated. He could not explain why in that statement he had said that the ceasefire order was shouted from the rear, when his current recollection was that the order was given over the radio.

<sup>1</sup> B1565.040

<sup>2</sup> Day 246/66

<sup>3</sup> Day 247/6-7; Day 249/41-42; Day 249/54

<sup>4</sup> Day 247/18-20

**82.60** In his written statement to this Inquiry,<sup>1</sup> Private INQ 635 said that he did not fire any shots from the low walls at the southern end of Kells Walk. In his oral evidence to this Inquiry,<sup>2</sup> Private INQ 635 said that he was certain that he fired no shots and that Private 027 had been wrong when he said that he had done so. Private INQ 635 denied that he had ever had dum-dum bullets in his possession, had ever tampered with bullets to create dum-dums, or had ever had a private supply of ammunition.

<sup>1</sup> C635.4

<sup>2</sup> Day 352/17-22; Day 352/74-75

**82.61** We have commented elsewhere in this report<sup>1</sup> on the accounts and evidence given by Private 027. Much of it was exaggerated and some of it clearly wrong or at best second-hand. However, we have no reason to doubt that he witnessed firing by soldiers from the low walls of the Kells Walk ramp; and we accept that despite what he had put in his RMP statement and said to the Widgery Inquiry, he did not see any legitimate target

for this firing. We do not accept that Private INQ 635 was one of those firing, an allegation for which there is no other support. We deal with evidence relating to dum-dum bullets elsewhere in this report.<sup>2</sup>

<sup>1</sup> Paragraphs 96.9–12, 98.2–3, 104.442–447 and 166.124–131 and Chapter 179

<sup>2</sup> Paragraphs 166.124–131

## Composite Platoon

### Captain 200

**82.62** Captain 200 was the Commander of Composite Platoon.

**82.63** In his RMP statement,<sup>1</sup> Captain 200 did not refer to firing by soldiers of Anti-Tank Platoon from the low walls at the southern end of Kells Walk. He did record that as he was deciding to direct some of his soldiers along the right-hand side of Rossville Street, he “*heard the burst of automatic fire and one or two single shots fired in our general direction*”. The reference to one or two single shots fired in his general direction did not appear in the manuscript draft of the statement.<sup>2</sup>

<sup>1</sup> B1978-1983

<sup>2</sup> B2022.043

**82.64** In the transcript of an interview conducted on 2nd February 1972 for the purposes of the Thames Television This Week programme *Northern Ireland – Two Sides of the Story*,<sup>1</sup> but not used in the programme itself, Captain 200 is recorded as having said that he saw at least one person with a weapon behind the rubble barricade, at least four or five minutes after the first shots had been fired at the soldiers.

<sup>1</sup> B1993-B1994; B1988

**82.65** Captain 200’s undated manuscript note of the sequence of events<sup>1</sup> suggests that after he had heard automatic fire and deployed his platoon, and while he was still wearing his respirator, he saw what he described as “*3 men Anti-Tk pl – barrier 2 hds [ie heads]<sup>2</sup> fire posns crowd dispersed – scattered too bunched – (my men)*”.

<sup>1</sup> B2022.060

<sup>2</sup> Day 367/119

**82.66** In his written statement for the Widgery Inquiry,<sup>1</sup> Captain 200 recorded that after he had disembarked from his vehicle he went up to Major Loden, whose vehicles had stopped at the junction of Eden Place and Rossville Street, and asked what Major Loden wanted Composite Platoon to do. According to this account, Major Loden told Captain 200 to assist Mortar Platoon. At about this time, Captain 200 heard automatic fire. He decided

to deploy half of Composite Platoon in support of Mortar Platoon and half in support of Anti-Tank Platoon. At this stage he saw at least three soldiers of Anti-Tank Platoon firing their rifles from behind a wall by “*the long straight building between Rossville Street and Kells Walk*”. Captain 200 looked to see at what they were firing. He saw the barricade and perhaps two heads immediately behind it. Beyond them, he could see about 30 people scattered on the western side of Rossville Street near Glenfada Park. There were more people scattered further down Rossville Street. Captain 200 took in all this in a matter of seconds. He thought that the crowd had dispersed rapidly and that gunmen were likely to appear. He told his men on the western side of Rossville Street to spread out. It was at about this time that he removed his respirator.

<sup>1</sup> [B1985-B1986](#)

**82.67** Captain 200 recorded in the same statement<sup>1</sup> that when he spoke in the Thames Television interview about the first shots fired at the soldiers, he had been referring to the burst of automatic fire that he said that he had heard. When he said in that interview that at least four or five minutes after those shots were fired, he saw at least one person with a weapon behind the barricade, he had been speaking on the spur of the moment and without thinking hard about what he had seen. He had seen people behind the barricade when Anti-Tank Platoon opened fire, but he could not say positively that these people had been armed.

<sup>1</sup> [B1988](#)

**82.68** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Captain 200 said that he saw the heads of at least two people behind the barricade at whom the soldiers of Anti-Tank Platoon were firing from behind the wall. One head was popping up and down, while the other was crouching much lower. Captain 200, who was still wearing his respirator, assumed from their behaviour that the people behind the barricade were gunmen. He said<sup>2</sup> that at the time when he saw soldiers firing towards the barricade, there was a lot of firing but none that he could identify as fire coming from the barricade. He saw no weapons at the barricade but assumed that they were there because he could not believe that the soldiers would have been firing if they were not, because of the way in which the men behind the barricade were moving, and because he thought that any unarmed civilians would have left the barricade.

<sup>1</sup> [WT15.42-WT15.44](#)

<sup>2</sup> [WT15.59-WT15.61](#)

**82.69** In his written statement to this Inquiry,<sup>1</sup> Captain 200 told us that when he made the first of two visits to the position at Kells Walk to which soldiers of Anti-Tank Platoon and Composite Platoon had deployed, he would still have been wearing his respirator. He thought it was at this stage that one of the soldiers taking cover behind the wall at the southern end of Kells Walk had pointed out a man holding a pistol in his hand, with his arm extended out of an open window about three floors up in Block 1 of the Rossville Flats. Captain 200 thought that he had been told afterwards that this soldier was Lance Corporal F, but was not sure whether this was correct. Captain 200 thought that he had seen the pistol. He had no recollection of the pistol being fired. The soldier fired one aimed shot at the pistol man. Captain 200 had the impression that the pistol man had ducked back in and that the shot had missed, but he was not sure about this. Captain 200 also saw heads bobbing up and down behind the barricade and formed the firm impression that gunmen there were taking sightings of the soldiers.

<sup>1</sup> [B2022.007](#)

**82.70** In his oral evidence to this Inquiry,<sup>1</sup> Captain 200 said that it was his impression that there had been a time when soldiers of both Anti-Tank Platoon and Composite Platoon had been together at the low walls at the southern end of Kells Walk. He recalled<sup>2</sup> that at some stage he had seen soldiers firing from behind the low walls, and heads bobbing up and down behind the barricade, but he could not now remember when or from where he had seen this. He could not recall the basis of his impression that those behind the barricade were gunmen, and said that this was “*a very small point of my vision at that time*”. He said<sup>3</sup> that he did not see a weapon at the barricade, and that all that he could remember<sup>4</sup> was that there had appeared to be two people behind the barricade and that he had glimpsed some soldiers, presumed by him to be members of Anti-Tank Platoon, firing from Kells Walk towards the barricade. Captain 200 said<sup>5</sup> that the incident involving the pistol man in the Rossville Flats had been described out of sequence in his written statement to this Inquiry and had in fact occurred at a later stage of events.

<sup>1</sup> [Day 367/89-90](#)

<sup>4</sup> [Day 367/119-120](#)

<sup>2</sup> [Day 367/95-98](#)

<sup>5</sup> [Day 367/94-95](#); [Day 367/115-117](#)

<sup>3</sup> [Day 368/54](#)

**82.71** It will be noted that Captain 200 did not see firing from the rubble barricade, or anyone he could identify as a gunman at the rubble barricade.

**82.72** We should add that it seems to us that Captain 200's account of being told that there was a man with a pistol, with his arm extended out of an open window about three floors up in Block 1 of the Rossville Flats, is likely to relate to the shooting at Block 1 of the Rossville Flats at a late stage, after the events of Sectors 4 and 5. We consider this shooting later in this report.<sup>1</sup>

<sup>1</sup> [Chapter 123](#)

## Sergeant K

**82.73** In his RMP statement,<sup>1</sup> Sergeant K recorded that when he had reached a point "*level with the north west corner of a block of maisonettes of Columbcille Court*" he saw members of Support Company at "*the north east corner*" fire one to two shots towards "*the flats area*". The soldiers of Support Company then moved away and Sergeant K and those with him took up the positions that they had vacated. Sergeant K moved behind a small brick wall at GR 43261692 (the southern end of Kells Walk).

<sup>1</sup> [B290](#)

**82.74** In his written statement for the Widgery Inquiry,<sup>1</sup> Sergeant K recorded that soldiers of Support Company were taking cover and firing from the wall at the southern end of "*the low-rise flats in front of Columbcille Court*".

<sup>1</sup> [B298](#)

**82.75** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Sergeant K said that the soldiers of Support Company were firing "*into the area of Rossville Flats*".

<sup>1</sup> [WT15.81](#); [WT15.85](#)

**82.76** In his written statement to this Inquiry,<sup>1</sup> Sergeant K told us that he saw soldiers of Support Company standing behind a low wall at the point marked B on the plan attached to his statement<sup>2</sup> (the southern end of Kells Walk), but that he could not recall what these soldiers were doing. He stated that he did not "*specifically recall*" that they were shooting.

<sup>1</sup> [B311.006](#); [B311.011-B311.012](#)

<sup>2</sup> [B311.037](#)

**82.77** In his oral evidence to this Inquiry,<sup>1</sup> Sergeant K confirmed that he remembered soldiers being at the low walls at the southern end of Kells Walk before he reached that point, but said that he no longer remembered seeing any of those soldiers fire their weapons.

He could not say more precisely what he had meant when he said in his oral evidence to the Widgery Inquiry that these soldiers were firing “*into the area of Rossville Flats*”. He said that he had not seen at what these soldiers were firing.<sup>2</sup>

<sup>1</sup> [Day 364/148-150](#)

<sup>2</sup> [Day 364/184](#)

**82.78** As will be seen when we discuss the firing by soldiers of Composite Platoon from the low walls of the Kells Walk ramp,<sup>1</sup> Sergeant K did not suggest that his men, moving up behind the Anti-Tank Platoon soldiers, had come under fire, which in our view casts further doubt on the evidence that there had been firing from the rubble barricade.

<sup>1</sup> [Paragraphs 84.16–40](#)

## Other members of Composite Platoon

**82.79** Later in this report<sup>1</sup> we discuss the evidence of other members of Composite Platoon about incoming fire. For reasons we give there, we are of the view that their evidence does not provide support for the suggestion that there were gunmen at or firing from the rubble barricade.

<sup>1</sup> [Paragraphs 84.44, 84.79, 84.82, 84.86, 84.131, 84.144 and 84.178–179](#)

## Warrant Officer Class II Lewis

**82.80** In his interview with Peter Taylor,<sup>1</sup> Warrant Officer Class II Lewis said that at a certain stage Major Loden made him aware “*that there was slight confusion*”, and he said that he would try to find out what was going on. He ran forward to the platoon deployed “*on the flats on the right, behind the low wall*”. He saw that the soldiers of this platoon were aiming their weapons, and was concerned to know at what they were aiming or firing. The Platoon Sergeant told him: “*we have identified gunmen on the barricades there are people who are armed on the barricades*”. Warrant Officer Class II Lewis said that he then saw the strikes of two or three high velocity rounds on the ground “*about 150 yards forward of the barricades*”. These rounds struck the ground between the rubble barricade and a crowd “*right at the far side of what appeared to me to be a very large square*”. Warrant Officer Class II Lewis said that he ran back to the command vehicle to give a report to Major Loden. He also said that he could not recall seeing any gunmen on the barricade but his vision was impaired because he was wearing a respirator.

<sup>1</sup> [I604-I608](#)

**82.81** In his written statement to this Inquiry,<sup>1</sup> Warrant Officer Class II Lewis told us that as he approached the low wall, he saw that Sergeant INQ 1694 (the Platoon Sergeant of Anti-Tank Platoon)<sup>2</sup> was there with about three or four other members of his platoon. Sergeant INQ 1694 was still wearing his respirator, as was Warrant Officer Class II Lewis. Sergeant INQ 1694 was looking south down Rossville Street with his rifle up. On each side of him, there was another soldier half-crouching behind the wall in a firing position. Warrant Officer Class II Lewis told us that he then heard two high velocity shots. He formed the impression that these shots had been fired by the two soldiers on either side of Sergeant INQ 1694. He went onto the ramp alongside Sergeant INQ 1694 and asked him at whom his men were firing. Sergeant INQ 1694 replied that they had identified gunmen on the barricade. Warrant Officer Class II Lewis looked down Rossville Street. There was no-one on the barricade, but there was *“quite a lot of activity to the left of it as I looked at it, i.e. in front of the Rossville Flats, to the east side of the barricade”*. Warrant Officer Class II Lewis then saw the strikes of two rounds on the pavement about 25m in front of the low wall, between the soldiers and the barricade. Warrant Officer Class II Lewis could not identify the source of these shots, but stated that he knew from their sound that they were high velocity rounds. Although he could not see anyone at the barricade, Warrant Officer Class II Lewis trusted Sergeant INQ 1694’s judgement and was satisfied with his explanation of his soldiers’ actions. He ran back to the command vehicle, and recalled that as he ran back, Colonel Wilford was running forward.

<sup>1</sup> B2111.016-B2111.017

<sup>2</sup> Sergeant INQ 1694 died before this Inquiry was established and we have no evidence from him.

**82.82** In his oral evidence to this Inquiry,<sup>1</sup> Warrant Officer Class II Lewis said that Sergeant INQ 1694 and the two soldiers on either side of him were behind the more southerly of the two low walls at the southern end of Kells Walk. There were about three or four more soldiers behind the more northerly wall. He believed that these soldiers were all members of Anti-Tank Platoon. Each of the soldiers beside Sergeant INQ 1694 fired one shot while Warrant Officer Class II Lewis was present. Sergeant INQ 1694 told Warrant Officer Class II Lewis that they had identified gunmen on the barricade. Warrant Officer Class II Lewis scanned the whole area, looking to see whether there was anyone crouching or lying at the barricade. He was standing on the path between the low walls, wearing his respirator. He saw nobody on the barricade, but there were people to the left and right and in the far distance, running or milling around. He did not spend long looking at those people to see whether he could pick out anyone with a firearm. Then he saw the strikes of two rounds on cobblestones in front of the barricade. He had no means of knowing whether these rounds were fired by civilians or by soldiers. It was possible that soldiers standing very close to him fired them. He said<sup>2</sup> that these shots struck cobblestones

about 25 to 30m in front of him, and that they were high velocity shots. Although he did not see any gunman at the barricade, he did not doubt that Sergeant INQ 1694 had told him the truth about what he and his men had seen. Warrant Officer Class II Lewis said<sup>3</sup> that later that evening he ascertained from Sergeant INQ 1694 the identity of the two soldiers who had fired in his presence, but he could not now remember who they were.

<sup>1</sup> Day 373/60-68

<sup>3</sup> Day 373/92-94

<sup>2</sup> Day 373/117-122; Day 373/250-251

**82.83** It will be noted that Warrant Officer Class II Lewis said that he did not himself see any gunman at the rubble barricade, and that he had not been able to identify the source of the rounds that he said that he saw hitting the ground.

## Conclusions on gunmen and firing from the rubble barricade

**82.84** We are not persuaded by the evidence of Lance Corporal F, Lance Corporal J or Corporal E that there were gunmen at the rubble barricade or firing from there. We take the same view of the evidence of Corporal P concerning a man with a pistol, which we consider in detail below.<sup>1</sup> We have found nothing in the evidence of other soldiers that to our minds supports the suggestion that gunmen were at the rubble barricade or that there was firing from there. On the contrary, the evidence of the soldiers as a whole leads us to the opposite conclusion.

<sup>1</sup> Paragraphs 85.2–28

**82.85** What must be borne in mind is that by the time soldiers opened fire towards the rubble barricade from the low walls at the southern end of Kells Walk, there had been other gunfire, in the form of the shots fired by Lieutenant N up the Eden Place alleyway (discussed in the course of our consideration of the events of Sector 2<sup>1</sup>), the initial shots fired by Corporal P (discussed above<sup>2</sup>) and shots fired by the pistol man described by Private 017 and others. In our view by this stage other firing had broken out in Sector 2. As we observe elsewhere in this report,<sup>3</sup> and as Colonel James Ferguson told us, it is extremely difficult to know where fire is coming from in a built-up area.<sup>4</sup> Although we do not believe that Corporal P considered himself to be under fire from the rubble barricade, it is possible that shots fired elsewhere led other soldiers in Sector 3 mistakenly to believe that they were under fire from that direction. However, even if this happened, it does not

justify the firing at people at the rubble barricade by members of Anti-Tank Platoon, who did not claim to have fired at gunmen, or the firing by Corporal P, since we reject his account of firing at a pistol man at the rubble barricade.

<sup>1</sup> [Chapter 30](#)

<sup>2</sup> [Chapter 73](#)

<sup>3</sup> [Paragraph 30.126](#)

<sup>4</sup> [Day 281/67](#)

## Chapter 83: Nail and petrol bombs

### Evidence of the explosion of nail bombs and the ignition of petrol bombs

**83.1** As we have previously noted,<sup>1</sup> Lance Corporal F gave accounts of witnessing two nail bombs exploding about 40m from the rubble barricade, before the incident in which he claimed to have fired at a nail bomber behind the barricade. Corporal E told the Widgery Inquiry in his oral evidence that he heard an explosion like that of a nail bomb, which he had not mentioned in his previous accounts. Lance Corporal J said that he saw one nail bomb explode before the incident in which he claimed to have fired at a nail bomber behind the rubble barricade. As we explain in more detail later in this report,<sup>2</sup> he also said that he saw about two more explode after that incident, at a time when he had moved forward from the low walls at the southern end of Kells Walk. As will be seen below,<sup>3</sup> Private M of Composite Platoon said that he heard the sound of nail bombs exploding from the direction of the rubble barricade.

<sup>1</sup> Paragraphs 81.2–20

<sup>3</sup> Paragraphs 84.78–101

<sup>2</sup> Paragraphs 85.83–94

**83.2** We have also previously noted<sup>1</sup> that Corporal E gave an account of seeing a petrol bomb smash and burn about 30 yards in front of the rubble barricade. As we explain later,<sup>2</sup> Private M said that he saw a petrol bomb thrown from the side of Glenfada Park and “*exploding*”<sup>3</sup> in front of the rubble barricade.

<sup>1</sup> Paragraphs 81.58–72

<sup>3</sup> WT16.19

<sup>2</sup> Paragraphs 84.82 and 84.85–86

**83.3** In his written and oral evidence to this Inquiry, Private INQ 1237 told us that he saw the burst of flames from the ignition of at least one petrol bomb.<sup>1</sup>

<sup>1</sup> C1237.5-6; Day 366/16; Day 366/25

**83.4** Gunner 023, who was in the Peter England shirt factory in Little James Street, recorded in his Royal Military Police statement<sup>1</sup> that he heard an explosion coming from the area of Rossville Street, and in his written statement for the Widgery Inquiry<sup>2</sup> that he heard small explosions from the general area beyond the rubble barricade, one of which sounded like a small gelignite bomb. In his written statement to this Inquiry<sup>3</sup> he told us that he no longer recalled hearing this.

<sup>1</sup> B1519

<sup>3</sup> B1525.1-2

<sup>2</sup> B1522

**83.5** These are the only soldiers who gave evidence of the explosion or ignition of nail or petrol bombs in Sector 3.

**83.6** Neither Lieutenant 119 nor Captain 200, the respective Commanders of Anti-Tank Platoon and Composite Platoon, nor Major Loden, said at any stage that he saw or heard nail or petrol bombs being thrown or exploding or igniting. The same is the case with Warrant Officer Class II Lewis. Sergeant K, as will be seen below,<sup>1</sup> told the Widgery Inquiry that he had neither seen a nail bomb explode nor seen anyone with a nail bomb. Private INQ 635 told us that he recalled no nail bombs being thrown or exploding.<sup>2</sup> Private U told the Widgery Inquiry that he had heard no nail bombs at any time.<sup>3</sup>

<sup>1</sup> Paragraph 84.25

<sup>3</sup> WT14.6

<sup>2</sup> Day 352/13

**83.7** Had nail or petrol bombs been thrown and exploded or ignited in Sector 3, we have no doubt that all or virtually all the soldiers in that area would have seen or heard them and reported what they had witnessed. There is no evidence from journalists or civilians of bombs of any kind exploding or igniting in this sector.

**83.8** In these circumstances we have no doubt that the accounts of nail or petrol bombs exploding or igniting were false. Those giving evidence of actually seeing nail or petrol bombs exploding or igniting could hardly have come to believe, albeit mistakenly, that such bombs had been deployed; and in our view therefore must knowingly have given false accounts in this regard. This raises doubts in our minds about the reliability of their evidence on other matters.

## Evidence of nail bombers at the rubble barricade

**83.9** The accounts that Lance Corporal F and Lance Corporal J gave of a number of other matters were in our view false and knowingly so, as we explain elsewhere in this report.<sup>1</sup> For this reason we are of the view that we should not accept the claim of either that he fired at a nail bomber behind the rubble barricade unless other evidence supports it. We have found no evidence from any source that to our minds provides such support. As appears hereafter,<sup>2</sup> we are sure that none of the casualties at the rubble barricade was in possession of nail bombs. For reasons given elsewhere in this report,<sup>3</sup> we reject the suggestion that there was an additional unidentified casualty at the rubble barricade who could have been a nail bomber.

<sup>1</sup> Paragraphs 81.20, 81.57, 98.15, 112.13, 112.54, 119.218, 120.20, 123.145–148 and 123.267–268

<sup>3</sup> Paragraphs 87.228–236

<sup>2</sup> Paragraphs 86.55, 86.155, 86.364, 86.461 and 86.500

**83.10** We are sure that there were no nail bombers at the rubble barricade. Whether Lance Corporal F or Lance Corporal J fired in the genuine but mistaken belief that he had seen a nail bomber is a matter that we consider later in this report.<sup>1</sup>

<sup>1</sup> [Paragraphs 89.16–17](#) and [89.41](#)

# Chapter 84: Firing by Composite Platoon soldiers from the low walls of the Kells Walk ramp

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## Captain 200's list of soldiers who fired

84.1 As we have explained above<sup>1</sup> when dealing with the shot fired by Private L in a derelict building, Captain 200, the Commander of Composite Platoon, recorded in his Royal Military Police (RMP) statement dated 5th February 1972 that on his return to Clarence Avenue he “*immediately ordered an ammunition check and preliminary questioned all those who had fired their weapons*”.<sup>2</sup> This suggests to us that he interviewed Private C, Lance Corporal D, Sergeant K, Private L and Private M at an early stage and before Major Loden compiled his List of Engagements. In this regard, it is notable that the order of the entries in Major Loden's List of Engagements suggests that he saw members of Mortar Platoon first, and then members of Machine Gun Platoon and Anti-Tank Platoon, with soldiers from Composite Platoon coming at the end. A further ground on which we think it likely that Captain 200 interviewed the Composite Platoon soldiers before Major Loden is that the latter would have been reliant on his Platoon Commanders to identify those who had fired, and then to send them to him to be interviewed. This sequence is supported by Captain 200's written statement for the Widgery Inquiry, in which he said:<sup>3</sup>

“13. ... At Clarence Avenue I asked my two Colour Sergeants in charge of the half platoons what rounds had been fired. Having been given a list of the soldiers who'd fired I then spoke to each soldier individually so that I was clear as to why they had fired and what targets they had engaged.

14. I reported the result to the company commander. I told him the names of the men that had fired ... I told him that we had fired 14 SLR rounds...”

<sup>1</sup> Paragraph 79.15

<sup>3</sup> B1987-1988

<sup>2</sup> B1982

84.2 A list of the soldiers of Composite Platoon who fired their rifles, with details of their firing, appears in the manuscript draft and in the final version of Captain 200's RMP statement.<sup>1</sup> In his oral evidence to this Inquiry,<sup>2</sup> Captain 200 said that this list was based on notes that he had made when he interviewed the soldiers, although those notes have not survived. For the reasons that we have given, we consider that the list compiled by Captain 200 represents the first account given by those soldiers of Composite Platoon who said at the time that they had fired their weapons. With two exceptions we have found no evidence to suggest that any soldiers of Composite Platoon other than those listed by Captain 200 fired their rifles in Sector 3 or at all. The two exceptions are Private INQ 449, who gave no evidence in 1972 of firing and whose account we consider later in this report,<sup>3</sup> and Private L, who told us (but again said nothing about it at the time) that he saw Corporal

INQ 1671 shoot and kill a gunman who was near the junction of Rossville Street and Pilot Row. For reasons given when we consider the evidence of Private L,<sup>4</sup> we are of the view that this account is fantasy.

<sup>1</sup> B2022.047; B1982

<sup>3</sup> Paragraphs 123.69–96

<sup>2</sup> Day 367/146-149

<sup>4</sup> Paragraph 84.71

**84.3** Captain 200 said in his oral evidence to this Inquiry that he prepared the manuscript draft of his RMP statement, which contained the list of soldiers who had fired their rifles, when he returned to Palace Barracks in Belfast two days after Bloody Sunday.<sup>1</sup> However, later in his evidence he said that he wrote the statement on about 5th February.<sup>2</sup>

<sup>1</sup> Day 367/158-160

<sup>2</sup> Day 368/36-37

**84.4** It is convenient at this point to set out the list of firing soldiers compiled by Captain 200:<sup>1</sup>

“Guinness Force fired 14 x 7.62 rounds and 2 rubber bullets. The 7.62 rounds were fired as follows:-

Soldier ‘K’: 1 x 7.62 from GR 43271691 to gunman at barricade 43231683 – missed.

Soldier ‘D’: 2 x 7.62 from GR 43261691 to gunman at window of Rossville Flats 43261684 – possible hit.

Soldier ‘C’: 3 x 7.62 from 43261691 to gunman at window of Rossville Flats 43261684 and 2 x 7.62 from same position at gunman at corner of Rossville Flats 43231680 – both possible hits.

Soldier ‘M’: 2 x 7.62 from GR 43271691 to gunman behind barricade 43231683 – possible hit.

Soldier ‘L’: 1 x 7.62 in rafters of ruin 43281696 at possible sniper in roof – deliberate miss after two warnings to come down. Man jumped down from roof (15 feet) and was arrested. Roof not searched for weapons. 2 x 7.62 from wall 43251688 at barricade 43231683 and 1 x 7.62 at same gunman as ‘C’ and ‘D’.”

<sup>1</sup> B1982-1983

**84.5** In the entry relating to Private L in the manuscript draft of this list,<sup>1</sup> Captain 200 originally wrote “3 x 7.62 from wall” and then amended this to “2 x 7.62”.

<sup>1</sup> B2022.047

**84.6** We have already discussed<sup>1</sup> the entry relating to Private L's shot in the derelict building. We return to consider each of the other entries in our discussion of the accounts of the individual soldiers concerned.

<sup>1</sup> [Paragraphs 79.15–17](#)

## Major Loden's List of Engagements

**84.7** The 12th to 15th entries in Major Loden's List of Engagements<sup>1</sup> appear to relate to shooting incidents in Sector 3. For reasons given later in this report<sup>2</sup> it seems to us likely that the 12th entry relates to firing reported by Private C or Lance Corporal D or both from the top of the high ramp at the southern end of Kells Walk, while in our view the 13th entry relates to other firing reported by Private C.

<sup>1</sup> [ED49.12](#)

<sup>2</sup> [Paragraphs 123.16–18](#)

**84.8** The 14th and 15th entries<sup>1</sup> are in identical terms, save that the second and third digits of the second grid reference in the 15th entry have been transposed. In our view this was an error, since the grid reference as written would put the firer some distance away in the Creggan:

“14. 1 gunman with rifle at GR 43231682 (barricade) shot from GR 43261682. Killed  
Body recovered.

15. 1 gunman with rifle at GR 43231682 (barricade) shot from GR 42361682. Killed.  
Body recovered.”

<sup>1</sup> [ED49.12](#)

**84.9** The grid references for the 14th entry were marked on the following map, prepared for the purposes of this Inquiry by the legal representatives of one of the families, with the red mark indicating the target and the blue mark indicating the position of the firer.<sup>1</sup> However, the position of the blue mark is inaccurate. It should be one small square further to the right.

<sup>1</sup> [OS2.77](#) (extract)



**84.10** The position of the firer does not correspond with any of the evidence. It seems to us that the most likely explanation is that a mistake was made in recording or transcribing the references and that the grid reference 43261682 should in fact have been 43261692. This would make the reference the same as appears in the 12th and 13th entries, and though it would put the firer just southern of the centre of Kells Walk, we consider that it was intended to put the firer at the southern end of Kells Walk. The mistake may have arisen from the accidental repeating of the last four digits of the grid reference for the gunman in the 14th and 15th entries (also 1682) when noting the position of the firer.

**84.11** As will be seen,<sup>1</sup> Sergeant K never said that he had killed the man at whom he fired and indeed denied to the Widgery Inquiry that he had done so.<sup>2</sup> Thus the 14th and 15th entries are not consistent with his evidence at the time, as each refers to the gunman being killed and the body recovered. The evidence of Private L and Private M, which we consider below,<sup>3</sup> is to the effect that they fired from the walls of the low ramp at the southern end of Kells Walk at two men crawling along the pavement beneath Block 1 of the Rossville Flats, a little distance from the area indicated in the 14th and 15th entries, and both said of each man, in the accounts that they gave in 1972, either that he had crawled or that he had been dragged into Block 1 of the Rossville Flats, and neither claimed to know that both men had been killed. However, it seems to us possible that the references to the gunmen being killed and their bodies recovered were introduced by

Major Loden. As we discuss later in this report,<sup>4</sup> soldiers recovered three bodies from behind the rubble barricade and he may have assumed wrongly that two of these were the casualties described in the 14th and 15th entries. None of the other targets described in the List of Engagements appears to have been in the same area. We have considered the possibility that the fourth entry in the list might refer to firing in Rossville Street, in view of its reference to a barricade, but for reasons given in our discussion of the events of Sector 2,<sup>5</sup> we are of the view that it is much more likely to refer to firing by Private R of Mortar Platoon.

<sup>1</sup> Paragraphs 84.16–40

<sup>4</sup> Paragraphs 122.1–128

<sup>2</sup> WT15.87

<sup>5</sup> Paragraphs 51.181–184

<sup>3</sup> Paragraphs 84.41–101

**84.12** We consider it likely that the 14th and 15th entries were the result of information provided by Private L and Private M and possibly also by Sergeant K, though none of them told us that he remembered reporting his shot or shots to Major Loden. The fact that the grid reference given for the targets of all three soldiers in Captain 200's list differs slightly from that given for the two gunmen in the 14th and 15th entries in Major Loden's list seems to us to be of no real significance, since, as we have observed elsewhere in this report,<sup>1</sup> such references should be regarded as approximations rather than precise positions. We think that the similarity between the grid references lends significant support to the view that the 14th and 15th entries in the List of Engagements refer to the firing of some or all of these three soldiers.

<sup>1</sup> Paragraphs 51.20 and 165.8

## Colour Sergeant 002

**84.13** As we have noted earlier in this report,<sup>1</sup> Captain 200 told the Widgery Inquiry that after Anti-Tank Platoon had moved forward "*round the corner towards the Glenfada Park area*" he ordered Colour Sergeant 002 to move his soldiers up to the wall from where that platoon had been firing.<sup>2</sup>

<sup>1</sup> Paragraph 80.7

<sup>2</sup> WT15.44

**84.14** In his RMP statement timed at 1730 hours on 2nd February 1972,<sup>1</sup> Colour Sergeant 002 gave this account:

“About 1610 hrs Force with Support Company were ordered up to Barricade 12 which was situated across Rossville Street at the junction with William Street. Support Company mounted in APCs moved into Rossville Street. The Force because it was in soft skin vehicles debussed along side Nos 1 2 3 Rossville Street. When we debussed there was CS gas in that area and I heard shots from the area of Rossville Flats well to the front of Support Company. I saw members of Support Company take cover behind a wall adjacent to a block of two storey flats between Kells Walk and Rossville Street. I do not remember how many shots were fired. I then saw members of Support Company start to arrest people in the area between my position and the car park in front of Rossville Flats. My platoon then deployed themselves around the two storey block of flats where members of Support Company had previously taken cover. ‘K’ with ‘M’ and ‘L’ moved along side of the flats on the Rossville side and took up a position behind a wall about four feet high at the Southern end of the block of Flats. While I was moving up to join ‘K’, he fired one round of 7.62 at two males who were behind a pile of rubble about half way along Block 1 of Rossville Flats. When I joined ‘K’ I saw a male person dressed in dark jacket and trousers doing a leopard crawl towards the South end of No 1 Block. I saw that he had a rifle in the crook<sup>2</sup> of his elbow. I pointed him out to ‘M’ and ‘L’ and told them to fire at him. Both soldiers fired two rounds of 7.62 and the man was hit. A second man then crawled from behind the rubble. I could not see any weapon with him and as a group of people were standing inside the door to where he was crawling I ordered ‘M’ and ‘L’ to cease fire. This they did. The second person to leave the rubble then started to drag the man who had been hit towards the door. Then about four men came out of the flats and dragged both men inside.”

<sup>1</sup> B1349-1350

<sup>2</sup> This word appears as “crouch” in the typed version of the statement. The correct reading has been taken from the original manuscript version.

**84.15** We return later in this chapter<sup>1</sup> to Colour Sergeant 002’s evidence of what he saw, when we consider the evidence given by the soldiers of what they saw at and near the rubble barricade, but we accept his evidence that Sergeant K, Private L and Private M of Composite Platoon moved to the low walls of the Kells Walk ramp. It follows in our view that these three soldiers arrived at the low walls after the firing by, according to their accounts, Lance Corporal F, Lance Corporal J and Corporal E.

<sup>1</sup> Paragraphs 84.116–122

## Sergeant K

**84.16** As we have indicated earlier,<sup>1</sup> it appears that Sergeant K reported to Captain 200 that he had missed his target. The grid reference in Captain 200's list puts Sergeant K's target on the western side of Rossville Street behind the rubble barricade, but in our view, as in the case of Major Loden's List of Engagements, it would be wrong to treat these references as necessarily recording accurately the information given by soldiers.

<sup>1</sup> [Paragraph 84.4](#)

**84.17** In his RMP statement dated 1st February 1972,<sup>1</sup> Sergeant K gave this account:

"When we were called to advance to a barricade at the junction William St/Rossville St, Londonderry. There I saw rioting taking place in and around the Rossville St area. They numbered between 4–700 persons of all ages and of both sexes.

As the Coy advanced the rioters fell back towards the Rossville Flats area. I moved with the Section 71A along the north east side of Rossville St, Londonderry.

I was armed with a SLR which had a magazine of 20 rounds affixed to it. It also had a telescopic sight affixed to it.

We advanced until we came level with the north west corner of a block of maisonettes of Columbcille Court. There I saw members of [...] Coy at the north east corner fire 1–2 shots towards the flats area. That element of [...] Coy then moved towards St Columbs Wells. We took over the positions they had vacated. I located myself behind a small brick wall at GR 43261692 together with other members of the Section and observed the flats area.

I saw two men crawling from behind a pile of rubble that forms part of a barricade across Rossville St, Londonderry. I saw the rear man who was crawling, appear to have a weapon in his hands. I cocked my weapon and fired 1 x 7.62 round aimed shot at him. I didn't observe a strike. 'L' and 'M' of my unit also fired at this gunman. I didn't observe the rounds they fired strike. The gunman disappeared into the flats. I fired no further rounds during the shooting incident. I think that I may have hit the gunman when I fired at him."

<sup>1</sup> [B290-291](#)

**84.18** In the fourth paragraph of the above quotation the word "*Support*" has been blanked out before the word "*Coy*" in both places where that word appears. Although in his RMP statement<sup>1</sup> and in his evidence to the Widgery Inquiry<sup>2</sup> Sergeant K referred to having had

a self-loading rifle (SLR) with a telescopic sight, in his written statement to this Inquiry<sup>3</sup> he described his weapon as a sniper rifle. We consider his original account the more likely to be accurate.

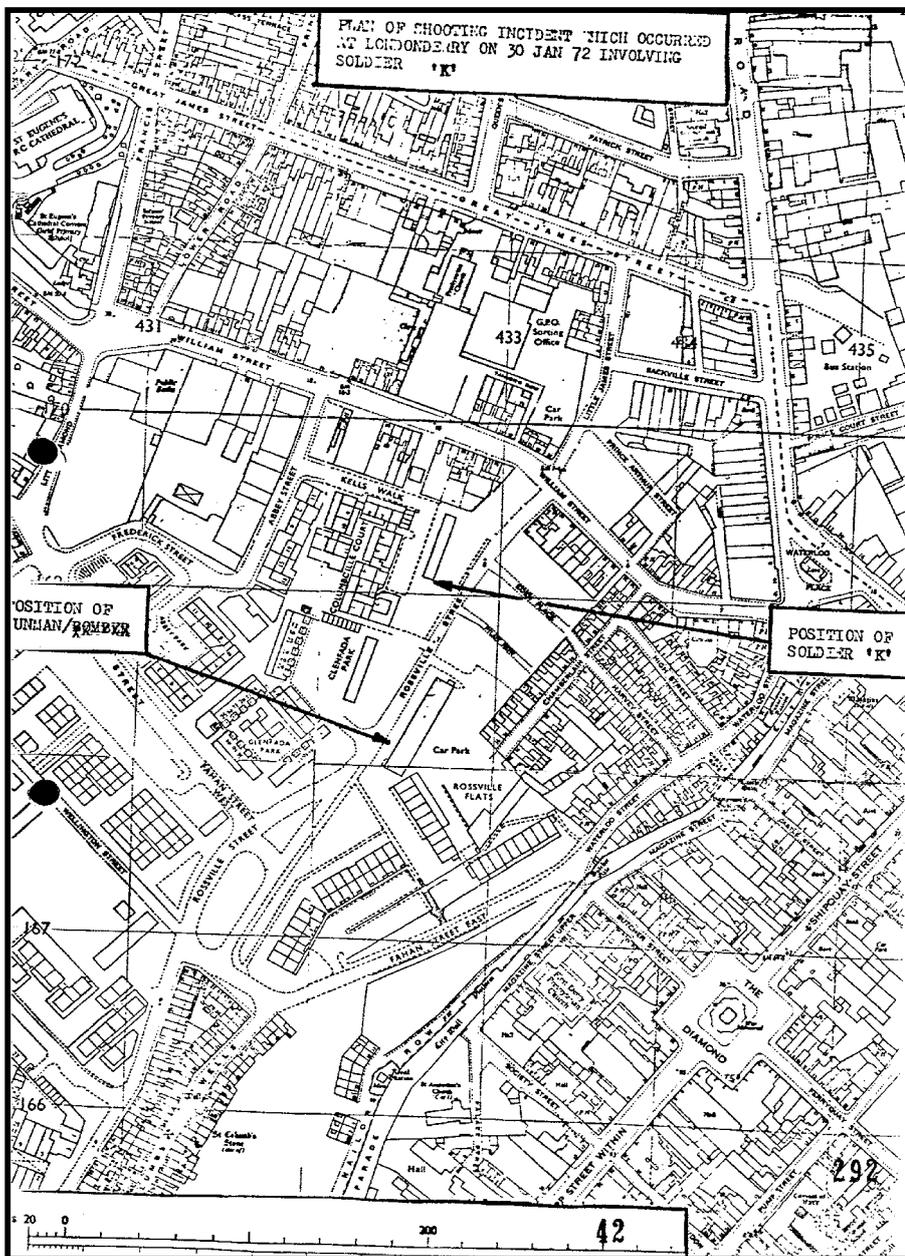
<sup>1</sup> B290

<sup>3</sup> B311.005

<sup>2</sup> B297; WT15.80

**84.19** The following RMP map which accompanied this statement shows the position of Sergeant K at the southern end of Kells Walk and locates his target on the eastern side of Rossville Street in a position that would have been a little way behind the rubble barricade.<sup>1</sup>

<sup>1</sup> B292



84.20 In his written statement for the Widgery Inquiry,<sup>1</sup> Sergeant K recorded that on disembarkation the soldiers put respirators on as there was still gas floating around. He described how soldiers of his call sign (71 Alpha) went along the front of the low-rise flats in front of Columbcille Court and took up position at the wall at the southern end of these flats, where soldiers from Support Company had been taking cover and firing, after those soldiers had moved off down Rossville Street and then to the right. His statement then continued:<sup>2</sup>

“From this position we were able to observe the area of the Rossville Flats and from behind the rubble barricade in Rossville Street we saw two men doing a leopard crawl and I could see the rear man was carrying what I could clearly see was a rifle. I then cocked my rifle and fired one round at this man. I could not see this man too clearly except to say that he was wearing a dark suit. It is difficult to say whether in fact I hit the man. Two other members of my platoon had fired at the man almost simultaneously. These were soldiers L and M. By this time the first man had reached the doors of the flats and had been pulled in by people and the second man eventually got level with the door and several people came to the doorway and I saw them pull him in.”

<sup>1</sup> B297-298

<sup>2</sup> B298

84.21 Sergeant K then stated that, after this, “*firing from our position had stopped completely*” and he moved into a car park facing Columbcille Court.<sup>1</sup>

<sup>1</sup> B298

84.22 In his oral evidence to the Widgery Inquiry, Sergeant K said that he had been in service with the Parachute Regiment for nearly 14 years, had a Marksman’s Badge and was equipped with a rifle with a telescopic sight.<sup>1</sup> When asked whether he had taken cover behind the wall he replied that “*we stayed close to the wall because there was need to*”; and, asked what that need was, he replied: “*Because if we had gone too far ahead we would have got mixed up with another Call Sign in front of us.*”<sup>2</sup> He told the Widgery Inquiry that firing was taking place as soon as the soldiers of Composite Platoon had deployed from their vehicles, but he could not say where it was coming from. He then gave the following answers:<sup>3</sup>

“Q. What sort of firing?”

A. Rifle fire and in general a lot of screaming and shouting and bottles being thrown.

Q. Could you tell where the rifle fire was coming from or where it was occurring?

A. I could not, sir. I could not say offhand.

Q. What sort of rifle fire was it?

A. 7.62. In the general confusion one tends to get mixed up with different types of weapon.

Q. Some of it, at any rate, was 7.62 – your own fire?

A. Yes.

Q. Before that had there in your recollection been any rubber bullets fired?

A. In the area of the Presbyterian Church before we moved in there had been rubber rounds fired.

Q. What about the waste ground?

A. Some in the waste ground, but not by the Call Sign I was with.

Q. Not your platoon. Did you see where the 7.62 firing was going on?

A. There was some going from the previous half-platoon that had already moved up along the low-rise flats into that small wall there. They were firing into the area of Rossville Flats, and that was part of Support Company.”

<sup>1</sup> WT15.80

<sup>3</sup> WT15.81

<sup>2</sup> WT15.81

#### 84.23

Sergeant K then told the Widgery Inquiry that he had seen two men crawling from behind the rubble barricade towards the doors of the Rossville Flats. “*The rear man was carrying a rifle. On seeing this weapon in his hand I cocked my weapon and fired one aimed shot. I could not say whether I hit him or not.*” He said that the man he shot at stopped momentarily but continued to crawl. He agreed that he had not killed the man, but said that he might have hit him and that the man had appeared to lurch and then to carry on crawling. He described the men as doing a “*leopard crawl*”, ie lying on their stomachs, using elbows, knees and toes to move along. He said that it was difficult to see what type of weapon the rear man was carrying “*because the bulk of the weapon was hidden by the body of the man crawling along*” and could not say whether it was long, short or bulky. Though he believed it to be a .303in rifle, he was unable to say on what evidence he had

based that belief, save that he had seen part of the butt. He described the man at whom he fired as of medium height and wearing a dark suit.<sup>1</sup> He said that he and the other soldiers with him had removed their respirators before firing, as they crossed Rossville Street.<sup>2</sup>

<sup>1</sup> [WT15.81-83](#); [WT15.86-87](#)

<sup>2</sup> [WT15.86](#)

**84.24** Sergeant K said that Private L and Private M were also firing, though whether at the same man or the one in front he could not say. He said that the man in front was wearing a light suit. He then gave the Widgery Inquiry an account similar to his written statement, of seeing the men reaching the door of the flats and being pulled in.<sup>1</sup>

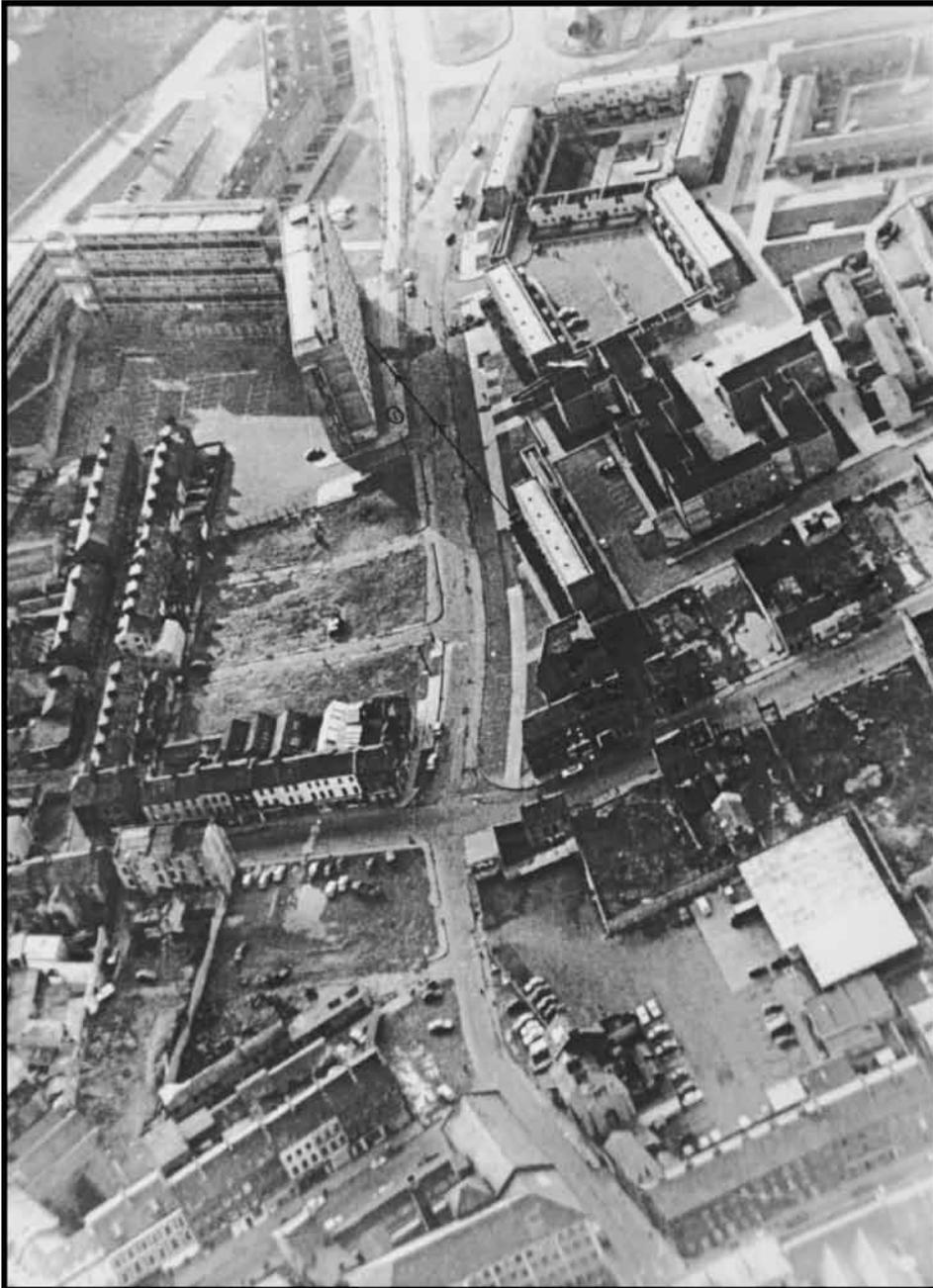
<sup>1</sup> [WT15.83-84](#)

**84.25** Sergeant K told the Widgery Inquiry that he had neither heard a nail bomb nor seen anyone with a nail bomb.<sup>1</sup> He also said that while he was in position behind the wall, he did not see any other soldiers in front of him.<sup>2</sup>

<sup>1</sup> [WT15.85](#); [WT15.90](#)

<sup>2</sup> [WT15.88](#)

**84.26** Sergeant K's trajectory photograph (which we reproduce below) shows very similar positions to those shown on his RMP map.



**84.27** Sergeant K gave written and oral evidence to this Inquiry.

**84.28** In his written statement to this Inquiry, Sergeant K told us that he was carrying a sniper's rifle because he was normally the Platoon Commander's bodyguard, though he was not assigned to be his bodyguard on Bloody Sunday.<sup>1</sup> As noted above,<sup>2</sup> we prefer the evidence that he gave in 1972 to the effect that he had an SLR fitted with a telescopic sight. When he disembarked from his vehicle he could see some people throwing stones, but they were too far away for the stones to hit him. He stated that he could hear

shooting. *"I cannot say whether the shots were outgoing or incoming fire but I could hear the noise of SLR weapons. I was not being shot at and I did not feel under any immediate threat."*<sup>3</sup>

<sup>1</sup> B311.005

<sup>3</sup> B311.006

<sup>2</sup> Paragraph 84.18

**84.29** Sergeant K continued by giving an account, similar to those that he had given in 1972, of moving south and then taking the place of Support Company soldiers at the low walls of the Kells Walk ramp. He recalled standing just to the east of the gap between these walls.<sup>1</sup> His account of seeing two men "leopard crawling" south from the rubble barricade, and of firing at the second man, was also similar to his previous accounts, though to us he stated that he thought that he had hit this man with his shot; and that he had been able to identify the weapon the man was carrying as a .303in rifle, because when the man reached the doors of the flats someone picked it up and Sergeant K could see the whole length of it through his telescopic sight.<sup>2</sup>

<sup>1</sup> B311.006-007

<sup>2</sup> B311.007-008

**84.30** In this statement Sergeant K told us that two soldiers to his right fired at the same time as he did, but that he did not see what they were aiming at, nor did he see their rounds strike.<sup>1</sup>

<sup>1</sup> B311.008

**84.31** Sergeant K also told us that he recognised the low walls in a photograph taken by Jeffrey Morris (shown again below) as those from which he fired. He stated that the soldier on the left might be him; the two on the right Private L and Private M; the soldier kneeling behind the nearest low wall Colonel Wilford, and the other soldier to the right also kneeling down a radio operator.<sup>1</sup> In his written statement for the Widgery Inquiry, Jeffrey Morris had stated that after taking the third of his photographs of the arrest of William John Dillon, to which we have referred in our consideration of this arrest in Sector 2,<sup>2</sup> he ran over Rossville Street and took the following photograph. *"As I did so, I am certain the soldier on the left and the soldier fourth from the left were firing."*<sup>3</sup>

<sup>1</sup> B311.009

<sup>3</sup> M57.3

<sup>2</sup> Paragraph 33.13



**84.32** Commenting on the fact that he had told the Widgery Inquiry that “*we stayed close to the wall [at Kells Walk] because there was need to*”,<sup>1</sup> Sergeant K stated: “*We did not need to stay near the wall because we were under fire; it was because we didn’t want to get mixed up with the other call sign ahead of us, that is, further south down Rossville Street.*”<sup>2</sup>

<sup>1</sup> [WT15.81](#)

<sup>2</sup> [B311.013](#)

**84.33** In his oral evidence to this Inquiry, Sergeant K said that it was not his current recollection that he saw the whole of the weapon of the man at whom he had fired, but he could not explain how he had come to sign his written statement in which he had said that he had seen the whole weapon.<sup>1</sup> However, he maintained that he had no doubt that the person was carrying a rifle, though he did not know what type it was.<sup>2</sup> He also said that he thought he had hit the man “*because he appeared to lurch*”.<sup>3</sup>

<sup>1</sup> [Day 364/127-128](#)

<sup>3</sup> [Day 364/163](#)

<sup>2</sup> [Day 364/161](#)

**84.34** Sergeant K also told us that he was supplied with a rifle with a telescopic sight because he was a battalion marksman and the only one trained in the use of the sight.<sup>1</sup>

<sup>1</sup> [Day 364/134](#)

**84.35** As to the firing that he heard when he disembarked from his vehicle, Sergeant K said that he could not hear or recognise the noise of anything other than SLRs.<sup>1</sup>

<sup>1</sup> [Day 364/142](#)

**84.36** Asked whether he had complied with the provisions of the Yellow Card in firing at someone who was not posing any immediate threat, Sergeant K said that as far as he was concerned “*there was a possible intention to use*” the weapon, and he relied upon Rule 13(b) of the Yellow Card, which permitted firing “*against a person carrying a firearm if you have reason to think he is about to use it for offensive purposes*”.<sup>1</sup>

<sup>1</sup> Day 364/156-158; ED71.2

**84.37** Sergeant K was shown the accounts of Colour Sergeant 002, to which we have already referred<sup>1</sup> and to which we refer again later,<sup>2</sup> and of Corporal 039, to which we refer later in this chapter.<sup>3</sup> According to the former, he saw Sergeant K fire, then saw a man crawling with a rifle and ordered Private M and Private L to fire, which they did. He then saw a second man crawling from the rubble barricade, but could see no weapon, and so he ordered a ceasefire. The second man dragged the man who had been shot towards the door of the flats, where others dragged them both in. Sergeant K said that he could not remember whether this was the sequence, or whether Colour Sergeant 002 had given an order to fire, but said that he was still sure that he had seen two men, and that the one in front had been without a weapon.<sup>4</sup>

<sup>1</sup> Paragraphs 84.13–15

<sup>3</sup> Paragraphs 84.102–115

<sup>2</sup> Paragraphs 84.116–122

<sup>4</sup> Day 364/166-167

**84.38** According to Corporal 039, he and the other soldiers at the low walls at the southern end of Kells Walk came under fire from the direction of the Rossville Flats area. Sergeant K said that he was not aware of coming under fire.<sup>1</sup> Corporal 039 stated that there were two crawling men, one wearing dark clothing and carrying what appeared to be a Thompson sub-machine gun and the other in light clothing with fair hair trailing a weapon; and that he told Private L, on his left, and Private M, on his right, to fire. Sergeant K told us that he did not see anything that looked like a Thompson sub-machine gun, that he saw only one weapon and that he had no recollection of Corporal 039 telling Private L and Private M to fire.<sup>2</sup>

<sup>1</sup> Day 364/168

<sup>2</sup> Day 364/168-169

**84.39** Sergeant K was also shown the account given by Private L to the RMP, which we consider below,<sup>1</sup> in which this soldier had stated that a few seconds after the two men had been taken into a doorway a shot was fired from that doorway. Sergeant K said that he was never conscious of such a shot.<sup>2</sup>

<sup>1</sup> Paragraph 84.44

<sup>2</sup> Day 364/170

**84.40** Sergeant K told us that he had no recollection of telling Major Loden about his firing.<sup>1</sup>

<sup>1</sup> [Day 364/172-173](#)

## Private L

**84.41** Earlier in this report<sup>1</sup> we described the shot fired by Private L in the derelict building on Rossville Street, where Joseph Lynn had taken refuge when the soldiers came into the Bogside. Apart from telling Captain 200 of this shot, Private L said nothing in his various other accounts about this firing except to deny in his evidence to this Inquiry that it had occurred. For the reasons we have given earlier<sup>2</sup> we are sure that Private L did fire in the derelict building.

<sup>1</sup> [Chapter 79](#)

<sup>2</sup> [Paragraphs 79.13–17](#)

**84.42** As noted above,<sup>1</sup> Captain 200 also recorded three other shots as having been fired by Private L.<sup>2</sup> We set out again the full entry for Private L:

“Soldier ‘L’: 1 x 7.62 in rafters of ruin 43281696 at possible sniper in roof – deliberate miss after two warnings to come down. Man jumped down from roof (15 feet) and was arrested. Roof not searched for weapons. 2 x 7.62 from wall 43251688 at barricade 43231683 and 1 x 7.62 at same gunman as ‘C’ and ‘D’.”

<sup>1</sup> [Paragraph 84.4](#)

<sup>2</sup> [B1983](#)

**84.43** We are currently concerned with the part of this entry that appears to relate to the shots that Private L stated that he fired from the low walls of the Kells Walk ramp at the two men to the south of the rubble barricade. We return below<sup>1</sup> to the part that records that Private L fired one shot at the same gunman as Private C and Lance Corporal D, but it should be noted, as will be seen, that this firing (like the firing in the derelict building) was mentioned neither in Private L’s RMP statement nor in his evidence to the Widgery Inquiry. In those accounts Private L gave a description of firing two shots towards a building in Abbey Street.

<sup>1</sup> [Paragraphs 123.61–68](#) and [123.80–96](#)

84.44 In his RMP statement,<sup>1</sup> after giving an account of being under fire from “*the bottom end of the road*” on disembarking in Rossville Street and then arresting a man in the derelict building in Rossville Street (but not having disclosed that he had fired his rifle in the derelict building), Private L continued:

“I then returned to Rossville St to rejoin my unit. When I had rejoined my force we continued to advance on a group of men who were manning a barricade which was across the road. As we did so we were met by sporadic fire from the direction of the barricade. At that time, I was armed with SLR 7.62 and magazine of 20 rounds. I had not fired my rifle up to that time. As we neared the barricade, several rounds of rubber bullets were fired at the men on the barricade and they started to withdraw along Rossville St. We followed the men up and next<sup>2</sup> subject to bottle and stone throwing. When we had got to a point about 150 yards from the barricade, we took cover behind a wall at the side of the road, and from there I could see two figures lying on the ground behind the barricade. As I watched, the two men started to leopard crawl away from the barricades and they appeared to be cradling rifles in their arms. At that point, ‘L1’ told us to fire at the two men and I aimed my rifle at one and fired. I am sure I hit the man that I aimed at, but after lurching, he continued crawling along with the other man. As the man was making for a doorway I again fired at him a single shot and again I think I hit him. However, in the meantime, the second man, who had been fired on by other members of my force, had gained the shelter of the doorway and he pulled the first man into the doorway with him. A few seconds later, a shot was fired from the doorway into which the two men had vanished.

About that time we were ordered to withdraw, which we did, and I did not see what bodies, if any, were recovered.

I consider it possible that the second shot which I fired may well have hit both men because they both appeared to jump and slow down at the same time and it is possible because of their relative positions that both men could have been hit by the same shot.

At the time of these incidents, it was bright daylight and visibility was perfect. The men were about two hundred yards away from me when I fired my first shot and the man at whom I fired had on a light grey suit and he had fair hair. I could not distinguish anything else because of the distance and also our relative positions. The second man was wearing a dark blue suit, but that was all I can remember of him.

During the action at the barricade I fired two rounds only, but as we were withdrawing along a side street of Rossville St, we were fired on from a derelict building and I returned two single shots from my SLR, but I do not think I hit anyone.”

<sup>1</sup> [B312-314](#)

<sup>2</sup> The word “next” was a typographical error for “were”, as can be seen from the manuscript original ([B317](#)).

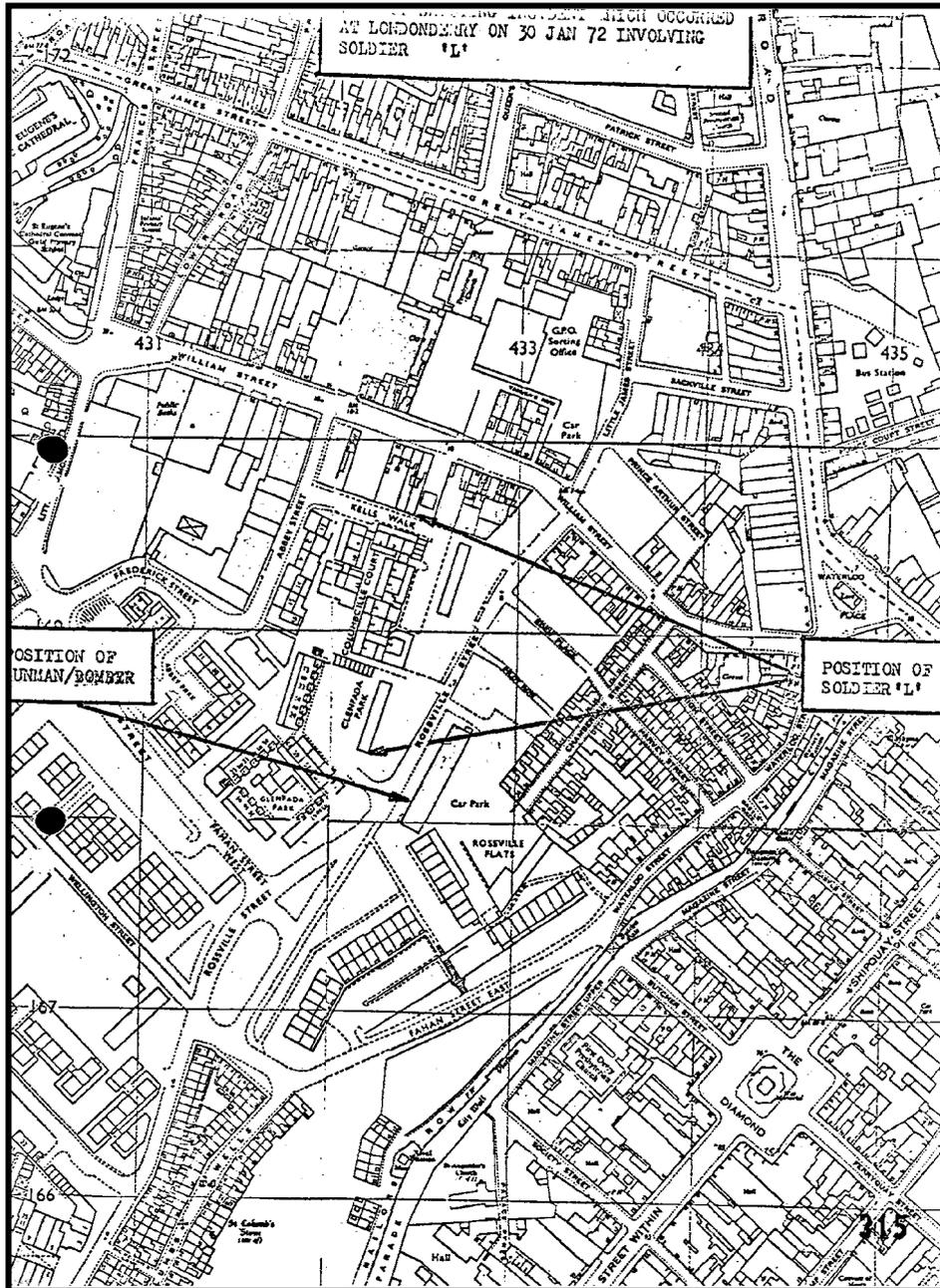
**84.45** The reference in the above RMP statement to “L1” is a reference to Colour Sergeant 002.

**84.46** We return below<sup>1</sup> to the two shots that Private L stated that he had fired towards a derelict building as he was withdrawing.

<sup>1</sup> [Paragraphs 123.61–68](#) and [123.96](#)

**84.47** The RMP map that accompanied this statement (reproduced below) showed two positions for Private L, one at the southern end of the eastern block of Glenfada Park North; and the other in the roadway marked Kells Walk to the west of Rossville Street.<sup>1</sup>

<sup>1</sup> [B315](#)



- 84.48 According to his RMP statement, Private L fired his first shots when he was about 150 yards from the rubble barricade on its north side. The first of the two positions marked on the RMP map does not reflect this account, as it puts him close to and on the other side of the rubble barricade. The second position is clearly intended to mark the point from which Private L said that he had fired at a gunman in a derelict building in Abbey Street.

**84.49** In his written statement for the Widgery Inquiry,<sup>1</sup> Private L described disembarking and seeing two men on the roof of the Rossville Flats; and then arresting a man in a derelict building on Rossville Street and taking the man back to the area in which the soldiers of Composite Platoon had disembarked from their vehicles. Again Private L did not disclose that he had fired a shot in the derelict building. This statement continued:

"I then re-joined my group in the same doorway of the derelict house where I had been before and we started advancing down the road until I came to the entrance to the alleyway which leads to Columbcille Court. The crowd was dispersing down Rossville Street, over to the barricade and also to the Rossville Flats. At this stage I saw a man lying down just behind the barricade. This man was isolated and I was suspicious of his movements. I was bunched together with my platoon and another soldier confirmed what I had seen behind the barricade. I brought the attention of L1 (my platoon sergeant) to the man who was then about ten feet from the barricade and creeping down. By this time I believed all the platoon had seen him and I myself could see that he was carrying a rifle cradled in his arms, although I could not say what type of rifle it was.

L1 gave me orders to shoot the man behind the barricade and I fired one round. I hit him and he lurched over. By this time there was another man with him who I could still not see very clearly since the barricade was covering him and he was behind the man I shot. He began pulling the man I had shot along but the man I had shot can only have been wounded as he was still apparently pulling himself along too. Another member of my platoon then shot him again but both men carried on moving. I then shot the first man again and I believe the bullet may have hit both men. It was at this stage that I saw the second man cradling the rifle which I had originally seen in the possession of the first man. The second man dragged the body of the first man, who I believe must now have been dead, on his back into a doorway. Soldier 'K' of my platoon went through into Glenfada Park since there appeared to be disturbances from that area and I went forward too to the wall beside the north entrance to Glenfada Park on the west side of Rossville Street."

<sup>1</sup> B320-321

**84.50** As we have previously noted, "L1" was a cipher for Colour Sergeant 002.

**84.51** This statement continued with an account of seeing a man behind the rubble barricade whom he ordered to come out; a man with a pistol at a window on the sixth floor of the Rossville Flats; and a man who had come out from the corner at the entrance to the

Rossville Flats carrying a rifle which Private L stated he thought was a short carbine, though he could not be sure.<sup>1</sup> Private L then gave an account of what he said he afterwards saw when he withdrew and of the two further shots that he stated that he had fired towards a building on the corner of Kells Walk (ie the road on the northern side of Columbcille Court) and Abbey Street.

<sup>1</sup> B321

**84.52** Private L gave oral evidence to the Widgery Inquiry. He told the Widgery Inquiry that the two people he had seen on the top of the Rossville Flats appeared to be snipers and that the firing he had heard when he disembarked from the lorry was not high velocity and consisted of several single shots.<sup>1</sup> After giving an account of arresting a young man in a derelict building,<sup>2</sup> Private L gave a description, similar to that in his written statement, of seeing a man with a rifle and being told by his Platoon Sergeant to fire at him. He then gave the following evidence:<sup>3</sup>

“Q. Why did you believe he had a rifle? What did you see?

A. He was like leopard crawling along the ground and a weapon was cradled in his arm. I could see it. It was sticking out. I could not see any more of the rifle; I could just see the butt, and he was crawling along the wall.

Q. Whatever kind of weapon it was, it was the butt of a weapon of some kind?

A. The butt of a rifle of some description.

LORD WIDGERY: You say you could see the rifle. It was not merely that the platoon sergeant said it was there; you saw it?

A. Yes, I saw it. I pointed it out to the platoon sergeant.

Mr. GIBBENS: At that time had the second man come on the scene?

A. I could not very well see him clearly then. It was the first man initially and the second man was behind him.

Q. The platoon sergeant told you to stop him?

A. Yes, sir.

Q. Did you fire at him?

A. Yes, I took one aimed shot at him, sir.

Q. From what position?

A. Still[I] by the pram ramp there, sir, behind the wall.”

<sup>1</sup> WT16.2

<sup>3</sup> WT16.5

<sup>2</sup> WT16.3-5

**84.53**

Private L told the Widgery Inquiry<sup>1</sup> that “*it could well be*” him standing on the left of the photograph taken by Jeffrey Morris which we have reproduced above<sup>2</sup> when considering the evidence of Sergeant K. He said that the figure shown behind the wall with a white flash on the back of his neck was Colonel Wilford, who was there when he fired the shot he had just described. He said he thought that the soldier with the visor was his Platoon Sergeant.<sup>3</sup> For convenience we reproduce this photograph again.

<sup>1</sup> WT16.5

<sup>3</sup> WT16.5-6

<sup>2</sup> Paragraph 84.31



**84.54**

Private L then gave the following evidence:<sup>1</sup>

“Q. You fired one shot. Did it strike?

A. Yes sir.

Q. It struck the man did it?

A. Yes sir.

Q. What happened to him then?

A. I saw the man kind of jump as though the round hit him. I didn't actually see the round hit him, but the time I fired my round corresponded to him jumping, sir.

Q. By that time had you seen the other man?

A. Yes sir, the other man was close behind his heels, sir.

Q. What was he doing?

A. He was crawling along with him, sir.

Q. What happened next?

A. I think several, or one of the other platoon, fired at the man as well, because this other man was helping pulling the first one I shot along.

Q. The second man helped to pull the first one along?

A. Yes, I think he was uninjured because he was crawling initially himself.

Q. Did you fire again?

A. After someone else, one of the other soldiers fired, sir, they got near to the doorway of Rossville Flats, I then fired again.

Q. Did the other soldier hit him?

A. I believe so, sir.

LORD WIDGERY: When you say 'him' you mean the second man, do you?

Mr. GIBBENS: I did not mean either of them, my Lord. (To the witness) Did the second shot, or the other soldier firing, did he hit either of them?

A. I believe he hit the first man, sir.

Q. So the first man would then have had two rounds?

A. Yes, sir.

Q. Did you fire again?

A. Yes sir.

Q. Why did you fire again?

A. The other man was still in front of him coming more alongside him. He was dragging him along again and when the second man had hit him the fellow had lurched over and I could see the rifle clearly and then I fired another shot. I believe I shot both men, sir, and it was then I saw distinctly the second man had taken the rifle off the first man and the second man had lurched up against the wall about the same time as the other man fell away. That is why I believe the shot hit both of them. Then I saw the rifle across the other man's chest definitely, sir.

Q. You saw then it was a rifle?

A. Yes sir.

Q. What sort of a rifle, could you tell?

A. A carbine, or it could be an armalite. It wasn't an SLR."

<sup>1</sup> WT16.6-7

**84.55** Private L then told the Widgery Inquiry that (apparently after he had advanced from the low wall) a man came out of the doorway of the Rossville Flats with a gun and fired about two or three rounds.<sup>1</sup>

<sup>1</sup> WT16.7

**84.56** Private L told the Widgery Inquiry that he later went back to Columbcille Court and, having been told by a soldier to take cover because shots were coming down the Kells Walk road, went to the eastern corner of that road, stuck his head round the corner, saw a man with a rifle in a burned-out building on the corner of the Kells Walk road and Abbey Street, and fired two shots at him but did not hit him.<sup>1</sup> We return to this account later in this report.<sup>2</sup>

<sup>1</sup> WT16.8-9

<sup>2</sup> Paragraphs 123.61–68 and 123.96

**84.57** Private L's trajectory photograph (reproduced below) illustrating the two shots that he said that he had fired from the low walls at the southern end of Kells Walk shows him in that position and his targets behind the rubble barricade and close to the western side of Block 1 of the Rossville Flats.



**84.58** As we have already explained,<sup>1</sup> we consider it likely that the 14th and 15th entries in Major Loden's List of Engagements were the result of information provided by Private L, Private M and possibly Sergeant K. However, there is nothing in this list which corresponds with the shot Private L fired in the derelict building in Rossville Street, or with the two shots that Private L told the RMP and the Widgery Inquiry that he had fired at a

later stage towards a building in Abbey Street. Whether the shot that Captain 200 recorded Private L as having fired at “*same gunman as ‘C’ and ‘D’*”<sup>2</sup> is reflected in the 12th entry in Major Loden’s List of Engagements is a matter we consider below.<sup>3</sup>

<sup>1</sup> Paragraph 84.12

<sup>3</sup> Paragraphs 123.16–18, 123.38, 123.61–68 and 123.96

<sup>2</sup> B1983

**84.59** Private L gave written and oral evidence to this Inquiry.

**84.60** In his written statement to this Inquiry, Private L told us that hearing the shot that hit the Presbyterian church (which we discussed when considering events in Sector 1<sup>1</sup>) “*changed our whole mood*” and that the soldiers cocked their weapons, which he stated that they always did when they went out on patrol.<sup>2</sup> Private L stated that he ran behind the lorries going into the Bogside, and then went into a derelict building and arrested a man, adding “*there is no way that I fired a shot at him*”. He stated that after making this arrest, when he was “*at the Pig*” he decided to leave his respirator and other gear behind.<sup>3</sup>

<sup>1</sup> Chapter 19

<sup>3</sup> B345-346

<sup>2</sup> B344-345

**84.61** Private L then, for the first time, gave an account of seeing Corporal INQ 1671 shoot and kill a gunman who was near the junction of Rossville Street and Pilot Row. Corporal INQ 1671 is dead and gave no evidence to this Inquiry. His name does not appear on the Support Company nominal roll<sup>1</sup> or on Captain 200’s list of members of Composite Platoon,<sup>2</sup> and in our view he was not present on Bloody Sunday. There is no other evidence from any source that suggests that a gunman was shot in this area.<sup>3</sup>

<sup>1</sup> GEN8.1-7

<sup>3</sup> B346-346.1

<sup>2</sup> B2022.064

**84.62** Private L followed this with a description of moving in the direction of Kells Walk to catch up with other soldiers; seeing bullet strikes on the ground near him “*indicating incoming fire from a southerly direction*” and then seeing Private H, at the junction of Eden Place and Rossville Street, blasting off rounds into a body lying face up on the ground. Again there is no other evidence from any source that suggests that Private H, or any other soldier, did any such thing.<sup>1</sup>

<sup>1</sup> B346.1-2

84.63 Private L then described what he saw and did when he reached the low walls of the Kells Walk ramp. His description was as follows:<sup>1</sup>

"I could see the barricade across Rossville Street in front of me. As I was looking, I saw at once a couple of heads bob up over at the far side of the barricade where it joined the Rossville Flats at Block 1. The two men were lying face downwards and they were immediately adjacent to Block 1 with their elbows to the ground and their fists in the air. I could see them as they emerged from the barricade. One was behind the other. One looked around 30 or so and the other may have been in his 40s, but of course, I could not see them clearly as they were facing away from me. The furthest one from me was wearing, I think, dark clothing and a pullover and a white shirt and the one closest to me was wearing something that was like a 'fair isle' jumper. The one furthest away from me was the one in his 30s and the one nearest to me was the one in his 40s. The one closest to me had a  $\frac{3}{4}$  length coat.

Both of these men were crawling in a way that I would describe as professional.

I knew this because this was the way we crawled when we were in action. I could see that each of them had a rifle which was positioned across their arms. I couldn't see any bolt and therefore, I couldn't say with precision what the rifles were, but I would say that they were either Carbines, Kalashnikoffs or 303's.

From my training as a soldier and my experience in active operations in Belfast, and given that these men were crawling professionally away from the barricade, I strongly suspected that they had planted explosives inside the barricade. From the way they were moving, I formed the view that these men were trained in the art of combat and were likely to be a serious threat. Someone from within our group (and it might have been me) shouted out, 'They've got rifles, what do you reckon, Sarge?' Colour Sergeant Soldier 002 said, 'Yes, one of them has got a Carbine.' I said, 'What shall I do, I've got them undercover?' At this point, I turned around. To my rear, behind the second of these walls, I quickly saw that Colonel Wilford had joined us with his radio operator, INQ 1247. I think there was another man with us who may have been a soldier, although I do not remember his name. I was a little surprised to see Colonel Wilford there, but our spirits certainly rose to see him. He was not like Colonel Gray, his predecessor. He was always with us on the front line and this boosted our confidence. My recollection now is that Colonel Wilford said, 'In your own time, commence firing, if you have a target' or 'take shots when you are ready', or words to such effect.

In the position that I appear in the photograph at Appendix 4, and from a standing position (all my shots on the day were taken standing), I aimed and fired at the man that was crawling that was nearest to us, and nearest to the barricade. I fired a round and I hit him and he slammed into the wall behind him and bounced back into position on the pavement where he had been crawling. He was still moving and it occurred to me that he might only be grazed, and possibly I had hit him under his arm in the middle of his body, this being the impression that I got from the way that he moved. He then continued to crawl. I fired a second shot at the same man and I hit him again. The position in which this first target was hit, I have marked at point A (grid reference J16) on the attached map at Appendix 5. The colleague who was with him in front of him was only a few feet away at point B (grid reference J16). The one who was furthest away from us turned around and tried pulling his colleague, but quickly gave up as the man who had been shot was clearly too heavy for him to budge. He then picked up the shot man's rifle and began moving towards the door of the Rossville Flats with the two rifles across his arms. I believe that the first man that I had hit twice was dead and he remained where he was left. He was not pulled into any building.

The guy who was left with two rifles across his arms then started moving and all of us at the wall could see that two rifle butts were in the cock of his elbow. I saw this quite clearly.

I took aim and fired at this man who was trying to get away, and I have the feeling someone else might have fired at around the same time too. Later in the day, when we were in Holywood Barracks, I can remember telling my mates that I had been shooting and had hit someone, but I can't remember anyone else talking about this so I cannot be sure who, if anyone else, fired at the same time. There was a cacophony of sounds going on at the time and that would have made it difficult to tell who was shooting. As far as I was concerned, in all of this cacophony of sound, there was no gunfire that had hit me so I carried on doing my job. When I fired at the second target, he was getting very close to the door that entered into the Rossville Flats, Block 1. The second target was hit and he lifted up and slammed through the door that was open. He smashed through the glass at the bottom of the door and fell through it. It is possible that my shot missed and went through the glass. There were clearly people who were in the door entrance to the Rossville Flats and they dragged him in through the glass bits and into the flats. Because there were so many people in that door, it was not possible to fire any further.

As this second target was being pulled in through the door, I became aware of a priest who moved across Rossville Street from the western side of the road in the position I have marked with an arrow on Appendix 6. He moved over towards the door entrance. He passed the two rifles that the second victim had been carrying which were in the area of the door and had not been dragged in, and I saw this priest walk across and pick up the two rifles and put them up his cassock or coat. I actually saw the rifles as he did this; what I saw was not a perception from the movement of the priest. This priest grabbed the barrels first and put them up his coat. I did not see the magazines or the length of the barrels which would have helped me identify the type of weapons. At around this time, I have a recollection of the priest assisting others take another body out of sight behind the corner of the Rossville Flats.”

<sup>1</sup> B346.2-4

**84.64** The photograph in Appendix 4 of this statement is a copy of the one we have shown above,<sup>1</sup> taken by Jeffrey Morris of soldiers at the low walls of the Kells Walk ramp, marked with an arrow identifying Private L as the soldier standing on the left.<sup>2</sup> Points A and B on the map attached to Private L’s statement, which he said showed the positions of the two men whom he shot, were close to the western side of Block 1 of the Rossville Flats about 20 yards behind the rubble barricade.

<sup>1</sup> Paragraph 84.53

<sup>2</sup> B346.15

**84.65** Private L continued this statement by telling us that he moved forward and with Colour Sergeant 002 and Corporal INQ 1671 started to crawl towards the rubble barricade. He told us that when he reached it he found about three pounds of plastic explosives with a detonator cord leading away; and that he and Corporal INQ 1671 collected these materials. He stated that he remembered this incident very clearly, despite being told, as was the case, that no other witness had recalled or recounted it.<sup>1</sup>

<sup>1</sup> B346.4-5

**84.66** In this statement Private L also described later firing a shot from the area of Columbcille Court at a gunman in a window of a building in Abbey Street; and told us that the RMP had later told him that when they had gone into that building they had found blood in the vicinity of the place to which his shot had been directed.<sup>1</sup>

<sup>1</sup> B346.5

**84.67** Private L stated that he had told those who took his RMP statement and his written statement for the Widgery Inquiry about Private H's shooting at a body, and about his own discovery of explosives, as well as the other matters that appeared for the first time in his statement to this Inquiry, but that he was "*encouraged*" by them not to include these matters in his accounts.<sup>1</sup>

<sup>1</sup> [B346.7](#)

**84.68** Towards the end of this account, Private L told us that his current recollection was that he had fired three shots at the men near the rubble barricade and that he thought that his previous evidence "*was wrong, although not deliberately so*".<sup>1</sup>

<sup>1</sup> [B346.10](#)

**84.69** In his oral evidence to this Inquiry, Private L told us that he had seen what he had assumed from the smoke to be lumps of plastic explosive thrown from the top of the Rossville Flats, but had left it to others to tell the Widgery Inquiry about this.<sup>1</sup> He also told us that he had not in fact seen anyone fire from the doorway to Block 1 of the Rossville Flats, despite what he had said in his 1972 accounts.<sup>2</sup>

<sup>1</sup> [Day 381/33-34](#)

<sup>2</sup> [Day 381/102-104](#)

**84.70** In the course of his oral evidence, Private L agreed that "*possibly*" he was suffering from some illness that would cause him difficulties with his recollection or memory.<sup>1</sup>

"Q. In other words do you have a lot of recovered memories, things that did not seem to be so at the time, but when you have your nightmares, they fall into place for you?

A. Yes."

<sup>1</sup> [Day 381/147-148](#)

**84.71** Private L was questioned at length during the course of his oral evidence to us. We came to the conclusion that it would be unwise to rely on what he told us, either in his written or in his oral evidence, unless other evidence supported it. Some of his accounts, for example of Corporal INQ 1671 shooting a gunman in the Eden Place waste ground, of seeing Private H repeatedly shooting into a body in the same area, and of retrieving explosives from the rubble barricade, can in our view only be described as fantasy. His accounts of seeing one of the crawling men retrieving the other's rifle, and of a priest eventually collecting the rifles, are unsupported by other evidence and to our minds are figments of his imagination. Other aspects of his accounts to us are inconsistent with the evidence that he gave in 1972, though as to the latter there are also serious difficulties. These include the fact that he failed to tell the RMP or the Widgery Inquiry what we are

sure that he told Captain 200, that he had fired a shot in a derelict building in Rossville Street, which indeed he had; and that the account he gave the RMP and the Widgery Inquiry of firing two shots at a gunman in a building in Abbey Street is not one he appears to have given Captain 200.

**84.72** At this point we should note that Captain 200, in the course of his oral evidence to us, was asked why in his list of the details of his soldiers' firing he had recorded only that Corporal L's second two shots were fired at the barricade, without identifying the target. Captain 200 told us that he had no explanation for this but there was then this exchange with the Chairman:<sup>1</sup>

"LORD SAVILLE: Forgive me interrupting.

Officer 200, is it a possible explanation, looking at what you have written about Soldier L, that the two 7.62 shots he told you he had simply loosed off at the barricade and at no particular target at all?

A. Yes, I accept that, that he did loose two shots off at the barricade, I mean that, that must be the, the possibility. If he was more exact, he would have said, 'gunman at a certain point'."

<sup>1</sup> [Day 368/62-67](#)

**84.73** Later in his oral evidence, Counsel to the Inquiry pointed out to Captain 200 that the previous entries in his list, covering firing by Sergeant K and Private M, both referred to them firing at a gunman behind the rubble barricade at the same grid reference (43231683) as was given for the two shots that Private L was recorded as having fired at the barricade:<sup>1</sup>

"MR CLARKE: ... Could we look, please, at the preceding page, 1982, the second half, please. On this page you record, in relation to Soldier K, that he had fired from a grid reference: 'to gunman at barricade 43231683'.

In relation to Soldier M you record that he had fired from the same grid reference: ' ... to gunman behind barricade 43231683'.

Over the page, if we may go back to it, in relation to L, you record that he fired from a wall at a different grid reference: ' ... at barricade 43231683'.

Is it possible, or not, that what you were referring to, using the same grid reference as before, was the same gunman as had been referred to by K and M at the barricade which has the same grid reference?

A. I would say it was possible.

Q. It may be an impossible question, but can you tell which is more likely to be correct: that you were referring to Soldier L having fired at the same gunman at the same grid reference, or that in fact you were deliberately making a distinction in relation to Soldier L and recording that he had fired at the barricade itself?

A. Sir, that is a fair question, but I do not think I could answer that.”

<sup>1</sup> Day 368/122-123

**84.74** In view of this evidence, it is uncertain whether Private L told Captain 200 that he had fired at an identified gunman, or gunmen, or merely at the rubble barricade. At the end of his RMP statement,<sup>1</sup> Captain 200 recorded that:

“I am absolutely satisfied that none of my soldiers fired 7.62 rounds before being subjected to enemy fire. All rounds fired, except for one by ‘L’ in the ruin, were controlled by Senior NCOs and directed at gunmen either in Rossville Flats or behind the barricade. I fully support the actions taken by my soldiers and I am satisfied that they reacted as required in the situation.”

<sup>1</sup> B1983

**84.75** On the face of it, this statement counts against the possibility that Private L had told Captain 200 that he had simply fired at the rubble barricade. It is possible that Private L had told Captain 200 that he had fired at a gunman or gunmen at the barricade, but (since there is no reference to his firing either missing or resulting in a possible hit or hits), said nothing to Captain 200 that allowed the latter to record whether these shots had hit or missed the target. It is also possible that Private L had told Captain 200 whether he had hit or missed his target, but that for some reason Captain 200 did not record this information.

**84.76** In these circumstances, though the matter is far from clear, we consider on balance that Private L had told Captain 200 that he had fired at a gunman or gunmen at or near the rubble barricade, but gave no further information to enable Captain 200 to record whether Private L had fired at the same gunman or gunmen as Sergeant K or Private M, or whether Private L had missed or hit with his shots. We should note that Captain 200’s statement that all rounds fired, except for one fired by Private L in the derelict building, “*were controlled by Senior NCOs*”,<sup>1</sup> is not on any view wholly correct, since, as will be seen when we consider the accounts of Lance Corporal D and Private C,<sup>2</sup> there is nothing to suggest that the shots fired by these soldiers from the top of the high ramp at the

southern end of Kells Walk were in any way controlled by a Senior NCO. Furthermore, in reaching his view as to the legitimacy of the firing by his soldiers, Captain 200 was relying on what the firing soldiers had told him and perhaps also on what he had been told by other soldiers, since according to his evidence to the Widgery Inquiry, he did not himself see his soldiers firing.<sup>3</sup>

<sup>1</sup> B1983

<sup>3</sup> WT15.48

<sup>2</sup> Paragraphs 123.1–60

**84.77** We return to Private L when considering the accounts of firing at the Rossville Flats.<sup>1</sup>

<sup>1</sup> Paragraphs 123.61–68 and 123.80–96

## Private M

**84.78** As we have seen, in his list of the details of firing by members of his platoon,<sup>1</sup> Captain 200 made this entry in relation to Private M:

“Soldier ‘M’: 2 x 7.62 from GR 43271691 to gunman behind barricade 43231683 – possible hit.”

<sup>1</sup> B1982-1983

**84.79** In his first RMP statement timed at 1235 hours on 31st January 1972,<sup>1</sup> Private M described the deployment of his “Co[mpan]y”, by which he must have meant Composite Platoon, at the junction of Rossville Street and William Street, and its advance along both sides of Rossville Street. He gave this account:

“My location was on the right hand side of the street, approximately 200 yards from the Rossville Flats. A crowd of about 1500 strong had built a barricade, consisting of old cars and bits of scrap and paving stones taken from the waste ground around the flats.

On our advance we came under fire from snipers located in the flats, and from the main crowd, contained behind the barricade.

We were wearing gas masks as troops had previously used gas in the area to disperse crowds of rioters.

As we neared the main crowds location behind the barricade, we came under attack from youths throwing nail bombs and petrol bombs.

The weather conditions were good and visibility was clear.

As I neared the barricade, about 130 yards, on the corner of a street at GR 43151675 I could see the barricade and the crowd behind it. We were being heavily stoned, bottled and shot at.

I saw 2 males crawling along the south west flats at GR 43161663 They were crawling towards the direction of the Lecky Rd, trying to get into the flats. Their side elevations were facing me. I could clearly see them. I saw they were both pushing long black stick shaped objects in front of them. As they were acting in a suspicious manner, and the door location they were heading for was a good sniper location where they could have shot a number of troops advancing towards the barricade.

I cocked my rifle and from the aiming position, fired two aimed shots of 7.62. Also other members of my Section fired. I cannot remember who.

I fired one shot at each man. On firing, both men jerked and rolled over. A crowd formed around them and they were dragged out of sight. They were dragged into the block of flats.

The crowd kept us from getting near the scene but much later the area was checked but nothing was found.

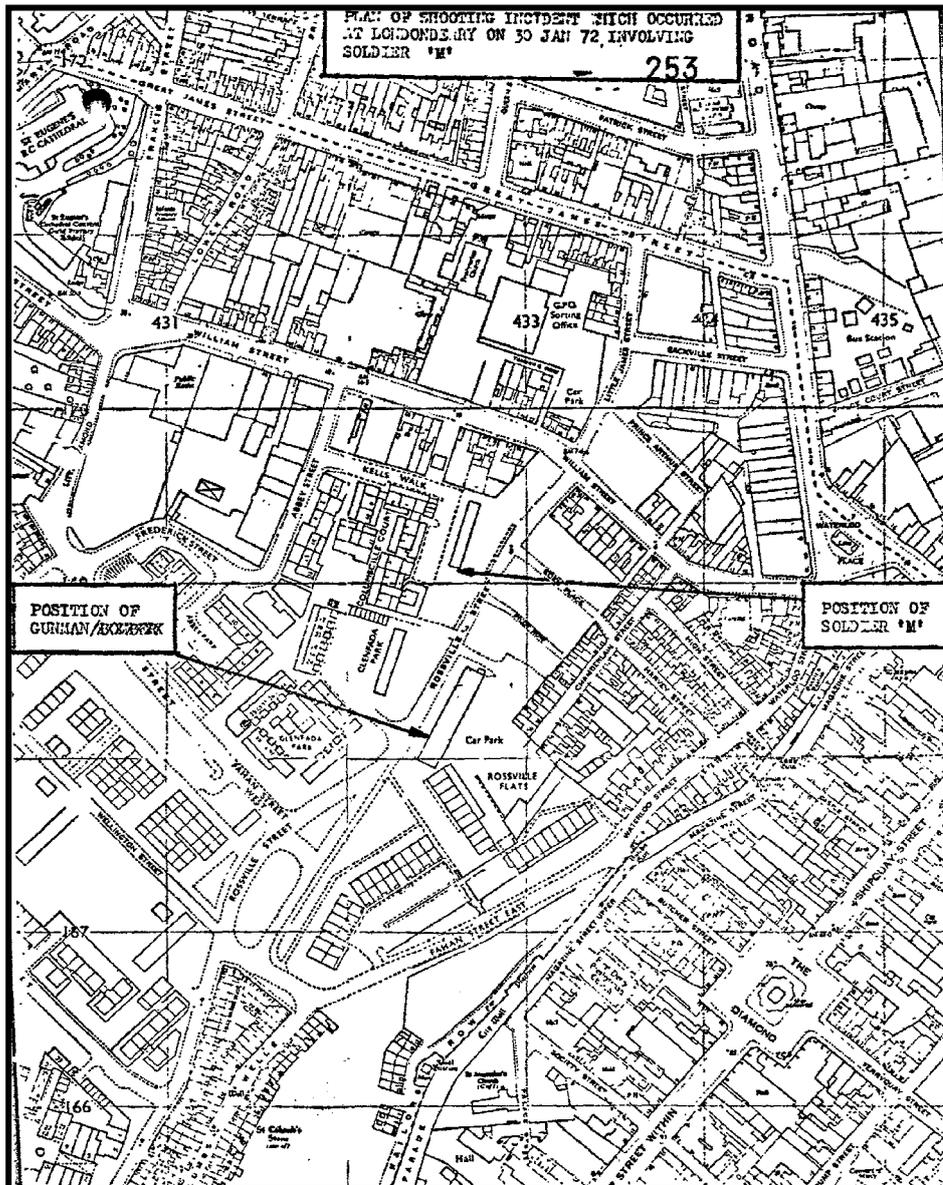
I am sure I hit both men.

One was dressed in a dark suit and the other a grey suit.”

<sup>1</sup> B347-348

**84.80** The RMP map that accompanied this statement<sup>1</sup> (reproduced below) showed the position of Private M at the southern end of Kells Walk and showed his target on the eastern side of Rossville Street close to Block 1 of the Rossville Flats, in a position that would have been a little way behind the rubble barricade.

<sup>1</sup> B349



- 84.81 It should be noted that the grid reference given in the RMP statement for the position of the two men at whom he said that he fired is clearly wrong, as it would put them in St Columb's Wells, south of Free Derry Corner.
- 84.82 In his written statement for the Widgery Inquiry,<sup>1</sup> Private M recorded that he was covering Corporal 039 who had a baton gun. He told the Widgery Inquiry:

“As we reached the west side of Rossville Street soldier 039 and myself advanced up by the wall in front of the low-rise flats which are themselves in front of Columbcille Court and as we were doing so a few shots some high velocity, some pistol, were fired from the barricade in Rossville Street although I could not say where the shots went.

The crowd behind the barricade appeared to be scattering in all directions away from the direction in which we were advancing and it was at this time that I am sure I heard the sound of nail bombs exploding from the direction of the barricade. I was not looking in this direction at the time I heard these explosions but I know the sound of nail bombs very well from previous experience. As we were moving further up along the side of the wall I was looking in the direction of the barricade and saw what I am sure was a petrol bomb thrown from the far end of Glenfada Park and land just in front of the barricade. When we reached the end of the wall we turned right and took cover just at the entrance to an alleyway which leads into the flats and from there we had a view across Rossville Street to Rossville Flats. It was then that soldier 039 pointed out to me two men who were behind the barricade crawling along the base of the wall of the block of Rossville Flats nearest to us. I observed that both men were crawling along in what I assumed to be a leopard crawl position. To me both men appeared to be each cradling something in their arms and from the[ir] shape and length and from the[ir] black colour my opinion was that they were rifles. There is no real doubt in my mind that these objects were anything but rifles. I then had a shouted conversation with soldier 039 a[mid]st all the noise which was going on. He had pointed out the men to me previously and now shouted to me ‘They’re carrying something’. He added ‘They look like rifles’ and I shouted ‘They are rifles’. I had by that time cocked my weapon and I then took an aimed shot at the first man who was by that time almost at the door of the flats. The man appeared to jerk and fall forward. Both of his hands were forward with the rifle cradled in his arms just at the door of the flats and he was dragged inside. By this time another soldier nearby had already taken an aimed shot at the second man crawling behind who was still crawling. I then took an aimed shot at this man. He gave a jerk and fell to his side and rolled slightly but he carried on crawling cradling the rifle in his arms. Another soldier took another aimed shot at the man but he still kept crawling. The shooting then stopped and a small crowd of about 10 to 15 people had come out of the doorway of the flats and when the crowd dispersed into the doorway again the man’s body had disappeared and I assumed he had been carried inside.

I then went through the alleyway with a sergeant and then climbed up onto a ramp in front of these flats which overlooks the part of Rossville Flats where the in[c]ident I have described took place since there had been a few people firing from the flats. I watched the roof tops and windows of the flats for about 2 minutes.”

<sup>1</sup> B359-361

**84.83** Private M gave this description of his targets:<sup>1</sup>

“I can describe the dress of the two men who were shot in general terms. The first man I shot was wearing a dark coloured jacket, dark trousers, had longish hair and was wearing a very light coloured shirt or jumper. I believe his hair was dark.

The second man was wearing a light brownish jacket and a black or dark sweater or shirt. He had fairly long brownish hair and he was wearing light coloured trousers or jeans. Both men looked young and I would say were aged about 20.”

<sup>1</sup> B361-362

**84.84** At the end of this statement Private M made these observations:<sup>1</sup>

“In this present statement I have set down the events of that afternoon as I best remember them but I would like to emphasis[e] that there are two points in my statement of 31 January that I would like to correct. In the fourth paragraph on the second page I said that that when I had shot two men both men jerked and rolled over. In fact it was only the second man I shot who had rolled over. I also said in the same paragraph that a crowd had formed around the men and they were dragged out of sight. I should make clear that the crowd only appeared after the shooting had died down. Earlier the first man who had been shot was dragged inside the building and I assumed the second man was dragged inside since he had disappeared by the time the crowd had gone back inside the flats.”

<sup>1</sup> B362

**84.85** Private M told the Widgery Inquiry that he was wearing his respirator and that after he had taken cover with Corporal 039 at Kells Walk he heard a few explosions from the direction of the rubble barricade which sounded like nail bombs, which he had heard before.<sup>1</sup> Then as he moved forward he saw a petrol bomb being thrown from the side of Glenfada Park, which exploded in front of the rubble barricade.<sup>2</sup>

<sup>1</sup> WT16.18

<sup>2</sup> WT16.19

84.86 Private M then gave this account:<sup>1</sup>

“Q. What happened when that landed?

A. By this time I was moving into cover at the ramp, the archway at Columbcille Court.

Q. Between Columbcille Court and Glenfada Park?

A. Yes.

Q. Does that mean you did not see what happened to the nail bomb?

A. Petrol bomb.

Q. Petrol bomb.

A. No, I did not see it.

Q. When you went in there where did you go?

A. We took cover behind the small wall that was at the archway.

Q. Did you then look back or where did you look?

A. I was then concentrating on the barricade and the flats.

Q. What did you see or hear?

A. There were some shots coming from the area of the barricade.

Q. How many shots did you hear coming?

A. I could not say how many shots; there were some pistol shots and a few high velocity ones coming.

Q. Did you see who were firing them?

A. I did not see who was firing them.

Q. Did you see any people about in that area at all?

A. Yes.

Q. Whom did you see?

A. There were two men pointed out to me.

Q. By whom?

A. By Soldier 039.

Q. What were they doing when they pointed them out to you?

A. They were crawling along from the end of the flats towards the doorway in Rossville flats.

Q. What sort of crawl were they doing?

A. A leopard crawl.

Q. Did either of them appear to have anything with him?

A. They both appeared to be carrying weapons in the crook of their arms.

Q. What sort of weapons, did you see?

A. I would say it was a rifle.

Q. Why would you say?

A. Because of the length, the shape.

Q. You could see the length and shape?

A. You could see the length and you could see the shape of the butt at the end.

Q. Did you believe them to be in fact rifles?

A. Yes, I did.

Q. What did you do?

A. I then held a shouted conversation with Soldier 039. He shouted that they appeared to be carrying something. Then he added they were rifles. I said they were and I had cocked my weapon by this time and I put an aimed shot down at the first man.

Q. From what position?

A. I was still behind this wall.

Q. But were you standing, kneeling or firing from the hip or what?

A. I was kneeling.

Q. And firing?

A. Firing from the shoulder in the aim position.

Q. Did you think that you hit the man?

A. Yes, I did.

Q. Why did you think that?

A. Because he jerked and slumped forward.

Q. Did you know that Soldier L was firing at him at the same time?

A. No, I did not.

Q. What happened after he fell and jerked forward?

A. After he had been dragged forward I saw the man crawling behind. I heard somebody else take a shot at him. He kept crawling towards the doorway of the flats, so I took an aimed shot at this man as well.

Q. Did you hit him or did the other person hit him?

A. I think I hit him again.

Q. For the same reason?

A. Yes.

Q. What happened to those two men after you had hit them?

A. The first man was right at the door of the flats and he slumped forward; his hands were very near to the doorway and he was dragged inside straight away. After I had fired at the second man he was a few yards away from the doorway. After the firing had died down about 10 or 15 people came out of the doorway and they were round the area where the man was; I could not see the man there. When the crowd went back in the man had disappeared. I therefore took it the crowd had either carried or dragged him inside the door with them.

Q. Did you then leave that position?

A. I did.”

<sup>1</sup> WT16.19-20

84.87 Private M told the Widgery Inquiry that he was on one knee when he fired. He also said that he was the first to fire at the crawling men. *"I heard a shot after I fired, but I do not know who it was fired."*<sup>1</sup> He said that when this shot was fired *"one of the men had been dragged inside the building and the other man was crawling to the doorway of the building"* and could have been about ten yards from the doorway. Told that Private L had said that one of the crawling men took the weapon from the one that was shot, Private M said that this was not his recollection. He said that he saw that both men had weapons.<sup>2</sup>

<sup>1</sup> WT16.22-23

<sup>2</sup> WT16.23

84.88 Private M told the Widgery Inquiry that he did not know that Colonel Wilford had been at the low wall at any time.<sup>1</sup>

<sup>1</sup> WT16.23

84.89 Private M's trajectory photograph (reproduced below) shows very similar positions to those shown on his RMP map.



**84.90** For the reasons we have given above,<sup>1</sup> we consider it likely that Private M provided at least some of the information contained in the 14th and 15th entries in Major Loden's List of Engagements.<sup>2</sup>

<sup>1</sup> Paragraphs 84.8–12

<sup>2</sup> ED49.12

**84.91** Private M gave written and oral evidence to this Inquiry.

**84.92** In his written evidence to this Inquiry,<sup>1</sup> Private M told us that he had no clear memory of the day, but gave this account of what he saw and did when he reached the low walls of the Kells Walk ramp, which he described as point E:<sup>2</sup>

"23. From the cover of the wall at point E, I could see past the Rubble Barricade. My next memory is of Soldier 039 pointing out two men to me. These men were south of the Rubble Barricade and were crawling along the western edge of Block 1 of Rossville Flats and were moving in a southerly direction. They were on their hands and knees, and both of them were carrying or dragging what looked very much like weapons of some kind. I thought they were rifles. At his point I was kneeling on one knee and was leaning against the wall with my SLR up on my shoulder so that I was ready to fire if necessary. Soldier 039 only had a baton gun. I do not know if he was to my left or my right. The[r]e were other people near the barricade but I do not know what they were doing.

24. I can remember speaking to Soldier 039 about these two men but I cannot remember what was said. I had a good side on view of both of them and it looked clear to me that they were both carrying rifles. The rifles were on their right hand side and so they were not shielded from my view by the men's bodies. The position where these two men were when I first saw them is marked with a G on the attached map (grid reference K15). I cannot be certain that this is the exact point where they were, but it is approximately right. At the southern end of Block 1 was a doorway. The position where this doorway was is marked with an H on the attached map (grid reference J16). As I was clear that we had already been under fire, I knew that if the two men could reach the sanctuary of this doorway, they would have then found a good sniping position from which they would fire at me or my colleagues. I made the instant decision that I was entitled, under the yellow card rules, to fire an aimed shot at each of these two men. We were always being reminded of the yellow card and told of any alterations. Everybody had a copy and carried it with them.

25. Therefore, I aimed my SLR at the centre of the southern most man, who by this time had almost reached the doorway at point H. I fired one shot at him and I believed that this shot hit him. His body seemed to jerk forward, but I do not know which part of him I hit. I cannot now recall any other movements, such as rolling.

26. As he fell forward he had very nearly reached the door marked H, and I can remember that he was then pulled through this doorway by people who were inside the door.

27. I did not think of shooting again and I changed target and point of aim to stop the other man who was crawling behind him and fired a shot at him as well. There was only a gap of perhaps two or three seconds between each shot. I had no idea whether or not I had hit this second man and there was no visible reaction from him to my shot. He scrambled forward towards the door at point H and was assisted into the doorway as well. I did not fire another shot as the target was no longer visible.

28. I am unable to describe the two men at all, save for the fact that I remember they were wearing dark clothing. I cannot say how old they were, what colour their hair was or how long it was. There were definitely no vehicles near the flats at the time.

29. I do not know if any other soldiers were firing at the time. I was concentrating on what I was doing. It was instantaneous and all over very quickly. My present recollection is that no one else was shooting but my memory may be affected by 27 years of discussion and different opinions being thrown about by the media.”

<sup>1</sup> [B372.001](#)

<sup>2</sup> [B372.004-005](#)

**84.93** The map attached to Private M’s statement<sup>1</sup> shows point G, which he said marked the approximate position of the two crawling men when he first saw them, as close to the western side of Block 1 of the Rossville Flats and about halfway between the rubble barricade and the doorway of that block.

<sup>1</sup> [B372.020](#)

**84.94** Private M told us that his memory was nothing like as clear as it would have been in 1972, and that where the statements he made at the time conflicted with what he now remembered, he was satisfied that the earlier statements were the more accurate.<sup>1</sup>

<sup>1</sup> [B372.006](#)

**84.95** On being shown the photograph taken by Jeffrey Morris of soldiers at the low walls of the Kells Walk ramp which we have reproduced above,<sup>1</sup> Private M told us that he thought that neither he nor Corporal 039 (who had a baton gun) was shown in that photograph.<sup>2</sup>

<sup>1</sup> Paragraph 84.53

<sup>2</sup> B372.009-010

**84.96** In his oral evidence to this Inquiry, Private M said that the estimate of a crowd at the rubble barricade being about 1,500 strong which appeared in his RMP statement was an estimate provided by the statement taker, despite being shown the evidence of Corporal Brobson, who took this statement and who told us (which we accept) that he would not have known this detail.<sup>1</sup>

<sup>1</sup> Day 365/80-81; Day 275/138

**84.97** Private M also said that he was positive that the two men were carrying rifles.<sup>1</sup> When he was asked why in his first RMP statement he had described the two men as pushing “*long, black stick shaped objects in front of them*”, he answered as follows:<sup>2</sup>

“Q. ... On the right-hand side of the screen, in paragraph 42 of your statement to this Inquiry, you comment on the reference to ‘long, black stick shaped objects’, and you say: ‘I am sure that I would not have said this; I would have been quite firm in that interview, that the two men were carrying what I was sure to be weapons.’

How exactly are you suggesting that the words, ‘long, black stick shaped objects’ were included in your Military Police statement if that is not what you wanted to say?

A. I cannot say that, sir. I can only assume that that is the way that the RMP, who took the statement, described it.

Q. Would you have read the statement before you signed it?

A. Probably not, sir, because it would be getting done at the time with the explanations as to why they were writing that at the time.

Q. At the time when he wrote that particular part of the statement down in front of you, you would have known what he was writing; would you not?

A. Yes, sir.

Q. However exactly it came about, you would have known that what he was writing in the statement was that the men were pushing long, black stick-shaped objects?

A. Yes, sir.

Q. Was there anything to stop you from saying to him: 'No, they were not – I do not want to describe them as long, black stick-shaped objects, because I know they were rifles and that is what I think the statement ought to say'?

A. No, sir.

Q. Do you know whether you did say something to that effect to the military policeman?

A. I do not, sir, no.

Q. Can you think of any reason why you would not have said that if you were certain in your own mind that these were rifles?

A. Only as I have said before, sir, he may have said that that is the description that you should give.

Q. Let us look at the evidence he has given about this. Could we have on the screen, please, the transcript of Day 275 at page 139. This is part of the evidence that was given to this Inquiry by former Corporal Brobson, the military policeman. The relevant part of your statement to this Inquiry was read to him and then at line 7, he was asked this: 'This has been put to you, this part of it. Again I want to ask you about this. What is being suggested here that M told you, in other words they looked like rifles or something like that kind, were being pushed along the ground and that you have watered it down in some way.'

His answer was: 'Answer: No, if he had been adamant I am sure that I would have included 'weapons' in his statement.'

In the light of that, are you prepared to accept that the reason why your Military Police statement refers to 'long, black stick shaped objects' is that that is the way you chose to describe them to the Military Police?

A. No, sir.

Q. Were the objects in fact long?

A. Yes, sir.

Q. Were they black?

A. Yes, sir.

Q. Were they stick-shaped?

A. No, sir, they were rifle-shaped.

Q. What is it that distinguished them from being a stick, in terms of their shape?

A. I cannot describe it now, sir. I have known all the time that it was weapons, rifles, those individuals had and I have always described them as rifles or weapons.”

<sup>1</sup> Day 365/92-93

<sup>2</sup> Day 365/95-98

**84.98** Although earlier in his oral evidence to this Inquiry Corporal Brobson had accepted the possibility that Private M might have used the expression “*a weapon of some sort*” and he might have put this down as “*long stick-shaped black objects*”,<sup>1</sup> he then said (as can be seen from the passage quoted above) that had Private M told him that he was certain that the men had weapons, he would have recorded this in the statement. Warrant Officer Class I Wood, who in 1972 was the Regimental Sergeant Major of 178 Provost Company of the RMP Special Investigation Branch, told us in his oral evidence to this Inquiry<sup>2</sup> that if a soldier said that he had seen what he described as a rifle being carried in a non-hostile manner, from a distance that meant that he could be mistaken, the practice was to put this down in the statement as a long straight object. Thus we remain unsure whether Private M was certain that he had seen weapons, or whether Corporal Brobson thought that he might have been mistaken and so used the expression he did in the statement.

<sup>1</sup> Day 275/124

<sup>2</sup> Day 383/149-158

**84.99** Private M told us that he did not remember being ordered to fire by any other soldier.<sup>1</sup> He also told us that he did not know why the description of the second man’s clothing had changed from “*grey suit*” in his first RMP statement to “*light brownish jacket*” and “*light coloured trousers*” in his written statement for the Widgery Inquiry.<sup>2</sup>

<sup>1</sup> Day 365/102

<sup>2</sup> Day 365/104

**84.100** It was pointed out to Private M that Sergeant K, Private L and he had all made their written statements for the Widgery Inquiry on the same day, 5th March 1972. Private M agreed that it was possible that the three of them had had some discussion about what they had previously said and what they were going to tell those taking statements for that Inquiry, and that if this had happened there was a possibility that they had influenced each other in relation to what they then told the Widgery Inquiry, though he denied that there had been any attempt to make their accounts fit.<sup>1</sup>

<sup>1</sup> Day 365/124-125; Day 365/140

84.101 We note at this point that in his written statement to this Inquiry<sup>1</sup> and in his oral evidence to this Inquiry,<sup>2</sup> Private M said that he no longer recalled coming under fire “*from snipers located in the flats, and from the main crowd, contained behind the barricade*” as described in his first RMP statement.

<sup>1</sup> B372.007

<sup>2</sup> Day 365/82

## Evidence of Corporal 039 and Colour Sergeant 002 of the firing by Private L and Private M

### Corporal 039

84.102 Earlier in this report,<sup>1</sup> when considering the injury sustained by Mary Smith, we referred to the evidence given by Corporal 039 about the firing of a baton round at a window in Kells Walk. We now return to this soldier’s account of what he said he then saw and did.

<sup>1</sup> Paragraphs 78.8–12

84.103 In his RMP statement timed at 1630 hours on 2nd February 1972,<sup>1</sup> Corporal 039 recorded that after he had fired the baton round at the window “*we removed our respirators as the area was clear of CS gas*”. His account continued:

“I was positioned behind a wall at the end of the flats where I could see the barricade across Rossville Street almost opposite the centre of the Rossville flats block.

We came under fire from the direction of the Rossville Flats area and we all took defensive positions.

As I looked towards the flats I saw two male figures appear from behind the barricade crawling on their bellies towards the base of the flats and then crawl on towards a door at the south end of Rossville Flats. One of the men was carrying what appeared to me to be a Thompson machine gun and was wearing a dark suit, or a dark jacket and trousers. He also had dark hair.

The second man appeared to be trailing a weapon with him but I couldn’t say what type it was. He was wearing a light, possibly fawn coloured coat and light trousers, with long fair hair. I pointed out the gunman<sup>2</sup> to ‘L’ who was situated on my left and ‘M’ who was on my right and told them to fire at the gunmen.

They each fired two rounds x 7.62 from their SLRs.

The man dressed in the dark clothing flinched as if hit, but kept crawling towards the flats, the other man appeared to be hit about two or three times, and rolled off the pavement on to the road. By this time the first man was already inside the door of the flats and the second was about ten to twelve feet from the door. He was obviously badly hurt but managed to crawl to the door of the flats where he was assisted inside by unseen helpers. At this time I heard a voice behind me call to cease firing. I later discovered it was L1.”

<sup>1</sup> [B1641-1642](#)

<sup>2</sup> As appears from the manuscript original, “gunman” was a typographical error for “gunmen” ([B1651.17](#)).

**84.104** The reference to “L1” is a reference to Colour Sergeant 002.

**84.105** In his written statement for the Widgery Inquiry,<sup>1</sup> Corporal 039 gave a similar account. He said that almost as soon as he and another soldier, who was armed with an SLR, had started to move forward after disembarking they came under fire. As we have noted earlier,<sup>2</sup> the soldier armed with an SLR who was protecting Corporal 039 was Private M. Corporal 039 said: “*I identified low velocity weapons and I believe a couple of high velocity rounds. It came from the direction of the Rossville Flats.*” He stated that, after the incident in which he fired his baton gun, he had taken up a position between the two low walls of the Kells Walk ramp, from where he had seen the two men crawling down the side of Block 1 of the Rossville Flats towards the door at the end, with the leading man “*doing a leopard crawl*”. He also stated that in addition to his baton gun he was carrying a Sterling sub-machine gun for his own protection.

<sup>1</sup> [B1649-1650](#)

<sup>2</sup> [Paragraphs 78.13 and 84.82](#)

**84.106** Corporal 039 did not give oral evidence to the Widgery Inquiry but did give written and oral evidence to this Inquiry.

- 84.107 In his written evidence to this Inquiry,<sup>1</sup> Corporal 039 said that he recalled that he had heard firing when he was behind the wall (the position of which he could not clearly remember):

“I recall that shooting took place at this time. I cannot say if this was the first shooting that I had heard (apart from the shot which hit the drainpipe in the church courtyard) but I am certain that there was definitely some shooting going on at this time. I cannot say where the shooting was coming from, how much of it there was or what type of weapon was being fired. Although I did not see any bullets striking the ground near where we were I was certain that we were under threat. I cannot say what type of weapons were being used. There was a great deal of noise.

My attention was focused on the doorway to Block 1 of the Rossville Flats. The door was made from glass and I could see some movement within the doorway. I could see nothing more distinct than shadows of people moving about. However, I do recall seeing perhaps four or five muzzle flashes coming from this doorway. When a gun of any type is fired in low light conditions, the muzzle flash can clearly be seen. If I had previously been in any doubt that there was firing directed at us and that we were under threat, the muzzle flashes in the doorway confirmed it.”

<sup>1</sup> B1651.3-4

- 84.108 Corporal 039 then gave this account:<sup>1</sup>

“The next memory I have is of seeing a man crawling from behind the rubble barricade towards the door into Block 1. He was crawling along the pavement, which ran alongside Block 1. I remember that he was wearing a dark coat or jacket and that he was carrying a weapon. From the shape and size of the weapon I believed that it was a short rifle such as an American carbine. Although I did not have binoculars, it was clearly visible as he was carrying it on his right side.

There was no doubt in my mind that he was a hostile gunman and that he would fire his weapon at me or another soldier if he was given the opportunity to do so. He was definitely a threat to us. There was and is no doubt in my mind that the Yellow Card rules governing fire orders authorised us to shoot this man. I have not seen a Yellow Card since 1972 and cannot now recall the precise instructions it gave about firing. We were all fully aware of them at the time, indeed it was a breach of regulations for us ever to go on an operation without carrying the Yellow Card. Had I been armed with an SLR, I would have fired but the man was out of range of the SMG [sub-machine gun].

As is entirely normal in these circumstances, I shouted out this man's position to my colleagues who were behind the wall with me. I cannot recall the words which I used, but I would have confirmed that I had seen an armed man and I would have stated his position. I would have described him as a target. The other soldier or soldiers behind the wall would have shouted back to confirm that they had seen him.

Having pointed him out and identified him as a target, it would not have been necessary for me to give a second order that he should be shot. I may have ordered that shots be fired at him, but it would not have been unusual for me to not to have said anything further having identified him to my colleagues as a target. Soldiers are expected to use their own initiative in circumstances like these, and we certainly would not be expected to wait for this man to start firing at us before we were justified in shooting him.

A shot or shots were fired at this man. I cannot recall who fired these shots although I presume it was my buddy. I cannot remember how many shots were fired at him, but I am certain that I saw that the man was hit. An SLR is a powerful weapon and bullets fired from it hit with considerable force. I can remember that the man on the ground jerked as if he had been hit by a round. He did this at least once, although he may have been hit with more than one bullet.

This man then got to the doorway into Block 1. I cannot recall if he carried on crawling into this doorway or whether he was dragged into the doorway by anyone else.

Some time after this incident everything in the area went fairly quiet. I cannot remember how much time elapsed before things did go quiet.”

<sup>1</sup> B1651.4-5

**84.109** Corporal 039 told us that where there were any differences between the contents of his RMP statement and his current recollection, the former should be preferred, as he had no reason to believe that the RMP statement was other than an accurate record of his experiences of the day in question.<sup>1</sup>

<sup>1</sup> B1651.6

**84.110** Corporal 039 was shown the photograph taken by Jeffrey Morris of soldiers behind the low walls of the Kells Walk ramp that we have reproduced above,<sup>1</sup> but was unable to identify himself or any of the other soldiers, though he did state that the figure in a beret kneeling down could have been Colonel Wilford and the soldier next to him a radio operator.<sup>2</sup>

<sup>1</sup> Paragraph 84.53

<sup>2</sup> B1651.7-8

84.111 In his oral evidence to this Inquiry, Corporal 039 said that he had a clear recollection of muzzle flashes coming from the doorway of Block 1 of the Rossville Flats. Asked why this detail did not appear in his 1972 statements, Corporal 039 said "*It would depend on what questions I was asked about the incident, sir, you know, that is all I can say on that*".<sup>1</sup>

<sup>1</sup> [Day 362/74](#)

84.112 Corporal 039 said that he had no recollections of hearing explosions when he was at the low wall, and when asked whether, if he had heard explosions, it was something he might have mentioned to the RMP, he gave the same answer that he had given in relation to his account of seeing muzzle flashes.<sup>1</sup>

<sup>1</sup> [Day 362/82-83](#)

84.113 Corporal 039 was shown the following photograph of a Thompson sub-machine gun.



84.114 Corporal 039 agreed that this was a distinctive-looking weapon; but said that he had only had a fleeting glance when he saw it on the day.<sup>1</sup>

<sup>1</sup> [Day 362/95-96](#)

**84.115** In our view, had Corporal 039 seen muzzle flashes from the door of Block 1 of the Rossville Flats, he would have mentioned this in the accounts that he gave in 1972.

## Colour Sergeant 002

**84.116** We have already referred<sup>1</sup> to the RMP statement of Colour Sergeant 002,<sup>2</sup> in which he described Sergeant K, Private M and Private L moving to the low walls of the Kells Walk ramp; Sergeant K firing one shot “*at two males who were behind a pile of rubble*”; and himself telling Private M and Private L to fire at “*a male person dressed in dark jacket and trousers doing a leopard crawl towards the South end of No 1 Block*” who had a rifle in “*the crook of his elbow*”. He recorded that each of these soldiers fired two rounds at this man, who was hit. He also stated that he saw a second man crawling from behind the rubble. “*I could not see any weapon with him and as a group of people were standing inside the door to where he was crawling I ordered ‘M’ and ‘L’ to cease fire. This they did. The second person to leave the rubble then started to drag the man who had been hit towards the door. Then about four men came out of the flats and dragged both men inside.*”

<sup>1</sup> Paragraph 84.14

<sup>2</sup> B1348-1351

**84.117** In his written statement for the Widgery Inquiry, Colour Sergeant 002 recorded that he was moving up behind Sergeant K when that soldier fired one round. He stated that Sergeant K then told him that there were two men crawling from the barricade towards the far corner of the flats. Colour Sergeant 002 then gave a similar account to that in his RMP statement of seeing a man with a rifle; ordering Private M and Private L to fire, which they did; and then ordering them to cease fire, as he could not see that the second man had a weapon and people had gathered at the doorway of the flats. He told the Widgery Inquiry that the people outside the door dragged the first man into the flats and that the second man went with them.<sup>1</sup>

<sup>1</sup> B1361-1362

**84.118** Colour Sergeant 002 did not give oral evidence to the Widgery Inquiry, but he did give written evidence to this Inquiry.

**84.119** In his written evidence to this Inquiry, Colour Sergeant 002 told us that he had been a weapons training officer and on 30th January 1972 was the Commander of Composite Platoon.<sup>1</sup> In fact Captain 200 was the Commander of Composite Platoon, and Colour Sergeant 002 the Platoon Sergeant, who led the half of the platoon given the call sign 71A. He stated that he did not have any memory himself of incoming fire as he and his

men moved further along Rossville Street after disembarking, “*but I do remember soldiers in front of me taking cover and behaving as if they were under fire*”.<sup>2</sup> He gave us this description of the man whom he said he saw “*leopard crawling*” towards the door of Block 1 of the Rossville Flats:<sup>3</sup>

“27. I can remember that he was wearing a long black Crombie style overcoat and that he was leopard crawling along with a rifle in the crook of his arm. I can remember thinking that it was a good leopard crawl and I that I would have given him a B grading if I had been assessing him as a soldier.

28. I cannot remember whether he had crawled from or over the Rubble Barricade but I can remember him being on the pavement below the windows of the Rossville Flats heading towards the entrance door. I could definitely see his weapon and could see the butt and stock. I had absolutely no doubt as to what it was. I think the rifle was a Lee Enfield .303 and I say this because this weapon has a very small magazine and I cannot remember seeing a large or distinctive magazine such as that on a Kalashnikov or SLR. It was quite a long rifle, which the .303 Lee Enfield is, as opposed to the Armalite which is shorter. At that time I was not familiar with the M1 Carbine and so cannot say if it may have been that weapon.

29. There were two members of Guin[n]ess Force just to the right of me. One of them was the one who had shouted something like ‘There’s a guy with a rifle’ or ‘That guy’s got a rifle’. I cannot remember who this was but I told them to engage and they opened fire with I think one round a piece. I saw dust come up around the man who was hit. I then shouted at them to stop firing.

30. The entrance door to the Rossville Flats was packed with people watching. Some came out came towards the man. They picked him up and half walked and half carried him back into the door. I think there were about six of them doing this. They took the rifle from him.”

<sup>1</sup> B1363.001

<sup>3</sup> B1363.004

<sup>2</sup> B1363.003

84.120 A little later in this statement Colour Sergeant 002 told us this:<sup>1</sup>

“33. After this man had been shot we noticed a second one who had been crouching down behind a pile of rubble at the barricade. I can remember that he stood up and whether this is because I or someone else shouted at him to stand up I do not know. He walked towards the entrance door to the Rossville Flats but there were no shots fired at him because he was not carrying a weapon. I think that we intended to go in and try and pursue the gunman but we did not go further forward because of orders. I think that we were told to consolidate our position but whether this was by Captain SA8<sup>2</sup> or Colonel Derek Wilford I do not know. We did not go into the Glenfada Park area and remained in Rossville Street just outside Glenfada Park North.”

<sup>1</sup> B1363.005

<sup>2</sup> This is an alternative cipher used to refer to Captain 200.

84.121 Colour Sergeant 002 recalled that he had given a weapons demonstration for members of the Widgery Inquiry (not including Lord Widgery). “*We fired a variety of weapons including SLR’s, SMG’s, pistols and Rubber Bullet Guns but we (the soldiers present) could not differentiate between them and neither could the members of the Inquiry who were there.*”<sup>1</sup>

<sup>1</sup> B1363.007

84.122 Colour Sergeant 002 did not give oral evidence to this Inquiry. He lived outside the jurisdiction and informed us that he was unable to attend for reasons of ill health.

## Evidence of other soldiers

84.123 It is convenient at this point to refer to the evidence of some other soldiers that refers or appears to refer to the firing by soldiers of Composite Platoon from the walls of the low ramp at the southern end of Kells Walk.

### Private 032

84.124 In his RMP statement,<sup>1</sup> Private 032 recorded that he took up a defensive position behind a 4ft high brick wall “*about six metres North East of number two Columbcille Court*”, facing south towards the Rossville Flats. According to this account, Private L was about 3ft to the east of his position, at the corner of the wall. Private 032 saw two men crawling south from a barricade along the wall of Block 1 of the Rossville Flats. The rear man was wearing a dark brown suit and was trailing what looked like a rifle behind him. The man crawling ahead of him was wearing a mid-grey suit or overcoat. The men had been

crawling for about 30 seconds, and the man in front was nearing the entrance to Block 1, when Private L opened fire. Private 032 saw the body of the rear man jerk as if he had been struck by a bullet. The man in front had by this time reached the entrance and disappeared into the building.

<sup>1</sup> [B1614](#)

**84.125** In his written statement to this Inquiry,<sup>1</sup> Private 032 told us that while he was at the wall someone shouted "*Gunman at the barricade*". As he looked towards the barricade, he saw two men were moving in "*a sort of leopard crawl*" from the barricade to the entrance to Block 1. The rear crawling man was wearing a dark overcoat and trailing a long implement that Private 032 thought was a rifle. It was difficult to estimate the length of this object, but Private 032 believed that it was about half as long as the man was tall, or about 2ft to 3ft long. It was not straight and its shape was too intricate for it to have been a stick. Private 032 was clear in his own mind that it was a rifle. The man was holding it on his right side, partly concealing it under his body and using one hand to crawl. He might have been on his knees rather than his stomach, but Private 032 had the impression that he was very low to the ground.

<sup>1</sup> [B1616.005-B1616.008](#)

**84.126** Private 032 told us that the man in front was wearing a dark suit, but he did not see him carrying anything. This man was turning and calling to the rear man, as if encouraging him to move. Private 032 stated that he could not give an estimate of the age of either of the crawling men. Private 032 also told us that he heard shots fired; and that he recalled that these shots came from his left, implying that they might have come from the waste ground. The body of the rear crawling man jerked twice. He might have been shot by more than one soldier. The other crawling man then stood up and ran into the entrance to Block 1. Just before the shots were fired, the rear man "*seemed to have half rolled towards us or as if he had been hit by a round and so he was lying on his left hand side*".<sup>1</sup>

<sup>1</sup> [B1616.007](#)

**84.127** Private 032 told us that he no longer recalled that Private L had been present. Private 032 identified the soldier with the upturned visor shown in Jeffrey Morris's photograph of soldiers at the low walls of the Kells Walk ramp<sup>1</sup> as himself. Private 032 stated, incorrectly, that he had recorded in his RMP statement that Sergeant K fired a round. He told us that he had a recollection of Sergeant K firing a round, but was confused about whether his recollection was correct. If Sergeant K fired, it was possible that he did so in the course of the incident in which the rear crawling man was shot. At some stage after the rear crawling man was shot, Colonel Wilford arrived at the wall where Private 032 was

positioned, shouting “*Stop shooting, fire only when told to do so*”.<sup>2</sup> Colonel Wilford gave an instruction that if anyone was to fire it should be Sergeant K, because he was the regimental sniper. Private 032 did not see any wounds on the body of the rear crawling man and did not know what happened to him.

<sup>1</sup> Paragraph 84.53

<sup>2</sup> B1616.008

**84.128** In his oral evidence to this Inquiry,<sup>1</sup> Private 032 said that he could not remember the words “*Gunman at the barricade*” being used, but recalled that he was told to look at the barricade. He said he did not now have a clear recollection that the weapon carried by the rear crawling man was being held on his right side, nor did he clearly recall that this man was wearing a dark overcoat, or any long coat.

<sup>1</sup> Day 362/17-30

**84.129** According to Private 032, the other crawling man was wearing dark clothing, but not necessarily a suit. He did not think that the description of this man’s clothing in his RMP statement as “*mid-grey in colour*”<sup>1</sup> was in his own words, and thought that the RMP investigator might have suggested it to him. When he first saw the two men, they were already moving away from the barricade. The rear crawling man did not at any stage make any offensive move with his rifle, or put himself into a position from which he could have shot Private 032 or any of the soldiers near him. Private 032 did not feel under threat because enough soldiers were present for him to be confident that if the crawling man were to turn his weapon towards them one of the soldiers would take action. He did not, while he was watching, see anything to justify a soldier opening fire at the rear crawling man.

<sup>1</sup> B1614

**84.130** Private 032 said that the shots that he heard came from the other side of Rossville Street, not from the soldiers around him. He did not now have any impression that a soldier near him had fired. Private 032 said he recalled seeing the rear crawling man move as if he had been hit, but not that the man seemed to have rolled onto his left side before the shots were fired, as he had recorded in his written statement to this Inquiry. He told us that he had no recollection of Private L firing as described in his RMP statement, nor did he now have any recollection of hearing or receiving any order from Colonel Wilford, or hearing a ceasefire order shouted by Major Loden.

**84.131** We note at this point that in his RMP statement<sup>1</sup> Private 032 gave an account of the soldiers coming under automatic fire “*from a barricade South West in Rossville Street*” as they disembarked from their vehicles. In his written statement to this Inquiry,<sup>2</sup> Private 032

told us that he had no recollection of “*anyone firing at us at the Rubble Barricade*”,<sup>3</sup> although he added that when his section was at the southern end of Kells Walk they could hear “*one or two shots in front of us at the Rubble Barricade*”.<sup>4</sup> In his oral evidence to this Inquiry,<sup>5</sup> he said that he no longer recalled hearing automatic fire or hearing shots from the rubble barricade. We have found no other evidence that suggests to us that soldiers of Composite Platoon came under fire from an automatic weapon as they disembarked; and it is difficult to see how Private 032 could have been able to identify this fire as coming from the rubble barricade. We do not accept his evidence that there was such firing.

<sup>1</sup> B1613

<sup>2</sup> B1616

<sup>3</sup> B1616.005

<sup>4</sup> B1616.006

<sup>5</sup> Day 362/10; Day 362/14

## Sergeant 035

**84.132** In his RMP statement,<sup>1</sup> Sergeant 035 recorded that he took up a position at the southern end of a block of flats approximately 30m west of the junction of Rossville Street and Pilot Row. According to this account, he had been in this position for about one minute when he saw Private M fire two shots at two men about 100m away who were crawling south along the wall of Block 1 of the Rossville Flats away from a pile of rubble. Both men were hit but they continued to crawl until they reached the entrance to the block. One of the men was wearing a brown suit and the other was wearing dark clothing. Both men appeared to be dragging long objects that looked like rifles.

<sup>1</sup> B1626

**84.133** In his written statement to this Inquiry,<sup>1</sup> Sergeant 035 told us that he recalled being on a low roof, at least one and no more than three storeys high. He could not remember how he had reached it. The roof was flat and not very large. He believed that he was up against a waist-high balustrade or wall, looking towards Block 1. Sergeant K and some others were also there. In all, Sergeant 035 thought that there were four to six soldiers on the roof. Sergeant 035 told us that he did not recall seeing the rubble barricade, and hence believed that if there was such a barricade he was to the south of it. He believed that his position was either at the point marked A or at the point marked B on the plan attached to his statement<sup>2</sup> (the southern end of the eastern block of Glenfada Park North or the eastern end of the northern block of Glenfada Park South). Sergeant 035 stated

that he saw two men about 100 yards away crawling along the wall of Block 1, moving from north to south. They were crawling on their knees and elbows in military style, keeping as low as possible.

<sup>1</sup> B1628.003-B1628.005

<sup>2</sup> B1628.009

**84.134** Sergeant 035 told us that each man was holding a long, thin, dark object in his left hand; and that he knew immediately that these objects were rifles. The men were holding the butts of their rifles under their armpits with the muzzles pointing forwards in accordance with standard military practice. The muzzles became visible when the men moved their left elbows forward. The wooden stocks of the weapons were also visible. As the Section Commander, Sergeant 035 was the proper person to give an order to fire. Such an order was given, although Sergeant 035 could no longer remember whether it was given by him or by someone else. The order would not have been given to any particular soldier but would have been a general order to fire. A standard wording would have been used to identify the target and prepare the men to fire. Sergeant 035 recalled that at least one soldier responded to the order but he could not now say which soldier it was. Nor could he remember actually hearing any shots fired. Sergeant 035 believed that both men were hit, but did not think that he had seen this happen. Instead he had assumed that they had been hit because he did not think that the soldiers would have missed from the range from which they were firing. The men continued to crawl and then disappeared, probably into the entrance of Block 1 of the Rossville Flats, or perhaps around the corner at the southern end of that block.

**84.135** In his oral evidence to this Inquiry,<sup>1</sup> Sergeant 035 said that in reliance on his RMP statement he now believed that he had been at the southern end of Kells Walk and that he had been mistaken about his location when he made his written statement to this Inquiry. He no longer had any recollection of seeing rifles being carried by the two crawling men. The account that he gave in his written statement to this Inquiry of how the two men had carried the weapons had not been intended to be a description of what he remembered seeing, but to be an explanation of the manner in which a soldier would carry a rifle when crawling. However, he said that he believed that he had told the truth when he made his RMP statement.

<sup>1</sup> Day 361/61-86

**84.136** Sergeant 035 accepted that he could not have known whether either of the men carrying a firearm was, in the words used in Rule 13 of the Yellow Card,<sup>1</sup> “*about to use it for offensive purposes*”. Nevertheless, he said that it had been his belief that they were going to fire at soldiers after reaching a position of cover and that it was impracticable to give a

warning because of the distance between the soldiers and the crawling men and because of the amount of noise in the area. He said that in these circumstances he thought that it had been right to give an order to fire without warning; and that a general order to fire did not contravene the principle of minimum force or create unnecessary risk to bystanders, because although it authorised any of the soldiers in his section to open fire, it did not require all of them to do so.

<sup>1</sup> [ED71.2](#)

**84.137** Sergeant 035 said that he did not now remember an order to fire being given, and accepted that as no such order was mentioned in his RMP statement, it would be reasonable to conclude that he had not given one. It was possible that no order to fire was given by anyone, in which case a soldier should only have opened fire in order to deal with a threat of which he did not have time to inform his superior. Sergeant 035 said that he no longer had a recollection of seeing Private M fire, nor remembered seeing Sergeant K fire, or seeing more than one soldier fire. He had no idea of the ages of the two crawling men.

**84.138** Sergeant 035 rejected the suggestion that in his written statement to this Inquiry he had lied about his location at the time of this incident, in order to suggest that his view of the crawling men had been better than in fact it was.<sup>1</sup> Sergeant 035 was shown a photograph taken by the *Derry Journal* photographer Larry Doherty (reproduced below) of the return halfway up the ramp leading to the upper storey of Kells Walk.

<sup>1</sup> [Day 361/95-101](#)



**84.139** Sergeant 035 accepted, after lengthy questioning,<sup>1</sup> that he had been “*on a pram ramp*” when he saw the two crawling men. However, he then said<sup>2</sup> that he had been on the smaller ramp between the low walls at the southern end of Kells Walk, and that he believed that in his written statement to this Inquiry he had confused this ramp with a roof on which he had been positioned at some stage on that day. He said that the reason for his belief that he was on the ramp between the low walls when he saw the two crawling men was that in his RMP statement he had recorded that the men were about 100m away from his position.<sup>3</sup> In our view Sergeant 035 was probably correct in describing himself as being on the smaller ramp.

<sup>1</sup> [Day 361/109-119](#)

<sup>3</sup> [Day 361/122](#)

<sup>2</sup> [Day 361/119-121](#)

## Lance Corporal 010

**84.140** In his RMP statement,<sup>1</sup> Lance Corporal 010 recorded that he reached a low wall at the south-west end of a block of flats. Someone shouted that the western flank should be checked. Lance Corporal 010 moved to his right, checked that the flank was secure and then moved back behind the low wall. As he returned to this position, he saw Private L fire two aimed rounds towards a barricade in Rossville Street. He did not see Private L’s target, but when he looked towards the barricade he saw a male person apparently dragging the body of a second male towards the flats.

<sup>1</sup> [B1393](#)

**84.141** In his written statement to this Inquiry,<sup>1</sup> Lance Corporal 010 told us that he was one of a group of perhaps five soldiers who took cover behind the wall. According to this account, Lance Corporal 010 had a picture in his mind of the head and upper chest of a man who was leaning against the rubble barricade after having been shot twice by a soldier on Lance Corporal 010’s right. Lance Corporal 010 was not sure whether this was based on his own memory or on something that he had been told. He thought that he had heard someone say that the man was still twitching, to which the firing soldier replied “*Leave him, he’s been hit twice already*”. Lance Corporal 010 could now see that the man on the barricade had a rifle. Lance Corporal 010 “*would guess*” that the man’s clothes were “*probably lightish*”. Lance Corporal 010 also had a picture in his mind of the flashes of two or three pistol shots in a dark area at the entrance to Block 1 of the Rossville Flats. Again he was not sure whether this was a true memory or something that he had been told. After he saw these flashes, a soldier on his left fired two shots.

<sup>1</sup> [B1395.007-B1395.008](#)

**84.142** Lance Corporal 010 told us that he assumed that either these shots had hit the gunman or the gunman had run away. Lance Corporal 010 said he did not see the gunman. He stated that he could not remember whether the soldier on his left or the soldier on his right fired first. The soldier on his left might have been Private INQ 748 but he “*would be guessing*”<sup>1</sup> about this. Neither of the soldiers was Sergeant K, who was somewhere behind Lance Corporal 010, and neither of the soldiers was using a telescopic sight. Lance Corporal 010 thought that these shooting incidents had lasted about two minutes. Lance Corporal 010 stated<sup>2</sup> that he did not now remember checking the western flank. He did not remember Private L as one of the soldiers who fired, but assumed that what he had said in his RMP statement was correct. He did not remember seeing a body being dragged anywhere.

<sup>1</sup> [B1395.008](#)

<sup>2</sup> [B1395.010](#)

**84.143** In his oral evidence to this Inquiry,<sup>1</sup> Lance Corporal 010 said that the other soldiers who took cover with him at the wall were definitely members of Composite Platoon. He said that it was quite possible that he had derived his mental pictures of a wounded gunman at the rubble barricade and of the flashes of pistol shots at the entrance to Block 1 of the Rossville Flats from what he had heard after the event. There had obviously been a lot of talk afterwards about what had taken place. He could not recall which soldiers had been at the wall with him, but thought that Private L had been there. Sergeant K was “*there somewhere near*”. He could not remember whether Private M had been at the wall. His current recollection was of two soldiers firing rather than one, but he thought that “*part of this might have been ... from stories told afterwards, possibly*”. He now had a mental picture of a body being dragged towards the Rossville Flats but did not know whether this was derived from what someone had told him or from what he had seen. He also said that he could not remember anyone trying to make his way to the doorway of Block 1. His suggestion that Private INQ 748 may have been one of the soldiers who fired was “*more of a guess than anything else*”. Lance Corporal 010 said, in reliance on his RMP statement, that Private L had fired but that he could not recall Sergeant K or Private M firing.<sup>2</sup> He confirmed that he did not see Private L’s target.<sup>3</sup>

<sup>1</sup> [Day 355/106-112](#)

<sup>3</sup> [Day 355/126](#)

<sup>2</sup> [Day 355/122-123](#)

**84.144** We note at this point that Lance Corporal 010 gave an account in his written statement to this Inquiry<sup>1</sup> of as many as 20 rounds being fired north up Rossville Street when he was within 50 yards of the rubble barricade. In his oral evidence to this Inquiry,<sup>2</sup> Lance Corporal 010 said that he still had a recollection of incoming fire at this stage, but he

accepted that it was not mentioned in his RMP statement and that “*maybe it was something to do with another occasion*”. In our view Lance Corporal 010 was indeed confusing Bloody Sunday with another occasion.

<sup>1</sup> [B1395.006](#)

<sup>2</sup> [Day 355/103-105](#)

## Sergeant 014

**84.145** In his RMP statement,<sup>1</sup> Sergeant 014 recorded that he took up a position behind a 4ft high wall and faced south-east towards the Rossville Flats. According to this account, he saw two men crawling south beneath the wall of Block 1 of the Rossville Flats away from the rubble barricade. The rear man was wearing a dark brown suit and trailing what looked like a rifle behind him. The other man was wearing dark clothing. Private L was behind the wall, about 5 yards east of Sergeant 014. Private L fired two shots at the men. Sergeant 014 saw the rear man jerk as if hit. The other man reached the doorway and went inside. The rear man also continued to crawl and when he arrived at the doorway was dragged inside. Colonel Wilford arrived at the wall at this stage and ordered Private L to cease firing.

<sup>1</sup> [B1409-B1410](#)

**84.146** In his written statement to this Inquiry,<sup>1</sup> Sergeant 014 told us that he saw two men leopard-crawling towards the entrance to Block 1. He thought that one of the soldiers to his right had pointed the men out and had said that they were armed. The rear man was dragging a weapon behind him on his right side. Sergeant 014 and the soldiers to his right thought that the weapon was a rifle. The soldiers to his right had a better view than Sergeant 014 because they were higher up. One of them fired two shots at the crawling men. Sergeant 014 stated that he could not recall the identity of the firing soldier. He thought that another two shots might have been fired at the crawling men from somewhere else to his right, but could not be sure about this. He could not say whether the men were hit. One of the men entered the doorway and the other was dragged in by the crowd. Sergeant 014 thought that it was soon after the shooting that Captain 200 arrived at the wall with a section of eight men, followed by Colonel Wilford, who told the soldiers to cease firing, even though they were not firing at the time. Sergeant 014 told us<sup>2</sup> that the soldier who fired was definitely to the west of his position, not to the east as indicated in his RMP statement. He did not now remember Private L and stated that he might not have known him at the time.

<sup>1</sup> [B1412.005-B1412.006](#)

<sup>2</sup> [B1412.007](#)

**84.147** In his oral evidence to this Inquiry,<sup>1</sup> Sergeant 014 said that the soldiers in a higher position to his right were on the sloping path between the two low walls at the southern end of Kells Walk. The soldier who drew his attention to the two crawling men was a member of his section. He did not recall that any of the other soldiers shouted a warning about the men. He agreed that he had only seen the rear man dragging a weapon and had not been able to tell whether the other crawling man was armed. He did not recall seeing one of the men dragging the other along. He could not remember whether Colour Sergeant 002, Sergeant K or Private M had been at the low walls when this incident occurred. He did not hear anyone give an order to the soldiers to fire. He could not say why he did not describe Sergeant K's or Private M's firing in his RMP statement.

<sup>1</sup> [Day 372/27-49](#)

**84.148** In his oral evidence to this Inquiry,<sup>1</sup> Captain 200 said that when he arrived at the low walls at the southern end of Kells Walk he was not accompanied by eight men. He did not see Colonel Wilford there. He had no recollection of Colonel Wilford giving an order to cease firing, nor did he himself give such an order.

<sup>1</sup> [Day 368/127-129](#)

## Private INQ 127

**84.149** In his written statement to this Inquiry,<sup>1</sup> Private INQ 127 told us that he was delayed when disembarking from his vehicle because the straps on his radio backpack became caught on the tailboard of the lorry. When he had freed himself, he followed the rest of his platoon down the right side of a street and caught up with a group of soldiers who were standing near some steps, behind which he took cover. The flight of steps was "*about chest height*" and rose to the right. He attached to his statement<sup>2</sup> a copy of Jeffrey Morris's photograph of soldiers at the low walls of the Kells Walk ramp, but stated that he was not shown in it, and that the steps at which he was positioned "*protruded more than those on this photograph*".

<sup>1</sup> [C127.3-C127.6](#)

<sup>2</sup> [C127.9](#)

**84.150** Private INQ 127 was acting as signaller to an officer whom he described in his statement as his Commanding Officer. He could not recall the identity of this officer, although it is clear that he did not mean Colonel Wilford, since he said that he was not with him at any stage. Private INQ 127 told us that while he was crouching behind the steps, someone asked over the radio to speak to the officer. Private INQ 127 passed the handset of the radio to the officer, who was on his right. As the officer was using the handset, he stood

up, which meant that Private INQ 127 also had to rise to a half-crouching position because the wire connecting the handset to the radio was too short for him to remain as he was.

**84.151** Private INQ 127 told us that from this position he looked towards the rubble barricade, behind which he could see something long and black, which he took to be the body of a person lying prone. He did not assume that the person was dead. He thought that the person was lying face down. The head was on the barricade and the feet to the south. The body was about 20ft from the side of a building. Private INQ 127 stated that he believed that this building was Block 1 of the Rossville Flats. Just as he saw the body, someone next to him said "*Thompson Machine Gun*". Private INQ 127 thought that the soldier next to him had fired a shot. Private INQ 127 could also see "*someone who was nothing more than a black shadow*" at the southern end of Block 1, standing with his shoulder to the wall, looking round the corner and ducking in and out. Private INQ 127 could not see any weapon in this man's hands but he only observed the scene for 20 seconds. The officer dropped the handset and grabbed his rifle, whereupon Private INQ 127 dropped back down behind the steps and saw nothing more. Something made him think that the officer had fired his rifle, but Private INQ 127 did not know whether this was so. He thought that the officer had been using a sniper rifle with a telescopic sight. He assumed that if the officer had fired, his target would have been either the body at the barricade or the man at the southern end of Block 1. Private INQ 127 said he had not seen any smoke from the muzzle of a weapon at the barricade, but had seen some dust rising, which could have resulted from a weapon being fired at or from the barricade, or from some other cause.

**84.152** In his oral evidence to this Inquiry,<sup>1</sup> Private INQ 127 said that when in his written statement to this Inquiry he had referred to his "*Commanding Officer*", he had meant to refer not to Colonel Wilford but to his Platoon or Section Commander, and that although he reached a flight of steps while he was trying to catch up with the rest of his platoon, he moved on from there to a position behind a wall. When it was drawn to his attention that Colour Sergeant 002 had said in the unredacted version of his RMP statement that Private INQ 127 had been his signaller, Private INQ 127 said that although he could not remember Colour Sergeant 002, he thought that this was possible.

<sup>1</sup> [Day 360/124-131](#)

**84.153** Private INQ 127 said<sup>1</sup> that the wall shown in Jeffrey Morris's photograph of soldiers at the low walls of the Kells Walk ramp<sup>2</sup> now looked familiar to him, and that he believed that after stopping by the steps at the northern end of Kells Walk he had moved down the side

of that building and taken cover behind the wall at the southern end. He said he could not remember which other soldiers had been at the wall when he reached it. He thought that the soldier to whom he passed the handset of his radio had been the Senior NCO for whom he had been acting as signaller.

<sup>1</sup> Day 360/136-155

<sup>2</sup> C127.9

**84.154** Private INQ 127 said that he saw only one soldier open fire. That soldier was using a sniper rifle. Private INQ 127 identified him as Sergeant K. He was not the soldier who had given the warning about a Thompson sub-machine gun. Private INQ 127 said that he believed that Sergeant K had been standing next to the NCO for whom Private INQ 127 had been acting as signaller. Private INQ 127 said that he remembered Sergeant K bringing his rifle to the aim and looking through the sight to see “*where everybody was shouting at*”.<sup>1</sup> He did not see at whom or at what Sergeant K fired his rifle. Private INQ 127 said that he did not remember any soldier other than Sergeant K firing, or hearing any other shot close to him, although he still had “*a feeling*”<sup>2</sup> that the NCO whose signaller he was had fired his rifle.

<sup>1</sup> Day 360/148

<sup>2</sup> Day 360/151

**84.155** Private INQ 127 also said that he did not remember seeing Private L or Private M at any stage; nor did he see any crawling man, or recall any order to fire or cease firing being given by an NCO. So far as Private INQ 127 knew, the person lying prone had not had any part of his body on the barricade. Private INQ 127 did not remember seeing anyone else in the area of the barricade when he looked over the wall, other than the person at the corner of Block 1, nor did he recall seeing anyone with a weapon at the barricade. The dust that he saw rising from the barricade had been near the body of the person lying prone. Private INQ 127 said<sup>1</sup> that he did not see anything in the moments before Sergeant K fired his rifle that warranted opening fire.

<sup>1</sup> Day 360/161-162

## Private 006

**84.156** In his RMP statement,<sup>1</sup> Private 006 of Mortar Platoon recorded that he took up a position at the rear of Sergeant O’s vehicle when it was located about 10m to the north of Block 1 of the Rossville Flats. According to this account, from this position he saw a member of his battalion firing at the rubble barricade. The firing soldier was behind a low wall, which “*circled number two Columbcille Court, situated at the North East Corner*”. He saw three

strikes on the barricade as a result of the firing but did not see anyone hit. When the firing finished, Lieutenant N ordered Private 006 and others to collect three bodies from the barricade.

<sup>1</sup> [B1375-B1376](#)

**84.157** In his written statement to this Inquiry,<sup>1</sup> Private 006 told us that his current recollection was that he had looked towards the barricade from the northern end of Block 1 and seen bullets hitting the barricade. He had not seen any civilians but had assumed that they were keeping low behind the barricade in firing positions. He only recalled hearing the sound of SLR fire. He thought that the bullets had been fired by soldiers who were standing behind a low wall near Kells Walk. He did not now remember seeing the soldiers fire, although he said that their firing was “*very controlled*”, that they appeared to be firing at identifiable targets and that they were acting in a disciplined manner and not firing wildly. The soldiers were gesturing towards the barricade, indicating to Private 006 and perhaps to others nearby that there were identifiable targets behind the barricade. When he and others later went to pick up the bodies from the barricade, Private 006 knew that these soldiers would give them cover. Although his current recollection was of seeing several bullet strikes on the barricade, Private 006 preferred to rely on his RMP statement, in which he stated that he had referred to “*2 or 3*”. In fact, he had referred in that statement to three strikes.

<sup>1</sup> [B1377.005-B1377.007](#)

**84.158** In his oral evidence to this Inquiry,<sup>1</sup> Private 006 said that although he had said in his RMP statement that he had been at the rear of Sergeant O’s vehicle at the material time, he thought that he could actually have been at the northern end of Block 1. He did not think that the vehicles had gathered at the northern end of the block when he arrived there. He could not remember whether he had seen only one soldier firing, as he had said in his RMP statement, or whether there had been two or three soldiers behind the low wall. Private 006 said<sup>2</sup> that he had seen the soldiers firing at the barricade but had not seen any gunmen, nail bombers or petrol bombers. He had not recognised any of the soldiers and did not know to which platoon they belonged. He did not remember seeing a group of soldiers move forward from the low wall at any stage to be replaced by a second group. Later in his evidence,<sup>3</sup> Private 006 said at first that he had been at the north-west corner of Block 1, but then said that the description of his position that he gave in his RMP statement would have been accurate and that he would have been looking at the barricade around the side of Sergeant O’s vehicle. When the bullets hit the barricade, he saw “*the muck fly up*”. He could not remember which part of the barricade the bullets

had hit. He did not see anyone crawling away from the barricade as a result of the shooting, pushing rifles or anything of that kind, nor did he see anyone bouncing up against a wall having been shot.

<sup>1</sup> Day 334/25-30

<sup>3</sup> Day 334/76-87

<sup>2</sup> Day 334/58-61

## Evidence of Lieutenant Colonel Wilford on shooting from the low walls of the Kells Walk ramp

**84.159** Later in this report<sup>1</sup> we consider in detail Colonel Wilford's accounts of what he did and saw when he followed his soldiers into the Bogside. However, in view of the references made to his presence or possible presence at the low walls of the Kells Walk ramp, it is convenient at this point to refer to his evidence on this topic.

<sup>1</sup> Paragraphs 171.1–36

**84.160** In his undated 1972 statement,<sup>1</sup> Colonel Wilford recorded that as he arrived at a low wall on the western side of Rossville Street, one of the soldiers fired "*to his left front*". Colonel Wilford asked the soldier what his target was, and he said that there was a gunman lying behind some rubble. "*I warned them all to keep their heads down and to fire only at identifiable targets. I asked where the Company Commander was and he was pointed out as being across near the flats. I then ran over and had a quick word with the RMP arrest team which had arrived to pick up some arrested civilians.*"

<sup>1</sup> B951

**84.161** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Colonel Wilford confirmed this account and said that the soldier who fired was the one shown standing on the left of the low walls in Jeffrey Morris's photograph of soldiers at the low walls of the Kells Walk ramp, which we have reproduced above.<sup>2</sup> He said that the soldier was firing towards the rubble barricade. He was asked<sup>3</sup> whether he could identify the soldier by letter, and said that he would be able to do so after the Widgery Inquiry had risen. However, there is no indication in the transcript that he ever did this. Colonel Wilford also identified the figure in a beret shown behind the wall in the photograph as himself. He said<sup>4</sup> that he had seen one of his soldiers "*firing shots*", but it was then put to him that he had seen a soldier "*fire one shot*", and he agreed with that proposition.

<sup>1</sup> WT11.44-46

<sup>3</sup> WT11.79

<sup>2</sup> Paragraph 84.53

<sup>4</sup> WT11.65

**84.162** In his written statement to this Inquiry,<sup>1</sup> Colonel Wilford told us that he did not now recall seeing the soldier firing. He stated that his current recollection was that the soldier had told him that he had fired, but that it was clear from his evidence to the Widgery Inquiry that he had in fact seen the soldier fire. He could not now identify any of the soldiers at the low wall, nor could he say whether he had seen the soldier fire more than one shot, although he inclined to the view that he had not.

<sup>1</sup> B1110.034

**84.163** In his oral evidence to this Inquiry,<sup>1</sup> he confirmed that he thought that he had probably seen the soldier fire a single shot. Later in his evidence,<sup>2</sup> he was shown the account given by Private L in his statement to this Inquiry of his firing towards the rubble barricade, and it was put to Colonel Wilford that one of these shots must have been the one that he saw. He said that this would seem to be so.

<sup>1</sup> Day 313/58-59; Day 315/31-32; Day 316/58

<sup>2</sup> Day 321/39-40

## Summary of the military evidence of shooting by Composite Platoon from the low walls of the Kells Walk ramp

**84.164** Sergeant K stated that he fired one shot from the walls of the low ramp at the southern end of Kells Walk at the second of two men crawling from the rubble barricade, who appeared to have a rifle. Sergeant K told Captain 200 that he had fired at a gunman at the barricade and missed. He told the RMP that he might have hit the gunman but that he did not observe a strike, and told the Widgery Inquiry that he could not say whether he had hit the gunman or not, but also said that he had not killed him. He told this Inquiry that he thought that he had hit the gunman. Sergeant K also stated that the first man had reached the door of the flats and had been pulled in and that the second man had also eventually been pulled in. There was nothing in the accounts that Sergeant K gave in 1972 to suggest that the first man was armed and Sergeant K told us that he had no weapon.

**84.165** Private L stated that on the orders of Colour Sergeant 002 he had fired a shot at, and hit, one of two men crawling away from the rubble barricade and shortly afterwards had fired another shot at the other man which he thought had hit both men. He told the RMP and this Inquiry that both men appeared to be cradling rifles, but his evidence to the Widgery Inquiry was that the man at whom he fired his second shot was cradling the rifle he had originally seen in the possession of the first man. Captain 200 recorded that Private L had

fired two shots at the rubble barricade, but not that he was claiming a hit or a possible hit. According to his evidence to this Inquiry, Private L fired two shots at the first man, both of which hit him, and one at the second, which might have missed.

- 84.166** Private M stated that he had fired one shot from a kneeling position at each of two men crawling from the rubble barricade who he thought were pushing weapons in front of them, and told the Widgery Inquiry in his oral evidence that he thought that he had hit both of them. Captain 200 recorded that Private M had fired two rounds at a gunman (not gunmen) behind the rubble barricade, with a possible hit.
- 84.167** Colour Sergeant 002 recorded in his RMP statement that he saw Sergeant K fire one shot at two males who were behind a pile of rubble, but in his written statement for the Widgery Inquiry said that Sergeant K told him about the two men after the shot had been fired. Colour Sergeant 002 also stated that he himself told Private L and Private M to fire at a man with a rifle doing a leopard crawl towards the southern end of Block 1 of the Rossville Flats, and saw these two soldiers each fire two shots at this man, who was hit. He saw a second man crawling from the rubble barricade but could see no weapon and as people were standing inside the door to which he was crawling he ordered Private L and Private M to cease fire, which they did.
- 84.168** Corporal 039 gave a different account. He stated that he ordered Private L and Private M to fire at two gunmen crawling from the rubble barricade to the door at the southern end of the Rossville Flats, one of whom appeared to have a Thompson sub-machine gun and the other a weapon of some sort. Private L and Private M each fired two shots. He thought both men had been hit, the former about two or three times.
- 84.169** Private 032 gave an account of seeing two men crawling from the rubble barricade along the wall of Block 1 of the Rossville Flats, the rear one trailing what looked like a rifle. Private L opened fire and the rear man jerked as if struck by a bullet. The man in front had by this time gone into the entrance. Sergeant 014 gave a very similar account.
- 84.170** Sergeant 035 gave an account of seeing Private M fire two shots at, and hit, two men who were crawling south along the wall of Block 1 of the Rossville Flats. Both men, who appeared to be dragging long objects that looked like rifles, continued to crawl until they reached the entrance to the block. Sergeant 035 told us that he did not think that he had actually seen the men hit, but that he had assumed that they had been hit because he did not think that the soldiers would have missed from the range from which they were firing.

- 84.171** Lance Corporal 010 told the RMP that he had seen Private L fire two aimed rounds towards the rubble barricade, but did not see his target.
- 84.172** Private INQ 127 told us that he only saw Sergeant K fire and that he did not see anything in the moments before this soldier fired that warranted opening fire.
- 84.173** As to the evidence of Private 006, this in our view may relate to the firing by Sergeant K, Private L or Private M, but does not provide any assistance on the question why this firing occurred.
- 84.174** In total, therefore, according to the accounts discussed above, and on the assumption that Private L fired two shots at this stage as he said in 1972, and not three as he told this Inquiry, soldiers of Composite Platoon fired five shots from the low walls of the Kells Walk ramp, all of them at one or other of two men who were crawling from the rubble barricade to the entrance to Block 1 of the Rossville Flats, though the descriptions soldiers gave of these men and their actions and movements differed significantly. These soldiers were ordered to fire by Colour Sergeant 002 and perhaps also by Corporal 039, though in our view Sergeant 035 probably gave no order.
- 84.175** The evidence of Sergeant K, Colour Sergeant 002, Private 032 and Sergeant 014 is that only one man was hit. As will be seen, this is consistent with the evidence of civilians, which we consider later in this report.<sup>1</sup> We have found no evidence, apart from that of Private L, Private M and Corporal 039, that two men were hit, and in our view these soldiers were mistaken in stating that this was the case. We consider later in this report<sup>2</sup> the question of what Colonel Wilford said when he reached the low walls of the Kells Walk ramp.
- <sup>1</sup> Paragraphs 86.414–468
- <sup>2</sup> Paragraph 171.30
- 84.176** Despite his later evidence that he might have hit his target, it is in our view likely that Sergeant K missed. This is what he initially told Captain 200, and that he missed his target is to our minds supported by the evidence of Colour Sergeant 002. It is possible that Sergeant K untruthfully told Captain 200 that he had missed in his initial accounts in order to avoid being held responsible for the casualty, but to our minds this is highly unlikely in view of his later accounts.
- 84.177** We are sure, on the basis of the soldiers' evidence and of the civilian, medical and scientific evidence that we consider later in this report,<sup>1</sup> that the man who was hit by firing from Private L or Private M was Kevin McElhinney, who was shot as he crawled from the rubble barricade and had got close to the entrance to Block 1 of the Rossville Flats.

We are also sure, for the reasons we also give later in this report,<sup>2</sup> that neither Kevin McElhinney nor anyone close to him was armed with a rifle. Later in this report<sup>3</sup> we consider whether it is possible to determine which of these soldiers is the more likely to have shot Kevin McElhinney and whether or not they believed (albeit mistakenly) that he posed a threat of causing death or serious injury.

<sup>1</sup> Paragraphs 86.375–398 and 86.411–468

<sup>3</sup> Paragraphs 89.50–71

<sup>2</sup> Paragraphs 86.461 and 89.56

- 84.178** We should add that we do not accept the evidence of Private M to the Widgery Inquiry, that as he and Corporal 039 were advancing up the side of Kells Walk, there were some pistol shots and a few high velocity shots coming from the rubble barricade. He said that he did not see who was firing them, or where they went. Thus it is difficult to see how he could have known that these were shots from the rubble barricade. Private M also gave accounts of hearing nail bombs and seeing a petrol bomb land in front of the rubble barricade. We have already expressed our view that there were no nail or petrol bombs.
- 84.179** By the time Private M advanced up the side of Kells Walk, Lieutenant N had fired shots up the Eden Place alleyway, Corporal P had fired two shots a short distance further south on Rossville Street, and a man with a pistol had fired as described by Private 017 and others, also a short distance to the south or south-west. As Private M advanced up the side of Kells Walk, Anti-Tank Platoon soldiers fired from the low walls at the southern end of Kells Walk, and firing was taking place in the car park of the Rossville Flats. In our view Private M probably heard these shots, or some of them, wrongly assumed that they had come from the area of the rubble barricade and as a result believed that there were armed men at that barricade. We take the same view of what Private L described in his RMP statement<sup>1</sup> as sporadic fire coming from the direction of the rubble barricade as he advanced and of bullet strikes in Rossville Street.

<sup>1</sup> B312

# Chapter 85: Other shooting by soldiers in Sector 3

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**85.1** In addition to the shots that soldiers from Anti-Tank Platoon and Composite Platoon stated that they had fired from the low walls of the Kells Walk ramp, there is evidence of other shooting by soldiers in Sector 3.

## Corporal P

**85.2** Earlier in this report<sup>1</sup> we considered the evidence of Corporal P of Mortar Platoon, to the effect that he had fired two shots at a nail bomber soon after taking up position on the western side of Rossville Street, after disembarking from Sergeant O's APC. For the reasons we gave, we rejected his account of engaging a nail bomber, but we concluded that he did fire his rifle at about this time. On the basis of Liam Mailey's evidence and photographs, which we have considered earlier in this part of the report,<sup>2</sup> we are sure that these shots were fired before soldiers of Anti-Tank Platoon reached the low walls of the Kells Walk ramp.

<sup>1</sup> Chapter 73

<sup>2</sup> Paragraphs 69.51–57

85.3 After giving the account that we have rejected of firing at a nail bomber, Corporal P recorded in his first RMP statement:<sup>1</sup>

“The crowd then pulled back temporarily about 5–10 metres. The nailbomb did not explode. They then surged forward again and removed the body of the man I had shot.

In front of us about 70–75 metres was a block of flats. To the right of us were the Rossville Flats.

Between us and the flats in front was a low barricade towards which we advanced. As we advanced we came under gunfire. I think it was from a pistol but cannot be certain. Two bullets struck the wall just above our heads.

We went to ground. When lying I saw a man get up from behind the barricade he had what appeared to be a pistol in his hand. He held it like a pistol and he pointed it in our general direction. I fired four aimed shots at this man. I saw the first round strike the barricade and the following three rounds appeared to hit the body of the man with the pistol. He fell backwards behind the barricade.

A group of people ran towards where he had fallen and some of them bent down and picked something up. It was not the body and I assumed it was the gun.

We stayed in our positions until the rioters dispersed.

After I had shot the gunman I fired a further five rounds over the heads of the rioters to attempt to disperse them.

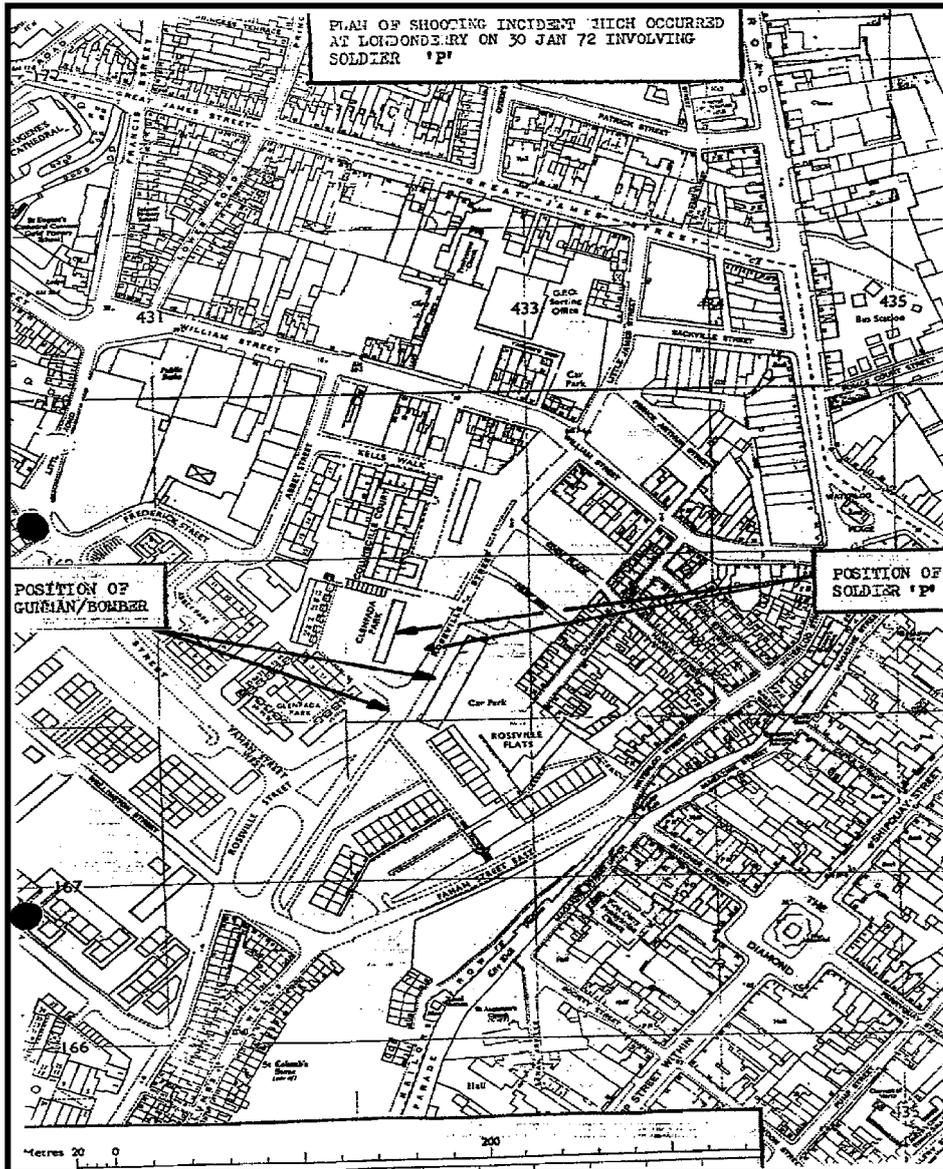
I cannot describe the gunman I shot, the incident occurred so quickly.”

<sup>1</sup> B577-578

85.4 We have earlier<sup>1</sup> reproduced the RMP map that accompanied this statement but for convenience we reproduce it again here.<sup>2</sup>

<sup>1</sup> Paragraph 73.2

<sup>2</sup> B579



85.5 It is not possible to tell from this map which of the two positions marked for Corporal P was intended to show what he had said was his position when he fired four shots at a man with a pistol behind the rubble barricade.

85.6 In his second RMP statement timed at 1450 hours on 1st February 1972,<sup>1</sup> Corporal P stated that his first RMP statement was incorrect in recording that he had fired five shots over the heads of rioters: "*I fired only 3 rounds 7.62 over their heads.*" He stated that during the afternoon he fired a total of nine rounds. We have no reason to doubt that this was an accurate correction as to the total number of shots he had fired.

<sup>1</sup> B588

85.7 In his written statement for the Widgery Inquiry,<sup>1</sup> Corporal P gave a similar account of firing at a man with a pistol at the rubble barricade, but whereas in his first RMP statement he had said only that the gunman pointed in the general direction of the soldiers something that looked like a pistol, in this statement Corporal P added that the gunman fired a number of shots. As to the shots that he said that he had fired after shooting at the man with a pistol, he gave this account:

“The area qui[e]ttened down. I noticed the vehicle had moved back on to the waste ground in front of the North End of the Rossville Flats. I then told the soldier who was with me to move back across the road to cover the vehicle. I followed on behind him. When I was halfway across a group of people came out from the Glenfada Park area and started coming down the road towards the barricade. Most of them were again throwing missiles at myself, the soldier who had been with me and at the vehicle. I thought the crowd was coming too close for comfort so I knelt down in the street and fired three shots over the heads of the crowd in an attempt to disperse them. There would have been no-one in my line of fire. I then reached the cover of the vehicle. I got into the back of the vehicle and could still hear firing but inside the vehicle the sound is very indistinct so I could not tell what kind of firing it was. I was then ordered to act as escort in the Commander’s vehicle which held the bodies and accompanied them to the Altnagelvin Hospital.”

<sup>1</sup> [B592-593](#)

85.8 In this statement Corporal P recorded that (contrary to his first RMP statement) he did not cock his rifle until after leaving the vehicle. He also stated that there was only one soldier with him, not two as he had recorded in his first RMP statement.<sup>1</sup>

<sup>1</sup> [B593](#)

85.9 In his oral evidence to the Widgery Inquiry, Corporal P said that when he saw the man with a pistol at the rubble barricade there were about five or six people there, on either side of the man with the pistol, who were throwing stones. His evidence continued:<sup>1</sup>

“Q. Can you say how many shots he fired?”

A. Not altogether, sir.

Q. What would have been the range?

A. About 100 metres – something like that.

Q. Did you then take action?

A. Yes.

Q. What did you do?

LORD WIDGERY: Did you hear the shots? Did you hear the bullets from that range?

A. Yes, they passed overhead. I took aim at him and fired four shots. He stood up before this and pointed the pistol again and fired another couple of shots, not particularly in my direction, but I believe in the direction of Guinness Force.

Mr. GIBBENS: That is behind you?

A. Yes. I fired four shots, one of which hit the barricade and the other appeared to hit the man. He fell back.

Q. You say four shots you heard go over you. Were you in a position to judge what sort of pistol it was he had?

A. Not particularly, no, sir.

Q. I mean, normally 100 metres would be rather a good range for a pistol?

A. Yes, reasonably good.

Q. But these bullets went past you?

A. Yes.

Q. When you fired you say you knelt down. What position did you hold your rifle in?

A. At the shoulder, sir.

Q. Were there any other people in your line of fire at the time?

A. No, sir.

Q. That you were aware of?

A. No, none whatsoever.

Q. You fired, and you believe you hit him?

A. Yes."

<sup>1</sup> WT13.50

85.10 Corporal P continued his account by telling the Widgery Inquiry that a group of people had come out from the Glenfada Park area and run across towards the Rossville Flats, one or two coming in the direction of the rubble barricade: “*They picked up something which I think was a pistol, but I could not be certain, and carried it over to the area of Rossville Flats.*” He said that the body of the man he had shot lay at the barricade and that he did not see it removed.<sup>1</sup>

<sup>1</sup> WT13.51

85.11 Corporal P then said that about a minute later people came back to the rubble barricade who he thought were attempting to cross it, but the immediate area then quietened down.<sup>1</sup> His evidence continued as follows:<sup>2</sup>

“Q. Did you see where the vehicle was that you had been with?

A. Yes, a vehicle which was at the car park, nearest to the car park at Rossville Flats, had moved back on to the open ground just by the corner of Block 1.

Q. Did you tell your companion soldier to move back under the cover of that vehicle?

A. Yes, I did.

Q. And did you follow him?

A. Yes.

Q. So you were going towards Pilot Row, were you?

A. Not to Pilot Row – towards the corner.

Q. That way?

A. Yes.

Q. Your back then would be to Glenfada Park?

A. Yes.

Q. When you were going in that direction did you see some more people?

A. Yes, as I say, they came out of Glenfada Park. I was looking around as I was running. I saw some people coming out of Glenfada Park and attempt to cross the barricade. They were still throwing stones at this time.

Q. What part of Glenfada Park did they come out of – which end?

A. From this end here.

Q. And down that alleyway near the barricade?

A. That is correct.

Q. And they seemed to be attempting to cross the barricade?

A. One or two of them did, sir.

Q. You mean towards Rossville Flats or up the street?

A. Up the street towards where we were.

Q. Were they doing anything as regards –

A. They were throwing stones and bottles.

Q. At whom?

A. Towards me in general.

Q. At you?

A. At me and at the vehicle.

Q. How close to you did they come?

A. I could not say to be exact. They were fairly close. I would not like to pin it down.

Q. Where were the troops behind you at the alleyway to Kells Walk?

A. I believe a few had moved back, but I could not be certain. I believe one or two had left the alleyway and carried on.

Q. When the crowd approached throwing stones and bottles what did you do?

A. I dropped on one knee and fired a couple of shots over their heads in an attempt to disperse them, which I did. I thought it was endangering a lot of life.

Q. The crowd?

A. Me in particular and also the people with the vehicle.

Q. How many were in the crowd?

A. About 50 or 60.

Q. And then in which direction would you fire?

A. It would be more or less straight up the road, sir.

Q. Did you then reach the cover of your vehicle?

A. I did, yes.

Q. And get into it?

A. Yes.

Q. When you got in could you hear any firing still going on?

A. There was some firing still going on, but I could not make out as to what sort it was.

Q. Were you then ordered to act as escort of the Commander's vehicle, where there were three bodies?

A. Yes.

Q. And did you accompany them to Altnagelvin Hospital?

A. Yes, sir."

<sup>1</sup> WT13.51

<sup>2</sup> WT13.51-52

**85.12** Corporal P told the Widgery Inquiry that the reason he fired over the heads of the crowd was to frighten them off.<sup>1</sup>

<sup>1</sup> WT13.53

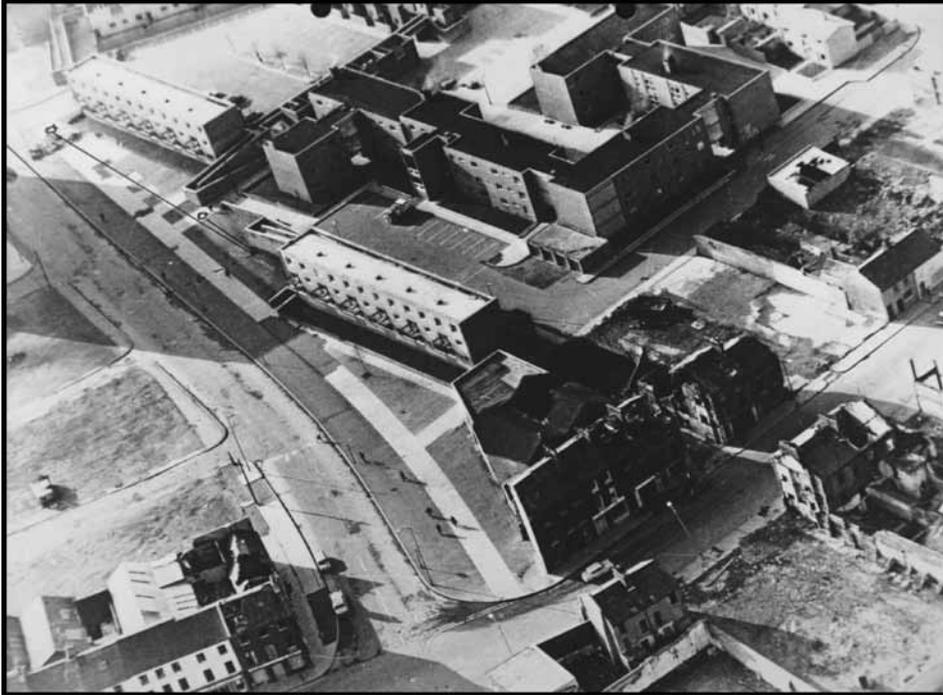
**85.13** Corporal P also told the Widgery Inquiry that when he fired four shots at the man with a pistol behind the rubble barricade he was "*Alongside the wall*",<sup>1</sup> and he agreed, on being shown his trajectory photograph, that he had fired at this man from the same position as that from which he had previously fired at the man he said was holding a nail bomb. He said that he was firing at an angle, so that his shots did not go down to Free Derry Corner (which he said he could not see from where he was) but to what appears from the transcript to have been the left.<sup>2</sup>

<sup>1</sup> WT13.63

<sup>2</sup> WT13.63; WT13.69

**85.14** We have already exhibited Corporal P's trajectory photograph when discussing his shots at an alleged nail bomber,<sup>1</sup> but for convenience we reproduce this photograph again below.

<sup>1</sup> Paragraph 73.4



**85.15** Corporal P said that the pistol man was the only man with a weapon whom he saw at the rubble barricade and that he did not hear any explosions near the barricade. He then said that after he had fired at the pistol man the rioting died down and he went towards the car park of the Rossville Flats, at which stage he saw a hostile crowd of about 50 or 60 people who had come from the Glenfada Park area, a few of whom came across the barricade towards him. He said that he was within range of the stones that these people were throwing and that at this stage he fired three shots over their heads and the crowd retreated. He also said that he was crossing Rossville Street at this stage and that there were one or two soldiers at the corner of Block 1 of the Rossville Flats who were nearer to the crowd.<sup>1</sup>

<sup>1</sup> [WT13.65-67](#)

**85.16** As we have already observed,<sup>1</sup> in his written statement to this Inquiry Corporal P told us (in our view falsely) that he recollected very little about 30th January 1972.<sup>2</sup> He also said that he had no recollection of firing his weapon or of seeing or hearing others firing weapons.<sup>3</sup>

<sup>1</sup> [Paragraph 69.29](#)

<sup>3</sup> [B623.002](#)

<sup>2</sup> [B623.001](#)

## Summary of the accounts of firing by Corporal P

**85.17** According to his accounts, Corporal P was close to the wall of the high ramp at the south end of Kells Walk when he fired two shots at, and hit, a nail bomber at or near the alleyway leading into Columbcille Court; he then fired four shots from the same position at a man with a pistol behind the rubble barricade whom he also hit; and finally he fired three shots over the heads of people advancing over the rubble barricade as he was making his way across Rossville Street towards his vehicle (Sergeant O's APC), which by this time had moved to the north end of Block 1 of the Rossville Flats.

**85.18** We have already expressed our conclusion<sup>1</sup> that Corporal P was not telling the truth when he stated that he had first fired at a nail bomber. As we observed,<sup>2</sup> this makes it difficult to rely on the accounts he gave of his later shots, in the absence of supporting evidence. We return to consider Corporal P's evidence about those shots later in this report<sup>3</sup> when we discuss the question which soldier or soldiers shot the casualties at the rubble barricade. At this stage, however, we should record that though it appears that Corporal P fired his first shots, which he claimed (falsely) to have fired at a nail bomber, before other soldiers arrived at and fired from the low walls of the Kells Walk ramp, it is difficult to relate his remaining shots in time to the other firing in Sector 3. The reasons for this are not only the unreliability of Corporal P's accounts but also the fact that there is no other evidence from soldiers of Corporal P's later firing.

<sup>1</sup> Paragraph 73.27

<sup>3</sup> Paragraphs 89.21–32

<sup>2</sup> Paragraph 73.28

**85.19** In his oral evidence to this Inquiry,<sup>1</sup> Lance Corporal F said that he did not see a soldier firing approximately nine shots from a position in front of Anti-Tank Platoon when they were at the south end of Kells Walk. In his oral evidence to this Inquiry,<sup>2</sup> Private H said that he had no recollection of a soldier from another platoon firing approximately nine shots from a position not far in front of him at the south end of Kells Walk. In his oral evidence to this Inquiry,<sup>3</sup> Lance Corporal J said that he had no recollection of a soldier from another platoon firing approximately nine shots from a position to the south of the south end of Kells Walk.

<sup>1</sup> Day 375/79-80

<sup>3</sup> Day 370/25

<sup>2</sup> Day 377/25

**85.20** In his oral evidence to this Inquiry,<sup>1</sup> Private U said that he did not see any soldiers firing from the western side of Rossville Street. In his oral evidence to this Inquiry,<sup>2</sup> Captain 200 said that he had no recollection of seeing a soldier firing any shots from a position in front

of the eastern wall of the high ramp at the south end of Kells Walk. In his oral evidence to this Inquiry,<sup>3</sup> Private David Longstaff said that he did not remember a soldier from another platoon firing approximately nine shots in the area of the low walls at the south end of Kells Walk.

<sup>1</sup> Day 369/108

<sup>3</sup> Day 374/77-78

<sup>2</sup> Day 367/101-102

## 85.21

In his oral evidence to the Widgery Inquiry,<sup>1</sup> Sergeant K said that when he was at the low walls at the south end of Kells Walk he saw no other soldiers immediately in front of him, and did not see the two soldiers shown in Liam Mailey's third photograph, which we have reproduced above<sup>2</sup> and which we are satisfied shows Corporal P and Private 017. In his oral evidence to this Inquiry, Sergeant K confirmed that he did not remember seeing two soldiers on their own in the position shown in that photograph,<sup>3</sup> and said that he had no recollection of seeing, while at the low walls at the south end of Kells Walk, a soldier of Support Company firing from a position further south.<sup>4</sup>

<sup>1</sup> WT15.88-WT15.89

<sup>3</sup> Day 364/145-146

<sup>2</sup> Paragraph 69.54

<sup>4</sup> Day 364/151

## 85.22

As explained earlier in this report,<sup>1</sup> the baton gunner Private 017 disembarked from Sergeant O's APC when it stopped briefly in Rossville Street and, with Corporal P as his escort, crossed to the western side of that street. We have already drawn attention<sup>2</sup> to the fact that Private 017 mentioned nothing in his first RMP statement about Corporal P engaging a nail bomber.<sup>3</sup> He mentioned nothing in that statement, nor in the other accounts that he gave in 1972,<sup>4</sup> about any of the other shots that Corporal P said that he fired later. In his written evidence to this Inquiry, Private 017 told us that he did not see Corporal P fire another shot after firing at the alleged nail bomber. He also told us that after he had seen the gunman at whom he fired his baton gun, an incident which we have considered earlier in this report,<sup>5</sup> he went back to his APC to collect his rifle and stayed there looking for snipers in the Rossville Flats, but "*there were none there*".<sup>6</sup>

<sup>1</sup> Paragraphs 24.12–19 and 24.33–36

<sup>4</sup> B1479; B1482

<sup>2</sup> Paragraph 73.11

<sup>5</sup> Chapter 74

<sup>3</sup> B1472

<sup>6</sup> B1484.005

## 85.23

In his oral evidence to this Inquiry, Private 017 said that he "*vaguely*" remembered Anti-Tank Platoon moving forward from his and Corporal P's position and going into Glenfada Park,<sup>1</sup> but he denied that he had seen four youths killed at the rubble barricade.<sup>2</sup> His attention was drawn to the fact that Corporal P had said that, after he had shot the man with a pistol at the rubble barricade, he and Private 017 had started to make their way across Rossville Street where a crowd attacked them and where Corporal P fired three

shots over their heads. Private 017 told us that he neither saw nor heard the shots Corporal P said that he had fired at a pistol man, or the shots Corporal P said that he had fired over the heads of a crowd.<sup>3</sup>

<sup>1</sup> Day 358/134

<sup>3</sup> Day 358/166-167

<sup>2</sup> Day 358/144

**85.24** Private 017's evidence lends no support to the accounts given by Corporal P of his shooting at a pistol man or over the heads of the crowd. In view of his false assertion that he saw Corporal P shoot a nail bomber, it is difficult for us to rely on his assertion that he did not see what Corporal P then did. Whether Private 017 returned more or less immediately to his APC is in our view in doubt, given that Corporal P had said in the accounts that he gave in 1972 that he remained with or close to Private 017 until they returned to the APC. It thus remains possible that Private 017 saw at least some of what Corporal P did after his first firing, but has chosen not to tell us what he saw.

## Assessment of the accounts of Corporal P

**85.25** We have already rejected Corporal P's account of firing two shots at a nail bomber.<sup>1</sup> We also reject his account of firing over the heads of a crowd that was advancing over the rubble barricade as he was making his way to his vehicle (Sergeant O's APC), which had moved in front of the north end of the Rossville Flats. There is no other evidence to suggest that at this stage there was any hostile movement of the crowd as Corporal P asserted. On the contrary, as we describe later in this report,<sup>2</sup> people had been killed at the rubble barricade, and all others had fled, leaving it deserted save for Alexander Nash, who had gone to his son William, whose body was lying there with those of Michael McDaid and John Young.

<sup>1</sup> Paragraph 73.27

<sup>2</sup> Chapter 86

**85.26** As to the man with a pistol at the rubble barricade at whom Corporal P said that he had fired four shots, we have found nothing that to our minds supports Corporal P's accounts, which varied from telling the RMP that he had seen a man get up from behind the barricade and point a pistol "*in our general direction*"<sup>1</sup> to telling the Widgery Inquiry that the man had fired a number of shots before he fired at the man. We consider, as we have said above,<sup>2</sup> that Corporal P's account of a man with a pistol getting up from the rubble barricade in full view of a considerable number of soldiers in the area, let alone then proceeding to fire a number of shots, is simply not credible.

<sup>1</sup> B578

<sup>2</sup> Paragraph 82.10

**85.27** Corporal P initially fired two shots, not at a nail bomber but probably over the heads of people to frighten them off, and he fired nine shots in total. Four people were killed at the rubble barricade: Michael Kelly (who was shot by Lance Corporal F), Michael McDaid, John Young and William Nash. As will be seen hereafter,<sup>1</sup> we are sure that none of these was armed with a weapon or doing anything that justified him being shot. We are also sure, for the reasons we give later in this report,<sup>2</sup> that there were no additional unidentified casualties at the rubble barricade. It seems to us highly unlikely, in view of the fact that Corporal P must have known that people had been killed at the rubble barricade, that he would have invented an account of firing at that barricade. Accordingly we conclude that Corporal P did fire at least four shots at the rubble barricade, but lied about his target, knowing that he had no justification for what he did. It is possible that he fired more than four shots in this direction, since we do not believe his account of later shooting over the heads of a crowd that in our view was not there.

<sup>1</sup> Paragraphs 86.55 and 86.364

<sup>2</sup> Paragraphs 87.228–236

**85.28** We make two further observations about Corporal P. The first is that his first two shots were fired at an early stage. No member of Anti-Tank Platoon or Composite Platoon appears to have seen Corporal P firing. It is therefore in our view likely, as we have already commented,<sup>1</sup> that other soldiers mistakenly took this firing for paramilitary firing. The second observation is that there is no evidence to support Corporal P's evidence as to where he was when he fired his subsequent shots, nor indeed as to when he did so. It is possible that some of these at least may have been fired from or near to the low walls of the Kells Walk ramp; and may have been fired at an earlier stage than Corporal P was prepared to admit.

<sup>1</sup> Paragraph 82.85

## Private U

**85.29** Private U was another Mortar Platoon soldier who disembarked from Sergeant O's APC in Rossville Street. We have described earlier in this report<sup>1</sup> how Private U was then involved in the arrest of Charles Canning. Having described this arrest in his first RMP statement timed at 0040 hours on 31st January 1972,<sup>2</sup> Private U continued:<sup>3</sup>

“I then returned the roadside corner of the Rossville Flat GR 43271686 where I took up a position there alone. I then came under fire from the waste ground at the far end of Rossville Flats. Between myself and this waste ground there was a barricade across Rossville Street. It was about three feet high and formed of rubble. The rioters were gathered around and behind this barricade but they were beginning to thin out by this time.

I heard about thirty gunshots while I was in this position but could not tell where they were coming from.

As the rioters thinned out I saw a man on the waste ground behind the barricade, he was about 150 metres from my position. He was standing in the middle of about five other men at GR 43321678<sup>4</sup> and he was wearing a light coloured anorak.

In his right hand he had a pistol and I saw him fire two shots at other members of my unit who were on the opposite side of the road from me.

From the standing aiming position I fired one aimed shot at this man. I saw that the shot struck him in the stomach and he jerked and fell. I also saw a man behind the one I fired at clutch his head with his hands and also fall to the ground.

When these two men fell to the ground the other rioters nearly<sup>5</sup> dropped to the ground also.

I reported my hit to my Coy CSM who was nearby and we were going to go forward to recover the body and weapon.

As we were about to do so a priest came out into the road with about ten other people. The priest was waving a white cloth.

We remained in our position. After about five minutes the Priest and the men with him moved off and we could see that the body had been removed.

We stayed in our positions until I was recalled to the arrest vehicle to identify the rioter I had arrested earlier.”

<sup>1</sup> [Chapter 35](#)

<sup>2</sup> [B748-749](#)

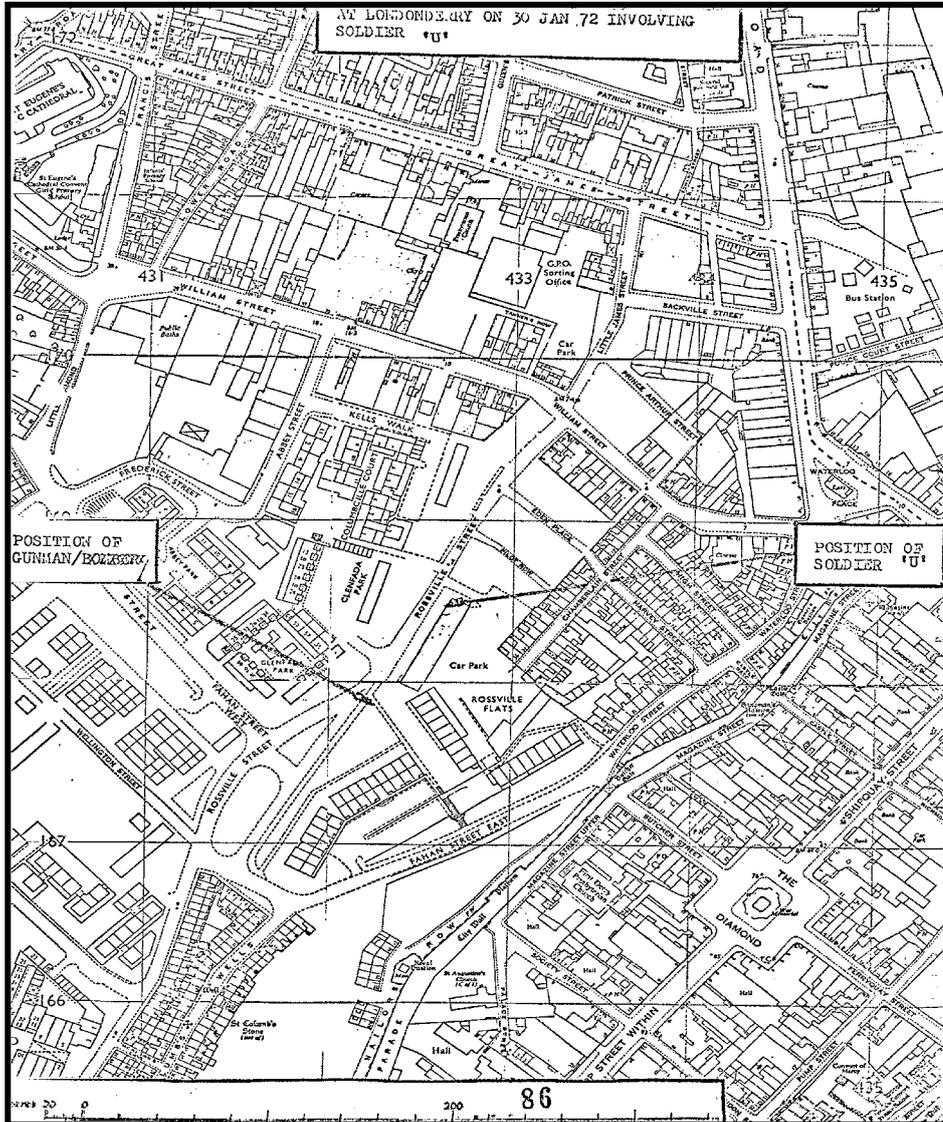
<sup>3</sup> [B749-750](#)

<sup>4</sup> This appears to be a mistake for GR43221678, which is the position shown on the RMP map.

<sup>5</sup> The word “nearly” was a typographical error for “nearby”, as can be seen from the manuscript version of the statement ([B758](#)).

85.30 On his RMP map, Private U's position is shown a little way down the western side of Block 1 of the Rossville Flats, while that of his target is shown a considerable distance south of the rubble barricade.<sup>1</sup>

<sup>1</sup> B754



85.31 In his second RMP statement, dated 4th February 1972,<sup>1</sup> Private U gave an account of seeing a gunman at the door of Block 1 of the Rossville Flats firing two shots. We return to this account later in this report.<sup>2</sup>

<sup>1</sup> B759

<sup>2</sup> Paragraph 86.563

85.32 In his written statement for the Widgery Inquiry, Private U gave this account of what he saw and did after dealing with the man he had arrested:<sup>1</sup>

“I then went back up Rossville Street towards the flats and as I did so I could see soldiers at the entrance to the forecourt firing at a gunman I could see on the far corner of the forecourt. At this point I cocked my rifle. I asked one of the soldiers in an armoured vehicle on the open ground to give me cover and I ran across in the direction of the flats. As I was running I saw four or five automatic shots landing near the Company Commander’s vehicle which was ahead of me in the direction of the flats. I got to the Command vehicle at the north end of Rossville Flats and intended to return to my own vehicle which was parked on the opposite side of the entrance to the forecourt but I noticed soldiers had taken up covering positions in that area and as there was not enough cover in the area where I was I decided not to proceed in the direction of my vehicle. I took over a position at the other end of the north end of Rossville Flats which is marked with a cross on the photograph which I have signed.

I was in this position about two minutes when I saw five or six men walking across from Glenfada Park towards Rossville Flats behind the barricade. I saw one of these men had a pistol. He had a light blue jacket on. The other men moved away from him as though they were surprised he had a pistol. He fired two shots in quick succession in the direction of the opposite side of Rossville Street from where I was standing where there were soldiers. Then I was in a standing aiming position, I took off my safety catch and aimed for the centre of his body. I fired one round. He fell backwards and the man behind him clutched his head. All the men went to the ground. I reported this to company sergeant major. About a minute later a group of people including a priest came out from behind the flats. The priest was waving a white flag and they picked the body up and took it to the back of the flats. I didn’t see what happened to the man who had clutched his head going down.”

<sup>1</sup> B767-768

**85.33** In his oral evidence to the Widgery Inquiry, Private U said that when he returned from handing over the man he had arrested he had been going to go to Sergeant O's APC but in fact went to the corner of the Rossville Flats:<sup>1</sup>

"Q. From there where were you intending to make your way?

A. At this point most of the firing had died down, hardly anything happening. I saw more of my own platoon in firing positions so the area inside of the flats was covered, but the corner, I believe the north corner of Rossville flats was not covered, or it was covered by one man and I did not think it was enough, so I went and joined him.

Q. When you were in that position did you see some people moving?

A. Yes.

Q. Where were they moving?

A. There were people moving all round this area, moving along here, a few people moving in towards Glenfada Park.

Q. Did you see a particular group of people?

A. At this point I see a group of about five or six men moving out from the area of Glenfada Park.

Q. Which way were they moving towards?

A. Moving towards the flats.

Q. Were they on the Free Derry Corner side of the barricade or your side of the barricade?

A. On this side of the barricade.

Q. This is on the far side, the Free Derry Corner side. Did you notice any of that group of men in particular?

A. Yes, one man had a pistol which he raised and fired two quick shots in the area opposite Rossville flats."

<sup>1</sup> WT13.97

- 85.34 Private U then gave the Widgery Inquiry a similar description to that in his written statement of firing at the man who had a pistol, seeing him fall backwards, seeing a man behind him clutch his head (Private U said that he did not see what happened to this man) and seeing the group of people all going down to the ground. He said that he reported this incident immediately to the Company Sergeant Major who “*was stood right next to me*”.<sup>1</sup>
- <sup>1</sup> [WT13.98](#)
- 85.35 We should record at this point that in his oral evidence to this Inquiry,<sup>1</sup> Warrant Officer Class II Lewis (the Company Sergeant Major of Support Company) told us that so far as he knew or recalled, Private U did not report a shot to him.
- <sup>1</sup> [Day 373/168](#)
- 85.36 Private U told the Widgery Inquiry that from his position he could see two bodies at the rubble barricade. He then gave an account of seeing an old man with one of the bodies and of a gunman firing from the door of Block 1 of the Rossville Flats,<sup>1</sup> to which we return later in this report.<sup>2</sup>
- <sup>1</sup> [WT13.98-100](#) <sup>2</sup> [Paragraph 86.565](#)
- 85.37 During his oral evidence to the Widgery Inquiry, Private U was shown his trajectory photograph.



**85.38** Private U agreed that the man he shot was on the junction behind the flats and that there were people at or near the rubble barricade at the time, who would have been in danger as they were between the man and the soldiers at whom, according to Private U, the man was firing.<sup>1</sup>

<sup>1</sup> WT14.3

**85.39** Private U told the Widgery Inquiry that he had seen soldiers going into Glenfada Park and had then heard high velocity firing from that area.<sup>1</sup>

<sup>1</sup> WT14.8

**85.40** There is no entry in Major Loden's List of Engagements<sup>1</sup> that corresponds with the shot that Private U said that he fired at a man who had a pistol. Private U told us that he had no recollection of talking to Major Loden.<sup>2</sup> It appears therefore that Private U did not report his shot to Major Loden, but we do not know why this was so.

<sup>1</sup> [ED49.12](#)

<sup>2</sup> [Day 369/183](#)

**85.41** Private U gave written and oral evidence to this Inquiry. In his written evidence to this Inquiry he gave a broadly similar account of his firing to the accounts that he had given in 1972.<sup>1</sup>

<sup>1</sup> [B787.005-006](#)

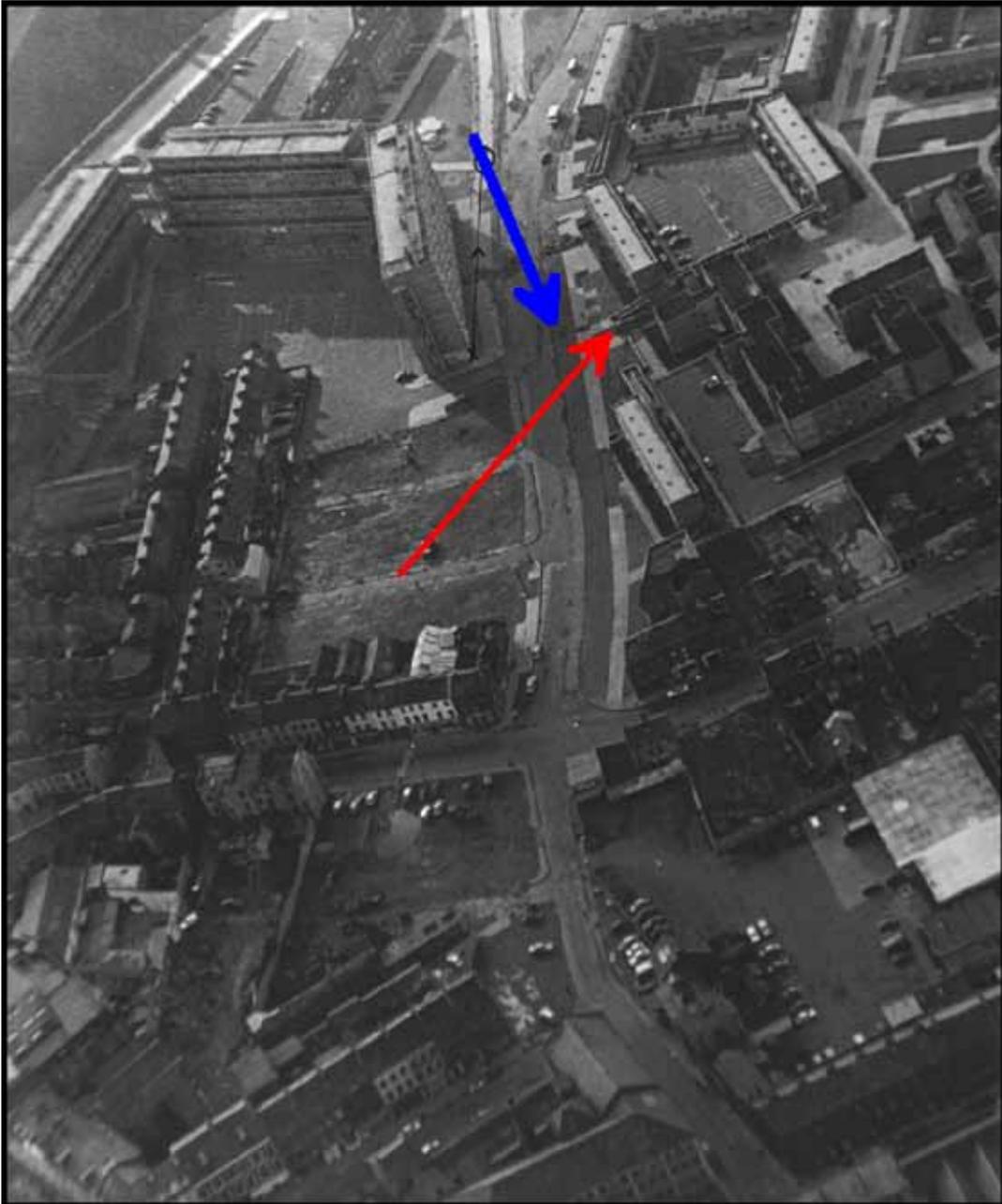
**85.42** In his oral evidence to this Inquiry, Private U told us that when he was at the northern end of Block 1 of the Rossville Flats he recalled being on his own and hearing gunfire coming "*from – towards Glenfada Park and others over to my left, which would be the courtyard area*".<sup>1</sup> He said that when he heard the high velocity firing from Glenfada Park that he had described to the Widgery Inquiry he was at the corner of the Rossville Flats.<sup>2</sup> He also told us that when he was there he saw five or six soldiers crouched in firing positions behind a wall on the other side of Rossville Street directly across from him. The position of these soldiers he marked on the following photograph with a red arrow as being in the area of the ramp at the northern end of Glenfada Park North.<sup>3</sup> He used a blue arrow to show the approximate direction, according to Private U's evidence, in which the gunman at whom he fired was facing.<sup>4</sup>

<sup>1</sup> [Day 369/58](#)

<sup>2</sup> [Day 369/61-63](#)

<sup>3</sup> [Day 369/64-67](#); [B786.0039](#)

<sup>4</sup> [Day 369/85](#)



- 85.43** Private U told us that he could not say whether these soldiers moved before he fired his shot.<sup>1</sup> He also told us that he had no recollection of seeing from his position people carrying Michael Kelly from the rubble barricade after he had been shot, or of seeing three men fall at the rubble barricade, or of seeing civilians running towards the door of Block 1 of the Rossville Flats, or of seeing a man stumble or fall near that door.<sup>2</sup> These

are all matters to which we return later in this report.<sup>3</sup> Private U also said that he had no recollection of Army vehicles moving close to his position and parking at the time he was at the northern end of Block 1 of the Rossville Flats.<sup>4</sup>

<sup>1</sup> Day 369/68

<sup>3</sup> Paragraphs 86.59 and 86.85–151

<sup>2</sup> Day 369/72-74

<sup>4</sup> Day 369/91

**85.44** In the course of Private U's oral evidence to this Inquiry, he gave the following answers when he was being questioned about his first RMP statement:<sup>1</sup>

"MR HARVEY: Again this statement is graphically painting a picture at the time that you shot of the barricade being manned by rioters; is that not right?

A. That is what I said there.

Q. Yes. There is not one mention which later comes into your SA statement<sup>2</sup> and your Widgery evidence about persons walking across from Glenfada Park towards the direction of Rossville Flats; is that not right, not one mention? Do you want to go back? Let us go back, could we go to the previous page: 'As the rioters thinned out I saw a man on the wasteground behind the barricade, he was about 150 metres from my position. He was standing in the middle', standing, not walking, but 'standing in the middle of about five other men and he was wearing a light-coloured anorak. In his hand he had a pistol ...'

That is a far different picture from the picture you sought to paint in your Treasury Solicitor's statement<sup>3</sup> and in your evidence before Widgery: you are placing this man behind the barricade at some distance, but in the midst of rioters who are thinning out; he is a member of them; they open up; he fires and all the other rioters nearby fall to the ground; is that not right?

A. Once again, I do not understand what you are getting at.

Q. Well, this picture that you are painting, it is a very simple picture in this statement, it is not really all that complicated: you get out of your vehicle, you say you make an arrest; you then go to the north-west corner of Block 1. There is still a riot going on. There are many people behind the barricade. They are thinning out. As they thin out, there is one man who is noticeably standing in the middle of five of those rioters. He opens fire with a pistol and other people around him fall to the ground nearby.

There is no mention of people walking out from Glenfada Park. There is no mention of people walking out from Glenfada Park and moving across towards Rossville Flats; is there?

A. I cannot explain that.

Q. Surely when you were making your statement to the Royal Military Police that particular evening these events would have been fresh in your mind as to when it was and what were the circumstances in which you had killed another person; were they not?

A. I suppose so.

Q. And this picture that you paint in words is consistent with other members of your unit, that is both Mortar Platoon, Machine Gun Platoon firing, either simultaneously or around the same time as you are and not one person being killed but a number of persons being killed at this barricade; is that not right?

A. No, it is not.”

<sup>1</sup> Day 369/147-150

<sup>2</sup> This refers to his written statement for the Widgey Inquiry.

<sup>3</sup> This is also a reference to his written statement for the Widgey Inquiry.

**85.45** It was suggested to Private U that while he was at the end of Block 1 he could not have failed to see other troops shoot and kill a number of those who were hit behind the rubble barricade. Private U said: “*I did not see that.*”<sup>1</sup>

<sup>1</sup> Day 369/156; Day 369/163

**85.46** Private U’s attention was drawn to some of the evidence, to which we refer below,<sup>1</sup> given by Bombardier 015, who was stationed in the shirt factory on the corner of Little James Street and Sackville Street, which he marked with an “X” on the following photograph when he made his written statement to this Inquiry.<sup>2</sup>

<sup>1</sup> Paragraphs 85.48–67

<sup>2</sup> B1434.009



**85.47** As can be seen, from this position Bombardier 015 had a view down Rossville Street. Private U gave the following evidence:<sup>1</sup>

“Q. Sir Allan Green has already taken you to some portions of what 015 said, can I take you to his statement at B1414.<sup>2</sup> If we could go to the final paragraph on this page. This is the soldier I have already pointed out to you on photographs 415, 417, 427, you can see the Peter England factory. He is looking straight down Rossville Street:

‘Suddenly all the troops in the area seemed to dive for cover and take up fire positions. One soldier I noticed was observing two men behind a rubble barricade that stretched from Block No 1 Rossville Flats across Rossville St to Glenfada Park. The soldier was positioned on the corner of Block No 1 Rossville Flats. The men were continually throwing missiles in his direction.’

Your claiming before the Widgery Inquiry is in fact that people were throwing stones and bottles at you and that you were hit several times by stones and twice by two bottles; that is right, is it not?

A. That is correct, but not at that time.

Q. You were positioned – and the soldier later describes where it is – it is in precisely the north-west corner, you were positioned there and you were positioned there on your own; is that not right?

A. As far as I remember.

Q. 'The two men suddenly jumped up and started running towards an open door halfway down Block No 1. The rear man stopped suddenly and turned to look at the soldier, as the soldier brought his SLR into the aim position. The man turned and started running faster towards the open door. I then saw the soldier fire one round in the direction of the fleeing man. The man dropped to the ground. He fell in the doorway, I then saw hands come from the doorway and dragged the body in.'

When he gave evidence on 10th July, he accepted that with the perspective that he had, the person may not have fallen into the doorway, but in fact have been brought into the rear of Block 1 at the south-west corner. You are firing in the same direction as the person described by 015; is that not right? You are firing along the eastern pavement of Rossville Street; is that not right?

A. That is his description.

Q. But that is the position you were firing in; that is the trajectory of your shot?

A. I was at that corner.

Q. And you were at that corner?

A. That day, yes.

Q. And you were the first soldier at that corner that day, so far as you recollect?

A. I, I cannot say I was the first soldier there; I have a recollection of being the only soldier there.

Q. If you were the first soldier and the only soldier there for some time, you are firing in this direction, you also, like the soldier described by 015, fired only one shot; that is correct, is it not?

A. I fired only one shot.

Q. The person that you hit, by whatever mechanism, appeared to have been brought into the safety of the rear of the flats; that is also right, is it not?

A. I did not see that."

<sup>1</sup> Day 369/157-159

<sup>2</sup> B1414

## The evidence of Bombardier 015

**85.48** In his first RMP statement,<sup>1</sup> timed at 1150 hours on 3rd February 1972, Bombardier 015, a member of 22 Lt AD Regt, recorded that he was at one of the upper windows of the Peter England shirt factory in Little James Street. From that position he saw a soldier at the corner of Block 1 of the Rossville Flats. The soldier was observing two men behind the rubble barricade who were continually throwing missiles in his direction. The two men suddenly jumped up and started running towards an open door “*halfway down*” Block 1. The rear man stopped suddenly and turned to look at the soldier, as the soldier brought his rifle into the aiming position. Then the man turned again and started running faster towards the door. Bombardier 015 saw the soldier fire one round in the direction of the fleeing man, who fell to the ground in the doorway. Hands emerged from the doorway and dragged the body inside. Bombardier 015 stated that while he was on duty on that day his vision was aided by a pair of binoculars, but he did not say in this statement whether he was using the binoculars when he observed this incident.

<sup>1</sup> [B1413-B1416](#)

**85.49** In his second RMP statement,<sup>1</sup> taken by Colonel Overbury and dated 16th February 1972, Bombardier 015 recorded that the open door was at the south end of Block 1, not in the centre as he had said in his first RMP statement. He also said that when the man stopped and turned to face the soldier at the corner of Block 1, the man raised his right arm to shoulder height, pointing towards the soldier. Bombardier 015 had not been able to see whether the man had anything in his hand. According to this account Bombardier 015 pointed the man out to Gunner 023, who was at another window in the same room.

<sup>1</sup> [B1422](#)

**85.50** In his written statement for the Widgery Inquiry, dated 9th March 1972,<sup>1</sup> Bombardier 015 recorded that during the relevant period of observation he was using his binoculars from time to time. The soldier was at the near corner of Block 1. When the two men were behind the rubble barricade, Bombardier 015 saw the movement of their arms, and saw “*pieces of rock*” coming over and landing on the corner where the soldier was positioned. Bombardier 015 “*did not see any flashes or hear any bangs where they landed*”. There was a lot of other noise. When the rear man stopped running towards the door and turned to look at the soldier, Bombardier 015 could see that he was not holding any weapon as large as a rifle. He was too distant for Bombardier 015 to be able, even with the aid of

binoculars, to see whether he was holding anything as small as a pistol. Bombardier 015 saw the soldier fire after the man had turned again and was running away towards the door at a faster pace than before.

<sup>1</sup> B1425

**85.51** In manuscript on this statement, where Bombardier 015 had described the man turning to look at the soldier, are the words “*His right arm came up*”. We return to this manuscript addition below.<sup>1</sup>

<sup>1</sup> Paragraphs 85.64–65

**85.52** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Bombardier 015 said that the two men were throwing objects from behind the rubble barricade on the side closer to Block 1. The distance was too great for him to see what sort of objects they were throwing. He saw some of the objects landing near the soldier at the corner of Block 1. Bombardier 015 said that the two men suddenly got up and and started running away towards the door at the south end of the Rossville Flats. The rear man then stopped and turned round and faced the soldier. He said that he was unable to see whether the rear man had anything in his hand when he stopped and turned. Asked to confirm that the soldier at the corner brought his weapon to the aim, Bombardier 015 said “*And fired, sir*”. Bombardier 015 was then asked what happened, and he replied: “*The man who was running away, sir, who had stopped, he fell in the door, in front of the door, and then he was dragged into the door, sir.*” Bombardier 015 said that he was sure that the man had not been crawling at any time. He neither saw nor heard any of the objects thrown by the two men from behind the barricade exploding. Questioned by Lord Widgery, at the end of his oral evidence Bombardier 015 gave the following evidence:<sup>2</sup>

“LORD WIDGERY: Was this man running away at the moment when he was shot?

A. No.

Q. As I understand it, he paused and you saw his arm move?

A. Yes.

Q. But at what time did the soldier fire at him?

A. I could not say, I did not see; all I saw was the puff of smoke and he fell away towards the door.

MR. GIBBENS: I think my Lord was asking whether you saw the sign of the shot before or after he raised his arm.

A. It was about the same time.”

<sup>1</sup> WT16.36-WT16.37

<sup>2</sup> WT16.40

**85.53** In his written statement to this Inquiry,<sup>1</sup> Bombardier 015 told us that the two men were lying or crouching behind the rubble barricade. According to this account, they threw “*probably three, four or five*” objects in the direction of the soldier at the north-western corner of Block 1, using an overarm action that suggested that they were throwing “*a grenade or nail bombs or something similar*”. Bombardier 015 did not see any of the objects explode. The two men suddenly rose from behind the barricade and ran towards the doorway. The rear man stopped and turned anti-clockwise, so that his left side was facing the soldier. As he did so, he lifted his right arm, so that it was bent across his chest at shoulder height, with his hand pointing towards the soldier. The man was carrying nothing as large as a rifle or a stick. Bombardier 015 could not see clearly, and could not say whether the man had anything in his hand, but said that his actions were those of someone firing a pistol in a hurry. Bombardier 015 saw a puff of smoke from the rifle of the soldier at the corner. The man “*crumpled down*” and was dragged by one or more people into the entrance to Block 1. This all happened within “*seconds or micro-seconds*” of the time when the man turned towards the soldier. Bombardier 015 thought that the man would have been hit “*between his front and right side, ie more to the front than to the rear*”. Bombardier 015 could not believe that the soldier would have shot the man if he had nothing in his hands, and assumed that the man must have had a pistol. Bombardier 015 said that the passage in his first RMP statement that suggested that the man had been running away when he was shot may have been “*a little confused*”.<sup>2</sup> He thought that the passage to the same effect in his written statement for the Widgery Inquiry was “*misleading the way that it is written*”. The man was shot as he turned towards the soldier with his arm up. Bombardier 015 stated that although his current recollection was that he observed this incident without using his binoculars, the reference in his written statement for the Widgery Inquiry to his inability to see, even with binoculars, whether the man had anything in his hand showed that he must have been using binoculars.

<sup>1</sup> B1434.003-B1434.004

<sup>2</sup> B1434.006-B1434.007

**85.54** In his oral evidence to this Inquiry,<sup>1</sup> Bombardier 015 said that he was too far away to see whether any of the objects thrown by the two men from behind the barricade were fizzing. He “*could not say correctly*” that they were throwing anything other than pieces of rock.

When the rear man stopped running and turned to face the soldier, Bombardier 015 had not, so far as he could remember, seen smoke or a muzzle flash. He did not hear any pistol shots. He did not know whether the man was armed, although he had assumed that he was because he could not believe that the soldier would have fired without reason. He did not recall seeing anyone else fall at the same time as the man was shot. Bombardier 015 said that he had his binoculars with him during this incident, but was not using them all the time. He told us that the man was shot “*as he was stopped or just about to run away again*” and that he ran on towards the doorway after the shot was fired.<sup>2</sup> He could not say why he had said in his first RMP statement and in his written statement for the Widgery Inquiry that the man had been shot while running away from the soldier, but suggested that he might have been tired and confused when he made those statements. He said that he considered that the man “*was fleeing because he jumped up from the barricade and went, he was fleeing from the moment he got up*”. Bombardier 015 denied that he had resiled from his earliest accounts in order to protect the soldier. His attention was drawn to the similarity between the relevant passages in his first RMP statement and in his written statement for the Widgery Inquiry.<sup>3</sup> He said that he did not know whether the latter passage had been copied from the former. Bombardier 015 said that the man took a step or two after being shot before he fell and was pulled into Block 1.<sup>4</sup> It was then put to Bombardier 015 that he had been wrong when he said that the man had been running away when he was shot. He said that he did not think that he had been wrong. Bombardier 015 accepted that the man might have been pulled around the south-western corner of Block 1 instead of into the doorway.<sup>5</sup> Bombardier 015 said that he had told the truth in his oral evidence to the Widgery Inquiry, in which he had said that the man was not running away when he was shot.<sup>6</sup>

<sup>1</sup> Day 360/173-183

<sup>4</sup> Day 360/197-198

<sup>2</sup> Day 360/185-191

<sup>5</sup> Day 360/202-203

<sup>3</sup> Day 360/191-193

<sup>6</sup> Day 360/208-210

**85.55** There are three common threads that run through the accounts that Bombardier 015 gave in 1972 and the evidence that he gave to this Inquiry. The first of these was that the man he said he saw was running from the rubble barricade away from the soldiers. The second is that the man stopped and turned towards a soldier at the north end of Block 1 of the Rossville Flats. The third is that that soldier shot at, and hit, the man.

**85.56** There is no mention in Bombardier 015’s first RMP statement or in his written statement for the Widgery Inquiry of the man raising his right arm. In his oral evidence to the Widgery Inquiry he said that the man’s right arm came up as he turned, but said nothing about the man pointing his arm at the soldier.

- 85.57** In his RMP statement and in his statement for the Widgery Inquiry, Bombardier 015 recorded that the man was running away when the soldier shot him. In his oral evidence to the Widgery Inquiry he said that the man was not running away at the moment he was shot.
- 85.58** It was submitted that Bombardier 015 had tailored his accounts, particularly his second RMP statement in which he had recorded that the man had raised his right arm and pointed it towards the soldier, in order to provide a justification for the soldier firing.<sup>1</sup> In response to this, the legal representatives of Bombardier 015 submitted that the reason there was no mention of the man raising and pointing his arm at the soldier in the statement Bombardier 015 made for the Widgery Inquiry was either because this was omitted in error, or because the statement was made up without the statement taker actually interviewing Bombardier 015.<sup>2</sup> These representatives further submitted that there was nothing to support a finding of deliberate deception on the part of Bombardier 015.<sup>3</sup>
- <sup>1</sup> [FS1.1696-1699](#) <sup>3</sup> [FR9.5-6](#)  
<sup>2</sup> [FS9.121](#)
- 85.59** The statement made for the Widgery Inquiry was taken by John Heritage, one of the lawyers acting for the Widgery Inquiry. Those acting for John Heritage were shown the submissions made on behalf of Bombardier 015 and replied by letter dated 20th April 2004,<sup>1</sup> setting out John Heritage's response to the suggestions that he had not interviewed Bombardier 015 or had in error omitted including what Bombardier 015 had told Colonel Overbury about the man raising his right arm.
- <sup>1</sup> [FR18.1-4](#)
- 85.60** John Heritage expressed the view that he had not simply amalgamated the two RMP statements without interviewing Bombardier 015. He pointed to the fact that the statement that he took contained material that was not in either of the two previous statements. He pointed out that it was his practice to take the witness through his previous statements. He also pointed out that at the end of the statement he recorded that he had taken it in the presence of Charles MacMahon, who was acting on behalf of the Army.
- 85.61** As to the reason why there was no mention in the statement he took from Bombardier 015 of the man raising his right arm, John Heritage suggested that there were three possible explanations, namely that he did not have the second RMP statement before him; that he

overlooked the evidence about the raised arm in that statement; or that he had concluded that since Bombardier 015 had clearly stated that the man was running away when he was shot, the evidence relating to the raised arm was not material.<sup>1</sup>

<sup>1</sup> FR18.2

**85.62** John Heritage was unable to state with certainty which one of these explanations was correct, but expressed the view that it was likely that he did have the second RMP statement before him, since that statement had been provided for the Widgery Inquiry and contained the information that the door to the flats was at the far end, which appears in the statement that he took; that it was also unlikely that the evidence about the right arm was omitted through inadvertence, since it was his practice to refer to any material evidence a witness had already given, to which he already adhered, and since, if Bombardier 015's recollection seemed clear on the point, and since the evidence was favourable to the Army, Charles MacMahon "*could and (as an experienced lawyer) would have intervened to request its inclusion*".<sup>1</sup>

<sup>1</sup> FR18.3

**85.63** John Heritage considered the possibility that the evidence about the raised arm was intentionally omitted as the result of a discussion with Bombardier 015, but stated that if this had happened he would normally have added an explanation for the change of evidence. There is no such explanation and John Heritage could not now offer any reason for this. However, he expressed the view that the most likely explanation was that the matter had been discussed with Bombardier 015. He also told us that Bombardier 015 "*must in any event have left him in no doubt that he saw the man running away when he was shot*".<sup>1</sup>

<sup>1</sup> FR18.3

**85.64** As to the manuscript addition of the words "*His right arm came up*" on the statement, John Heritage told us that this was not in his handwriting and that he did not make it. He expressed the view that it was likely that this was done by one of the counsel appearing at the Widgery Inquiry, and drew our attention to the fact that other statements that he took also bear additions in similar handwriting.

- 85.65 We observe elsewhere in this report<sup>1</sup> that we considered John Heritage to be a careful, honest witness on whose evidence we could place reliance. In those circumstances we are of the view that he was correct in his view that the omission of any mention of the man raising his right arm was likely to have been the result of a discussion with Bombardier 015.
- <sup>1</sup> [Paragraph 51.123](#)
- 85.66 Our assessment of Bombardier 015's evidence as a whole is that we are sure that he saw a man running away from the rubble barricade who stopped and turned to look at the soldier who was at the north end of Block 1 of the Rossville Flats; and that as the man turned to continue running away, the soldier shot him. We are doubtful whether the man raised his arm, and we do not accept that he pointed it towards the soldier, something that (apart from his second RMP statement) Bombardier 015 did not mention in his other 1972 statements or when he gave oral evidence to the Widgery Inquiry.
- 85.67 Bombardier 015 agreed with Counsel to this Inquiry that he believed that a soldier in the British Army would not fire without a reason, which had led to him telling us that he assumed that the man must have had a pistol.<sup>1</sup> It is possible that in this belief he convinced himself that the man must have pointed at the soldier. We are left in doubt whether this was the explanation for what he told Colonel Overbury, or whether he knowingly invented this detail, from which he later resiled when questioned by John Heritage and when he gave his oral evidence to the Widgery Inquiry.
- <sup>1</sup> [Day 360/181](#); [B1434.004](#)

## The evidence of Gunner 023

- 85.68 As we have noted above,<sup>1</sup> in his second RMP statement Bombardier 015 recorded that he had pointed out the man he had seen running away to Gunner 023 "*who was at another window in the same room*".<sup>2</sup>
- <sup>1</sup> [Paragraph 85.49](#) <sup>2</sup> [B1422](#)
- 85.69 Gunner 023 gave an RMP statement and also a written statement for the Widgery Inquiry. In his RMP statement,<sup>1</sup> he recorded that he said that he saw a man appear from "*behind a wall, on the waste ground opposite FAHAN ST*". His RMP map<sup>2</sup> put the position of this man as just to the west of the south end of the northern block of Joseph Place. The man seemed to take aim with a rifle at APCs in Rossville Street. Gunner 023 heard some low velocity shots and the man disappeared. After a couple of minutes, the man appeared again and aimed his weapon in the direction of the APCs. Gunner 023 took aim at the

man with his SLR. He then heard a low velocity shot that seemed to come from the man's position, immediately followed by a high velocity shot from the area of the APCs. The man behind the wall seemed to jump in the air and fall back. A crowd gathered around him and carried him off. In his written statement for the Widgery Inquiry,<sup>3</sup> Gunner 023 gave a similar account.

<sup>1</sup> B1519

<sup>3</sup> B1522

<sup>2</sup> B1520.1

**85.70** In his written statement to this Inquiry,<sup>1</sup> Gunner 023 said that he no longer remembered the incident. In his oral evidence to this Inquiry,<sup>2</sup> he said that he did not recall Bombardier 015 drawing his attention to a man who had been running towards a doorway south of the rubble barricade and was then shot.

<sup>1</sup> B1525.1-2

<sup>2</sup> Day 360/40

**85.71** We have found no other evidence to support Gunner 023's account of seeing a man with a rifle near Joseph Place, or of this man apparently being shot and then being carried away by a crowd. No soldier gave evidence of firing at or hitting a man in this position. On the basis of Gunner 023's account, a soldier would have been justified in firing at a man behaving as Gunner 023 described. Gunner 023's account was so different from that of Bombardier 015 that in our view it cannot be a description of the incident described by the latter. In these circumstances we take the view that Gunner 023 must have been mistaken in what he said he saw.

## Summary and consideration of the accounts of firing by Private U

**85.72** Private U gave evidence that when at the north-western corner of Block 1 of the Rossville Flats, he fired at and hit a man armed with a pistol who fired two shots towards soldiers on the opposite side of Rossville Street; and who, according to his first RMP statement, was standing with about five other men on waste ground behind the rubble barricade; or, according to the evidence he gave to the Widgery Inquiry, was walking with a group of men across from Glenfada Park towards the Rossville Flats.

**85.73** We have no reason to doubt that Private U fired from the position that he indicated. We should note that Private 006 told us that during the time when he was at the north-western corner of Block 1 of the Rossville Flats, or behind a vehicle near that corner, he did not see Private U fire or see any soldier fire from that corner.<sup>1</sup> If Private U had fired



## The evidence of Captain 028

**85.78** The representatives of the majority of represented soldiers submitted that the description Captain 028 gave in 1972 of a man with a pistol who appeared to the south of Block 1 of the Rossville Flats had “*particular similarities*” to the account of Private U.<sup>1</sup>

<sup>1</sup> FS7.1684

**85.79** Captain 028 was the Unit Press Officer of 22 Lt AD Regt.<sup>1</sup> He gave an RMP statement dated 3rd February 1972,<sup>2</sup> and written and oral evidence to the Widgery Inquiry.<sup>3</sup> In these accounts he described being in Rossville Street when the vehicles of Support Company came in, and hearing a shot fired from a .303in rifle or an M1 carbine from the direction of Free Derry Corner, which struck the front of the leading vehicle just before it came to a stop in front of the north end of Block 1 of the Rossville Flats; seeing a man with a machine gun some 20 yards behind the rubble barricade fire about 15 rounds in one burst, which hit the ground about 20 feet in front of soldiers who were advancing towards the barricade; hearing 7.62mm fire returned and seeing the man with the machine gun fall; seeing a priest at the rubble barricade apparently directing the other people there; seeing the bodies of four people at the rubble barricade, of whom he told the Widgery Inquiry that he could not say categorically whether they were hit by Army fire or by the man with the machine gun behind them; and later seeing a man appear from the south end of Block 1 of the Rossville Flats with a pistol, who fell to the ground when a shot was fired, together with another civilian who had run or walked towards him.

<sup>1</sup> WT17.64

<sup>3</sup> B1569.001-002; WT17.52-64

<sup>2</sup> B1566

**85.80** Captain 028 told us in his written statement to this Inquiry that he now had no recollection of making these statements in 1972 or of giving oral evidence to the Widgery Inquiry. He also told us that he no longer had any memory of the incidents summarised above, except that he recalled hearing a high velocity shot fired from the vicinity of Free Derry Corner.<sup>1</sup>

<sup>1</sup> B1582.3; B1582.6-8

**85.81** According to his own accounts, Captain 028 had accompanied the paratroopers who had gone through Barrier 14 in William Street. As we have explained earlier in this report,<sup>1</sup> this occurred after the vehicles from Support Company had gone into the Bogside. On this basis Captain 028 could not have been in Rossville Street in time to see the Support Company vehicles arrive, and thus to witness a bullet hitting the leading vehicle before it had come to a stop. As we have explained earlier in this report,<sup>2</sup> no Army vehicle moved

to the north end of Block 1 of the Rossville Flats until much of the shooting was over. His accounts of this shot and of a man firing a burst of about 15 rounds with a machine gun from some 20 yards behind the rubble barricade are unsupported by any other persuasive evidence. Some of his other accounts, such as that of seeing a priest (whom he identified in his RMP statement,<sup>3</sup> by reference to a photograph,<sup>4</sup> as Fr Anthony Mulvey) directing people at the rubble barricade as the man was firing the machine gun, are in our view so far-fetched that they can be rejected out of hand. We consider the evidence given by Fr Mulvey elsewhere in this report.<sup>5</sup>

<sup>1</sup> Paragraphs 20.259–261

<sup>4</sup> B1568.002

<sup>2</sup> Paragraphs 43.18 and Chapter 59

<sup>5</sup> Paragraphs 122.138–141 and 124.24–27

<sup>3</sup> B1567

**85.82** In these circumstances we take the view that it would be unwise to rely at all upon the accounts of Captain 028; and we accordingly reject the submission that his evidence supports the accounts given by Private U.

## Lance Corporal J

**85.83** In his first RMP statement, having described shooting from a position that appears (from his RMP map and later accounts) to have been near the low walls of the Kells Walk ramp at a man he said had a nail bomb at the rubble barricade (an incident that we have considered earlier in this report<sup>1</sup>), Lance Corporal J continued:<sup>2</sup>

“I then, accompanied by other members of my unit, advanced further along Rossville Street towards the barricade. Several nail bombs were thrown at us. I saw at the junction of a block of flats a person, he was holding a nail bomb in his hand. I could see smoke coming from the bomb. I fired one aimed 7.62 round at this man. The round struck the wall above him and he then dropped down and disappeared behind the block of flats. I do not think I hit him.

My location was about 50–60 metres from the man’s location. I could not describe him as I was being fired on from the flats by an automatic weapon. The advance was continued and the crowds from the barricade were dispersed.

I then received orders to go to Glenfada Park and assist in escort duties for a number of civilians that had been arrested for rioting. These were escorted by us to our vehicle location where they were taken in armoured vehicles, I do not know where.

We were ordered to withdraw. I did not fire any more rounds.”

<sup>1</sup> Paragraphs 81.36–57 and 83.9–10

<sup>2</sup> B266

**85.84** In his written statement for the Widgery Inquiry,<sup>1</sup> Lance Corporal J gave this account of his second shot:

“After a few minutes we then moved further down towards the entrance to an alleyway which leads to Glenfada Park. From behind the barricade several nail bombs were thrown in our direction. They fell short and I saw about two explode. Then I saw, at the corner of Rossville Flats further down Rossville Street, a man who had his head and left arm round the corner and he held in his left hand an object which I saw to be fizzing. I fired one quick aimed shot at him. As soon as I saw him he must have seen me and as I fired he ducked back round the corner out of my vision and I did not see the object in his hand explode. I do not think that I hit him.”

<sup>1</sup> B273

**85.85** In his oral evidence to the Widgery Inquiry, after he had described his first shot, which he said that he fired from the low walls of the Kells Walk ramp, Lance Corporal J gave an account of moving forward from the low walls when “*most of the trouble had stopped for that time*”. He said that most of the people had moved back, to the far corner of the Rossville Flats and the corner of Glenfada Park, but some of them were still throwing missiles “*and several nail bombs were then thrown*”, of which two went off.<sup>1</sup>

<sup>1</sup> WT15.30

**85.86** He then gave the following answers:<sup>1</sup>

“Q. Did you see some particular person who attracted your attention?

A. Just as I got to the alleyway leading to Glenfada Park I looked across to the far side of Rossville Flats and a person came into view there with a fizzing object in his left hand.

Q. Just point out with the pointer where he was.

A. Just here.

LORD WIDGERY: I cannot see from here. Is it at the very end of the block that you are pointing?

A. The very end, sir.

Q. What level? Ground floor?

A. No, he was on the street outside.

Mr. UNDERHILL: He came to the corner of the building?

A. Yes sir.

Q. Did he have anything in his hand?

A. Yes, he had a cylindrical object and it was fizzing.

Q. Can you remember which hand it was in?

A. In the left hand.

Q. Was he close to the corner of the building?

A. Yes sir, he was hiding behind it and as I got to the wall he came out into view sufficient to throw the object.

Q. What did you do?

A. Well, I got to the alleyway, to the corner there, took one aimed shot at him –

Q. Did you have much time for aiming?

A. No sir.

Q. Did it hit him, as far as you could tell?

A. I don't think so, sir. I think as soon as I saw him he must have seen me.

Q. What did he do? Did he remain in the same position?

A. As I fired he kind of went back behind the corner and the round must have missed him.

Q. Did you see what happened to the object he had in his hand?

A. It wasn't thrown. He seemed to go back behind the corner.

Q. Did it go off, so far as you know?

A. I didn't hear any explosion, sir.

Q. Where did you go then?

A. We then moved up into Glenfada Park ...”

<sup>1</sup> WT15.31

**85.87** We have reproduced Lance Corporal J's trajectory photograph<sup>1</sup> earlier,<sup>2</sup> but it is convenient to do so again here. The upper trajectory line marked on this photograph indicates that Lance Corporal J fired at the man he said was a nail bomber at the corner of Block 1 of the Rossville Flats from a position in Rossville Street beside the ramp at the north-eastern corner of Glenfada Park North.

<sup>1</sup> B289

<sup>2</sup> Paragraph 81.47



**85.88** We have observed above<sup>1</sup> that there is no entry in Major Loden's List of Engagements that corresponds with either of the shots that Lance Corporal J stated that he had fired in Rossville Street. It appears therefore that he did not report this firing to Major Loden, but we do not know why this was so.

<sup>1</sup> Paragraph 81.48

**85.89** Lance Corporal J gave written and oral evidence to this Inquiry. In his written evidence<sup>1</sup> he told us that his recollection was poor, but he described firing a second shot, at a man who was holding a smoking object, after he had moved further south down Rossville Street from the position from which he had fired his first shot, and he said that he was sure that he had not hit this person, but the wall above him.

<sup>1</sup> [B289.003-004](#)

**85.90** As we have already observed,<sup>1</sup> we did not believe Lance Corporal J when he professed, in his oral evidence to this Inquiry, that he had virtually no recollection of the events of the day.

<sup>1</sup> [Paragraph 81.57](#)

## Summary of the accounts of firing by Lance Corporal J

**85.91** According to his accounts, Lance Corporal J fired first from the low walls of the Kells Walk ramp at a nail bomber at the rubble barricade, but did not think that he had hit him. He then moved south along Rossville Street, and from the wall of the Glenfada Park North ramp fired another shot at a man at the southern corner of Block 1 of the Rossville Flats who was holding a cylindrical fizzing or smoking object, but again did not think that he had hit him.

**85.92** No other soldier gave specific evidence about Lance Corporal J firing from near the ramp at the north-eastern corner of Glenfada Park North.

**85.93** Earlier in this report<sup>1</sup> we gave our reasons for rejecting the accounts of Lance Corporal J of the throwing of nail bombs and for our conclusion that, in view of the unreliability of his evidence, we could not accept Lance Corporal J's account of shooting at a nail bomber at the rubble barricade in the absence of supporting evidence, of which in our view there was none. We take the same view of the claim by Lance Corporal J that he saw and fired at a nail bomber who was at the corner of Block 1 of the Rossville Flats. Again there is no evidence from any source to support this claim. In our view there was no such nail bomber.

<sup>1</sup> [Paragraphs 83.9–10](#)

**85.94** Whether Lance Corporal J shot anyone at the rubble barricade and whether he fired in the genuine but mistaken belief that he had seen a nail bomber at the corner of Block 1 of the Rossville Flats are matters that we consider later in this report.<sup>1</sup>

<sup>1</sup> [Paragraphs 89.33–41](#)

# Chapter 86: The casualties in Sector 3

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**86.1** We now turn to consider the circumstances in which the known casualties in Sector 3 were shot. As we have previously stated,<sup>1</sup> there is no doubt that Michael Kelly, Hugh Gilmour, John Young, Michael McDaid, William Nash and Kevin McElhinney were killed by Army gunfire in this sector. Alexander Nash, the father of William Nash, was wounded by gunfire, though whether this was Army or civilian gunfire was a matter of dispute. Alexander Nash was wounded after he had gone out to the rubble barricade to his son William Nash, who was lying there after being shot.

<sup>1</sup> [Paragraph 67.2](#)

**86.2** Later in this report<sup>1</sup> we consider whether it is possible to determine who shot these casualties.

<sup>1</sup> [Chapter 89](#)

## Michael Kelly

### Biographical details

**86.3** Michael Kelly was 17 years old at the time of Bloody Sunday. He lived in Dunmore Gardens, Creggan, with his parents and some of his siblings. He was employed as an apprentice sewing machine mechanic in the factory of Deyong Golding Ltd, on the Maydown Industrial Estate. He kept racing pigeons as a hobby.<sup>1</sup>

<sup>1</sup> [AK14.1](#); [ED45.5](#); [ED65.1](#)

### Prior movements

**86.4** In his written statement to this Inquiry<sup>1</sup> and in his oral evidence to this Inquiry,<sup>2</sup> Michael Kelly's brother-in-law George Downey said that he went to Michael Kelly's parents' house on the morning of Bloody Sunday. George Downey arrived too late to accompany Michael Kelly's parents to Mass at midday, but found Michael Kelly still in bed. Michael Kelly joined the rest of the family for lunch after his parents returned from Mass. At about 2.00pm, George Downey set off for the start of the march at Bishop's Field in the

company of Michael Kelly, his other brothers-in-law John Kelly and George Cooley, and Michael Kelly's friends Zac Rooney, John Daly and Jim Brennan. George Downey said<sup>3</sup> that he became separated from Michael Kelly at some point during the march.

<sup>1</sup> AD134.17

<sup>3</sup> AD134.19

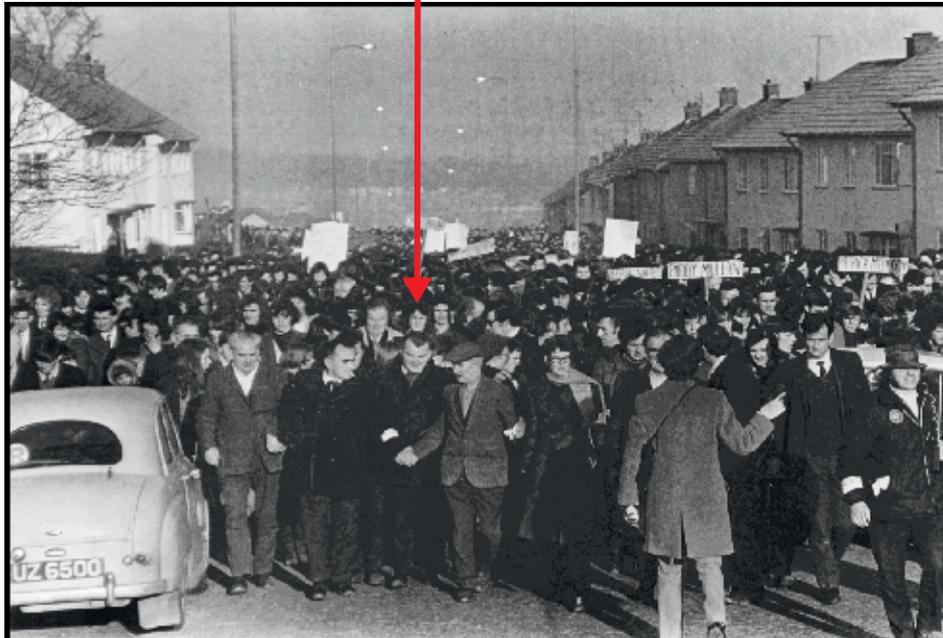
<sup>2</sup> Day 123/5

**86.5** William Martin Hegarty was another brother-in-law of Michael Kelly. He said in his written statement to this Inquiry<sup>1</sup> that he too left for the march from Michael Kelly's parents' house. William Martin Hegarty's evidence was that he left the house at about 2.20pm with George Downey, George Cooley, another man named Eamonn Quigley, and (he thought) Michael Kelly's brother John, but that Michael Kelly, Jim Brennan and Zac Rooney left for the march separately.

<sup>1</sup> AH65.2

**86.6** A photograph taken by the *Derry Journal* photographer Larry Doherty appears to show Michael Kelly on the march. We have no other photographs that show him before he arrived in the area of the rubble barricade.

Michael Kelly



**86.7** In his written statement to this Inquiry<sup>1</sup> and in his oral evidence to this Inquiry,<sup>2</sup> George Downey told us that after he had become separated from Michael Kelly, he did not see him again until they happened to meet (before the paratroopers entered the Bogside) at

the point marked “B” on the plan attached to his statement<sup>3</sup> (the north-eastern corner of Columbcille Court). While they were there, Michael Kelly’s mother shouted and beckoned to him from the first floor walkway on the western side of Kells Walk, but Michael Kelly was embarrassed and did not go to his mother. George Downey then heard that two people (evidently Damien Donaghey and John Johnston) had been shot. He went to find out which house they were in, thereby parting company once more with Michael Kelly.

<sup>1</sup> AD134.18-AD134.19

<sup>3</sup> AD134.26

<sup>2</sup> Day 123/8-9

**86.8** Michael Kelly’s mother, the late Kathleen Kelly, told us in her written statement to this Inquiry<sup>1</sup> that she had seen him near the north-eastern corner of Columbcille Court. She was looking from the front door of her sister’s maisonette on the first floor of Kells Walk. It appears from her statement that Kathleen Kelly believed that she saw her son only after the paratroopers had entered the Bogside. She said that he did not hear her when she called to him and that he ran off towards Glenfada Park.

<sup>1</sup> AK14.2-AK14.3

**86.9** According to the note made by Philip Jacobson of the *Sunday Times* of his interview of her on 29th February 1972,<sup>1</sup> Margaret Deery said that Michael Kelly had helped her into Chamberlain Street after she was wounded. The same claim appears in Margaret Deery’s written statement for the Widgery Inquiry<sup>2</sup> and in the note of her recollections taken on 25th January 1983,<sup>3</sup> to which we have referred in our discussion of the casualties in Sector 2.<sup>4</sup> Margaret Deery’s daughter Helen Deery said in her written statement to this Inquiry<sup>5</sup> and in her oral evidence to this Inquiry<sup>6</sup> that her mother had told her that she had been assisted to Chamberlain Street by Michael Kelly. Helen Deery added that Michael Kelly was “*always at our house and all our family knew him*”.

<sup>1</sup> AD33.1

<sup>4</sup> Paragraphs 55.88 and 55.93

<sup>2</sup> AD33.5

<sup>5</sup> AD32.3-AD32.4

<sup>3</sup> AD33.6

<sup>6</sup> Day 77/85-86

**86.10** John Kelly identified his brother Michael in one of the photographs taken by the *Irish Times* photographer Ciaran Donnelly of the scene at the rubble barricade when the Army vehicles came into the Bogside.<sup>1</sup>

<sup>1</sup> AK13.9; AK13.11



Michael  
Kelly

86.11 We accept this identification. The same figure can be seen in the following photograph taken moments earlier by the same photographer.



Michael  
Kelly

86.12 These photographs, which we have also shown earlier in this report,<sup>1</sup> show some of the Army vehicles on Rossville Street, and the Eden Place waste ground virtually deserted. We are doubtful whether there was time for Michael Kelly to have made his way to the car

park of the Rossville Flats, to have helped Margaret Deery into Chamberlain Street after she was shot and then, by one route or another, to have reached the area south of the rubble barricade before he was photographed there.

<sup>1</sup> [Paragraph 70.3](#)

- 86.13** In our view, therefore, Margaret Deery was probably mistaken in thinking that Michael Kelly had assisted her after she was shot. In our view he is unlikely to have had time to have assisted Margaret Deery (who was the second casualty in Sector 2) and then gone to the rubble barricade, where he became the first casualty in Sector 3.
- 86.14** In these circumstances it remains uncertain from where Michael Kelly had come to reach the rubble barricade. On the whole, however, we consider that he had probably entered from the western side of Rossville Street, perhaps through Glenfada Park North. If Kathleen Kelly was mistaken in her memory of seeing her son after (as opposed to before) the soldiers entered the Bogside, both her account and that of George Downey support this conclusion.

## Medical and scientific evidence

### Wound pathology and ballistics

- 86.15** Dr Thomas Marshall, then the State Pathologist for Northern Ireland, conducted an autopsy of the body of Michael Kelly on 31st January 1972 at Altnagelvin Hospital.<sup>1</sup> Dr Raymond McClean (a local general practitioner who attended the autopsies of the bodies of many of the deceased as an observer at the request of the Cardinal Archbishop of Armagh)<sup>2</sup> and an RUC photographer were also present.<sup>3</sup> Dr Richard Shepherd and Mr Kevin O'Callaghan, who were engaged by this Inquiry as independent experts on pathology and ballistics respectively, considered the notes, report and photographs from this autopsy. Dr Marshall (now Professor Marshall), Dr Shepherd and Mr O'Callaghan all gave written and oral evidence to this Inquiry. Dr Marshall also appeared before the Widgery Inquiry.

<sup>1</sup> [WT9.3; D543](#)

<sup>3</sup> [D60](#)

<sup>2</sup> [AM105.8](#)

- 86.16** In his autopsy report,<sup>1</sup> Dr Marshall described a gunshot wound consisting of an approximately oval hole measuring 28mm x 16mm, in the left side of the abdomen, centred 6cm to the left of the umbilicus and 40.5in above the soles of the feet. The long axis of the wound was directed downwards and to the left at an angle of 20° to the

vertical. The left margin was shelved, with the subcutaneous tissue facing outwards. The right margin was fairly steep. The margins were soiled in places by what appeared to be fibres of clothing. The hole was bordered by a variable zone of pale abrasion, up to 3mm wide. Between the 11 o'clock and 1 o'clock positions, the outer limit of this abrasion was a thin red line.

<sup>1</sup> [D60](#)

**86.17** The internal injuries found by Dr Marshall are described in his report.<sup>1</sup>

<sup>1</sup> [D62-D63](#)

**86.18** We have referred in an earlier chapter of this report<sup>1</sup> to the examination conducted in 1972 of the bullets recovered from three of the casualties. For reasons we gave there,<sup>2</sup> we have no doubt that Lance Corporal F fired the bullet recovered from Michael Kelly's body. In his case, a copper-jacketed, lead-cored bullet bearing rifling marks was found embedded in the centre of the sacrum at about the level of the third segment. The bullet was removed and handed to Constable Hugh McCormac,<sup>3</sup> who took it to the Department of Industrial and Forensic Science in Belfast on 2nd February 1972.<sup>4</sup> Dr John Martin, then a Principal Scientific Officer in that department, there examined it microscopically in order to compare the rifling marks with those on bullets fired from the rifles known to have been used on Bloody Sunday. It was this exercise that enabled the bullet to be matched to Lance Corporal F's rifle. In his report on the comparison of the bullets dated 29th February 1972,<sup>5</sup> Dr Martin did not mention any damage to the bullet extracted from the body of Michael Kelly. After this Inquiry was established, a search for the bullet was made in the holdings of the Forensic Science Agency of Northern Ireland, formerly the Department of Industrial and Forensic Science, but the bullet was not located.<sup>6</sup>

<sup>1</sup> [Paragraphs 81.21–31](#)

<sup>4</sup> [ED45.6](#)

<sup>2</sup> [Paragraph 81.32](#)

<sup>5</sup> [D47](#)

<sup>3</sup> [D63](#)

<sup>6</sup> [D741.7](#)

**86.19** In the course of the autopsy, as he explained in his oral evidence to this Inquiry,<sup>1</sup> Dr Marshall caused X-rays to be taken of Michael Kelly's sacrum to show the location of the bullet.

<sup>1</sup> [Day 207/50-52; Day 207/60-61](#)

**86.20** In his autopsy report, Dr Marshall summarised his conclusions about the fatal injury as follows:<sup>1</sup>

“Death was due to a bullet wound of the abdomen. A single bullet had entered the abdomen just over two inches to the left of the umbilicus. It had caused three perforations of the upper small intestine, complete transection of a segment of small intestine further down and it had lacerated the artery and vein serving the left leg before it embedded itself in the middle of the sacrum, the bone forming the back of the pelvis. It was the haemorrhage into the abdomen from the lacerated blood vessels which precipitated his death.

The bullet was recovered. It had a copper jacket and lead core and was seemingly of SLR type.

With the body erect, the track of the bullet through the body was backwards, with a declination of about 30° and a deviation to the right of about 20°. The bullet might have come from a point above him to his left front or, had he been bending forwards at the time he was shot, the bullet would have been travelling horizontally about 3 ft. 6 ins. above the ground.

The entrance wound was atypical and indicates that the bullet was not travelling nose-on when it struck. It had probably already passed through some object or been deflected by it.”

<sup>1</sup> D64

**86.21** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Marshall confirmed the conclusions set out in his autopsy report.

<sup>1</sup> WT9.6-WT9.7

**86.22** In his written statement to this Inquiry,<sup>1</sup> Dr Marshall clarified his reference in those conclusions to a declination of about 30° and a deviation to the right of about 20°, explaining that the former was the declination from the horizontal plane and the latter the deviation from the sagittal plane. The sagittal plane is the vertical plane which divides an object (in this case, the human body) down the middle into left and right sides.

<sup>1</sup> D546-D547

**86.23** In his oral evidence to this Inquiry,<sup>1</sup> Dr Marshall said that it was possible that the bullet had passed through something soft, such as the soft tissue or clothing of another person, before it hit Michael Kelly. He was asked whether the bullet could have been deflected by hitting something harder such as a brick or a piece of debris without showing any sign of

damage. Although he thought that in such circumstances a bullet would show signs of damage, Dr Marshall said that this was a matter outside his expertise. Dr Marshall was asked<sup>2</sup> whether, on the hypothesis that the bullet had passed merely through the jacket of a person standing ten yards or so in front of Michael Kelly, it was likely that the bullet would have been so destabilised in its flight as to have hit Michael Kelly side-on. He replied that he had “*no personal experience of this*” but that although he thought that passing through clothing, particularly firm clothing, would have helped to destabilise the bullet, he was “*not sure that it would have made it go side-on by the time it got to Michael Kelly*”.

<sup>1</sup> [Day 207/55-61; Day 207/99-102](#)

<sup>2</sup> [Day 207/128-130](#)

**86.24** Professor Keith Simpson, then a Home Office pathologist, gave oral evidence to the Widgery Inquiry after having studied the mortuary photographs and autopsy reports relating to those who were killed on Bloody Sunday, and photographs of rifling and score marks on the bullets recovered from the deceased.<sup>1</sup> Professor Simpson said that he did not think that the bullet that killed Michael Kelly was a ricochet or that it had struck bone before it entered Michael Kelly’s body.<sup>2</sup> His view appears to have been based on the degree of enlargement of the entrance wound rather than on the absence of damage to the bullet. He thought it possible that the bullet had been slightly deflected on passing through soft tissue or clothing before it hit Michael Kelly.

<sup>1</sup> [D629](#)

<sup>2</sup> [WT9.39](#)

**86.25** In their report, Dr Shepherd and Mr O’Callaghan reached conclusions which they summarised as follows:<sup>1</sup>

“Michael KELLY was hit by only one bullet, which struck his abdomen approximately ‘side on’ most probably with the nose of the bullet pointing upwards and to the right and the base downwards, indicating that the bullet was unstable.

Assuming the Normal Anatomical Position the direction of travel of the bullet is clearly downward and slightly from left to right.”

<sup>1</sup> [E2.41](#)

**86.26** As Dr Shepherd and Mr O’Callaghan explained in their report:<sup>1</sup> “*When describing the human body it is standard practice in medicine to assume that the body is standing vertically with the arms by the sides and the palms facing forwards. This position is known as the standard or NORMAL ANATOMICAL POSITION.*”

<sup>1</sup> [E2.0020](#)

**86.27** In his oral evidence to this Inquiry,<sup>1</sup> Dr Shepherd said that it was most likely that the bullet had struck an object or person before it struck Michael Kelly. It could have bounced off a hard object or passed through a soft object, such as part of a human body. The “*relatively pristine*” state of the bullet showed that it had not passed through a hard object and suggested that any contact with such an object had been very shallow.

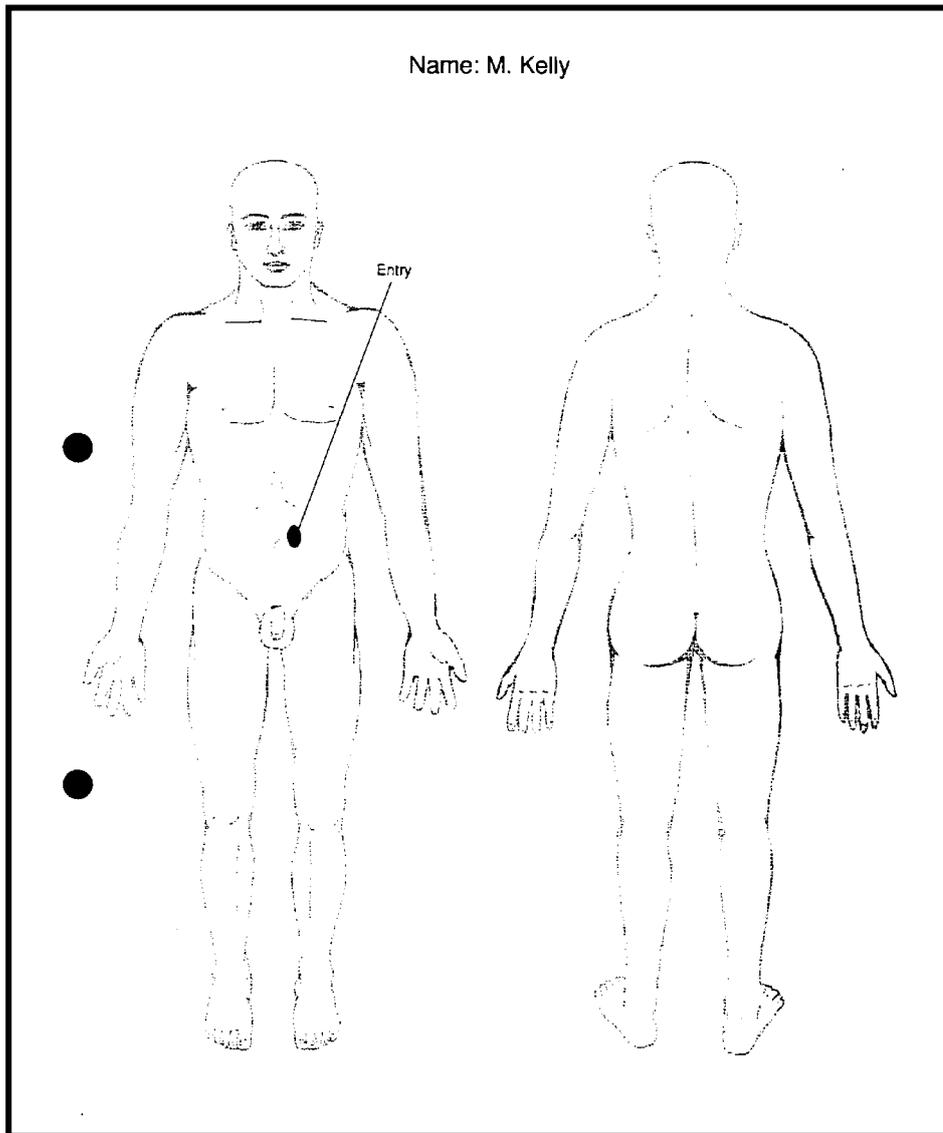
<sup>1</sup> [Day 229/5-7](#); [Day 229/77-80](#)

**86.28** In his oral evidence to this Inquiry,<sup>1</sup> Mr O’Callaghan was shown one of the X-rays showing the bullet lodged in Michael Kelly’s sacrum and said that while no damage to the bullet was apparent from the X-ray it was not possible to draw the conclusion that the bullet was undamaged. If the bullet had struck a hard object, it is likely that some damage would have resulted, although it would not necessarily have been visible to the naked eye if the contact had been slight.

<sup>1</sup> [Day 230/18-22](#)

**86.29** The photographs of Michael Kelly’s body taken in the mortuary show the wound described by Dr Marshall. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O’Callaghan<sup>1</sup> illustrates the position of the wound.

<sup>1</sup> [E2.76](#)



**86.30** Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science, examined the clothing of Michael Kelly under the direction of Dr Martin.<sup>1</sup> In his report dated 21st February 1972,<sup>2</sup> Dr Martin set out this finding:

“A hole approx. 1" long in the front left of the jacket had a trace of lead on the edge and is consistent with bullet damage. There is corresponding damage to the undergarments.”

<sup>1</sup> D50-D53; D741.60; Day 225/59-62

<sup>2</sup> D45

- 86.31** Dr Martin commented that before it hit Michael Kelly the bullet had probably struck an intermediate object, which had upset its stability.
- 86.32** Dr Shepherd and Mr O’Callaghan also examined the clothing of Michael Kelly, which had been retained by his family. Photographs were taken of the clothing.<sup>1</sup> In their report,<sup>2</sup> Dr Shepherd and Mr O’Callaghan stated:

“As can be seen in our photographs of the clothing, the bullet struck the deceased’s jacket side-on. It passed through the left front of the jacket, pullover and vest, and nicked the top of the elasticated waistband of the deceased’s underpants.

The more extensive damage to the vest visible in the photographs is likely to have been due to the vest being crumpled in that area when the bullet passed through.

The two small holes adjacent to the bullet hole in the front of the pullover may well be due to deterioration of the garment with age. We found no associated damage to the other items of clothing.

We found no further bullet damage.”

<sup>1</sup> F5.1-8; F5.11-12

<sup>2</sup> E2.40-E2.41

- 86.33** On the basis of this evidence, we consider that the bullet was very likely to have contacted some object before it hit Michael Kelly. Later in this report<sup>1</sup> we conclude, for the reasons that we give there, that Michael Kelly was not the victim of a bullet that had first struck someone else. In front of Michael Kelly was the rubble barricade, constructed out of a variety of materials. In our view the bullet probably struck some part of this barricade at a shallow angle before it struck Michael Kelly. We have found no evidence that suggests that the bullet first passed through the clothing of anyone standing in front of Michael Kelly.

<sup>1</sup> Paragraphs 87.228–236

## Tests for firearm discharge and explosives residue

- 86.34** Dr Martin tested the jacket that Michael Kelly was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Apart from the trace of lead on the edge of the bullet entry hole in the jacket, Dr Martin detected what he considered to be “*above normal*” densities of lead particles on the right cuff and back of the jacket. He also detected a “*large lead particle*” on the swab from the back of the left hand, but no lead particles on the other hand swabs. He stated in his report the conclusion that

the nature and distribution of lead particles on the swabs and jacket was similar to those produced by exposure to discharge gases from firearms, but that the absence of lead on the right hand was not consistent with the high levels detected on the right cuff of the jacket.<sup>1</sup> Dr Martin also detected lead particles on Michael Kelly's trousers,<sup>2</sup> but did not comment on these in his report.

<sup>1</sup> D45-D46

<sup>2</sup> D49; D605-D606

**86.35** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Martin said that the contamination of the right cuff but not of the right hand was consistent with firing while wearing a glove. He could think of no explanation for the particles found on the cuff other than exposure to discharge gases either from handling or standing beside someone using a firearm. Dr Martin said<sup>2</sup> that it was possible that the particle on the left hand had come from a fragmenting bullet.

<sup>1</sup> WT9.14

<sup>2</sup> WT9.19-WT9.20

**86.36** The clothing removed from the body of Michael Kelly at the autopsy did not include a glove.<sup>1</sup> There is no evidence that he was wearing a glove on his right hand when he was shot.

<sup>1</sup> D61

**86.37** Dr John Lloyd, the independent scientific expert engaged by this Inquiry, summarised in his report<sup>1</sup> his overall conclusions about the tests for lead particles conducted by Dr Martin. He considered that, in view of the lack of control testing and the likelihood of spurious contamination, Dr Martin's results were of no evidential value.

<sup>1</sup> E1.51-E1.52

**86.38** In his oral evidence to this Inquiry,<sup>1</sup> Dr Martin accepted that unless there was evidence from other sources to indicate an association between any of the deceased and a weapon, it would be unwise to interpret his findings "*as other than contamination*".

<sup>1</sup> Day 226/2

**86.39** In relation to Michael Kelly, Dr Lloyd stated in his report<sup>1</sup> and in his oral evidence to this Inquiry<sup>2</sup> that although the use of a firearm while wearing a glove was a possible explanation for the particles found on the right cuff, it was of doubtful credibility in view of the flawed and unspecific nature of Dr Martin's tests, and that it was improbable that proximity to a person who was discharging a gun could have produced the distribution of particles found in this case.

<sup>1</sup> E1.44

<sup>2</sup> Day 227/43-44

**86.40** Dr Martin said in his oral evidence to this Inquiry<sup>1</sup> that he would now agree with those views of Dr Lloyd. We also accept the views of Dr Lloyd. It follows that we consider there to be no valid scientific evidence that Michael Kelly had been handling firearms or had been close to someone who was handling a firearm.

<sup>1</sup> [Day 226/94](#)

**86.41** Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of Michael Kelly for explosives residue. None was detected.<sup>1</sup> There is, therefore, no scientific evidence that Michael Kelly had been in contact with explosives.

<sup>1</sup> [D41](#)

## Michael Kelly's clothing

**86.42** Michael Kelly was wearing a light blue jacket, a mustard-coloured pullover, a brown tie and blue trousers.<sup>1</sup>

<sup>1</sup> [D0040](#)

## Where Michael Kelly was when he was shot

**86.43** We have shown earlier in this report<sup>1</sup> the two photographs taken by Robert White of Michael Kelly lying on the ground after being shot. It is convenient to show those photographs again here.

<sup>1</sup> [Paragraph 81.33](#)



Michael Kelly



Michael Kelly

**86.44** There is no doubt that Michael Kelly fell at, or very close to, the position in which he can be seen in these photographs. We have already referred<sup>1</sup> to the evidence on which we rely for this conclusion. By way of example, Fr Terence O’Keeffe, who was watching from the south end of the eastern block of Glenfada Park North,<sup>2</sup> gave the following evidence to the Widgery Inquiry:<sup>3</sup>

“Q. What was the first casualty you observed?”

A. One young man who dropped holding his stomach, and four young people detached themselves from this crowd which was still on that gable end corner and ran over very fast indeed. They crouched and grabbed him by the arms and legs and ran back behind the gable end of the wall. At that stage the crowd more or less got in behind the wall to see what was wrong with the young man.

Q. I would like greater detail about that if you are capable of giving it, but if not, say so if you will. Can you say where about on that barricade that first casualty was – the Rossville Flats side of the barrier or your side, or where?

A. More towards my side of the barrier on the gable end.

LORD WIDGERY: That is nearer to Rossville Street th[a]n to the flats. You were on that side?

A. Nearer to the gable end of the maisonettes.

LORD WIDGERY: Glenfada Park, yes.

Mr. STOCKER: When he was hit, can you tell m[y] Lord whether he was crouched or standing or lying down?

A. Standing facing Rossville Street, down Rossville Street towards the Saracens. I saw him hold his stomach and double up and begin to fall, at which these four young people took him and carried him very swiftly. It was very swiftly done.”

<sup>1</sup> Paragraph 81.33

<sup>3</sup> WT5.6

<sup>2</sup> This south end is often referred to as the “gable end” of this block.

## When Michael Kelly was shot

**86.45** As we have noted earlier in this report,<sup>1</sup> Michael Kelly was the first casualty of Army gunfire at the rubble barricade.

<sup>1</sup> Paragraph 81.1

**86.46** Before taking the two photographs shown above<sup>1</sup> of Michael Kelly lying shot on the ground, Robert White had taken photographs of Armoured Personnel Carriers (APCs) coming into the Bogside, and of the crowd moving away on the Eden Place waste ground. Robert White told us that these photographs were taken in fairly quick succession. He believed that they would have been taken within a few seconds of each other.<sup>2</sup> He said that he then ran into Glenfada Park North and halfway up the pram-ramp at the north-eastern corner of Glenfada Park South and took three photographs from there, of which the first two are those of Michael Kelly. The third photograph, to which we return below,<sup>3</sup> was of Hugh Gilmour. Robert White recalled that it did not take him very long to get to the pram ramp, because he was afraid of missing something. He said that he did not think that the distance that he had to run was as far as 60 yards.<sup>4</sup> He also said that he thought that he was standing at the pram ramp for a matter of seconds, but less than a minute, before he took the first photograph showing Michael Kelly lying on the ground.<sup>5</sup>

<sup>1</sup> [Paragraph 86.43](#)

<sup>2</sup> [Day 137/86-87](#)

<sup>3</sup> [Paragraph 86.88](#)

<sup>4</sup> The distance is, in fact, somewhat more than 100 yards.

<sup>5</sup> [AW11.4](#); [Day 137/87-90](#)

**86.47** It is difficult to estimate what time passed between the entry of the Army vehicles and the shooting of Michael Kelly, but in our view at most it can only have been a matter of a very few minutes.

## What Michael Kelly was doing when he was shot

**86.48** As we have discussed earlier in this report,<sup>1</sup> there was rioting at the rubble barricade when the Army vehicles came into the Bogside. The photographs that we have displayed above<sup>2</sup> show that Michael Kelly moved forward slightly from the position, just south of a missing piece of pavement, in which Ciaran Donnelly photographed him standing, so that when he was shot he was closer to the rubble barricade, on the tarmac verge of the pavement close to the kerb.

<sup>1</sup> [Chapter 70](#)

<sup>2</sup> [Paragraph 86.43](#)

**86.49** Differing accounts of Michael Kelly's actions emerge from the civilian evidence, ranging from him being a passive bystander to him being an active rioter. Ronald Wood, who saw Michael Kelly fall, told the Widgery Inquiry that he was not throwing stones when he was shot<sup>1</sup> and told us that it "*did not appear*" that Michael Kelly had been throwing anything when he was hit.<sup>2</sup> The photographer Ciaran Donnelly told the Widgery Inquiry that "*Immediately prior to falling he [Michael Kelly] had not been doing anything at all, he was*

merely standing, but people on both sides of him were throwing stones”.<sup>3</sup> Hugh O’Boyle, who was standing to the right of Michael Kelly, told us that he did not remember people around him throwing stones.<sup>4</sup>

<sup>1</sup> WT4.57

<sup>3</sup> WT2.81

<sup>2</sup> Day 127/15

<sup>4</sup> Day 132/6

## 86.50

On the other hand, Paul McGeady suggested that Michael Kelly was shot while scaling the barricade and was thrown backwards by the shot,<sup>1</sup> although he placed him more towards Block 1 of the Rossville Flats. Danny Craig said that Michael Kelly had been throwing stones and had picked up another that he was about to throw when he was struck.<sup>2</sup> Patrick Joseph Norris said that Michael Kelly had picked up a stone after stepping out from the south end of the eastern block of Glenfada Park North when the Army came in and was about to throw it when he was shot.<sup>3</sup> Neither Danny Craig nor Patrick Joseph Norris could identify himself in the two photographs that Ciaran Donnelly took of the people behind the rubble barricade, which we have shown above<sup>4</sup> and which we show again below.<sup>5</sup> These witnesses placed Michael Kelly in different positions when he was shot. Danny Craig said that Michael Kelly was at the rubble barricade when he fell, while Patrick Joseph Norris said that Michael Kelly had just stepped out from the wall at the south end of the eastern block of Glenfada Park North when he was shot.

<sup>1</sup> Day 137/128-131

<sup>4</sup> Paragraphs 86.10–11

<sup>2</sup> AC111.11-12; AC111.2; Day 135/94

<sup>5</sup> Paragraph 86.52

<sup>3</sup> AN24.3; Day 167/98-103

## 86.51

John J McLaughlin told the *Sunday Times* Insight Team reporter Philip Jacobson that Michael Kelly was struck while dragging fencing “to close the gap” in the rubble barricade.<sup>1</sup> William Vincent Hegarty made a NICRA statement<sup>2</sup> and a written statement for the Widgery Inquiry,<sup>3</sup> and gave oral evidence to the Widgery Inquiry<sup>4</sup> and a deposition for the purposes of the inquest into Michael Kelly’s death,<sup>5</sup> in all of which he said that Michael Kelly was shot while attempting to cross the rubble barricade, after having been entangled in barbed wire there. He described the young man he saw shot as wearing a light blue suit, and said that he was told by Michael Kelly’s parents that Michael Kelly was so dressed that day.<sup>6</sup> William Griffin<sup>7</sup> told the Widgery Inquiry and the *Sunday Times* that he and Michael Kelly were crossing the barricade from the north when Michael Kelly was shot, and that he had not been entangled in wire.

<sup>1</sup> AM334.4

<sup>5</sup> AH66.9

<sup>2</sup> AH66.3

<sup>6</sup> WT7.23

<sup>3</sup> AH66.1

<sup>7</sup> AG58.1; AG58.2; AG58.3-4

<sup>4</sup> WT7.22

- 86.52 The accounts of Paul McGeady, Danny Craig, Patrick Joseph Norris, John J McLaughlin, William Vincent Hegarty and William Griffin differ, but all describe an active Michael Kelly. Ciaran Donnelly's first photograph appears to show Michael Kelly standing, though the second may show him stepping forward.



Michael Kelly



Michael  
Kelly

- 86.53 As we have observed elsewhere in this report,<sup>1</sup> it is important to bear in mind that still photographs such as these record only an instant of time. Thus in our view it would not be legitimate to infer from these photographs that Michael Kelly was simply standing when

he was shot. Our assessment of the evidence discussed above<sup>2</sup> has led us to conclude that it is likely that Michael Kelly had thrown or was throwing or was about to throw a stone when he was shot.

<sup>1</sup> [Paragraph 70.6](#)

<sup>2</sup> [Paragraphs 86.49–52](#)

**86.54** However, we have no doubt about four matters.

**86.55** Firstly, we are sure that Michael Kelly was neither a gunman, nor a nail or petrol bomber. There is no evidence to suggest, nor did anyone suggest, that he was armed with any form of lethal weapon.

**86.56** Secondly, we are sure that Michael Kelly (even if, contrary to our view, he was not himself throwing anything) was among or near the people at the rubble barricade who were throwing stones, bricks, rubble and perhaps bottles, as we have described earlier in this report.<sup>1</sup>

<sup>1</sup> [Chapter 70](#)

**86.57** Thirdly, we are sure, having considered both the military and civilian evidence, that when Michael Kelly was shot, there was no-one at the rubble barricade who had deployed or who was about to deploy a firearm or bomb of any kind. We have considered whether the actions of those at the rubble barricade when Michael Kelly was shot could have led a soldier mistakenly to believe that anyone there was presenting a lethal threat sufficient to justify opening fire, but for reasons we give later in this report,<sup>1</sup> we have concluded that Lance Corporal F neither had, nor believed that he had, any justification for firing the round that killed Michael Kelly.

<sup>1</sup> [Paragraphs 89.15–17](#)

**86.58** Finally, in view of Robert White's photographs and the medical evidence, we have no doubt that Michael Kelly was shot when he was behind the rubble barricade and facing north.

## **Where Michael Kelly was taken after he was shot**

**86.59** Soon after he was shot, Michael Kelly was carried behind the south wall of the eastern block of Glenfada Park North, where Fr Denis Bradley and others tended him. He was then carried across Glenfada Park North, through the south-western alleyway and into the Carrs' house at 8 Abbey Park. From that house he was taken to Altnagelvin Hospital in an

ambulance that also carried two of the Sector 4 casualties. We deal in more detail with what happened to Michael Kelly after he had been taken to the gable end, in our consideration of the events of Sector 4.<sup>1</sup>

<sup>1</sup> [Chapter 92](#)

## Hugh Gilmour

### Biographical details

**86.60** Hugh Gilmour was 17 years old at the time of Bloody Sunday. He was the youngest member of his family and lived with his parents at 23 Garvan Place in Block 2 of the Rossville Flats. He was employed by Northern Ireland Tyre Services as a tyre fitter.<sup>1</sup>

<sup>1</sup> [AB38.5](#); [AB38.47](#); [AG39.1](#); [ED37.11](#)

### Prior movements

**86.61** In her written statement to this Inquiry,<sup>1</sup> Hugh Gilmour's sister Mary Bonner told us that her brother had lunch at their parents' flat. At about 2.30pm or 2.45pm, he left the flat to meet some friends by the shops on the south side of Block 2 of the Rossville Flats. This group of seven or eight friends walked through the Bogside to join the march.

<sup>1</sup> [AB38.1](#)

**86.62** Michael Bridge (the cousin of the man of that name wounded in Sector 2) told us in his written statement to this Inquiry,<sup>1</sup> that he joined the march with Hugh Gilmour, and left him at the junction of William Street and Rossville Street.

<sup>1</sup> [AB83.1](#)

**86.63** In their closing submissions,<sup>1</sup> the representatives of the family of Hugh Gilmour refer to a photograph that they submit shows him on the march.

<sup>1</sup> [FS1.1468](#)



Man with Fair Isle or similar sweater

86.64 It appears from a photograph of Hugh Gilmour being carried to an ambulance, that he was wearing a Fair Isle or similar sweater.



**86.65** A man wearing such a sweater can be seen towards the foreground of the photograph of the marchers shown above,<sup>1</sup> but we are not wholly persuaded that this is Hugh Gilmour, because the pattern of the sweater appears different. There are two photographs, taken by Frederick Hoare of the *Belfast Telegraph*, which show a man in a patterned sweater facing Barrier 14, apparently holding a stone or other projectile in his hand, but this man's hairstyle bears little resemblance to that of Hugh Gilmour, and he appears to have been wearing a longer coat than is shown in Robert White's photograph of Hugh Gilmour running south past Block 1 of the Rossville Flats, which we consider below.<sup>2</sup>

<sup>1</sup> [Paragraph 86.63](#)

<sup>2</sup> [Paragraph 86.88](#)

**86.66** We accept that Hugh Gilmour was on the march, but have found no evidence to indicate how he arrived at the vicinity of the rubble barricade after he left Michael Bridge at the junction of William Street and Rossville Street.

## Medical and scientific evidence

### Wound pathology and ballistics

**86.67** Dr Derek Carson, then the Deputy State Pathologist for Northern Ireland, conducted an autopsy of the body of Hugh Gilmour on 31st January 1972 at Altnagelvin Hospital.<sup>1</sup> Three other doctors and two RUC photographers were also present.<sup>2</sup> Dr Shepherd and Mr O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, considered the notes, report and photographs from this autopsy. Dr Carson, Dr Shepherd and Mr O'Callaghan all gave written and oral evidence to this Inquiry. Dr Carson also appeared before the Widgery Inquiry.

<sup>1</sup> [WT8.64](#); [D532](#)

<sup>2</sup> [D179](#)

**86.68** In his autopsy report,<sup>1</sup> Dr Carson described the following four gunshot wounds:

(i) A circular entrance wound, 6mm in diameter, on the ulnar border of the left forearm, centred 12cm above the ulnar styloid. This wound was surrounded by a rim of dark red abrasion, 2mm wide. There was no blackening of the surrounding skin.

(ii) A ragged exit wound, measuring 20mm x 11mm, on the flexor surface of the left forearm, at a slightly lower level than wound (i). This wound was surrounded by an irregular rim of abrasion, 2–3mm wide. It lay within a vague zone of bruising, measuring 5cm x 2.5cm. There was a fracture of the underlying ulna.

(iii) A gaping wound, measuring 6cm x 5cm, on the left side of the trunk, with the centre of its anterior border situated 13cm directly below the nipple. There was no significant abrasion of its margins.

(iv) An elliptical wound, measuring 20mm x 12mm, on the right side of the trunk, centred 14cm below and 7cm behind the right nipple and 16cm above the right anterior superior iliac spine. The long axis of this wound was directed downwards and forwards at an angle of 20° to the vertical. There was no significant abrasion of the wound margins nor was there any bruising or blackening around it. The wound had a “split” appearance, with pointed extremities, and did not have the typical appearance of an entrance wound.

<sup>1</sup> D179

**86.69** The internal injuries found by Dr Carson are described in his report.<sup>1</sup>

<sup>1</sup> D181-D182

**86.70** Dr Carson summarised his conclusions about the gunshot injuries as follows:<sup>1</sup>

“There were two gunshot wounds on the left forearm and two more on the trunk. Only one of the four had the typical appearances of an entrance wound. This was located on the ulnar border of the back of the mid-forearm. From here the bullet had passed through the forearm, causing a fracture of the ulna, before leaving the front surface of the forearm at a slightly lower level than the entrance wound.

Of the wounds on the trunk the larger was located on the left side of the front of the lower chest and the other on the right side at about the same level but slightly further back. The bullet causing these wounds had fractured the 8th rib on each side, lacerated the diaphragm, the left lung, the liver, spleen and stomach. The liver injury was particularly extensive. Massive bleeding into the chest and abdominal cavities from these injuries would have caused rapid death.

It might be argued that because the wound on the left chest was larger than that on the right chest, the wound on the right side was an entrance wound and that the man must therefore have been struck by two bullets. If this were so then the bullets would have come from opposite directions, one from his left and the other from his right. However the wound on the right chest, although smaller, did not have the typical appearance of an entrance wound, being pointed at each of its extremities as though the tissues were split open from within. It would be more logical to conclude that all

four wounds were caused by the passage of a single bullet and that the large size of the wound on the left chest was accounted for by distortion or yawing of the bullet which had already passed through the left forearm and fractured the ulna. All four wounds were brought into line when the left forearm was semi-flexed at the elbow with the upper arm almost touching the body and the flexor surface of the wrist facing the abdomen. On this interpretation the bullet had passed horizontally from left to right through the body with a slight inclination backwards. Assuming the deceased was erect at the time the bullet must have come from his left and slightly in front of him.

The extent of the injuries indicated that the bullet had come from a weapon of medium or high velocity, but since the missile had passed completely through the body and was not recovered it was not possible to determine the calibre. There was nothing to suggest that the weapon had been discharged at close range.”

<sup>1</sup> [D184-D185](#)

**86.71** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Carson confirmed the conclusions set out in his autopsy report.

<sup>1</sup> [WT8.67-WT8.69](#)

**86.72** In his written statement to this Inquiry,<sup>1</sup> Dr Carson told us that although he could not entirely rule out the possibility that the wound in the right chest was an entrance wound, he still stood by his original conclusions and believed that the most likely explanation of Hugh Gilmour’s wounds was that they were all caused by a single bullet.

<sup>1</sup> [D535](#)

**86.73** In a further written statement,<sup>1</sup> Dr Carson made the following comments in support of his interpretation of Hugh Gilmour’s injuries:

“There is an adage in medicine that common things occur most commonly. This is true of wounds of arm and trunk. Experience over the years has shown many cases in which a single bullet passes through both.

The arm is usually in a position by the side, whether standing, walking or running. Therefore there is a great possibility that a bullet passing through the trunk from side to side will also damage an arm, and vice versa.

Since the probability is that both wounds were caused when the deceased was upright, then it is asking a lot of coincidence to suggest that two bullets struck the body at the same level and at the same time, and further that they came from diametrically opposite directions.

The wound on the right side of the trunk does not have the appearance of an entrance wound. (Note the appearance of *all* the other entrance wounds in the six cases). It is not a small neat circular hole with an abrasion collar – rather it is large and pointed above and below with a split appearance, typical of an exit wound.

A bullet which has been deformed, especially by impact with bone, and which has lost its stability of flight may well cause a re-entry wound larger than the ultimate exit wound. It is losing more energy on re-entry, and temporary cavitation must also be considered as a factor, in high velocity wounds in particular.”

<sup>1</sup> D537.1

**86.74** In his oral evidence to this Inquiry,<sup>1</sup> Dr Carson maintained the same views, although he accepted that if Hugh Gilmour had been hit by two bullets, they need not necessarily have struck him simultaneously. He explained the phenomenon of temporary cavitation, whereby the passage of a bullet through the body can cause an expansion of the surrounding tissue and hence an enlargement of the wound. Dr Carson added that it would have been possible for Hugh Gilmour to run a distance of 20 to 30 yards even after he had sustained the injury to his trunk. Dr Carson observed that unless the brain or spinal cord is grossly damaged it is “*amazing what can be done after a gunshot wound*”. On the other hand, he later said<sup>2</sup> that he would not have expected Hugh Gilmour to have “*stayed on his feet for long*” after receiving the injury to the trunk. Dr Carson was inclined to agree with a suggestion put to him that once Hugh Gilmour had been injured in the arm, it would have been natural for him to clutch his arm to his abdomen, in which case a second bullet passing through the trunk would have been likely to cause a further injury to the arm. Dr Carson agreed<sup>3</sup> that there did appear to be a small area of abrasion on part of the margin of the wound on the right side of the chest, but he did not consider that any significance should be attached to this.

<sup>1</sup> Day 206/11-34; Day 206/48-74

<sup>3</sup> Day 207/35-39

<sup>2</sup> Day 207/21-27

86.75 In their report, Dr Shepherd and Mr O'Callaghan reached conclusions which they summarised as follows:<sup>1</sup>

"The possible causes of the injuries to the chest and arm are:

a) ONE SHOT: passing through the left arm then re-entering the left chest and exiting the right chest.

b) ONE SHOT: entering the right chest, exiting the left chest, re-entering the left arm.

c) TWO SHOTS: one passing through the left arm and one passing through the chest left to right.

d) TWO SHOTS: one passing through the left arm and one passing through the chest right to left.

The injury to the ulnar aspect of the left arm is such a classic entry wound that we have no doubt that it indicates that the bullet must have passed through the left arm from the ulnar to the flexor surface.

It is extremely difficult to orientate the arm so that the ulnar wound is against the site of the wound on left chest wall. The entry wound on the ulnar surface of the arm is so unlikely to be a re-entry wound that we consider that this possibility can be excluded. These factors exclude option (b).

It is our opinion that the injury to the right side of the chest is, more likely than not, an entry wound and that the injury to the left side represents an exit wound. This would exclude options (a and c). However the injury to the left side of the chest is not photographed clearly and in the absence of X rays that might have given information about the direction of fragmentation of the ribs this cannot be stated with certainty.

Based on the original 4 hypotheses it is therefore much more likely than not that Hugh Gilmore was struck by two bullets; one striking the right side of the chest and the other the left forearm. (d)

The forearm is an extremely mobile part of the body and it is not possible to give any indication of its position when struck. The mobility is so great that the shot that struck the forearm could have come from almost any position around the body. Clearly the shot to the chest, if we are correct in the orientation of this shot, has come from a point to the right of the chest at the moment of discharge."

<sup>1</sup> [E2.60-E2.61](#)

**86.76** In his oral evidence to this Inquiry,<sup>1</sup> Dr Shepherd adhered to these conclusions. With regard to Dr Carson's views, Dr Shepherd commented that a moving person is less likely to have his arm at his side than one who is stationary, and that if two bullets had hit Hugh Gilmour when he was moving they need not necessarily have come from opposite directions. There was also no reason why the two bullets must have struck Hugh Gilmour at the same time. Dr Shepherd said that although the wound on the right side of the trunk had some features of an exit wound, it looked less like an exit wound than the wound on the left side. Although atypical, it was possible for an entrance wound to show the "split" appearance described by Dr Carson and to lack a rim of abrasion. Dr Shepherd considered that temporary cavitation was more likely to affect the size of an exit wound than of an entrance wound.

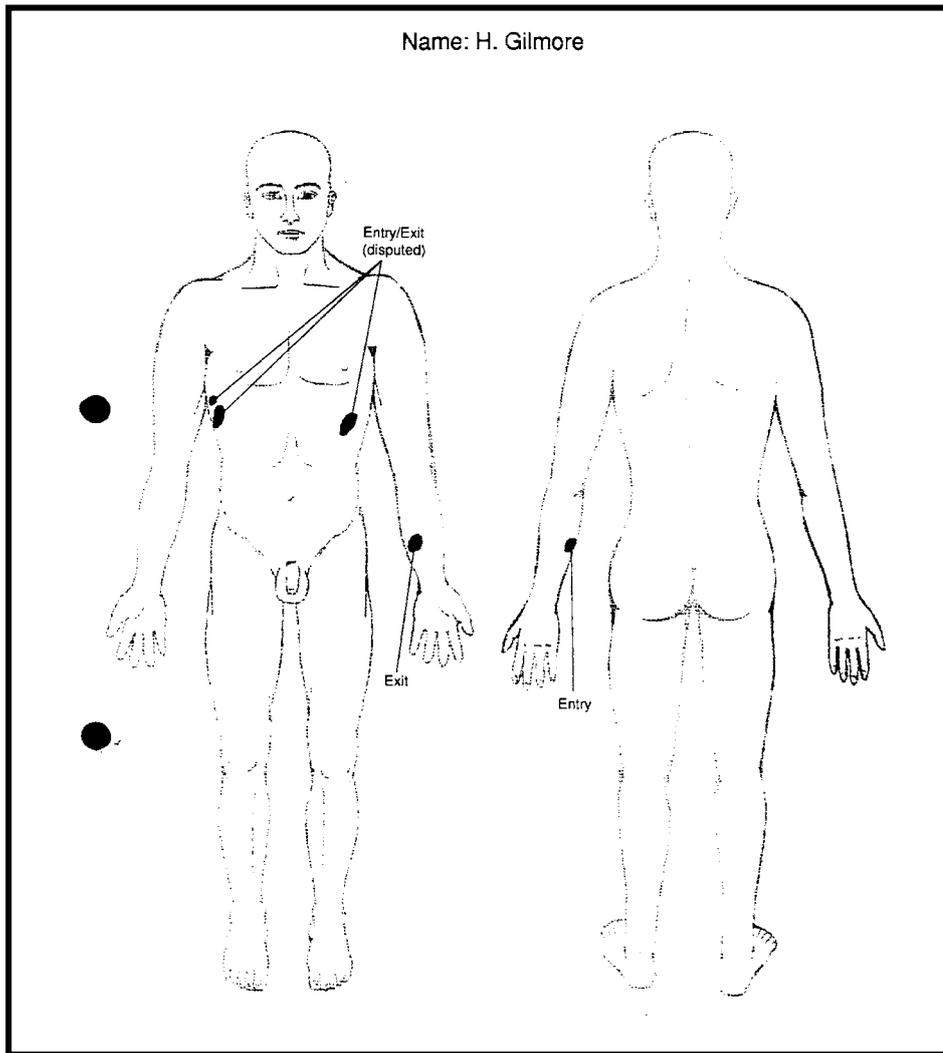
<sup>1</sup> [Day 229/12-20](#); [Day 229/89-90](#); [Day 229/93-99](#)

**86.77** It will be seen from the foregoing summaries of their evidence that there is a fundamental difference of opinion between Dr Carson and the Inquiry's experts as to whether Hugh Gilmour was struck by one or two bullets. We return to this difference of opinion later in this report.<sup>1</sup>

<sup>1</sup> [Paragraph 86.148](#)

**86.78** The photographs of Hugh Gilmour's body taken in the mortuary show the wounds described by Dr Carson. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O'Callaghan<sup>1</sup> illustrates the position of the wounds.

<sup>1</sup> [E2.82](#)



**86.79** This diagram also shows the position of what Dr Shepherd and Mr O’Callaghan described as a “*small puncture wound*”<sup>1</sup> adjacent to the upper margin of the wound to the right side of the trunk, visible in the mortuary photographs but not mentioned in Dr Carson’s autopsy report or notes. However, in his oral evidence to this Inquiry,<sup>2</sup> Dr Carson said that he was not sure that there had been a puncture wound and thought that this was just a blemish on the skin.

<sup>1</sup> E2.58

<sup>2</sup> Day 207/38

**86.80** Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of Hugh Gilmour under the direction of Dr John Martin, then a Principal Scientific Officer in the same department.<sup>1</sup> In his report dated 21st February 1972,<sup>2</sup> Dr Martin set out these findings:

“There is a small hole in the left arm of the anorak (item 2) which had traces of lead on the perimeter and is consistent with a bullet entry. A second larger hole in the arm is consistent with bullet exit and two more larger holes in the left and right of the anorak body are consistent with the path of the same bullet. There is corresponding damage to the pullover, shirt and vest (items 3, 4 and 5).”

<sup>1</sup> D171-D174; D741.60; Day 225/64-66

<sup>2</sup> D169

## Tests for firearm discharge and explosives residue

**86.81** Dr Martin tested the anorak that Hugh Gilmour was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Apart from the traces of lead consistent with bullet entry around one of the holes in the left arm of the anorak, Dr Martin detected no significant number of lead particles on the anorak and none on the hand swabs. He concluded that Hugh Gilmour had not been using a firearm.<sup>1</sup>

<sup>1</sup> D169

**86.82** Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of Hugh Gilmour for explosives residue. None was detected.<sup>1</sup>

<sup>1</sup> D165

**86.83** It follows that there is no scientific evidence that Hugh Gilmour had been handling firearms or had been close to someone who was handling a firearm, or that he had been in contact with explosives.

## Hugh Gilmour's clothing

**86.84** We have referred above<sup>1</sup> to Hugh Gilmour's multi-coloured sweater. Over this he was wearing a brown anorak and under it a yellow shirt. He was also wearing blue denim jeans.<sup>2</sup>

<sup>1</sup> [Paragraph 86.64](#)

<sup>2</sup> [D164](#)

## Where Hugh Gilmour was when he was shot

**86.85** Two difficulties arise when considering the question of where Hugh Gilmour was when he was shot.

**86.86** Much of the evidence is confused and irreconcilable. We do not find this surprising, in view of the fact that they were witnessing horrific and fast-moving events, and, as we have pointed out elsewhere in this report,<sup>1</sup> people who have witnessed the same event very often give sharply differing accounts of it.

<sup>1</sup> [Paragraph 63.2](#)

**86.87** In the second place, if the Inquiry's experts are correct in their view that it is most likely that two bullets hit Hugh Gilmour, then the possibility arises that he was first hit when in one place and hit again after he had moved to another place.

**86.88** Hugh Gilmour can be seen in the following photograph, which Robert White took from the pram ramp on the north-eastern corner of Glenfada Park North after he had taken the photographs of Michael Kelly lying on the ground behind the rubble barricade, which we have considered earlier in this report.<sup>1</sup> Hugh Gilmour was identified in this photograph by, among other witnesses, Frankie Mellon.<sup>2</sup>

<sup>1</sup> [Paragraphs 81.33 and 86.43–44](#)

<sup>2</sup> [AM399.4](#)



Hugh Gilmore

**86.89** Robert White (who did not make a statement in 1972) gave the following account in his written statement to this Inquiry of what happened after he had taken the two photographs of Michael Kelly:<sup>1</sup>

“Just at that moment I became aware that a young man was running south on the pavement to the west of Block 1 of the Rossville Flats. He was running along and holding his side with his right hand and I instinctively took a photograph of him. There would only have been a second or two between me seeing this young man and me taking the photograph. I would have had my camera ready and my elbows were probably resting on the wall of the pram ramp with my camera held up ready to shoot. I would say that the young man could only have run 5 or 6 yards between me seeing him and me taking the photograph that is attached and numbered 32. I subsequently learned that this young man’s name was Hugh Gilmore and that he was shot and killed that day. When I saw him I did not realise he had been shot, and again I thought that he had perhaps been hit by a rubber bullet.”

<sup>1</sup> AW11.4

**86.90** Robert White told us that he did not know what had happened to the man he had photographed running.<sup>1</sup> He stated that he later came down from the pram ramp and took a photograph of a group of people at the southern end of Block 1 of the Rossville Flats. *“It looked as if there were seven or eight people standing around a body on the ground, but I could not see that body and I did not know who it was.”*<sup>2</sup>

<sup>1</sup> [AW11.4](#)

<sup>2</sup> [AW11.5](#)

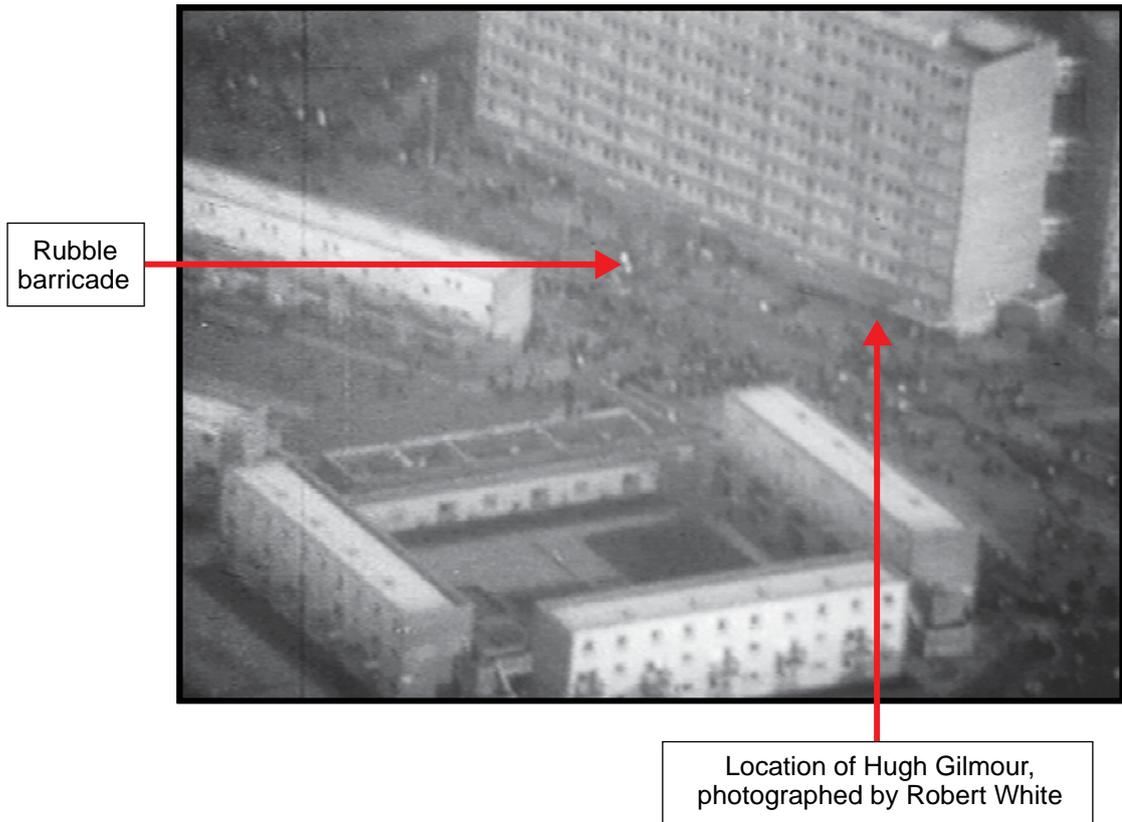


**86.91** There is no doubt that the people on the left of this photograph were standing over the body of Hugh Gilmour. There is abundant and convincing evidence that he had continued to run until he reached or came very close to the south end of Block 1 of the Rossville Flats, where he collapsed; and that he was then taken round the corner to a position beneath the end wall of the block. He died there; and from there he was taken by ambulance to Altnagelvin Hospital, as we describe later in this report.<sup>1</sup>

<sup>1</sup> [Paragraphs 124.5–6](#)

**86.92** In our view Hugh Gilmour had been hit by at least one bullet before he reached the entrance to Block 1 of the Rossville Flats. We set out below a still from the helicopter footage on which we have marked the position of Hugh Gilmour as shown in Robert White’s photograph, from which it can be seen that he was some distance from the rubble barricade when that photograph was taken.<sup>1</sup>

<sup>1</sup> [E27.14](#)



**86.93** We now turn to consider the evidence of other civilians relating to where Hugh Gilmour was when he was shot. As will be seen, some of the witnesses put him in front of, some at, and some behind the rubble barricade when this happened.

## Eamon Melaugh

**86.94** Eamon Melaugh gave a Keville interview which included the following account:<sup>1</sup>

“At approximately four o’clock or some time shortly after that I found myself standing at the barricade outside the Rossville Street Flats. The barricade was situated about twenty five to thirty yards from the Free Derry end of the flats. I was er – facing the Army and watching the members of the Security Forces fire their self-loading rifles. Most of the shots that I seen fired were being fired from waist level and that they weren’t deliberately aimed. Two shots rang out, the lad standing beside me who had – who I now know to be Hugh Gilmore lurched forward from the waist. He said ‘I’ve been hit Eamon, I’m hit’; meaning that he was shot. I looked at him, there was an expression of amazement, total amazement on his face. He turned round and ran up

the street away from the barricade and from the soldiers. I ran after him. I wasn't able to catch up with him because I was lumbered down with two cameras and long lenses. He ran, after having been shot, to the gable end nearest to Free Derry Corner. He then slumped to the ground out of the line of fire and some time later he died."

<sup>1</sup> [AM397.70](#)

**86.95** According to the statement taken by Peter Pringle of the *Sunday Times* Insight Team,<sup>1</sup> Eamon Melaugh was one of the crowd that surged forward from around the area of the rubble barricade in response to seeing a youth being arrested. He was among the last civilians to move back towards the barricade as he had paused to pick up a lens hood that he had dropped. As he did so he saw a soldier with a baton gun firing from the western side of Rossville Street, and another soldier behind him who fired two live rounds. For reasons given earlier in this report,<sup>2</sup> we are of the view that these two soldiers were respectively Private 017 and Corporal P. According to the same statement, Eamon Melaugh attempted to take a photograph of at least one of these soldiers. He saw two youths lying on the ground near the rubble barricade, and believed that they were taking cover or feigning injury. There was a lull of 10 to 15 seconds and then two further shots rang out. Eamon Melaugh was standing next to Hugh Gilmour who "*lurched forward from the waist*" and called out "*I'm hit Eamon, I've been hit*". As he said this "*he turned round and he bolted back towards Free Derry Corner and when he came to the door of the flats he started to stagger somewhat*".

<sup>1</sup> [AM397.23-25](#)

<sup>2</sup> [Paragraphs 69.20–58](#) and [Chapter 73](#)

**86.96** This statement also recorded that after trying to photograph the soldier who had fired first, Eamon Melaugh "*got down off the top of the barricade into the Free Derry side*". Hugh Gilmour was shot no more than two feet from where Eamon Melaugh was standing. Eamon Melaugh took a moment to register what was happening, and then set off after Hugh Gilmour. He thought that Hugh Gilmour wanted to get into the doorway of the Rossville Flats, but could not do so as there were too many people present. He instead ran to the corner and fell "*out of the line of fire*". Eamon Melaugh reached Hugh Gilmour and saw a wound below his chest that was emitting no blood. Someone was holding some material to Hugh Gilmour's side. Eamon Melaugh said "*with ut[t]er and complete conviction*" that Hugh Gilmour was not even throwing stones when he was shot. He had nothing in his hands, and was not armed.

**86.97** In his oral evidence to this Inquiry<sup>1</sup> Eamon Melaugh accepted that he had been interviewed by, or had given a statement to, Peter Pringle but said: “*Obviously there are elements in the statement that I conveyed, but I can tell you that 85 per cent of that statement is sheer fiction, fiction.*” He also told us that the account that he had given to Kathleen Keville might have been more accurate than his current recollection.<sup>2</sup>

<sup>1</sup> Day 143/23-25

<sup>2</sup> Day 143/37-39

**86.98** Despite what Eamon Melaugh said to us, we consider that the statement probably did accurately record an account that Eamon Melaugh gave in 1972. In his oral evidence to this Inquiry,<sup>1</sup> Peter Pringle said that “*in most cases we would not have said ‘statement’ unless there had been some special reason for that*”, and suggested that it might be a transcript of a tape recording or perhaps a copy of a statement made previously by the witness. The statement was generally consistent with what Eamon Melaugh had told Kathleen Keville. Thus the accounts that Eamon Melaugh gave in 1972 were to the effect that Hugh Gilmour was standing at or behind the rubble barricade, and only ran south after he was shot; whereas his recollection when he gave evidence to this Inquiry is that both he and Hugh Gilmour were both north of the rubble barricade, and that Hugh Gilmour was already moving in a southerly direction when he was shot.<sup>2</sup>

<sup>1</sup> Day 190/47-50

<sup>2</sup> AM397.4

**86.99** We should note that it was Liam Mailey’s evidence to this Inquiry that Eamon Melaugh was behind the rubble barricade as the soldiers began to fire.<sup>1</sup>

<sup>1</sup> M50.3

## Geraldine Richmond

**86.100** In her NICRA statement, Geraldine Richmond (who became Geraldine McBride) gave the following account:<sup>1</sup>

“I was in the march on Sunday 30th January. I was at the corner of Rossville Street. I turned back towards Free Derry Corner. The boy Gilman [sic], was walking along the side of the flats at Rossville Street beside me. All of a sudden there was a lot of shooting. There had been no shooting before this. This shooting came from the army because when I turned round there was a soldier on one knee. The boy Gilman stumbled. I went over to him. Some men were already by his side. I prayed into his ear. I helped to carry him to where the telephone box was.”

<sup>1</sup> AM45.26

- 86.101** In an undated statement taken in 1972 (probably by solicitors acting for the wounded)<sup>1</sup> Geraldine Richmond recorded that she ran south when she saw soldiers on the waste ground. She heard gunfire and saw smoke from some of their guns. Hugh Gilmour was on her left. He shouted that he was hit, and ran on holding onto his stomach. Geraldine Richmond grabbed his right arm and told him to keep running. She assisted him around the south-western corner of Block 1 of the Rossville Flats, where he collapsed and died.  
<sup>1</sup> [AM45.30-31](#)
- 86.102** In her written statement for the Widgery Inquiry<sup>1</sup> and in her oral evidence to that Inquiry,<sup>2</sup> Geraldine Richmond said that she had been near Hugh Gilmour between Pilot Row and Eden Place. The two of them were present there when they became aware of the soldiers entering the Bogside, and they ran south towards Free Derry Corner. Just as they reached “*the main section of Rossville Flats*” Hugh Gilmour said “*I’m hit, I’m hit*”. Geraldine Richmond encouraged him to keep running. Hugh Gilmour began to stumble, but Geraldine Richmond was able, with the help of an unnamed man, to hold him up and help him round the corner of Block 1 of the Rossville Flats. Geraldine Richmond said that Hugh Gilmour was shot “*just before we came to the barricade*” (and therefore presumably to the north of the barricade).<sup>3</sup>  
<sup>1</sup> [AM45.24](#) <sup>3</sup> [WT6.49](#)  
<sup>2</sup> [WT6.48-51](#)
- 86.103** In the course of her oral evidence to the Widgery Inquiry, Geraldine Richmond was shown a photograph of a man running doubled up. We have no doubt from the context that this was a copy of the photograph taken by Robert White of Hugh Gilmour running which we have reproduced above.<sup>1</sup> Geraldine Richmond accepted that she was not shown in this photograph and that she did not begin to assist Hugh Gilmour around the corner until after this point.<sup>2</sup>

“Q. You are not in that photograph?”

A. No, I am not.

Q. So at this stage, at any rate, you were not still helping him to run?

A. No, but when we got beside those people there we grabbed him again and got him round the corner to help him.”

<sup>1</sup> [Paragraph 86.88](#)

<sup>2</sup> [WT6.50](#)

**86.104** In her deposition taken for the purposes of the inquest into Hugh Gilmour's death,<sup>1</sup> Geraldine Richmond again indicated that Hugh Gilmour was shot north of the rubble barricade as he ran south down Rossville Street.

<sup>1</sup> AM45.27

**86.105** In her evidence to this Inquiry, Geraldine Richmond told us that she and Hugh Gilmour ran from the incoming soldiers, but stopped at a point level with Pilot Row on Rossville Street. From there, Hugh Gilmour and another youth threw one stone each in the direction of the Army vehicles.<sup>1</sup> She then saw soldiers disembark from vehicles on Rossville Street. She saw one soldier in particular firing from beside one of the vehicles.<sup>2</sup> Geraldine Richmond and others ran south. Hugh Gilmour was slightly in front of her and to her left. Geraldine Richmond recalled scrambling over the barricade, with no indication as yet that Hugh Gilmour had been shot. There were youths at the barricade throwing stones, but Geraldine Richmond could not recall seeing any casualties there. There were more than ten people present at the barricade, some throwing stones, some standing around, and some running away.<sup>3</sup> Hugh Gilmour continued to run in front of her and to her left on the pavement of Rossville Street, about six feet from the wall of the Rossville Flats.<sup>4</sup> A little further south than halfway between the barricade and the south end of Block 1, Geraldine Richmond heard two shots that came from her right, and felt the bullets pass her. She heard Hugh Gilmour gasp and say that he had been hit. She believed that Hugh Gilmour was shot when just out of frame on Robert White's photograph of him running. She marked her likely position in red at the time that the photograph was taken.<sup>5</sup>

<sup>1</sup> AM45.15; Day 145/147-149

<sup>2</sup> AM45.15-16

<sup>3</sup> AM45.16; Day 145/154-155

<sup>4</sup> AM45.16

<sup>5</sup> AM45.17; Day 145/157-158; AM45.36



**86.106** Geraldine Richmond told us that at the time when he was shot, Hugh Gilmour was running south and was not turning, and that she believed that the bullets came from the western side of Rossville Street from the Glenfada Park area.<sup>1</sup> She and another man assisted Hugh Gilmour around the corner of Block 1, where he died.<sup>2</sup> Geraldine Richmond said that when she recorded in her written statement for the Widgery Inquiry that she saw Hugh Gilmour shot before he reached “*the main section*” of the Rossville Flats she was referring to the main door of Block 1 (ie the entrance near the south-western corner of the block). However, this does not explain other indications in her earlier evidence that he was shot further to the north. Geraldine Richmond accepted that it was possible that Hugh Gilmour was hit twice, but remained confident that she became aware of Hugh Gilmour’s injury only after he had crossed the rubble barricade.<sup>3</sup>

<sup>1</sup> AM45.17

<sup>3</sup> Day 146/1-22

<sup>2</sup> AM45.17-18

**86.107** Geraldine Richmond’s oral evidence to the Widgery Inquiry and her deposition for the coroner indicate that Hugh Gilmour was shot to the north of the rubble barricade, while her evidence to this Inquiry is that he was shot to the south of it. She also indicated for the first time, in her written statement to this Inquiry, that she believed that the bullets came from the western side of Rossville Street and flew past her. She recorded in that statement that Hugh Gilmour had thrown a stone at an earlier point, but at the moment of his shooting was running south and not turning.

## Frankie Mellon

**86.108** In his Keville interview,<sup>1</sup> Frankie Mellon, then a student nurse, said that he was standing “*just outside ... the flats opposite Glenfada Park*” when Hugh Gilmour “*come crawling round shouting he had been shot in the stomach*”. In his oral evidence to this Inquiry,<sup>2</sup> Frankie Mellon said that this account was “*not correct at all*”.

<sup>1</sup> AM399.19

<sup>2</sup> Day 151/178-179

**86.109** Frankie Mellon gave a NICRA statement<sup>1</sup> in which he recorded that “*Me and my mate were standing at the corner of flats opposite Glenfada Park. John [sic] Gilmore jumped into the air shouting ‘I’ve been hit’ and he started running towards the corner<sup>2</sup> of the flats where we were standing. My friend and I grabbed Gilmore by each arm and dragged him around the corner. Just beside the telephone box Gilmore collapsed to the ground.*”

Frankie Mellon stated that he then tried to tend to Hugh Gilmour’s wounds.

<sup>1</sup> AM399.16

<sup>2</sup> In the typed version of this statement the word “cover” appears but we are satisfied that this was a typographical error for “corner”.

**86.110** In his written statement to this Inquiry, Frankie Mellon told us that he was walking south down Rossville Street when he saw a number of people running to the north of the rubble barricade and throwing stones in a northerly direction. Frankie Mellon stated that he walked south past them and that he noticed that Hugh Gilmour was one of these people. Hugh Gilmour was about six to eight feet from the wall of Block 1, and ran from the south of the barricade to 40 to 50 yards north, then threw one stone and turned to run back.<sup>1</sup> In his oral evidence to this Inquiry,<sup>2</sup> Frankie Mellon said that Hugh Gilmour might not have run so far to the north.

<sup>1</sup> AM399.3

<sup>2</sup> Day 151/142-143

**86.111** Frankie Mellon told us that at this point he became aware of Army vehicles driving down Rossville Street.<sup>1</sup> However, he stated that he had earlier seen an Army vehicle on the waste ground.<sup>2</sup> In his oral evidence to this Inquiry,<sup>3</sup> Frankie Mellon accepted that he could have been wrong about the timing of the arrival of the vehicles. In his written statement to this Inquiry he recorded that he saw a number of soldiers disembark and commence firing immediately. Some of the soldiers moved towards the northern end of Block 1 of the Rossville Flats and some to a low wall on the western side of Rossville Street. Frankie Mellon stated that he ran south, and reached the rubble barricade. As he did so he heard two single SLR shots fired in rapid succession. He believed that the shots came from somewhere to his right (thus the west). He told us that he was one of the last civilians to

cross the rubble barricade, and that he continued running south. He recalled Hugh Gilmour running in front of him as he heard the shots. Hugh Gilmour had previously looked over his shoulder and seen the vehicles on Rossville Street, and was running in a southerly direction, two or three feet ahead of Frankie Mellon. The second shot appeared to hit him, and Hugh Gilmour jumped up, grasped his right side and shouted "*I've been hit*".<sup>4</sup> Frankie Mellon told us in his oral evidence that he thought that both men were south of the rubble barricade by this point.<sup>5</sup> In his written evidence to this Inquiry he stated that Hugh Gilmour continued to run, but after a few steps began to stumble. Frankie Mellon ran after him and caught up with him at the entrance to Block 1. He was on Hugh Gilmour's right-hand side. As the doors to Block 1 were closed, he pulled him around the gable and Hugh Gilmour collapsed. Frankie Mellon said that he believed that he was the only man who helped Hugh Gilmour at this point, although he did recall that he was with John Anthony (Sean) McDermott, to whose evidence we refer below,<sup>6</sup> on the day.<sup>7</sup> Frankie Mellon identified himself in Robert White's photograph as the first man to the left of Hugh Gilmour, in a light-coloured jacket.<sup>8</sup>

<sup>1</sup> AM399.3

<sup>2</sup> AM399.2

<sup>3</sup> Day 151/148-151

<sup>4</sup> AM399.3-4

<sup>5</sup> Day 151/145-146

<sup>6</sup> Paragraphs 86.113–118

<sup>7</sup> AM399.4-5; Day 151/159

<sup>8</sup> AM399.4



Frankie Mellon

**86.112** Frankie Mellon’s NICRA statement was to the effect that he was standing at the southern corner of Block 1 of the Rossville Flats when he heard Hugh Gilmour shout that he had been hit and saw him start to run towards where he was standing. His Keville interview appears to be to much the same effect. In contrast, his evidence to us was that Hugh Gilmour was already running in a southerly direction when he was shot and that he, Frankie Mellon, was running behind him.

## Sean McDermott

**86.113** John Anthony McDermott, known as Sean McDermott, gave the following account in his NICRA statement:<sup>1</sup>

“I was standing on the pavement outside the High Flats in Rossville St. I saw a boy walking alone across waste ground on the William St. side of the Flats. A soldier appeared on the corner of the Flats on the side nearest William St. The soldier caught hold of the youth and beat him mercilessly with a riot stick or baton. At this moment Hugh Gilmore emerged from the main door of the High Flats on Rossville St. He moved past towards the mound of rubble which formed a barricade across Rossville St. He got on top of the barricade and someone shouted ‘They are shooting live ammunition.’ When I heard this I crouched and looked around and Hugh Gilmore jumped up clutching the bottom of his stomach shouting ‘I’m hit, I’m hit.’ I thought he had been hit by a rubber bullet so a friend of mine Francis Mellon and myself got hold of him and assisted him around the corner of the Flats on the side nearest Free Derry Corner. As we got round the corner he collapsed. A few people gathered round to assist us.”

<sup>1</sup> [AM4.11](#)

**86.114** In our view, Sean McDermott’s description of a youth being caught by a soldier relates, like the accounts of certain other witnesses to which we have referred earlier,<sup>1</sup> to the arrests of William John Dillon.

<sup>1</sup> [Paragraphs 70.12–14](#)

**86.115** In his evidence to this Inquiry, Sean McDermott said that he no longer recalled seeing the arrest of a youth on the waste ground and that he was not aware of the presence of soldiers when he saw Hugh Gilmour for the first time.<sup>1</sup> He told us that he did recall seeing

Hugh Gilmour emerge from Block 1 of the Rossville Flats as he (Sean McDermott) stood with Frankie Mellon to the south of the rubble barricade. He saw Hugh Gilmour move off towards William Street.<sup>2</sup>

<sup>1</sup> Day 144/56; Day 144/74-75

<sup>2</sup> AM4.3

**86.116** A few minutes after seeing Hugh Gilmour, Sean McDermott heard someone shout that live rounds were being fired. He crouched down, and heard bangs that he thought came from the general direction of William Street.<sup>1</sup> Sean McDermott said that within 30 seconds he saw Hugh Gilmour running unaided in a “*semi-crouched*” position, along the eastern side of Rossville Street. He shouted “*I’m hit, I’m hit*”. Hugh Gilmour was approximately on the rubble barricade, or perhaps just to the south of it. He was running in a southerly direction. On hearing this, those at the barricade turned and ran.<sup>2</sup> Sean McDermott and Frankie Mellon chased after Hugh Gilmour, who ran past the door of the flats. They assisted him around the corner of the gable, as his knees seemed to buckle when he reached the corner.<sup>3</sup>

<sup>1</sup> AM4.3; Day 144/56-57

<sup>3</sup> AM4.3-4

<sup>2</sup> AM4.3; Day 144/60

**86.117** Neither in his NICRA statement nor in his evidence to us did Sean McDermott suggest that he had actually seen Hugh Gilmour shot, but his NICRA statement implies that he saw him on the top of the rubble barricade very soon afterwards. He said that he was not shown in Robert White’s photograph of the running Hugh Gilmour, as he was just out of frame to the left, running behind Frankie Mellon.<sup>1</sup>

<sup>1</sup> AM4.4

**86.118** In his NICRA statement, Sean McDermott referred to helping Hugh Gilmour “*around the corner*” of the Rossville Flats with his friend Frankie Mellon. The latter referred in his NICRA statement to “*My friend and I*” grabbing Hugh Gilmour by each arm and dragging him round the corner.

## James Green

**86.119** James Green gave the following account in his NICRA statement:<sup>1</sup>

“I was standin[g] at the barricade at Rossville flats with a young lad who turned out to be Hugh Gilmour. We saw the soldiers comin[g] in from William St. and this lad said to me, ‘They are firing live ammunition’. I said, ‘They are firing over our heads and we are O.K. as long as we don’t get hit.’

A minute later I heard one shot then another shot and then the boy said, ‘Christ I’ve been hit.’ He half ran back to the corner of Rossville St flats for cover. With some help we put him on his back. The blood was pouring out of his side.”

<sup>1</sup> AG54.6

**86.120** In his evidence to this Inquiry, James Green said that he was behind the rubble barricade when the soldiers arrived in the Bogside. After a few minutes he and others threw stones at the soldiers. There were about 20 to 30 people at the barricade at this point, but not all of them were throwing stones.<sup>1</sup> James Green said that he heard gunfire and thought that the soldiers were firing over their heads. Although he could not be precise, he thought that there was probably a single shot, then a few, and then a volley.<sup>2</sup> The crowd at the barricade did not seem too concerned about the shooting, possibly because they thought that baton rounds were being fired. James Green said that he knew that live rounds were being fired, and recalled a remark that he had made to a freelance photographer standing nearby who had said that he thought that live ammunition was being fired; but he said that did not seek cover because he was confident that the shots were being fired into the air.<sup>3</sup> He acknowledged that his NICRA statement indicated that he had had the conversation about live rounds with Hugh Gilmour. He did not appear to be sure which was the more accurate recollection.<sup>4</sup>

<sup>1</sup> AG54.2; Day 149/5; Day 149/7

<sup>2</sup> AG54.2

<sup>3</sup> AG54.2-3; Day 149/8-11

<sup>4</sup> Day 149/13-14

**86.121** James Green told us that he became aware of Hugh Gilmour beside him. James Green bent to pick up a stone and, as he stood up, he heard Hugh Gilmour exclaim that he had been hit.<sup>1</sup> James Green did not see any visible signs of a wound at this time, and did not think that Hugh Gilmour had been hit with a live round. However, he recalled that Hugh Gilmour was crouched over and holding his stomach.<sup>2</sup>

<sup>1</sup> AG54.3

<sup>2</sup> Day 149/17-18

**86.122** He told us that he and Hugh Gilmour turned and ran south, and that he noticed Hugh Gilmour falling behind and turned to look at him. He stated that he was doing so at the time that Robert White's photograph of the running Hugh Gilmour was taken and identified himself as the man with glasses and a beard looking at Hugh Gilmour from under the canopy of the entrance to Block 1.<sup>1</sup>

<sup>1</sup> AG54.3



James Green

**86.123** James Green said that he saw no evidence of Hugh Gilmour having been hit by a second bullet, although he accepted that this could have happened after he had run past him.<sup>1</sup> As Hugh Gilmour reached the corner of Block 1, James Green and three or four others lifted him and carried him round to the south end of the block where they laid him down.<sup>2</sup>

<sup>1</sup> Day 148/21

<sup>2</sup> AG54.3

**86.124** In his written statement to this Inquiry, James Green told us that Hugh Gilmour had been throwing stones from behind the barricade, but that he did not have anything in his hands at the time he was shot. James Green stated that he thought that Hugh Gilmour's hands had been "*in front of him, down by his sides*".<sup>1</sup> However, in his oral evidence James Green said that while he had not seen Hugh Gilmour at the moment when he was shot (as he himself

was bending down), and while there was no stone in Hugh Gilmour's hand when he looked at him after the shooting, he thought that Hugh Gilmour had "*probably*" had a stone in his hand, which he had "*possibly*" dropped at the moment when he was shot.<sup>2</sup>

<sup>1</sup> AG54.3

<sup>2</sup> Day 149/15-16

**86.125** James Green's evidence, therefore, is to the effect that Hugh Gilmour was shot while at the rubble barricade. There is nothing in his evidence to suggest that Hugh Gilmour was on, as opposed to just behind, the rubble barricade.

## Michael McCusker

**86.126** Michael McCusker did not refer in his Keville interview to witnessing the shooting of Hugh Gilmour. He gave an account of leaving the car park of the Rossville Flats after soldiers had started firing there and then talking to John Young at the rubble barricade, who told him that two boys had been shot at the back of the flats. The account that he gave in this interview continued as follows:<sup>1</sup>

"Then the shooting started again and somebody says that er – it's the army shooting so I run and I got around the corner with the telephone box, round at the side of the flats there's a telephone box. So I threw myself there and about – there must have been about a dozen all lying there and there was a young fella, he was just lying at the corner of the flats and the first aid couldn't get to him."

<sup>1</sup> AM160.13-15

**86.127** This account appears to indicate that after seeing John Young (which would have been very shortly before the latter was killed at the rubble barricade) Michael McCusker ran to the southern corner of Block 1 of the Rossville Flats and saw Hugh Gilmour lying there.

**86.128** In his written statement to this Inquiry, Michael McCusker told us that as the soldiers entered the Bogside he ran through the Rossville Flats car park and then through the passage between Block 1 and Block 2. When he reached the south end of Block 1 there was a lull in the gunfire that he had previously heard. He moved to the rubble barricade. He stayed there for about five minutes. There were about 12 to 20 people standing around. One of them was John Young, who told him that two people had been shot in the car park, and that one of these was Michael Bradley, who had been taken to a house in Joseph Place.<sup>1</sup> Michael McCusker told Praxis Films Ltd in about 1991<sup>2</sup> that John Young had told him that Michael Bradley had been hit "*so I went around the back of the flats towards the courtyard to see if I could help him*". Michael McCusker said that he turned to

go, but heard firing break out before he moved. He ran south along with several other men. One of these men, who was running ahead of him, was dressed in a black bomber jacket and jeans. As he reached a point towards the southern end of Block 1, this man put his right hand to his back and staggered, falling forwards. Michael McCusker thought that the man had been shot, and although he did not see the source of fire he assumed that it came from the north. There was considerable firing at this time. Four or five people assisted the man around the corner.<sup>3</sup>

<sup>1</sup> AM160.1-2

<sup>3</sup> AM160.2; Day 148/57-59

<sup>2</sup> AM160.9

**86.129** In his oral evidence to this Inquiry, Michael McCusker was unable to explain why he had not referred in his Keville interview to seeing a man clutching his back and falling forwards.<sup>1</sup>

<sup>1</sup> Day 148/63-64

## Hugh Patrick O'Donnell

**86.130** In his Keville interview Hugh Patrick O'Donnell gave an account of running from the junction of Rossville Street and William Street towards the Eden Place waste ground and of armoured cars passing him. He continued:<sup>1</sup>

“There was four or five of them and then the Ferret<sup>2</sup> car behind that. Well I looked back and I saw my mate and he seemed to be c – he seemed to be caught though I wasn't sure. And I ran on and I ran into the waste ground and the army they were – and Saracens they were ploughing into the crowd. They were trying to ram the people ... everything started to get confused then and we were surrounded by hundreds of soldiers, they were batoning people all round me and I was looking for a way out. There was a young – young bloke in front of me and the soldiers just at arms reach away; don't know how he missed me but he did. And he hit me ... head ... his rifle butt and I got past him and as I passed the soldier I heard the rifle shots and I wasn't sure where they came from or anything else but then I saw a soldier outside a Saracen and I saw him shooting his rifle. So I ran up to the end of the Rossville Street flats and I met another mate of mine and he told [me] that there was two young fellas lying dead around the back of the flats and nobody could get at them and he then started to cry and panicked and he led a few of us over a barricade at Rossville Street and we run down ... the army and as we were running a black soldier stepped out of a saracen and he started firing his rifle at us and the bullets were hitting the barricade behind us and hitting the wall beside us and I could feel the wind passing me. And I

ran back to the corner of the flats and I looked back and saw that my mate was all right and as I turned the fella just at the corner of the flats fell beside me he was shot, he was right beside me and I got over to look, someone pulled up his jumper and opened his shirt to see how he was. There was a hole in him and the blood was running out of his nose and mouth and a man says he's dead.”

<sup>1</sup> AO32.20-21

<sup>2</sup> Having listened to the Keville tape, we consider that the word “other” in the typed version is a transcription error for “Ferret”.

**86.131** In his evidence to this Inquiry, Hugh Patrick O'Donnell said that he was part of a crowd of about 30 to 50 people (some of whom were throwing stones) who surged over the rubble barricade towards the soldiers in Rossville Street. He believed that they did this in response to reports of youths being shot in the Rossville Flats car park. He heard live rounds being fired immediately after this and dropped to the ground at the rubble barricade.<sup>1</sup> Hugh Patrick O'Donnell rose to his feet and as he did so he saw a black soldier at the north-western corner of Block 1 of the Rossville Flats firing his rifle repeatedly from the hip.<sup>2</sup>

<sup>1</sup> AO32.4; Day 405/13-17

<sup>2</sup> AO32.4; Day 405/17-19

**86.132** Hugh Patrick O'Donnell said that he ran south, aware of further firing and bullets striking the rubble barricade. As he approached the corner of Block 1, he became conscious of a man on his left who was the only person who could keep up with him. This man suddenly seemed to be knocked forward in an unnatural movement and dropped to the ground somewhere close to the corner of Block 1. Hugh Patrick O'Donnell said that he jumped over the man to get to cover and then (with another man) pulled the injured youth to cover. He immediately realised that this man had been shot in the torso. He later learned that this was Hugh Gilmour. Hugh Patrick O'Donnell said that he believed that he was shown covering Hugh Gilmour with his jacket in the photograph that Robert White took of the group at the south end of Block 1 of the Rossville Flats.<sup>1</sup>

<sup>1</sup> AO32.4-5; AO32.15; Day 405/20-23

**86.133** Hugh Patrick O'Donnell said that he did not believe that Hugh Gilmour turned his body while he ran, and that he did not have anything in his hands. Hugh Patrick O'Donnell could not comment on the possibility that Hugh Gilmour had been shot twice, but he did not believe him to have been in pain or discomfort before he lurched forward and fell. He could not identify himself in Robert White's photograph of the running Hugh Gilmour.<sup>1</sup> Hugh Patrick O'Donnell told us he did not hear Hugh Gilmour shout anything as he ran.<sup>2</sup>

He said that he subsequently looked back at the rubble barricade and recalled that he could see about ten people lying behind it. He believed that at least one of these people (and in his opinion probably more) had been shot.<sup>3</sup>

<sup>1</sup> Paragraph 86.88

<sup>3</sup> AO32.5; Day 405/24-25

<sup>2</sup> Day 405/21-23

**86.134** It will have been noted that in his Keville interview Hugh Patrick O'Donnell described seeing a man fall, but did not record that he had actually seen him shot. In our view the account that he gave to Kathleen Keville is to be preferred to his recollection long afterwards; so that, although in our view he probably did see Hugh Gilmour collapse, we place no reliance on his evidence to the extent that it might suggest that Hugh Gilmour was shot close to the end of Block 1 of the Rossville Flats.

## PIRA 14 and PIRA 26

**86.135** PIRA 14 and PIRA 26, who are brothers, and who at the time of Bloody Sunday were members of the Provisional IRA, told us that they were at the rubble barricade when Hugh Gilmour was shot. PIRA 26 said that he saw him run past them and throw a stone at soldiers at the north end of Block 1 of the Rossville Flats<sup>1</sup> after which he was shot by a soldier standing in front of the low ramp at the south end of Kells Walk, the same soldier having previously fired what PIRA 26 thought at the time were blanks "*down Rossville Street but more towards the Glenfada Park side*".<sup>2</sup>

<sup>1</sup> APIRA26.4; Day 425/65

<sup>2</sup> APIRA26.4; Day 425/63-69

**86.136** PIRA 14 gave evidence to this Inquiry that Hugh Gilmour "*may*" have been throwing a stone at the soldiers, and placed him either on or just north of the barricade when he was shot by a tall soldier near the low ramp at the south end of Kells Walk, who had previously been firing "*in the direction of Free Derry Corner*". PIRA 14 said that his recollection was that Hugh Gilmour was facing towards the soldiers at the north end of Block 1 of the Rossville Flats when he was shot.<sup>1</sup> He told us that after being hit, Hugh Gilmour "*turned and ran alongside the Flats in the direction of Free Derry Corner*".<sup>2</sup>

<sup>1</sup> APIRA14.3-4; Day 421/48-49

<sup>2</sup> APIRA14.4

**86.137** We have no 1972 accounts from PIRA 14 or PIRA 26.

## Alex Morrison

**86.138** In his NICRA statement this witness described seeing, from the entrance to Block 1 of the Rossville Flats, one of a group of “boys” standing on the Free Derry Corner side of the rubble barricade being shot. He stated that “*This was the first boy shot.*” He continued:<sup>1</sup>

“Immediately I heard further shots which came from the soldiers and were directed at the other boys at the barricade of rubble. We retreated immediately to the doors of the flats. Kevin McElhinney was running alongside me. We were crouched and running at the same time – making for the main door of the flats. As I entered I heard Kevin – who was now<sup>2</sup> just behind me shout ‘I’m hit ... I’m hit ...’ I dived on in the door and went up the stairs thinking that Kevin was behind me. I realised that no one was behind me so I ran back down and saw Kevin lying dead just inside the door. Others lifted him and took him upstairs. Kevin was beside me for the few moments before he was shot. At no time had a nail bomb, petrol bomb, gun or any other lethal weapon.”

<sup>1</sup> [AM429.1](#)

<sup>2</sup> It is clear from the manuscript that “not” in the typed version was a transcription error for “now”.

**86.139** This account referred to Kevin McElhinney, who was also shot in Sector 3. However, in his oral evidence to this Inquiry, Alex Morrison said that he now believed that it might have been Hugh Gilmour who was running behind him and shouted that he had been hit. He identified himself in Robert White’s photograph of the running Hugh Gilmour as standing under the canopy over the doorway to Block 1.<sup>1</sup>

<sup>1</sup> [AM429.1](#); [AM429.8-9](#); [AM429.11](#); [Day 143/140-148](#)



- 86.140 In view of Alex Morrison's 1972 identification of the person who called out as Kevin McElhinney, and the fact that his NICRA statement recorded him diving "*in the door*" and not standing under the canopy as shown in the photograph above, it is difficult to place reliance on his current belief that it might have been Hugh Gilmour. Kevin McElhinney was shot after this photograph was taken. The evidence of this witness does not provide us with any assistance as to where Hugh Gilmour was shot.

## Brendan Gallagher

- 86.141 This witness told us that he believed that he had seen Hugh Gilmour fall while level with the doorway of Block 1 of the Rossville Flats.<sup>1</sup> However, there is nothing in his NICRA statement<sup>2</sup> to support this recollection and in our view it would be unwise to place any reliance on it.

<sup>1</sup> AG4.3

<sup>2</sup> AG4.1

## Brian McLaughlin

**86.142** We have considered the accounts given by Brian McLaughlin to this Inquiry, but have concluded that these are too vague and confused to allow us to place any reliance on them.<sup>1</sup>

<sup>1</sup> AM320.3-4; Day 145/86-103; Day 145/124-125

## Kathleen Brown, Margaret Patterson and Donal Deeney

**86.143** These witnesses gave evidence to this Inquiry relating to the question of where Hugh Gilmour was when he was shot. There is a NICRA statement that appears to have been made by Kathleen Brown,<sup>1</sup> but which she told us that she did not think that she had made.<sup>2</sup> According to this NICRA statement, the witness saw a man “*coming out from the alley between the flats, towards the market*” who staggered and fell, and was “*finished ... off*” by a soldier firing from Glenfada Park. Kathleen Brown told us, in her evidence to this Inquiry,<sup>3</sup> that Hugh Gilmour came past the doorway of Block 1 of the Rossville Flats and appeared to try to run for cover through the passage between Blocks 1 and 2, but then to change his mind and turn back to face the direction from which he had come, whereupon he was shot by a soldier at the south end of the eastern block of Glenfada Park North. We have found no other evidence that provides any support for this account. The other two witnesses gave no statements in 1972, and, having considered the evidence they gave to us, we concluded that it did not provide us with any reliable assistance on this topic.<sup>4</sup>

<sup>1</sup> AB94.10

<sup>2</sup> AB94.4; Day 144/111-115; Day 114/134-135

<sup>3</sup> AB94.2

<sup>4</sup> AP2.1; Day 185/68-99; AD26.1; AD26.10; AD26.16; Day 86/1-171

## Consideration of the evidence relating to where Hugh Gilmour was shot

**86.144** As we noted above, much of the evidence on the question of where Hugh Gilmour was when he was shot is confused and irreconcilable. Nevertheless, in our view an analysis of the evidence does enable us to reach some conclusions on this matter.

**86.145** Robert White’s photograph of Hugh Gilmour running<sup>1</sup> shows him with his right arm extended towards the side of his chest or abdomen. As we have noted above,<sup>2</sup> Robert White himself said that he took the photograph because the man was running and holding his side. He also said that the man could only have run five or six yards from when he first saw him to when he took the photograph. Geraldine Richmond, Frankie Mellon, Sean McDermott and James Green also described seeing Hugh Gilmour clutching this part of

his body after he had called out that he had been shot. We are therefore of the view that Hugh Gilmour had been hit by the bullet that had passed through his chest before this photograph was taken. It follows that we consider that Hugh Gilmour was shot in the chest at least a few yards north of the entrance to Block 1 of the Rossville Flats.

<sup>1</sup> Paragraph 86.88

<sup>2</sup> Paragraph 86.89

- 86.146** The evidence of Eamon Melaugh, James Green, PIRA 14 and PIRA 26 is to the effect that Hugh Gilmour was behind or just to the north of the rubble barricade when he was shot. Geraldine Richmond's oral evidence to the Widgery Inquiry and her deposition for the coroner indicate that she recalled him being to the north of the rubble barricade.
- 86.147** We have concluded that Hugh Gilmour received his chest wound when he was in the area of the rubble barricade; though we do not find it possible to say from the evidence considered above whether he was behind or in front of it.
- 86.148** None of the eyewitness evidence suggests that Hugh Gilmour was hit in the left arm by another bullet either before or after the time when he sustained the chest wound. The possibility exists that he was shot twice more or less simultaneously, but this would involve him either being shot from two quite different directions, or very rapidly turning his arm or body or both between the shots. In our view it is much more likely that Hugh Gilmour was only shot once, the bullet passing through his left arm and into and through his chest. Accordingly we take the view that on this matter Dr Carson's opinion is to be preferred to that of the Inquiry experts.

## When Hugh Gilmour was shot

- 86.149** In view of Robert White's sequence of photographs we have concluded that Hugh Gilmour was shot after Michael Kelly. As discussed above,<sup>1</sup> Robert White took two photographs of Michael Kelly lying on the ground after he had been shot. We do not know how long Michael Kelly had been lying there when these photographs were taken, though it appears (for example, from Fr O'Keeffe's account quoted above<sup>2</sup>) that soon after he was shot he was carried to the south end of the eastern block of Glenfada Park North, and so it could not have been very long. Robert White's next photograph was of Hugh Gilmour running. The evidence discussed above<sup>3</sup> shows that Hugh Gilmour started running more or less immediately he had been hit and thus only a short time before Robert White photographed him. Robert White was asked about the time lapse between photographing Michael Kelly and photographing Hugh Gilmour. He told us that he thought

that it would have been a very short time, even less than a minute, but he did not honestly know.<sup>4</sup> In these circumstances, we consider that it is probable that only a short time elapsed between the shooting of Michael Kelly and that of Hugh Gilmour.

<sup>1</sup> Paragraphs 86.43–44

<sup>3</sup> Paragraphs 86.94–143

<sup>2</sup> Paragraph 86.44

<sup>4</sup> Day 137/81-82

**86.150** As we have noted above,<sup>1</sup> Michael McCusker recorded in his Keville interview that after leaving the Rossville Flats car park after soldiers had started firing there, he went to the rubble barricade and there talked to John Young (who was shot dead a short time later), who told him that two people had been shot at the back of the flats, ie in the car park. This was before Michael McCusker, according to this account, ran to the southern end of Block 1 of the Rossville Flats and found a young man (in our view clearly Hugh Gilmour) lying there.

<sup>1</sup> Paragraphs 86.126–127

**86.151** This evidence leads us to conclude firstly, that Hugh Gilmour was hit before John Young and secondly, that the shooting in Sector 2 had started before John Young was hit. Michael McCusker told this Inquiry<sup>1</sup> that John Young told him when they met at the rubble barricade, not only that two people had been shot in the car park but also that one of them (Michael Bradley) had been taken (as indeed was the case) to a house in Joseph Place. In his written evidence to this Inquiry,<sup>2</sup> Sean McCallion told us that after two people had been shot in the area of the car park of the Rossville Flats he came out through Block 1 into Rossville Street, where there were still rioters at the rubble barricade and no shooting was taking place. In our view this evidence makes it probable that people had been shot in Sector 2 before either Michael Kelly or Hugh Gilmour had been shot in Sector 3.

<sup>1</sup> AM160.2

<sup>2</sup> AM492.1-AM492.2

## What Hugh Gilmour was doing when he was shot

**86.152** As will have been seen from our examination of the witnesses who gave accounts of seeing Hugh Gilmour shot, there are varying accounts of what he was doing at the time. From the nature of his chest wound, he must have been more or less sideways on to the soldier who shot him. We consider that it is probable that shortly before he was shot Hugh Gilmour had been throwing stones at or towards the soldiers, and it is possible that he was about to throw another at the moment when he was shot.

**86.153** Earlier in this report<sup>1</sup> we considered in detail the evidence of Bombardier 015, who was observing events from one of the upper windows of the Peter England shirt factory in Little James Street.

<sup>1</sup> [Paragraphs 85.48–67](#)

**86.154** To a significant degree this evidence is consistent with that discussed above.<sup>1</sup> It is inconsistent with the evidence of the shooting of any of the other Sector 3 casualties. Since we are sure, for reasons given later in this report,<sup>2</sup> that there were no additional unidentified casualties in Sector 3, we are of the view that Bombardier 015 was describing the shooting of Hugh Gilmour. Later in this report,<sup>3</sup> we reach the conclusion, for the reasons we give there, that Hugh Gilmour was shot by Private U, who was at the northern end of Block 1 of the Rossville Flats.

<sup>1</sup> [Paragraphs 86.88–143](#)

<sup>3</sup> [Paragraph 89.46](#)

<sup>2</sup> [Chapter 87](#)

**86.155** We are sure that at no stage was Hugh Gilmour armed with any form of lethal weapon. Many of the witnesses to whom we have referred above expressly said so; and there is no evidence that to our minds suggests the contrary. We note that it was implicitly suggested by the representatives of the majority of represented soldiers that PIRA 14, PIRA 26 and the late Colm Keenan – who at the time of Bloody Sunday were members of the Provisional IRA and who, on the accounts of the two who remain alive, were close to Hugh Gilmour when he was shot – may themselves have been armed.<sup>1</sup> PIRA 14 and PIRA 26 denied that this was the case<sup>2</sup> and we have nothing that suggests to us that their evidence on this point should be rejected. If the suggestion is that Hugh Gilmour was shot by accident by a soldier legitimately aiming at one of these individuals, we reject it, because to our minds it is unlikely in the extreme that anyone would have been so foolish as to produce a weapon in full view of a number of soldiers not far away.

<sup>1</sup> [FS7.1691](#)

<sup>2</sup> [APIRA14.4; Day 421/83; APIRA26.4; Day 425/59-60](#)

## Where Hugh Gilmour was taken after he was shot

**86.156** Hugh Gilmour lay at the corner of the south end of Block 1 of the Rossville Flats until he was carried to the first ambulance that arrived in Rossville Street, and then taken in that ambulance to Altnagelvin Hospital, as we describe later in this report.<sup>1</sup>

<sup>1</sup> [Paragraphs 124.5–6](#)

# Michael McDaid

## Biographical details

**86.157** Michael McDaid was 20 years old at the time of Bloody Sunday. He was the second youngest member of his family and lived with his parents in Tyrconnell Street. He worked as a barman at the Celtic Bar in Stanley's Walk.<sup>1</sup>

<sup>1</sup> [AB60.1](#); [AG5.4](#); [AM162.1](#); [ED40.6](#)

## Prior movements

**86.158** Michael McDaid's brother Kevin told us in his written statement to this Inquiry<sup>1</sup> that they both had lunch at home in Tyrconnell Street. After lunch, they both went on the march, but separately.

<sup>1</sup> [AM167.1](#)

**86.159** William Leo Carlin told us in his written statement to this Inquiry<sup>1</sup> that he went on the march with Michael McDaid. It appears that they reached lower William Street together, but when the crowd began to run away from Barrier 14, William Leo Carlin ran down Chamberlain Street and lost contact with Michael McDaid.

<sup>1</sup> [AC40.1](#)

**86.160** Donal Moran, having recorded in his written statement to this Inquiry<sup>1</sup> that he went on the march with Michael McDaid, corrected this in his oral evidence to this Inquiry<sup>2</sup> to say only that he met Michael McDaid somewhere in William Street.

<sup>1</sup> [AM421.1](#)

<sup>2</sup> [Day 153/50](#)

**86.161** A photograph taken by Constable Robert S Simpson and two photographs taken by Constable A Brown of the RUC, all of which we reproduce below, show Michael McDaid at the front of the crowd at Barrier 14. In the first photograph he is shown linking hands with others to contain the crowd.



Michael McDaid



Michael McDaid



Michael McDaid

- 86.162** The following photograph taken by an unknown photographer, which was obtained by the Inquiry from the *Sunday Times*, shows Michael McDaid on the waste ground south of Sackville Street, near Barrier 13, next to men who were using sheets of corrugated metal as shields. He has his back to the camera. It is not clear exactly what he was doing when this photograph was taken.



Michael McDaid

- 86.163** None of these photographs shows Michael McDaid with a stone in his hand. However, the representatives of the family of Michael McDaid have accepted that he “*may ... have been throwing stones at soldiers at the Barrier [14]*”.<sup>1</sup> We are unable to determine whether or not he was doing so.
- <sup>1</sup> [FS1.1511](#); [FS1.1514](#)
- 86.164** A man who appears to be Michael McDaid is shown in RTÉ footage<sup>1</sup> standing in front of Barrier 14 during the rioting, apparently with a stick or metal bar in his hand.
- <sup>1</sup> [Vid 25 00.08](#)
- 86.165** Michael McDaid can be seen in profile on the right in Liam Mailey’s photograph of soldiers and Army vehicles soon after their arrival in Rossville Street, which we reproduce below, and is shown in Liam Mailey’s next photograph, also reproduced below, standing and facing the soldiers. These photographs show that at this stage Michael McDaid was to the north of the rubble barricade. As we have discussed earlier in this report,<sup>1</sup> these photographs were taken before Private 017 had begun firing baton rounds on the western side of Rossville Street.
- <sup>1</sup> [Paragraphs 69.51–58](#)

Michael McDaid



**86.166** We have shown above<sup>1</sup> the two photographs that Robert White took of Michael Kelly lying behind the rubble barricade. The second of these, which we reproduce below, shows Michael McDaid walking south through the rubble barricade. We do not know what he had been doing immediately before this photograph was taken.

<sup>1</sup> [Paragraph 86.43](#)



## Medical and scientific evidence

### Wound pathology and ballistics

**86.167** Dr John Press, then the Assistant State Pathologist for Northern Ireland, conducted an autopsy of the body of Michael McDaid on 31st January 1972 at Altnagelvin Hospital.<sup>1</sup> Two RUC photographers were also present.<sup>2</sup> Dr Shepherd and Mr O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, considered the notes, report and photographs from this autopsy. Dr Press, Dr Shepherd and Mr O'Callaghan all gave written and oral evidence to this Inquiry. Dr Press also appeared before the Widgery Inquiry.

<sup>1</sup> WT8.56; D509

<sup>2</sup> D88

**86.168** In his autopsy report,<sup>1</sup> Dr Press described the following two gunshot wounds:

(i) An oval entrance wound, measuring 8mm x 5mm, on the left cheek, centred 5cm in front of, and 1cm below, the outer opening of the ear, and 61in above the soles of the feet. The upper margin shelved outwards and was bordered by an arc of abrasion up to 5mm broad. The lower margin was undermined. There were two superficial lacerations at the lower border, each about 3mm long. A probe inserted into the wound extended

downwards at about 45° to the horizontal plane, with an inclination backwards of about 30° and a deviation of about 25° to the right.

(ii) A roughly oval exit wound, measuring 3cm x 1.5cm, on the right side of the back, centred 29cm above the level of the iliac crest and 19cm to the right of the midline, and 52in above the soles of the feet. The long axis of the wound was horizontal. The upper margin was undermined while the lower margin shelved outwards. The margins were somewhat ragged and the wound was bordered by a zone of patchy bruising, up to 3cm wide.

<sup>1</sup> D88

**86.169** The internal injuries found by Dr Press are described in his report<sup>1</sup> and summarised in his conclusions about the fatal injury, which are as follows:<sup>2</sup>

“Death was due to a gunshot wound of the neck and chest. A bullet had entered the left cheek about two inches in front of the outer opening of the ear, fracturing the left side of the lower jaw. It had then passed through the mouth, the spine in the neck, fracturing the three lower neck vertebrae and severing the spinal cord, before entering the right chest cavity, fracturing the first two ribs. It had then traversed the upper part of the right lung before leaving the body through the back of the right side of the chest. The injury to the spinal cord would have caused his rapid death.

The injuries were of a type caused by a bullet of high velocity. There was nothing to indicate that the weapon had been fired at close range.

The track of the bullet through the body was downwards and backwards at an angle of about 45° to the horizontal plane and a slight deviation to the right.

If he were erect at the time he was shot then the bullet must have come from above, to his left and slightly in front of him.”

<sup>1</sup> D90

<sup>2</sup> D92

**86.170** In his oral evidence to the Widgery Inquiry,<sup>1</sup> in his written statement to this Inquiry,<sup>2</sup> and in his oral evidence to this Inquiry,<sup>3</sup> Dr Press confirmed the conclusions set out in his autopsy report. He said<sup>4</sup> that there was a margin of error of at least 5° either way in the estimation of the angle at which the bullet passed through the body.

<sup>1</sup> WT8.56-WT8.57

<sup>3</sup> Day 205/160-161

<sup>2</sup> D509

<sup>4</sup> Day 205/193-194

**86.171** In their report, Dr Shepherd and Mr O'Callaghan reached conclusions which they summarised as follows:<sup>1</sup>

"Michael McDaid was struck by one bullet which hit his left cheek and penetrated through his neck and right chest before exiting at the back.

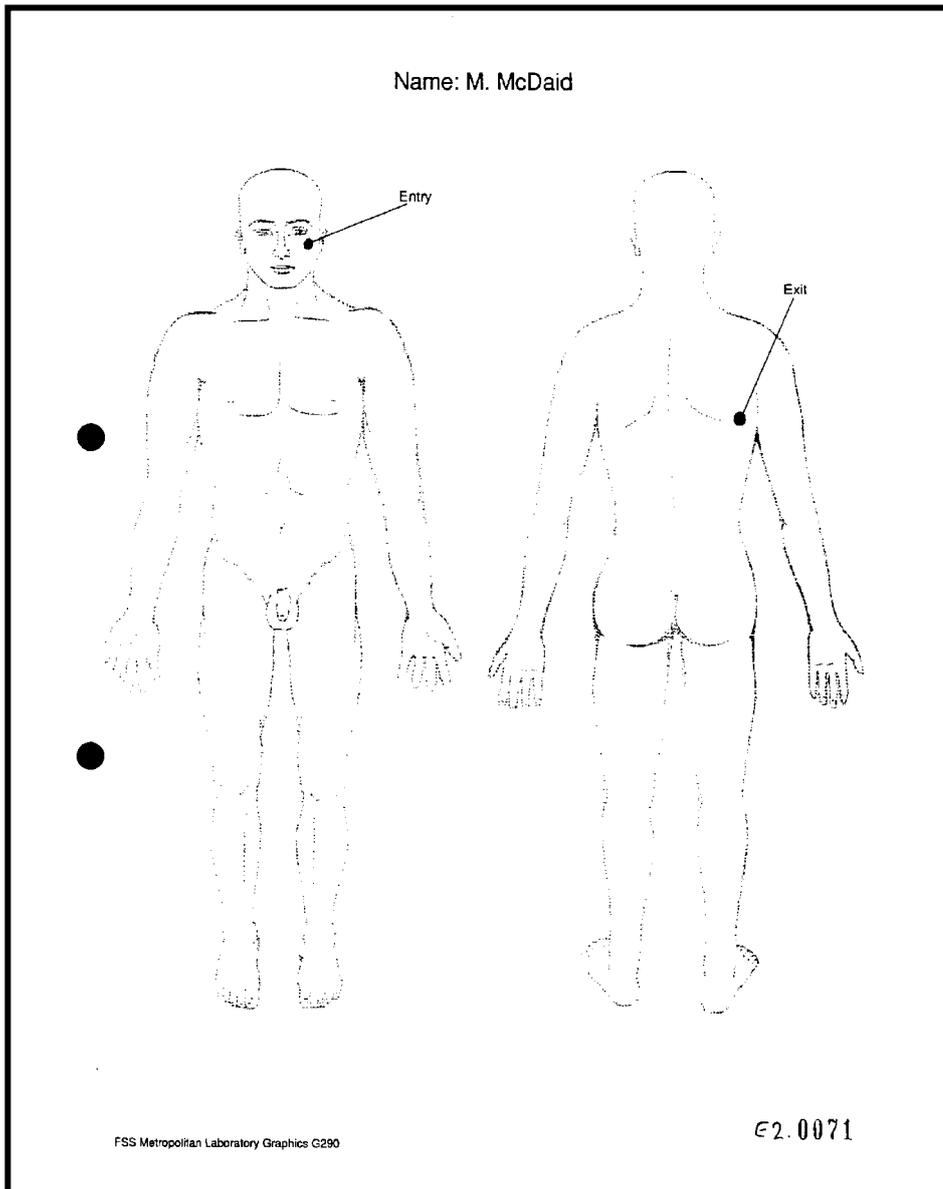
Assuming the Normal Anatomical Position the track has passed downwards, backwards and from left to right.

It is likely that Michael McDaid's head was turned to the left at the time he was shot since this orientation gives the most direct track of the bullet through the body."

<sup>1</sup> [E2.25](#)

**86.172** The photographs of Michael McDaid's body taken in the mortuary show the wounds described by Dr Press. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O'Callaghan<sup>1</sup> illustrates the position of the wounds.

<sup>1</sup> [E2.71](#)



**86.173** Dr Shepherd and Mr O'Callaghan were invited to consider the theory that the angles at which Michael McDaid, William Nash and John Young were hit by bullets indicated that these three casualties had been shot from the City Walls. The essence of their conclusions was that it was impossible from consideration of the pathology of the wounds and of measurements of the locality taken by the Northern Ireland Ordnance Survey to say either that it was more or that it was less likely that the fatal shots were fired from the City Walls than that they were fired from Rossville Street. They stated in their report:<sup>1</sup>

“Whether the shots were fired downwards from the walls or horizontally at ground level from the Kells Walk direction the deceased would have been bending forward for the shots to have caused the tracks that were found.

If facing towards the walls the deceased would have to have bent forwards at an angle of approximately 40° to align the track through the body with the angle from the ground by Glenfada Park to the walls.

If facing towards a gun at ground level the deceased would have to have bent forwards at an angle of approximately 45° to align the track through the body with a horizontal trajectory.

The difference in angle of shot is therefore only 5°, well within the possible error of measurement.

Consequently, our opinion is that the shots which killed WILLIAM NASH, JOHN YOUNG and MICHAEL McDAID could have been fired from either the street or from the City Walls.

However, it is clear from the injuries that all three men were facing in the general direction from which the shots came. It follows that if the shots originated from the City Walls the deceased would have to have had their backs towards Kells Walk at the time they were shot. Conversely if the shots originated from the Kells Walk side of the barricade they would have to have been facing in that direction. Witness testimony and not pathology or ballistics is therefore the key to resolving this matter.”

<sup>1</sup> [E2.65-66](#)

**86.174** Later in this report<sup>1</sup> we consider whether there was shooting from the City Walls.

<sup>1</sup> [Chapter 167](#)

**86.175** Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of Michael McDaid under the direction of Dr John Martin, then a Principal Scientific Officer in the same department.<sup>1</sup> In his report dated 21st February 1972,<sup>2</sup> Dr Martin set out this finding:

“A hole approx 1" x 1" in the right back of the jacket with corresponding damage to the undergarments is consistent with bullet exit.”

<sup>1</sup> [D82-D83](#); [D741.60](#); [Day 225/62-63](#)

<sup>2</sup> [D79](#)

**86.176** Dr Shepherd and Mr O'Callaghan also examined the jacket of Michael McDaid, which had been retained by his family. Photographs were taken of the clothing.<sup>1</sup> In their report,<sup>2</sup> Dr Shepherd and Mr O'Callaghan said:

“As can be seen in the photographs of Michael McDaid's jacket, there was a bullet exit hole just to the rear of the seam behind the right armpit. The right side seam was split and there was heavy bloodstaining in the area of the lower left back of the jacket as well as smaller patches elsewhere.

The position of the exit hole in the jacket is consistent with the position of the exit wound in the deceased's back.”

<sup>1</sup> F1.1-6; F1.8-9

<sup>2</sup> E2.25

## Tests for firearm discharge and explosives residue

**86.177** Dr Martin tested the jacket that Michael McDaid was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Dr Martin detected what he considered to be a “*higher than normal*” density of lead particles on the jacket. He also detected a “*large particle of lead*” on the swab from the back of the right hand, but no lead particles on the other hand swabs. He stated in his report the conclusion that the nature and distribution of lead particles on the swabs and jacket was similar to that produced by discharge gases from firearms.<sup>1</sup> Dr Martin also detected lead particles on Michael McDaid's trousers, at levels “*within the same range*” as those found on the jacket, but he did not comment on these in his report as he only examined the trousers at a later stage.<sup>2</sup>

<sup>1</sup> D79

<sup>2</sup> D81; D605-D606; WT9.36

**86.178** In his written statement for the Widgery Inquiry<sup>1</sup> and in his oral evidence to the Widgery Inquiry,<sup>2</sup> John Bradley said that he had employed Michael McDaid and knew that he was left-handed.

<sup>1</sup> AB60.1

<sup>2</sup> WT7.82

**86.179** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Martin said that the results of his tests for lead particles were consistent with Michael McDaid having been handling a firearm. He said that the knowledge that Michael McDaid was left-handed would not make any essential difference to this conclusion, although the absence of lead on his left hand would have been unusual if Michael McDaid had been firing with that hand and if the hand had been uncovered. Dr Martin said that it was possible that the particle on the right hand had come from a fragmenting bullet,<sup>2</sup> and that a higher than normal density of lead

particles on the jacket would have been expected if Michael McDaid had been lying in an area where guns were being discharged or bullets were ricocheting.<sup>3</sup> Dr Martin acknowledged that the particle on the right hand and the general distribution of particles on the jacket and trousers were consistent with contamination from the firing of a weapon up to 30 feet away.<sup>4</sup>

<sup>1</sup> WT9.12

<sup>3</sup> WT9.30

<sup>2</sup> WT9.19-WT9.20

<sup>4</sup> WT9.35-WT9.36

**86.180** Dr John Lloyd, the independent scientific expert engaged by this Inquiry, summarised in his report<sup>1</sup> his overall conclusions about the tests for lead particles conducted by Dr Martin. He considered that, in view of the lack of control testing and the likelihood of spurious contamination, Dr Martin's results were of no evidential value.

<sup>1</sup> E1.51-E1.52

**86.181** In his oral evidence to this Inquiry,<sup>1</sup> Dr Martin accepted that unless there was evidence from other sources to indicate an association between any of the deceased and a weapon, it would be unwise to interpret his findings "*as other than contamination*".

<sup>1</sup> Day 226/2

**86.182** In relation to Michael McDaid, Dr Lloyd said in his report<sup>1</sup> that the APC in which the body was transported to Altnagelvin Hospital was likely to have been heavily and continuously contaminated with firearms residue. He said that the results obtained by Dr Martin in this case were "*explicable solely on this basis*". In his oral evidence to this Inquiry,<sup>2</sup> Dr Lloyd confirmed that he meant that this could by itself explain the contamination, rather than that it was the only possible explanation.

<sup>1</sup> E1.44-E1.45

<sup>2</sup> Day 227/44-46

**86.183** Dr Martin said in his oral evidence to this Inquiry<sup>1</sup> that he agreed with Dr Lloyd's views on this matter.

<sup>1</sup> Day 226/97-98

**86.184** Dr Lloyd said in his report<sup>1</sup> that the particle found on the right hand could well have been derived from contamination of the clothing, and was not evidence that Michael McDaid or anyone close to him had been using a firearm. Dr Martin was prepared to accept that this was so.<sup>2</sup>

<sup>1</sup> E1.44

<sup>2</sup> Day 226/96-97

**86.185** Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of Michael McDaid for explosives residue. None was detected.<sup>1</sup>

<sup>1</sup> [D75](#)

**86.186** In these circumstances we consider that there is no valid scientific evidence that Michael McDaid had been handling firearms or had been close to someone who was handling a firearm, or that he had been in contact with explosives.

## Michael McDaid's clothing

**86.187** Michael McDaid was wearing a green checked sports jacket, a blue shirt, blue and orange tie and grey trousers.<sup>1</sup>

<sup>1</sup> [D73](#)

## Where Michael McDaid was when he was shot

**86.188** Michael McDaid was shot dead at or very close to the rubble barricade. In his oral evidence to the Widgery Inquiry, Alexander Nash, who was himself later wounded at the rubble barricade, said that he went out to his son William, who was lying dead "*Just in the middle of the wee barricade*". He said that his son was lying between two other bodies, which he confirmed were those of Michael McDaid and John Young.<sup>1</sup>

<sup>1</sup> [WT8.2-7](#)

**86.189** Part of the ABC film footage shows a man raising his arm behind the rubble barricade.<sup>1</sup> We are sure that this is Alexander Nash and that he was close to where his son was lying. We show below a still from this film.

<sup>1</sup> [Vid 48 10.49](#)



**86.190** We have no photographs or film that show the bodies of Michael McDaid, William Nash and John Young at the rubble barricade. However, from the foregoing evidence we are satisfied that they were shot somewhere close behind the western side of the rubble barricade. As will be seen, there is other evidence that supports this conclusion.

## When Michael McDaid was shot

**86.191** Michael McDaid must have been shot after Michael Kelly, since in Robert White's photograph shown above<sup>1</sup> he can be seen walking through the rubble barricade at the stage when Michael Kelly was lying on the ground. He was also, in our view, shot after Hugh Gilmour, since, as discussed above,<sup>2</sup> Michael McCusker recalled speaking to John Young just before going to the south end of Block 1 of the Rossville Flats where he saw Hugh Gilmour lying on the ground. For reasons we give below,<sup>3</sup> we have concluded that Michael McDaid, William Nash and John Young were all shot within a very short space of time.

<sup>1</sup> [Paragraph 86.166](#)

<sup>3</sup> [Paragraphs 86.287–364](#)

<sup>2</sup> [Paragraphs 86.126–129](#) and [86.150–151](#)

## What Michael McDaid was doing when he was shot

**86.192** The evidence of what Michael McDaid was doing when he was shot is confused and inconsistent. We return to consider this matter<sup>1</sup> after discussing the shooting of William Nash and John Young.

<sup>1</sup> [Paragraphs 86.287–364](#)

## Whether Michael McDaid (and William Nash and John Young) were shot from the City Walls

**86.193** It is convenient at this point to deal with the theory, canvassed at the outset of this Inquiry but not in the end pursued by any of the interested parties, that Michael McDaid, as well as William Nash and John Young, were shot from the City Walls. As already noted, we consider later in this report<sup>1</sup> whether there was firing from the City Walls.

<sup>1</sup> [Chapter 167](#)

**86.194** This theory, which was based on the tracks of the bullets that passed through the bodies of the three casualties, was put forward before this Inquiry was established, by Robert Breglio, a ballistics expert from New York City, and Dr Raymond McClean, a local general practitioner who had attended some of the casualties in the Bogside on Bloody Sunday and had also attended many of the autopsies. Mr Hugh Thomas, a consultant surgeon from Merthyr Tydfil, also supported the theory that these three casualties were shot from above. He told Alex Thomson of Channel 4 News in 1997 that the “*shot could only have come from a higher level*”<sup>1</sup> and in his written statement to this Inquiry said: “*... in my opinion the chances of the three men shot at the barricade stooping to the same angle, being shot in exactly the same pattern ... from in front, and especially from ground level must be minute*”.<sup>2</sup>

<sup>1</sup> [X1.6.9](#)

<sup>2</sup> [M90.4](#)

**86.195** As we have already noted, the suggestion was considered by Dr Shepherd and Mr O’Callaghan,<sup>1</sup> whose conclusion was that it was impossible from consideration of the pathology of the wounds and of the measurements of the locality taken by the Northern Ireland Ordnance Survey to say either that it was more or that it was less likely that the three fatal shots were fired from the City Walls than that they were fired from Rossville Street. We accept this conclusion.

<sup>1</sup> [E2.0065](#)

- 86.196 It is clear from the injuries they sustained that all three men were facing in the general direction from which the shots were fired.
- 86.197 As will be seen,<sup>1</sup> while there is some disagreement among the civilian witnesses as to the direction in which Michael McDaid, William Nash and John Young were facing immediately before, and when, they were shot, it is our conclusion that the weight of the evidence shows that the three were facing north towards the soldiers in Rossville Street. As will have been seen,<sup>2</sup> several photographs taken on Bloody Sunday show civilians at the barricade, in the main, facing the soldiers in Rossville Street or fleeing west towards Glenfada Park North. No soldier has acknowledged firing from the City Walls towards the rubble barricade. We consider it unlikely in the extreme that all three of these casualties would have been facing south, when there were soldiers north of them in the Rossville Street area. For these reasons, we are sure that Michael McDaid, William Nash and John Young were shot from the area of Rossville Street north of the rubble barricade when they were more or less facing the soldiers who were in that area.

<sup>1</sup> Paragraphs 86.287–364

<sup>2</sup> Paragraphs 68.32 and 86.52

## Whether Michael McDaid was arrested and put into an Army vehicle from which he escaped

- 86.198 It is also convenient to consider at this point the evidence that some witnesses gave to the effect that Michael McDaid had been arrested and put into the back of an Army vehicle from which he had escaped before he was shot.
- 86.199 This evidence is irreconcilable with the bulk of the civilian and photographic evidence. John Begley, who made the claim in two statements in 1972,<sup>1</sup> told us in his written statement to this Inquiry that he was inebriated when he made those statements and now has no recollection of the day.<sup>2</sup> Ciaran Donnelly, who described the arrest of a youth in his written statement for the Widgery Inquiry and said that he thought that he had been told at some stage that the youth's name was McDaid,<sup>3</sup> acknowledged in his oral evidence to this Inquiry that what he witnessed had looked "*extremely like*" the scene shown in Jeffrey Morris's photographs of the arrest of William John Dillon,<sup>4</sup> which we have reproduced above in our consideration of the events of Sector 2.<sup>5</sup> At one stage in his oral evidence to this Inquiry, Frankie Boyle said that Michael McDaid was arrested by three soldiers and placed in an APC south of the barricade,<sup>6</sup> though elsewhere in his evidence he told us that the APC was "*On the waste ground facing Rossville Flats.*"<sup>7</sup> He said that CS gas was fired into the APC before Michael McDaid escaped, only to be shot, apparently in the back, within 20 yards of the APC.<sup>8</sup> However, no APC moved south of

the rubble barricade until, as we explain later in this report,<sup>9</sup> Lieutenant N's APC was driven forward to collect three bodies from the barricade, including that of Michael McDaid, who had not been shot in the back. The photograph we have shown above<sup>10</sup> of Michael McDaid walking through the rubble barricade, appearing composed and neatly dressed, hardly depicts a person who has just escaped from arrest after being exposed to CS gas. We believe that these witnesses and others who described the purported arrest of Michael McDaid were mistaken. In our view they had either confused Michael McDaid with someone whom they had seen being arrested, or had come to believe that they had seen something which we are sure that they did not.

<sup>1</sup> [AB30.1; AB30.2](#)

<sup>2</sup> [AB30.5](#)

<sup>3</sup> [M22.2](#)

<sup>4</sup> [Day 71/25](#)

<sup>5</sup> [Chapter 33](#)

<sup>6</sup> [Day 122/59-60](#)

<sup>7</sup> [Day 122/58](#)

<sup>8</sup> [AB48.3](#)

<sup>9</sup> [Paragraphs 122.1–128](#)

<sup>10</sup> [Paragraph 86.166](#)

## Where Michael McDaid was taken after he was shot

**86.200** Michael McDaid lay at the rubble barricade until he was picked up by soldiers and put into an APC, together with William Nash and John Young. These three casualties were then taken in the APC to Altnagelvin Hospital. We deal in detail below<sup>1</sup> with the circumstances in which the bodies were collected and with the manner in which they were handled.

<sup>1</sup> [Chapter 122](#)

## William Nash

### Biographical details

**86.201** William Nash, sometimes known as “Stiff” Nash, was 19 years old at the time of Bloody Sunday. He lived in Dunree Gardens, Creggan, with his parents, four of his seven brothers, and his five sisters. One of his brothers had been married on the day before Bloody Sunday and the celebrations had continued late into the night. Their mother had missed the wedding, as she had suffered a heart attack a few days earlier and was recovering in Altnagelvin Hospital. William Nash was employed as a docker.<sup>1</sup>

<sup>1</sup> [AL34.1; AN2.1-AN2.2; AN6.1; AN7.1; Day 149/59-62](#)

## Prior movements

**86.202** William Nash's cousin Charles Christopher Nash told us in his written statement to this Inquiry<sup>1</sup> that they went on the march together and became separated somewhere near Barrier 14.

<sup>1</sup> AN3.1

**86.203** According to a *Sunday Times* research note, William Nash went on the march with his friends Pat Ward and Tommy Hazlett. His brother Paddy Nash said in his oral evidence to this Inquiry<sup>1</sup> that a journalist from the *Sunday Times* Insight Team had interviewed his mother. We therefore consider it probable that Mrs Nash was the source of this piece of information. Paddy Nash confirmed that it was likely that his brother had been on the march with Pat Ward but said that he did not recall Tommy Hazlett.<sup>2</sup> Another brother, John Nash, said in his interview with Jimmy McGovern<sup>3</sup> that he thought that his brother had gone on the march with Pat Ward but not with Tommy Hazlett, who had been ill. Neither Pat Ward nor Tommy Hazlett gave evidence.

<sup>1</sup> Day 149/63-64

<sup>3</sup> AN6.16

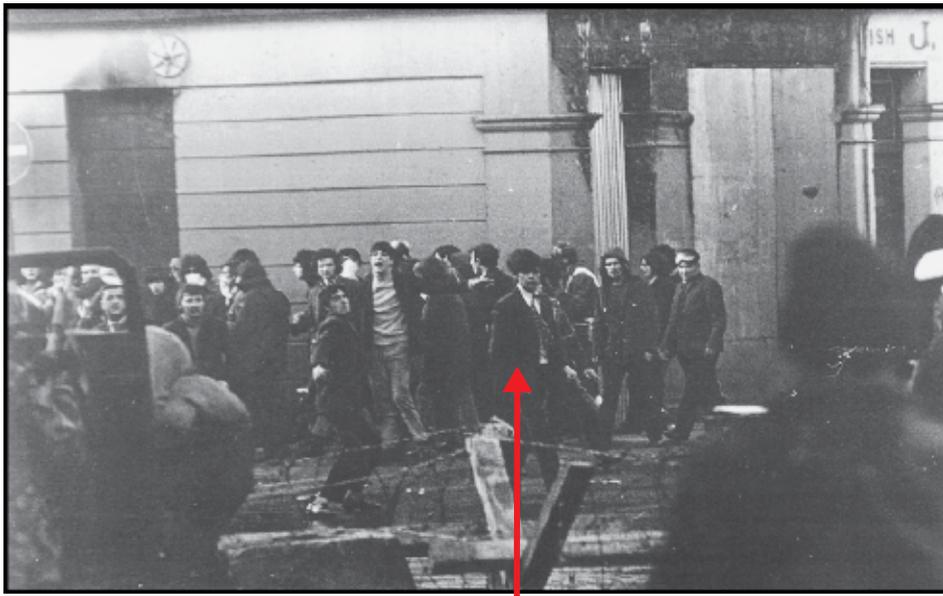
<sup>2</sup> Day 149/69

**86.204** Three photographs taken by Constable A Brown of the RUC, a photograph taken by Frederick Hoare of the *Belfast Telegraph* and a photograph taken by John Walters of the *Daily Mail* show William Nash in front of Barrier 14 while rioting was in progress. Counsel for the Nash family accepted that in the fourth of these photographs he is "throwing something",<sup>1</sup> though to us it looks as though the photograph was taken just after he had thrown something.

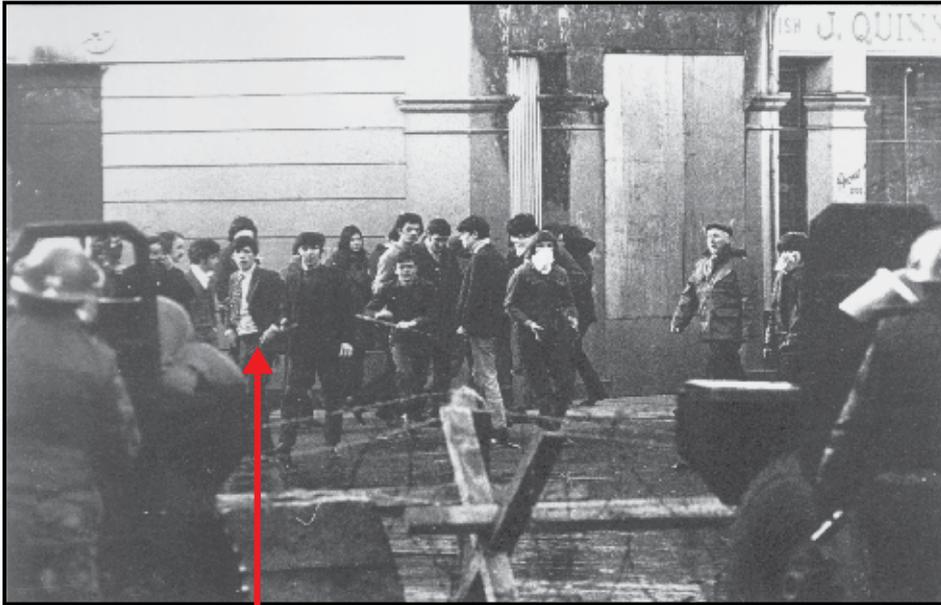
<sup>1</sup> Day 50/133



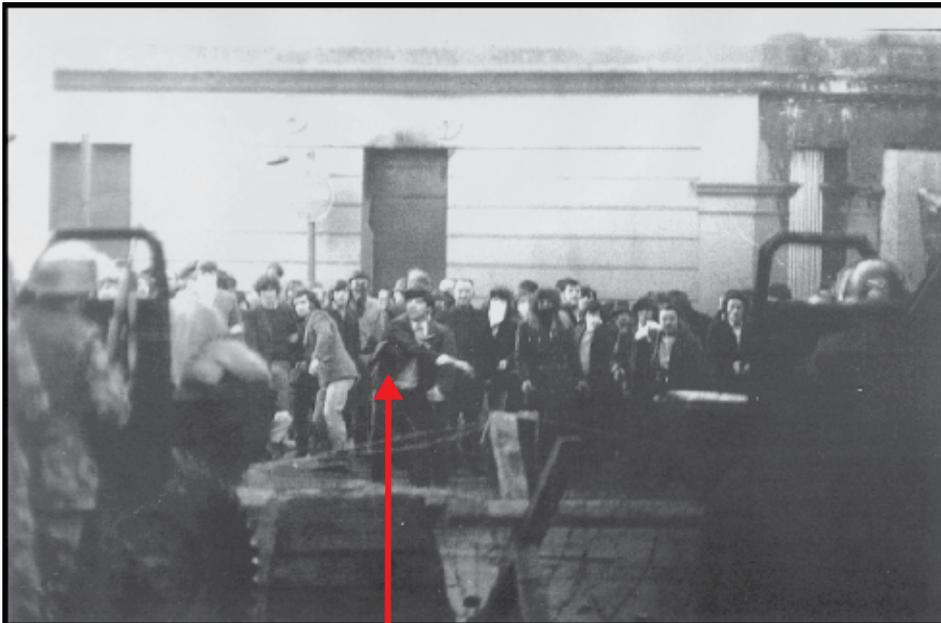
William Nash



William Nash



William Nash



William Nash



William Nash

**86.205** In his oral evidence to this Inquiry, John Nash identified his brother William as the man standing with his back to the south wall of the eastern block of Glenfada Park North in the following photograph taken by Ciaran Donnelly.<sup>1</sup>

<sup>1</sup> Day 97/89

Man identified as William Nash



**86.206** With rather less confidence, John Nash identified his brother at the corner of the south end of the eastern block of Glenfada Park North in an earlier photograph, also taken by Ciaran Donnelly.<sup>1</sup>

<sup>1</sup> [Day 97/90-91; AN6.6](#)



**86.207** It is difficult (as John Nash himself acknowledged) to be sure of the identification of his brother in the earlier photograph,<sup>1</sup> which shows the group behind the rubble barricade. Nor are we convinced that William Nash appears in the later photograph (the first of the two reproduced above<sup>2</sup>), which, as we explain later in this report,<sup>3</sup> shows the group carrying the body of Michael Kelly, which had been lying near the south end of the eastern block of Glenfada Park North, where Fr Bradley had given Michael Kelly the last rites. Our reasons for not accepting this identification are as follows.

<sup>1</sup> [Paragraph 86.206](#)

<sup>3</sup> [Paragraph 92.4](#)

<sup>2</sup> [Paragraph 86.205](#)

**86.208** The scene shortly before this photograph was taken, when Fr Bradley and others were around the body of Michael Kelly at the south-eastern corner of Glenfada Park North, is shown in two photographs taken by Liam Mailey.



Helen  
Johnston

Barry  
Liddy

86.209 The next photograph that Liam Mailey took was the following.



**86.210** An examination of the different positions of people seen in this photograph as compared with the immediately preceding photograph<sup>1</sup> shows that these two photographs were taken within a very short time of each other. When the first was taken, Michael Kelly's body was still on the ground. Barry Liddy is shown in that photograph kneeling on the right of the group around Michael Kelly, wearing a hat. A tall lady in a trouser suit (Helen Johnston<sup>2</sup>) is behind him, looking towards Rossville Street. The second man to the right of Helen Johnston is a tall man wearing a tie. In the next photograph<sup>3</sup> the body of Michael Kelly has been lifted but not moved very far. Fr Bradley and Helen Johnston have moved towards the south wall of the eastern block of Glenfada Park North. Barry Liddy has stood up and the tall man has moved slightly to the north. In the photograph taken by Ciaran Donnelly,<sup>4</sup> which is said to show William Nash, the body of Michael Kelly has been carried further to the north. A significantly larger group has gathered at the south wall and the tall man appears to have moved to the western corner of the wall and turned round in order to look at the body. This can only have happened after Liam Mailey had taken the photograph showing Fr Bradley walking in the direction of Rossville Street.<sup>5</sup>

<sup>1</sup> Paragraph 86.208

<sup>2</sup> AJ11.5

<sup>3</sup> Paragraph 86.209

<sup>4</sup> Paragraph 86.205

<sup>5</sup> Paragraph 86.209

**86.211** Fr Bradley told us that he thought that this photograph<sup>1</sup> showed him "*walking towards the gable end having been told that someone had been shot at the barricade*".<sup>2</sup> As we discuss further when considering the events of Sector 4,<sup>3</sup> Fr Bradley said that he was

about to accompany those who had lifted Michael Kelly when his attention was drawn to three or four other people lying at the rubble barricade and he made his way in that direction and found that they had been shot. He recalled that during this period he could hear shooting, and he had the strong impression that this was coming from the northern end of Rossville Street.<sup>4</sup>

<sup>1</sup> Paragraph 86.209

<sup>2</sup> Day 140/117

<sup>3</sup> Paragraph 92.3

<sup>4</sup> H1.30; WT4.36; H1.8-10; Day 140/115-122

**86.212** Fr O’Keeffe, who was also there, thought that he had seen bodies at the rubble barricade by the time this photograph was taken.<sup>1</sup>

<sup>1</sup> Day 127/108

**86.213** The only casualties of gunfire who could have been lying at the rubble barricade at this stage were William Nash, Michael McDaid and John Young. In these circumstances we are of the view that the identification of William Nash in Ciaran Donnelly’s photograph<sup>1</sup> of the group carrying Michael Kelly is mistaken.

<sup>1</sup> Paragraph 86.205

## Medical and scientific evidence

### Wound pathology and ballistics

**86.214** Dr John Press, then the Assistant State Pathologist for Northern Ireland, conducted an autopsy of the body of William Nash on 31st January 1972 at Altnagelvin Hospital.<sup>1</sup> Three other doctors and two RUC photographers were also present.<sup>2</sup> Dr Shepherd and Mr O’Callaghan, the experts on pathology and ballistics engaged by this Inquiry, considered the notes, report and photographs from this autopsy. Dr Press, Dr Shepherd and Mr O’Callaghan all gave written and oral evidence to this Inquiry. Dr Press also appeared before the Widgery Inquiry.

<sup>1</sup> WT8.56; D509

<sup>2</sup> D118

**86.215** In his autopsy report,<sup>1</sup> Dr Press described the following two gunshot wounds:

(i) A round entrance wound, 7mm in diameter, on the right side of the body, centred 4cm above, and 6.5cm medial to, the nipple, and 53in above the soles of the feet. The wound was bordered by a zone of abrasion, 1–2mm broad. A probe inserted into the wound passed downwards at 45° to the horizontal plane, with an inclination backwards of about 40° and no deviation to the left or right.

(ii) A roughly oval exit wound, measuring 17mm x 7mm, on the right side of the back, centred 4.5cm above the iliac crest and 4.5cm to the right of the midline, about midway between the iliac crest and the 12th right rib, and 42in above the soles of the feet. The long axis of the wound was directed downwards and to the left. The margins were slightly ragged. There was an arc of abrasion up to 4mm broad along the lower margin of the wound.

<sup>1</sup> D118

**86.216** The internal injuries found by Dr Press are described in his report<sup>1</sup> and summarised in his conclusions about the fatal injury, which are as follows:<sup>2</sup>

“Death was due to a gunshot wound of the chest. A bullet had entered the right side of the chest about 1½ inches above and about 2½ inches to the left of the nipple. It had grazed the upper border of the fourth right rib as it entered the right chest cavity. It had then passed through the front margin of the upper part of the right lung, through the right atrium of the heart, the heart sac before entering the abdominal cavity through the diaphragm, lacerating the inferior vena cava, the largest vein in the body, as it did so. It had then lacerated the liver, the right suprarenal gland and the right kidney before leaving the body through the right side of the back wall of the abdomen. The combined effect of these injuries would have caused his rapid death.

The injuries were of a type caused by a bullet of high velocity. There was nothing to indicate that the weapon had been fired at close range.

The track of the bullet through the body was from front to back with an inclination downwards of 45° to the horizontal plane but no deviation to right or left.

If he were erect at the time he was shot then the bullet must have come from in front and slightly above him.”

<sup>1</sup> D120-D121

<sup>2</sup> D123

**86.217** Dr Press also described a number of minor external injuries.<sup>1</sup> His findings about these injuries were as follows:<sup>2</sup>

“Abrasions on the forehead, neck, right knee and right shin were probably caused when he collapsed. They were of trivial nature and played no part in the death.”

<sup>1</sup> D119-D120

<sup>2</sup> D123

**86.218** A test on a sample of William Nash's blood showed that the alcohol content was 121mg/100ml.<sup>1</sup> Dr Press commented in his autopsy report that this concentration was not high and would not have accelerated death.<sup>2</sup>

<sup>1</sup> D108; D116-D117; D121-D122

<sup>2</sup> D123

**86.219** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Press confirmed the conclusions set out in his autopsy report, except that he said that his description of the direction from which the bullet must have come would have been more accurate if "*downwards*" had been substituted for "*slightly above him*".

<sup>1</sup> WT8.59-WT8.61

**86.220** In his written statement to this Inquiry,<sup>1</sup> Dr Press referred to the description in his autopsy report of an arc of abrasion around the wound on the right side of the back. He said:

"Although it is not unusual to get an abrasion at an exit wound site, abrasion of the wound is normally associated with an entrance wound. I have been asked therefore to consider whether it is possible that the wound in the right side of the back was an entry wound. I think this is very unlikely in the circumstances. The reason for this is that the wound on the right chest has the typical appearance of an entrance wound and the most likely explanation is that a single bullet entered from the front and exited the right back. The wound on the back also has all the characteristics of an exit wound. It is larger than the wound on the chest and is less regular in outline being roughly oval. I do not believe the arc of abrasion on the lower margin of the wound is significant in the circumstances."

<sup>1</sup> D512-D513

**86.221** In his oral evidence to this Inquiry,<sup>1</sup> Dr Press agreed with a suggestion that the abrasions on the neck of William Nash could have been caused when the body was "*manhandled*" after death. He said that there was a margin of error of at least 5° either way in the estimation of the angle at which the bullet passed through the body.<sup>2</sup>

<sup>1</sup> Day 205/183-186

<sup>2</sup> Day 205/193-194

**86.222** In their report,<sup>1</sup> Dr Shepherd and Mr O'Callaghan observed that the mortuary photographs revealed more extensive abrasion around the exit wound than Dr Press had described in his autopsy report. They noted that the abrasion appeared to occupy the

whole circumference of the wound and to be more prominent at the upper right border. Splits, both deep and superficial, could be seen within the ring of abrasion. They summarised their overall conclusions as follows:

“A single bullet in the right chest struck WILLIAM NASH. Assuming the Normal Anatomical Position the angle of impact is front to back and from above downwards.

The appearance of the exit abrasion strongly suggests a shored wound, possibly due to clothing pulled tight against the skin.

The appearances of the ‘other injuries’ are consistent with minor blunt trauma.

The injuries to the shins are typical of ‘running into’ or ‘tripping over’ blunt objects.

The injuries to the head are also minor and are due to contact with a blunt object or objects. They are consistent with a fall or collapse to the ground.

There is nothing in the appearances, patterns or distribution of these injuries alone or together that would indicate that they were deliberately inflicted.”

<sup>1</sup> [E2.27](#)

**86.223** In his oral evidence to this Inquiry,<sup>1</sup> Dr Shepherd said that clothing would only have caused shoring of the exit wound if it had been pulled tightly across the back for some reason. It would not have been enough that the clothing was tight-fitting. Dr Shepherd said that there were many possible reasons why clothing might have been pulled tightly across William Nash’s back. One explanation might be that he was bending when he was shot.

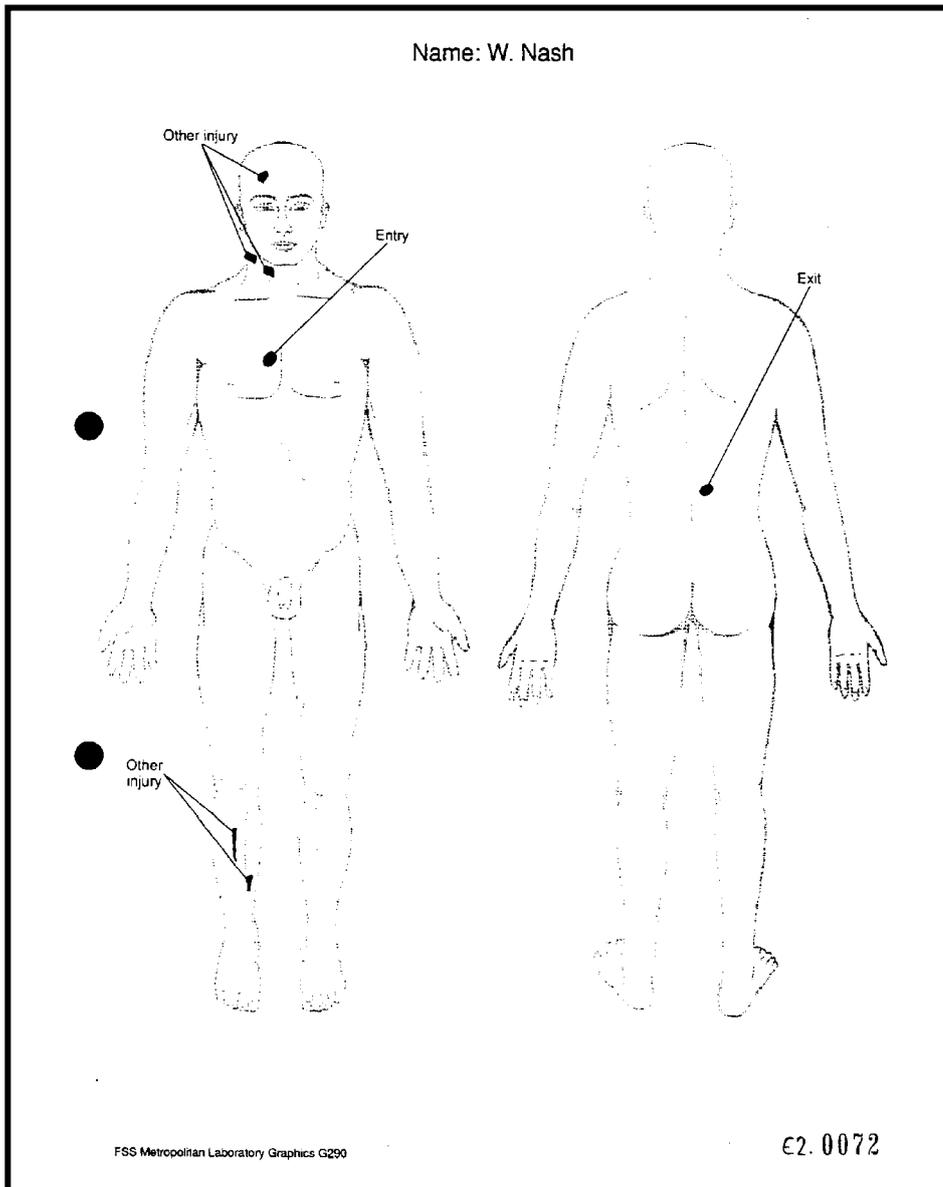
<sup>1</sup> [Day 229/10-12](#)

**86.224** In his oral evidence to this Inquiry,<sup>1</sup> after reviewing the photographs, Dr Press said that he agreed with Dr Shepherd that the abrasion around the exit wound was more extensive than he had described in his report. Dr Press also agreed that shoring of the wound was the “*most likely explanation*” of the abrasion. We accept this conclusion.

<sup>1</sup> [Day 205/168-172](#)

**86.225** The photographs of William Nash’s body taken in the mortuary show the wounds and minor external injuries described by Dr Press. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O’Callaghan<sup>1</sup> illustrates the position of these wounds and injuries.

<sup>1</sup> [E2.72](#)



**86.226** In relation to William Nash, as in relation to Michael McDaid and John Young, Dr Shepherd and Mr O'Callaghan reached the conclusion that it was impossible from consideration of the pathology of the wounds and of measurements of the locality taken by the Northern Ireland Ordnance Survey to say either that it was more or that it was less likely that the fatal shot was fired from the City Walls than that it was fired from Rossville Street.<sup>1</sup> For the reasons that we have already given,<sup>2</sup> we have rejected the theory that any of these three casualties was shot from the City Walls.

<sup>1</sup> E2.65

<sup>2</sup> Paragraphs 86.193–197

**86.227** Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of William Nash under the direction of Dr John Martin, then a Principal Scientific Officer in the same department.<sup>1</sup> In his report dated 21st February 1972,<sup>2</sup> Dr Martin set out these findings:

“A small hole in the front of the waistcoat and shirt with corresponding damage to the undergarments is consistent with bullet entry. A larger hole in the back of the jacket with similar undergarment damage is consistent with bullet exit.”

<sup>1</sup> [D111-D113](#); [D741.60](#); [Day 225/63-64](#)

<sup>2</sup> [D108](#)

## Tests for firearm discharge and explosives residue

**86.228** Dr Martin tested the jacket that William Nash was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. He detected lead particles on the swabs from the web, back and palm of the left hand, but none on the swabs from the right hand and no significant number on the jacket. Dr Martin stated in his report the conclusion that the nature and distribution of lead particles on the swabs from the left hand was similar to that produced by exposure to discharge gases from firearms.<sup>1</sup> Dr Martin also detected lead particles on William Nash’s trousers<sup>2</sup> but did not comment on these in his report.

<sup>1</sup> [D108](#)

<sup>2</sup> [D110](#); [D605-D606](#)

**86.229** In Eamonn McCann’s book *Bloody Sunday in Derry: What Really Happened*,<sup>1</sup> William Nash’s sister Margaret McGilloway is reported to have said that William Nash was left-handed and that the lead particles were found on his right hand. She may have meant to say the opposite, since the lead particles were in fact detected on the left hand; and in his written statement to this Inquiry,<sup>2</sup> her brother Paddy Nash said that William Nash was right-handed. Counsel for the Nash family accepted<sup>3</sup> that Frederick Hoare’s photograph (reproduced above)<sup>4</sup> shows William Nash “*throwing something*”. The photograph may actually have been taken just after he had thrown something, but it appears in any event that the action was performed with his right hand. In our view William Nash was right-handed.

<sup>1</sup> Eamonn McCann, *Bloody Sunday in Derry: What Really Happened*, Dingle: Brandon Book Publishers Ltd, 1992, pp88–89

<sup>3</sup> [Day 50/133](#)

<sup>4</sup> [Paragraph 86.204](#)

<sup>2</sup> [AN7.4](#)



deposition of firearms discharge residue became weaker as the distance from the point of origin increased. Hence the results in William Nash's case could more readily be explained on the assumption that the source of the particles, or at least the majority of the particles, was other than the firing of a gun by the deceased. In his oral evidence to this Inquiry,<sup>4</sup> Dr Martin accepted that this was "*fair reasoning*".

<sup>1</sup> E1.48

<sup>3</sup> E1.32-E1.33

<sup>2</sup> D110-D111

<sup>4</sup> Day 226/82-85

**86.237** Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of William Nash for explosives residue. None was detected.<sup>1</sup>

<sup>1</sup> D105

**86.238** In these circumstances we consider that there is no valid scientific evidence that William Nash had been handling firearms or had been close to someone who was handling a firearm, or that he had been in contact with explosives.

## William Nash's clothing

**86.239** William Nash was wearing a brown corduroy jacket, brown waistcoat, yellow flowered shirt and tie, and brown trousers.<sup>1</sup> The jacket and trousers are described in a police report as a suit.<sup>2</sup>

<sup>1</sup> D102

<sup>2</sup> D103

## Where William Nash was when he was shot

**86.240** For the reasons we have given when discussing the shooting of Michael McDaid,<sup>1</sup> we are satisfied that William Nash was shot just behind the western side of the rubble barricade, close to Michael McDaid and John Young.

<sup>1</sup> Paragraphs 86.188–190

## When William Nash was shot

**86.241** For reasons given below,<sup>1</sup> we are sure that William Nash was shot at about the same time as Michael McDaid and John Young. It follows in our view, for the reasons we have given when discussing the shooting of Michael McDaid,<sup>2</sup> that he was shot after Michael Kelly and Hugh Gilmour.

<sup>1</sup> Paragraphs 86.287–364

<sup>2</sup> Paragraph 86.191

## What William Nash was doing when he was shot

**86.242** The evidence of what William Nash was doing when he was shot is confused and inconsistent. We return to consider this matter<sup>1</sup> after discussing the shooting of John Young.

<sup>1</sup> [Paragraphs 86.287–364](#)

## Where William Nash was taken after he was shot

**86.243** William Nash lay at the rubble barricade until he was picked up by soldiers and put into an APC, together with Michael McDaid and John Young. These three casualties were then taken in the APC to Altnagelvin Hospital. We deal in detail below<sup>1</sup> with the circumstances in which the bodies were collected and with the manner in which they were handled.

<sup>1</sup> [Chapter 122](#)

## John Young

### Biographical details

**86.244** John Young was 17 years old at the time of Bloody Sunday. He was the youngest member of his family and lived in Westway, Creggan, with his parents and one of his three sisters. He was employed as a salesman in the men's clothing shop of John Temple Ltd in Waterloo Place.<sup>1</sup>

<sup>1</sup> [AD67.1; AD67.4-AD67.5](#)

### Prior movements

**86.245** In his written statement to this Inquiry,<sup>1</sup> Brian McCay told us that he and Noel McLaughlin went on the march with John Young and became separated from him in Lecky Road.

<sup>1</sup> [AM100.1](#)

**86.246** In his written statement to this Inquiry,<sup>1</sup> Jerry Mallett told us that he went on the march with John Hegarty and that they were walking behind John Young and Barry Chambers.

<sup>1</sup> [AM21.1](#)

**86.247** In his written statement to this Inquiry,<sup>1</sup> Eugene Roddy told us that he went on the march with John Young and became separated from him at the eastern end of William Street. Eugene Roddy said that John Young did not throw any stones while they were together.

<sup>1</sup> [AR17.1-AR17.2](#)

**86.248** In his written statement to this Inquiry<sup>1</sup> and in his oral evidence to this Inquiry,<sup>2</sup> Joseph McKinney said that he called for John Young at his house at about 2.00pm and went on the march with him and Eugene Roddy. Joseph McKinney was with John Young at the junction of William Street and Rossville Street as the crowd was directed towards Free Derry Corner. This was his last recollection of seeing John Young. Joseph McKinney went on to Barrier 14 but did not see John Young there.

<sup>1</sup> [AM304.1-AM304.2](#)

<sup>2</sup> [Day 76/108-109](#)

**86.249** In his written statement to this Inquiry,<sup>1</sup> Noel Doherty told us that he saw John Young near Barrier 14, pleading with people in the crowd to move back and go to Free Derry Corner. In his oral evidence to this Inquiry,<sup>2</sup> Noel Doherty said that he did not see John Young throw any stones.

<sup>1</sup> [AD91.2](#)

<sup>2</sup> [Day 82/3-4](#)

**86.250** In his written statement to this Inquiry,<sup>1</sup> Matthew Connolly told us that he had been on the march with John McKeever, from the Creggan to William Street. He thought that John McKeever had met John Young on the march and that the three of them stood talking at the point marked "A" on the plan attached to his statement<sup>2</sup> (in William Street a short distance west of the junction with Rossville Street) while Matthew Connolly, who was a steward, directed the marchers down Rossville Street. About two minutes after Matthew Connolly had heard baton rounds that he thought were being fired from the eastern end of William Street, he and John McKeever moved down Rossville Street. In his oral evidence to this Inquiry,<sup>3</sup> Matthew Connolly said that he could not say where John Young had gone at this stage. However, an annotation in Philip Jacobson's handwriting on the note of his and Peter Pringle's interview of Matthew Connolly on 14th March 1972<sup>4</sup> suggests that Matthew Connolly told the interviewers that he did not see John Young on Bloody Sunday until a later stage of events, when Matthew Connolly was at the south end of the eastern block of Glenfada Park North.

<sup>1</sup> [AC76.1-AC76.2](#)

<sup>3</sup> [Day 151/5](#)

<sup>2</sup> [AC76.24](#)

<sup>4</sup> [AC76.14](#)

**86.251** In his written statement to this Inquiry,<sup>1</sup> Seamus O'Donnell said that he arrived at Barrier 14 and threw a few stones. At some point, he and John Young were behind a corrugated tin sheet used as a defence against baton rounds. After a while, Seamus O'Donnell moved away because he could not see the soldiers or throw stones from behind the tin shield. Seamus O'Donnell described himself as a very experienced rioter. He did not say whether he had seen John Young throw stones.

<sup>1</sup> AO80.1

**86.252** A photograph taken by Frederick Hoare of the *Belfast Telegraph*, a photograph taken by Constable A Brown of the RUC, a photograph taken by Kenneth Mason of the *Daily Telegraph*, and two photographs taken by Fulvio Grimaldi, all of which are reproduced below, and also a section of the ITN film footage,<sup>1</sup> show John Young in front of Barrier 14 while rioting was in progress. The representatives of the family of John Young have accepted that in the third of these photographs he appears to be throwing a stone at soldiers behind the barrier and that in the fourth he appears to have a stone in his right hand.<sup>2</sup> In our view John Young was taking part in the rioting at Barrier 14.

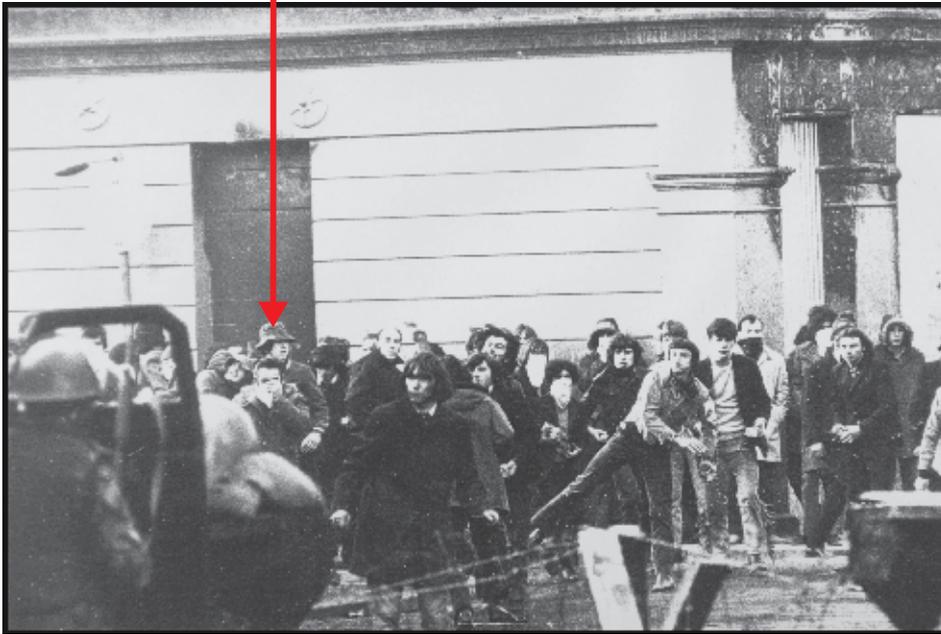
<sup>1</sup> Vid 3 02.55

<sup>2</sup> FS1.1513



John Young

John Young



John Young





John Young



John Young

**86.253** In her written statement to this Inquiry,<sup>1</sup> Phyllis McLaren (then Phyllis Browne) told us that her friend Agnes McGuinness introduced her to John Young as they stood in Rossville Street near the north end of Block 1 of the Rossville Flats. It appears from the context that the conversation took place shortly before the paratroopers entered the Bogside. In her oral evidence to this Inquiry,<sup>2</sup> Agnes McGuinness agreed that this conversation might have happened, although she did not recall it.

<sup>1</sup> [AM313.2](#)

<sup>2</sup> [Day 97/18](#)

**86.254** In his written statement to this Inquiry,<sup>1</sup> Jerry Mallett told us that he followed the march as it turned down Rossville Street. He went to the point marked “A” on the plan attached to his statement<sup>2</sup> (near the gap between the two blocks of Joseph Place). John Young was with him in that location when the speeches were beginning at Free Derry Corner. Jerry Mallett gave the impression, but did not say in terms, that John Young had been near him all the time until then; but the photographs of John Young in front of Barrier 14 during the riot show that this cannot be so (unless Jerry Mallett, contrary to his evidence, had also gone to Barrier 14). According to Jerry Mallett, while he and John Young were at point A, he pulled off John Young’s hat and ran with it towards Free Derry Corner. John Young chased him and retrieved the hat, and they both returned to somewhere around point A. Very soon after this, shooting began. Jerry Mallett ran towards Free Derry Corner. He became separated from John Young and did not see in which direction John Young ran.

<sup>1</sup> [AM21.1-AM21.2](#)

<sup>2</sup> [AM21.4](#)

**86.255** We have already referred<sup>1</sup> to Michael McCusker’s evidence when considering the shooting of Hugh Gilmour. He told us that John Young had approached the rubble barricade from the direction of Free Derry Corner.<sup>2</sup>

<sup>1</sup> [Paragraphs 86.126–129 and 86.150–151](#)

<sup>2</sup> [Day 148/54](#)

**86.256** Our assessment of this evidence is that between the time when John Young was near Barrier 14 and the time when he was shot at the rubble barricade, he had gone to a location somewhere in the area of Joseph Place; and that the conversation with Phyllis Browne and Agnes McGuinness took place when John Young was on his way from Barrier 14 to that area.

## Medical and scientific evidence

### Wound pathology and ballistics

**86.257** Dr John Press, then the Assistant State Pathologist for Northern Ireland, conducted an autopsy of the body of John Young on 31st January 1972 at Altnagelvin Hospital.<sup>1</sup> Three other doctors and two RUC photographers were also present.<sup>2</sup> Dr Shepherd and Mr O’Callaghan, the experts on pathology and ballistics engaged by this Inquiry, considered the notes, report and photographs from this autopsy. Dr Press, Dr Shepherd and Mr O’Callaghan all gave written and oral evidence to this Inquiry. Dr Press also appeared before the Widgery Inquiry.

<sup>1</sup> WT8.56; D509

<sup>2</sup> D149

**86.258** In his autopsy report,<sup>1</sup> Dr Press described the following two gunshot wounds:

(i) An oval entrance wound, measuring 8mm x 5mm, on the left cheek just to the left of the nose, centred 1cm below the inner corner of the left eye and 64in above the soles of the feet. The long axis of the wound was directed downwards and slightly to the left. The wound was bordered by a zone of abrasion, 2–4mm broad. A laceration, 4mm long, extended downwards and to the left from the lower margin of the wound. A probe inserted into the wound extended downwards at an angle of about 45° to the horizontal plane and backwards at an angle of about 40°, with a deviation of about 10–15° to the right.

(ii) A roughly rectangular exit wound, measuring 2cm x 1cm, on the left side of the back, centred 53cm (it appears possible that this was an error for 35cm) above the level of the iliac crests and about 4.5cm to the left of the midline and 52in above the soles of the feet. The long axis of the wound was directed downwards and to the left. The upper margin was undermined while the lower margin shelved outwards. The margins were somewhat ragged.

<sup>1</sup> D149

- 86.259** The internal injuries found by Dr Press are described in his report<sup>1</sup> and summarised in his conclusions about the fatal injury, which are as follows:<sup>2</sup>

“Death was due to a gunshot wound of the head and neck. A bullet had entered the left cheek just below the inner corner of the left eye and had caused fractures of the base of the skull associated with some bruising of the brain. It had then passed downwards and backwards through the spine in the neck severing the spinal cord before leaving the body through the back of the chest a little to the left of the midline. The injury to the spinal cord would have caused his rapid death.

The injuries were of a type caused by a bullet of high velocity. There was nothing to indicate that the weapon had been fired at close range.

The track of the bullet through the body was downwards and backwards at an angle of about 45° to the horizontal plane and a slight deviation to the right.

If he were erect at the time he was shot then the bullet must have come from above and slightly in front of him.”

<sup>1</sup> [D151-D152](#)

<sup>2</sup> [D154](#)

- 86.260** Dr Press also described a number of minor external injuries.<sup>1</sup> His findings about these injuries were as follows:<sup>2</sup>

“Abrasions on the face, the tip of the tongue and the back of each hand were probably caused when he collapsed. They were of trivial nature and played no part in the death.”

<sup>1</sup> [D150-D151](#)

<sup>2</sup> [D154](#)

- 86.261** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Press agreed that the similarity between the tracks of the bullets in this case and that of Michael McDaid would, combined with evidence that the two men were close to each other when they were shot, suggest that they were very likely to have been shot from the same position.

<sup>1</sup> [WT8.57-WT8.59](#)

- 86.262** In his written statement to this Inquiry,<sup>1</sup> Dr Press confirmed the conclusions set out in his autopsy report.

<sup>1</sup> [D512](#)

**86.263** In his oral evidence to this Inquiry,<sup>1</sup> Dr Press said that there was a margin of error of at least 5° either way in the estimation of the angle at which the bullet passed through the body.

<sup>1</sup> [Day 205/193-194](#)

**86.264** In their report,<sup>1</sup> Dr Shepherd and Mr O’Callaghan reached conclusions which they summarised as follows:

“A single bullet struck John YOUNG in the left cheek and the bullet traversed the neck and exited through the back.

Assuming the Normal Anatomical Position the track has passed downwards and backwards with only slight deviation to the left.

The path of the bullet past the base of the skull and through the vertebrae of the neck and upper chest suggests strongly that John YOUNG’s head was tipped backwards when he was shot.

The other injuries are minor and due to blunt trauma. The injuries to the face are consistent with a collapse, the injuries to the hands may have been caused in the same way but other forms of minor blunt trauma cannot be excluded.”

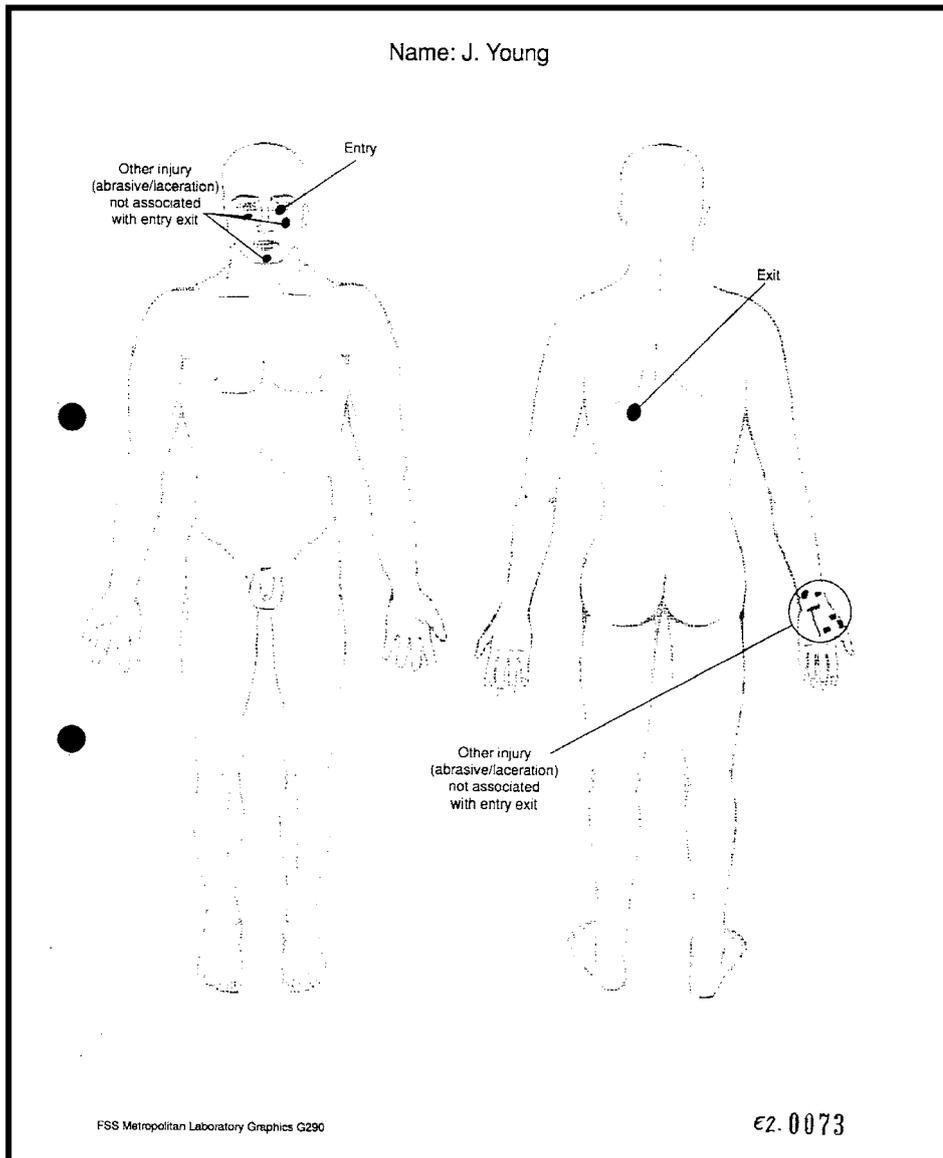
<sup>1</sup> [E2.29-E2.30](#)

**86.265** The reference to a slight deviation to the left contrasts with Dr Press’s description of a slight deviation to the right. In his oral evidence to this Inquiry,<sup>1</sup> Dr Shepherd said that if there was any deviation in either direction it was only minimal.

<sup>1</sup> [Day 229/9-10](#)

**86.266** The photographs of John Young’s body taken in the mortuary show the wounds and minor external injuries described by Dr Press. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O’Callaghan<sup>1</sup> illustrates the position of these wounds and injuries, with the exception of what Dr Press described in his autopsy report as an abrasion on the tip of the tongue.

<sup>1</sup> [E2.73](#)



**86.267** In their report,<sup>1</sup> Dr Shepherd and Mr O'Callaghan said the photographs showed that what Dr Press had described as an abrasion was not in fact an injury, but post-mortem drying of part of the tongue that had protruded from between the lips. In his oral evidence to this Inquiry,<sup>2</sup> Dr Press said that he found it difficult to comment on this view, but that his impression at the time had been that there was an abrasion on the tongue due to contact with the ground. He thought that photographs could sometimes be a little deceptive. In his oral evidence to this Inquiry,<sup>3</sup> Dr Shepherd said that he had no doubt at all that the

photographs showed post-mortem drying of the tongue. He pointed out that if the tongue had been injured by contact with the ground there would also have been injury to the lips and probably to the nose. We accept Dr Shepherd's view on this matter.

<sup>1</sup> E2.29

<sup>3</sup> Day 229/7-8

<sup>2</sup> Day 205/166-168

**86.268** In relation to John Young, as in relation to Michael McDaid and William Nash, Dr Shepherd and Mr O'Callaghan reached the conclusion that it was impossible from consideration of the pathology of the wounds and of measurements of the locality taken by the Northern Ireland Ordnance Survey to say either that it was more or that it was less likely that the fatal shot was fired from the City Walls than that it was fired from Rossville Street.<sup>1</sup>

<sup>1</sup> E2.65

**86.269** Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of John Young under the direction of Dr John Martin, then a Principal Scientific Officer in the same department.<sup>1</sup> In his report dated 21st February 1972,<sup>2</sup> Dr Martin set out this finding:

"A 1" long hole in the back of the jacket with corresponding undergarment damage is consistent with bullet exit."

<sup>1</sup> D143-D144; D741.60; Day 225/64

<sup>2</sup> D140

**86.270** Dr Shepherd and Mr O'Callaghan also examined the clothing of John Young, which had been retained by his family. Photographs were taken of the clothing.<sup>1</sup> In their report,<sup>2</sup> Dr Shepherd and Mr O'Callaghan stated:

"It can be seen from our photographs of John Young's jacket and shirt that the bullet exited through the back of the clothing at a point to the left of the mid-line. The bullet exited essentially side-on causing the elongated damage visible in the photographs.

The more extensive damage to the shirt is due either to the forces of the bullet being dissipated in the light cloth, causing it to tear or, to the shirt being slightly crumpled as the bullet passed through it.

Both the shirt and the jacket were extensively bloodstained, as can be seen in the photographs.

No further bullet damage was found on the clothing."

<sup>1</sup> F2.8-11; F2.13-21

<sup>2</sup> E2.29

## Tests for firearm discharge and explosives residue

**86.271** Dr Martin tested the jacket that John Young was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Dr Martin detected what he considered to be a “*higher than normal*” density of lead particles on the jacket. He also detected lead particles on the swabs from the web, back and palm of the left hand, but none on the swabs from the right hand. He stated in his report the conclusion that the nature and distribution of lead particles on the swabs and jacket was similar to that produced by discharge gases from firearms.<sup>1</sup> Dr Martin also detected lead particles on John Young’s trousers,<sup>2</sup> at levels “*within the same range*” as those found on the jacket, but he did not comment on these in his report as he only examined the trousers at a later stage.

<sup>1</sup> [D140](#)

<sup>2</sup> [D141](#); [D605-D606](#); [WT9.36](#)

**86.272** As we have noted above,<sup>1</sup> the representatives of the family of John Young have accepted<sup>2</sup> that in a photograph taken by Kenneth Mason he appears to be throwing a stone at soldiers behind Barrier 14 and that in a photograph taken by Fulvio Grimaldi he appears to have a stone in his hand. In each case, the stone is held in the right hand, suggesting that John Young was right-handed.

<sup>1</sup> [Paragraph 86.252](#)

<sup>2</sup> [FS1.1513](#)

**86.273** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Martin said that the results of his tests for lead particles were consistent with John Young having been handling or firing a weapon. Dr Martin said<sup>2</sup> that the density of lead particles found on John Young’s clothing could have resulted from the discharge of weapons up to 30 feet away or from fragmentation of bullets around him, but that this would not explain the high density of particles detected on his left hand. However, Dr Martin accepted that it was possible that these particles could have been transferred to John Young’s left hand if one or more paratroopers whose own hands were contaminated with lead particles had held it.

<sup>1</sup> [WT9.12-13](#)

<sup>2</sup> [WT9.30](#); [WT9.35-WT9.36](#)

**86.274** Dr John Lloyd, the independent scientific expert engaged by this Inquiry, summarised in his report<sup>1</sup> his overall conclusions about the tests for lead particles conducted by Dr Martin. He considered that, in view of the lack of control testing and the likelihood of spurious contamination, Dr Martin’s results were of no evidential value.

<sup>1</sup> [E1.51-E1.52](#)

- 86.275** In his oral evidence to this Inquiry,<sup>1</sup> Dr Martin accepted that unless there was evidence from other sources to indicate an association between any of the deceased and a weapon, it would be unwise to interpret his findings “*as other than contamination*”.
- <sup>1</sup> [Day 226/2](#)
- 86.276** In relation to John Young, Dr Lloyd repeated in his report<sup>1</sup> the observation that he had made in the case of Michael McDaid,<sup>2</sup> that the APC in which the body was transported to Altnagelvin Hospital was likely to have been heavily and continuously contaminated with firearms residue. He said that the results obtained by Dr Martin were “*explicable solely on this basis*”. In his oral evidence to this Inquiry,<sup>3</sup> Dr Lloyd confirmed that he meant that this could by itself explain the contamination, rather than that it was the only possible explanation.
- <sup>1</sup> [E1.50](#) <sup>3</sup> [Day 227/45-46](#)  
<sup>2</sup> [E1.45](#)
- 86.277** Dr Martin said in his oral evidence to this Inquiry<sup>1</sup> that he agreed with Dr Lloyd’s views on this matter.
- <sup>1</sup> [Day 226/97-98](#)
- 86.278** In the laboratory notes<sup>1</sup> Dr Martin had recorded that he had detected four lead particles on the left hand of John Young, “*some smears*” on the web of that hand, and 15 particles on the jacket and 34 on the trousers. In his oral evidence to the Widgery Inquiry,<sup>2</sup> Dr Martin said that a person operating the bolt of a rifle might acquire a smear of lead on the palm of his hand, but Dr Martin did not attach the same significance to lead smears elsewhere on the hand.
- <sup>1</sup> [D141-D143](#) <sup>2</sup> [WT9.36](#)
- 86.279** Dr Lloyd said in his report<sup>1</sup> that it was the general, but not the invariable, rule that the deposition of firearms discharge residue became weaker as the distance from the point of origin increased. He said in his report<sup>2</sup> and confirmed in his oral evidence to this Inquiry<sup>3</sup> that the distribution of particles in John Young’s case was not consistent with him having used a firearm or having been beside someone using a firearm.
- <sup>1</sup> [E1.32-E1.34](#) <sup>3</sup> [Day 227/49-50](#)  
<sup>2</sup> [E1.49](#)
- 86.280** In his oral evidence to this Inquiry,<sup>1</sup> Dr Martin effectively accepted those views. He conceded that he did not now understand why he had told the Widgery Inquiry that the density of particles on the left hand was too high to be explained as the result of the discharge of weapons up to 30 feet away or of bullet fragmentation.
- <sup>1</sup> [Day 226/82-86](#); [Day 226/99-100](#)

**86.281** Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of John Young for explosives residue. None was detected.<sup>1</sup>

<sup>1</sup> [D136](#)

**86.282** In these circumstances we consider that there is no valid scientific evidence that John Young had been handling firearms or had been close to someone who was handling a firearm, or that he had been in contact with explosives.

## John Young's clothing

**86.283** John Young was wearing a dark blue zip-up jacket, a mid-brown round-necked sweater and olive green trousers.<sup>1</sup>

<sup>1</sup> [D134](#); [D144](#)

## Where John Young was when he was shot

**86.284** For the reasons we have given when discussing the shooting of Michael McDaid,<sup>1</sup> we are satisfied that John Young was shot just behind the western side of the rubble barricade, close to Michael McDaid and William Nash.

<sup>1</sup> [Paragraphs 86.188–190](#)

## When John Young was shot

**86.285** For reasons given below,<sup>1</sup> we are sure that John Young was shot at about the same time as Michael McDaid and William Nash. It follows in our view, for the reasons we have given when discussing the shooting of Michael McDaid,<sup>2</sup> that he was shot after Michael Kelly and Hugh Gilmour.

<sup>1</sup> [Paragraphs 86.287–364](#)

<sup>2</sup> [Paragraph 86.191](#)

## Where John Young was taken after he was shot

**86.286** John Young lay at the rubble barricade until he was picked up by soldiers and put into an APC, together with Michael McDaid and William Nash. These three casualties were then taken in the APC to Altnagelvin Hospital. We deal in detail below<sup>1</sup> with the circumstances in which the bodies were collected and with the manner in which they were handled.

<sup>1</sup> [Chapter 122](#)

## What Michael McDaid, William Nash and John Young were doing when they were shot

**86.287** In the case of John Young, as in the cases of Michael McDaid and William Nash, much of the evidence of what he was doing when he was shot is confused and inconsistent. This does not surprise us, since the witnesses were seeking to recall horrific and fast-moving events and, as we have previously observed,<sup>1</sup> people who have witnessed the same event very often give sharply differing accounts of it.

<sup>1</sup> Paragraphs 63.2 and 86.86

### Ronnie Ballard

**86.288** In his evidence to this Inquiry,<sup>1</sup> Ronnie Ballard said that he was watching from a position in Rossville Street on the south-eastern side of Glenfada Park South and saw a youth running towards the rubble barricade from the waste ground north of Block 1 of the Rossville Flats with about four other young men. The youth was shot as he made to hurdle the barricade. An older man then went towards the body, but was shot while still on the southern side of the barricade. Ronnie Ballard believed that these two were William Nash and his father but only found this out from watching television after the event.

<sup>1</sup> AB6.3-4; Day 134/10-20

**86.289** We concluded that it would be unwise to rely on this account, having formed the view that this witness was, understandably, having difficulties in recollecting what he saw.

### James Begley

**86.290** In his interview with Kathleen Keville, James Begley gave the following account.<sup>1</sup> We should note that having listened to the audio tape<sup>2</sup> and also considered the transcription made in 1972,<sup>3</sup> we have filled in some of the passages omitted and corrected some mistakes in the transcript made for the purposes of this Inquiry.<sup>4</sup>

“To start off I was halfway up Waterloo Street and I heard a roar and the Paras came up. And there was a wild scatter over Chamberlain Street. I run down Chamberlain Street and run along as far as the bookies. The soldiers came round the corner and we charged back at one of them, they caught hold of an old man, we run back after them but they came back and they opened fire. I never seen them there before, they just went down over Chamberlain Street and into the back of flats. There was a boy lying there I went down on my knees to look at him and everybody else went past and he was coughing up blood and I knew I’d seen he was a goner, anyway when I looked at him, you know, he was a goner. I went down and went over and outside of the flats across Rossville Street and I run down and seen more soldiers and I run down there with a couple of other boys and they started shooting at us so I went back over the barricade and hid in behind it when there was right up there a young man who was Will Nash known as Stiff he was lying there. Well I lay down and they were still firing at us then the firing stopped and a – another boy came up his name is Pat Young he come over to me and says ‘are you all right’ and I says ‘aye’ and I was getting up and started firing again and I told him to get down and I looked up and I seen he got right between the eyes just on there and er – he fell over the top of me and they kept on firing and then another boy came up it was Mr Nash I knew him by looking at him I looked up and seen him and told him to get down but I was too late he got it too. And some other fella then came out to give us a hand over and er – I don’t know what you call him but he got it as well and there was three or four all lying there at the barricade and me and another boy just creeped in from the corner and hid in behind the flats. They then stopped shooting and went back over the road. That’s it.”

<sup>1</sup> [AB29.3](#)

<sup>3</sup> [AB29.1](#)

<sup>2</sup> [Aud 34 01.16.05](#)

<sup>4</sup> [AB29.3](#)

**86.291** James Begley is dead and gave no evidence to this Inquiry. From his Keville interview, since James Begley did not say that William Nash was shot when lying next to him, it appears to us that William Nash must have been shot by the time James Begley arrived at his side. His reference to Pat Young must be a reference to John Young and the later reference to “*Mr Nash*” must be a reference to Alexander Nash, William Nash’s father, who, as we explain in more detail below,<sup>1</sup> came out to the rubble barricade after his son had been shot. However, we are confident that no-one was shot at the rubble barricade after Alexander Nash, which casts doubt on James Begley’s recollection of the sequence of events.

<sup>1</sup> [Paragraphs 86.482–558](#)

## James Breslin

**86.292** In his evidence to this Inquiry,<sup>1</sup> James Breslin said that he was watching from the front garden of the northernmost house in Joseph Place and saw a youth shot as he pulled himself along the western section of the rubble barricade towards Block 1 of the Rossville Flats, “*clinging on to the side of the barricade, defying gravity. He was pulling himself along with his hands and not using his legs.*” He was later told that this youth was William Nash, although he might also have realised this at the time. We find difficulty with this account in view of the medical and scientific evidence, which in our view is inconsistent with this description of what William Nash was doing.

<sup>1</sup> [AB78.1-2](#); [Day 146/82-90](#)

## James Chapman

**86.293** In his oral evidence to the Widgery Inquiry,<sup>1</sup> James Chapman said that he was watching from the window of his maisonette, approximately in the middle of the eastern block of Glenfada Park North. He described seeing three men fall as they scrambled over the rubble barricade. They fell on the right-hand side (ie the western section) of the barricade. The first to fall was the nearest to the gap in the barricade, the second fell almost underneath James Chapman’s window on the (western) edge of the barricade, and the third fell between the other two.

<sup>1</sup> [WT4.65-66](#); [WT4.70](#)

**86.294** James Chapman is now dead and gave no evidence to this Inquiry.

## Matthew Connolly

**86.295** Matthew Connolly gave the following account in his NICRA statement:<sup>1</sup>

“I was standing rubble at Ros[s]ville Street when a young fellow of 16 or 17 was shot and fell in front of me. He was shot fairly high up in his chest. The soldier who fired the shot was crouched behind the door of a saracen. At this time the fellow was not dead. As we went to forward to help him, automatic fire riddled the rubble. Everyone lay flat out on the ground, about four stayed on for about a minute and during this time the soldiers were still shooting and we could hear the bullets above our heads. The fellow was screaming. We retreated behind a wall. About a minute later John Young crawled with his head down towards the boy who had been hit. He got to within a yard of him when a single shot hit him, he was dead. A youth tried to move towards the two

bodies but only got out into the open and was shot. He stumbled back towards the wall and taken on to a house.”

<sup>1</sup> AC76.13

- 86.296** Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team interviewed Matthew Connolly. Their interview notes (dated 14th March 1972) recorded that Matthew Connolly had told them that he had moved from the Rossville Flats car park to the telephone box on the other side of the gap between Blocks 1 and 2:<sup>1</sup>

“i then moved across to the barricade and until this time, as far as i could tell, ther[e] had not been any high velocity fire – only rubber bullets. i was standing on the glenfada park side of the barricade on the pavement when i heard a single rifle shot a young fellow of about 16 or 17 fell in front of me. he had been shot in the chest on the left side. i learnt after that it was willie nash. i could see the bullet hole in his light coloured shirt. the shot appeared to come from the soldiers who were about 40 y[a]rds away up rossville st on the same side crouched behind the door of a pig. nash squealed. he was not dead. he was moaning.

then the shooting really started and i could hear the bullets hitting the barricade. everyone lay flat on the ground and about four of us stayed on for about a minute and we then crawled along the gable end of a block of flats in glenfada park (x1).<sup>2</sup> we were there for about a minute. It was then I saw John Young for the first time that day.

then i saw someone crawling out to the barricade. he had his back to me and i didn't know. he was crawling to willie nash. a single shot ran out and he slumped. i thought he was hit somewhere in his head. he was wearing some kind of combat hat and jeans. when he was hit I saw it was john young. he didn't move. another boy – i dont know his name – stepped out from the gable end and was shot in the left shoulder. he fell back and a group of about four people took him away through the alley into abbey park. we stayed by the gable for a few minutes longer and then some of us ran off into abbey park.”

<sup>1</sup> AC76.14-15

<sup>2</sup> Point x1 was shown on the plan that accompanied the notes of this interview (AC76.17) as the south-eastern corner of the eastern block of Glenfada Park North.

- 86.297** In his deposition for the coroner's inquest into the death of John Young, Matthew Connolly described how he had reached the rubble barricade. He then gave the following account, which we have set out here in its original typed form:<sup>1</sup>

<sup>1</sup> AC76.25-26

I stayed behind this small rubble barricade for 5 - 10 minutes and slight stoning of the soldiers and the saracens in Rossville Street was taking place. A young lad called either Nash or McDaid, was standing beside John Young of West way. I knew Young. There also were some other young boys there as well. I mean boys of 15 to 17 years old. I heard one shot and I knew it was not a rubber bullet being fired as the sound was much sharper I can say that this was the first time I realised live bullets were being used although there could have been others used on the car park side of the high flats without me being aware of it. After I heard the shot being fired the youth in front of me fell. The shot seemed to come from further down Rossville Street where foot soldiers were behind the saracens. I saw one soldier half exposed behind an open door of a saracen. The saracen was facing towards us. I got the impression this soldier fired the shot but I couldn't be sure. I don't think I saw him with his rifle at the aim position. I looked at the youth and he was hit high up on the left hand side of his chest. He was moaning and everyone gathered round. He was named either Nash or McDaid I learned later, but I didn't know him. As we stood around him and about 30 seconds later a barrage of about 12 to 15 shots rang out and we all fell down for cover. The shooting continued with about two or three shots being fired at short intervals. We all started to crawl away towards a wall at Glenfada Park. I reached the wall with most of the others who were crawling and when I looked back I saw the boy who had been shot lying on the roadway with his feet towards the barricade. ~~There definitely wasn't a gun in his hand or near him. I would have been if he had had a gun as he was immediately in front of me.~~ One of the youths who was lying behind the wall beside me and whom I later saw to be John Young of Westway started to crawl on his hands and knees towards where the other youth was lying behind the barricade. ~~He had no gun nor any weapon in his hands.~~ The crowd shouted at him not to go out into the open but he didn't listen. He was out about 2' from the end of the garden wall when a single shot rang out and he slumped forward. I could see from where I was he was hit in the head or face as I could see the blood there. Just then everybody shouted the soldiers were coming and we all ran into the opening into Glenfada Park. About 18 shots all close together rang out. Everybody dived into Gardens and houses in Glenfada Park.

**86.298** In his oral evidence to this Inquiry, Matthew Connolly said that he did not remember three sentences in this deposition being deleted and could not explain why this had been done, but he said that the contents of the deleted sentences were true.<sup>1</sup> The reason appears to be found in a note by Robert Carswell QC, counsel for the Ministry of Home Affairs at the inquests, dated 22nd August 1973, in which he wrote: “... *it was agreed in discussion between the legal representatives before the inquest opened that no evidence from the forensic science reports would be given and there would be no debate on the question whether any deceased person had been handling or close to a firearm or bomb. References to the absence of firearms were deleted from the draft depositions. I saw the Coroner before the inquests opened, explained that these steps were acceptable to all parties and obtained his approval for the omission of surplus evidence.*”<sup>2</sup>

<sup>1</sup> [Day 151/58-59](#)

<sup>2</sup> [GEN2.2](#)

**86.299** Matthew Connolly gave written and oral evidence to this Inquiry.

**86.300** In his written statement to this Inquiry,<sup>1</sup> Matthew Connolly told us that he was standing at the rubble barricade with other people for perhaps two or three minutes. He saw people throwing stones in the general direction of the soldiers, though there was “*nothing close enough to throw stones at*”. He then told us:<sup>2</sup>

“17. As I stood there, a small boy in front of me jumped and screamed as if he had been shot. My first impression was that he was play-acting. I had not heard a specific shot. He fell backwards, perhaps two or three feet in front of me, very slightly to my right. He, too, was behind (on the south side) of the Rubble Barricade approximately at the point marked 1 on the attached map (grid reference J15). He did not say anything, he just screamed. I did not know who he was but was subsequently told that he could have been either William Nash or Michael McDaid.

18. I went forward to the boy. I thought he was fifteen or sixteen years old. He had a shirt but no jacket. I think the shirt may have been light blue in colour. I cannot recall what else he was wearing. I think that his hair was dark and of average length. He had been shot high up in the front left-hand side of his chest. I could not see much blood and I think it took me a couple of minutes to realise there was any. I wanted to do something but did not know what to do. I think there were two or three of us around him at that time. Somebody was holding him and he was still screaming. I think that we stayed by him for about two minutes. I did not hear any shots at all during the time that we were beside him.”

<sup>1</sup> [AC76.2-3](#)

<sup>2</sup> [AC76.3](#)

**86.301** The point marked “1” on Matthew Connolly’s map was slightly to the west of the centre of the rubble barricade.<sup>1</sup>

<sup>1</sup> [AC76.24](#)

**86.302** After giving a description of the soldiers he recalled seeing north of the rubble barricade, Matthew Connolly continued:<sup>1</sup>

“22. There was then a volley of automatic shots. I got the impression that these shots were very close to us. The impact sounded as if it was hitting stones, perhaps the stones in the Rubble Barricade. I think that there were more than ten or fifteen shots.

23. Immediately, I got down flat on the ground. Nobody had been throwing stones immediately before these shots. The soldiers near the Saracen were too far away to throw stones at. Although there had been ten or fifteen of us behind the Rubble Barricade before these shots, it is my recollection that there were only four or five of us lying down behind the barricade after these shots. The others must have moved away, perhaps south down Rossville Street, although I do not know.

24. We then also ran, keeping down, to the gable end wall of the row of houses on the east side of Glenfada Park North. There were other people there when we got there. I cannot remember how many. People were milling about but I think there were about twenty or thirty people there at that time. I think I was approximately at the point marked F on the attached plan (grid reference I 15). There were also people in the car park of Glenfada Park North and people further south from me, nearer to the north-eastern entrance to Glenfada Park South. I refer to the copy photograph at Appendix 3. This is taken at the place where I and the other people were sheltering by the gable wall although I do not know when during Bloody Sunday that this picture was taken. I refer also to the copy photograph at Appendix 4 which shows Glenfada Park North. I do not recognise anybody in this photograph.

25. I do not know whether the boy at the point marked 1 at the Rubble Barricade was still screaming; I could not hear him. John Young was also behind the gable wall when I got there.

26. I moved slightly to the south of the people by the gable wall so that I could see up Rossville Street. As I looked out into Rossville Street, the gable end wall of Glenfada Park North blocked my view of the injured boy at point 1. I think I was about ten or twelve feet south from the end gable wall but I am not very sure how far east or west along the gable wall I was. I heard someone in the crowd shout ‘come back in’. I saw

somebody on his hunkers move out from the gable end of the wall where we were sheltering towards the Rubble Barricade. I thought that the person who had shouted 'come back in' had shouted at this man. There was also another man behind him and slightly to his left as I was looking at them and I will describe him later. The first man who I had seen then fell over. He was between the gable wall and the Rubble Barricade, to the south of the Rubble Barricade, approximately at the point marked 2 on the attached map (grid reference J15). He fell to his right. He had been crouched down with his left side towards the Rubble Barricade and he fell to the south away from the barricade onto his right side, facing east. I then saw him plainly and I saw that he was John Young. He had been shot in the head. The wound was in the left-hand side of the head. He lay on his side with his feet towards the Rubble Barricade, still in a crouched position. He did not move. Although I heard shots at the time, there was no specific shot which I could say hit him. At no time had I seen John Young throw stones.

27. Immediately after this, the second man who had been behind John Young and to his left, that is, nearer to the Glenfada Park North side of Rossville Street, seemed to stumble. He was approximately at the point marked 3 on the attached map (grid reference J14/15). I think, therefore, that he was further out in the road than the first boy (at the point marked 1) I had seen shot. I would say that this man was about eighteen or nineteen years old. I think that he wore something dark, maybe jeans, although I am not sure. He was not tall and I cannot recall what his hair was like. After I saw him stumble someone then blocked my view and I never saw him again. I do not know what happened to him but assumed he had been shot. I did not know who he was, but afterwards have discovered that he may be either William Nash or Michael McDaid, because I learned that they, too, were shot there.

28. I could not say whether or not John Young and the other man had gone out towards the Rubble Barricade to help the first boy we had seen shot, or not. After this, the people sheltering by the gable wall were standing in shock. Although I heard shots at the time they fell I could not see any soldiers from where I was standing. It did seem to me as though the shots were coming south down Rossville Street from where I had seen the soldiers by Kells Walk. I could not tell the difference between a high or low velocity shot but I could tell the difference between the sound of rubber bullets and live bullets. These shots were live shots.

29. I did not see anyone cross the Rubble Barricade towards the soldiers after the first shot. Nor did I hear anyone say ‘They’re only firing blanks’. Nobody was shooting from the Rubble Barricade at the army. I was not aware of any civilians at the barricade with guns. If I had seen a civilian gunman, I would have remembered.

30. There had been sporadic shooting ever since the first boy had been shot. Occasionally there would be clusters of heavier shooting too. John Young fell during the sporadic shooting as did the man who was behind him when he was shot.

31. I cannot recall how long I stayed with the people behind the gable wall at Glenfada Park North but I think I was there for about fifteen or twenty minutes in total. I was in shock. I did not see what happened to the bodies at the Rubble Barricade.”

<sup>1</sup> AC76.3-5

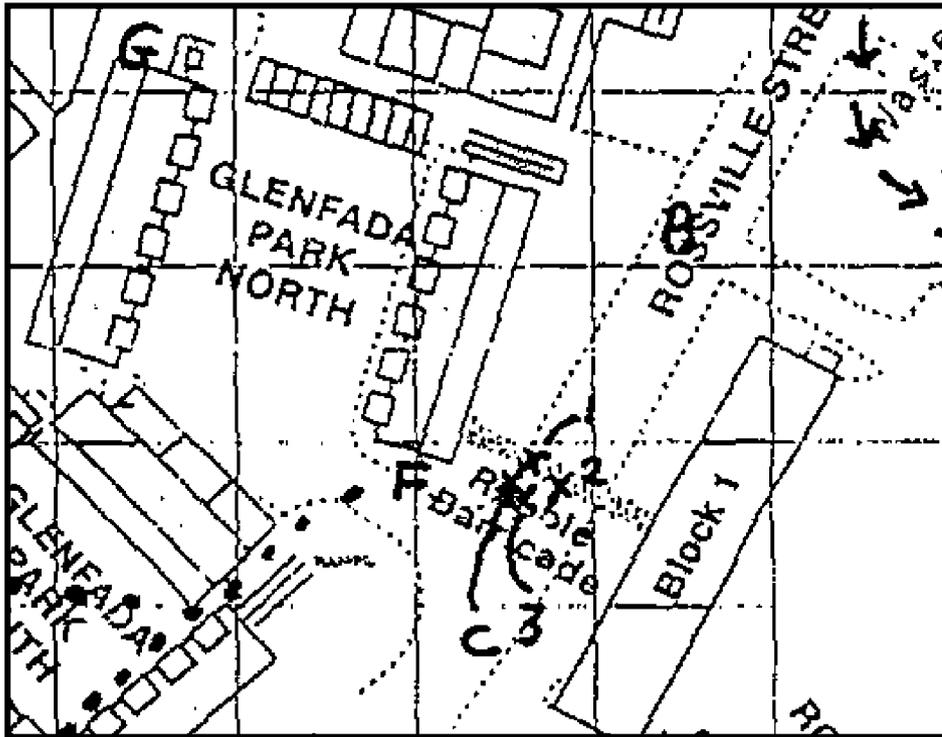
**86.303** The position marked “F” by this witness was just south of the south end of the eastern block of Glenfada Park North, ie what Matthew Connolly described as the gable wall.<sup>1</sup> The two photographs to which this witness referred were respectively one taken by an unknown photographer of people at the south end of the eastern block of Glenfada Park North, which we discuss later in this report,<sup>2</sup> and the photograph taken by the *Irish Times* photographer Ciaran Donnelly of people carrying Michael Kelly across Glenfada Park North.

<sup>1</sup> AC76.24

<sup>2</sup> Chapter 176

**86.304** The part of the map on which this witness marked “2” and “3” is reproduced below.<sup>1</sup>

<sup>1</sup> AC76.24



**86.305** In his oral evidence to this Inquiry, Matthew Connolly, having been shown one of the photographs taken by Robert White of Michael Kelly lying on the ground behind the rubble barricade, said that it was possible that the first person he saw shot was Michael Kelly.<sup>1</sup> He also said that when he heard the volley of shots after seeing this person shot there were “*maybe half a dozen*” people at the rubble barricade, most either lying down or crouching down, and that there was no stone-throwing at this time.<sup>2</sup>

<sup>1</sup> [Day 151/13](#); [Day151/39](#)

<sup>2</sup> [Day 151/18-19](#)

**86.306** Matthew Connolly marked on a photograph the position so far as he could remember it of the three bodies at the rubble barricade. The blue arrow shows the position of the first person he said that he saw fall, the red arrow the position of John Young, and the green arrow the position of the person he said had followed John Young out from the south end of the eastern block of Glenfada Park North.<sup>1</sup>

<sup>1</sup> [Day 151/22-25](#); [AC76.28](#)



**86.307** Matthew Connolly also told us that it was possible that in the accounts he had given in 1972 he had become muddled between Michael Kelly and Michael McDaid, when describing a boy being hit in the left shoulder after John Young had been shot, and being taken away to Glenfada Park North.<sup>1</sup> He told us that of those he saw shot dead the only one he knew was John Young.<sup>2</sup>

<sup>1</sup> Day 151/26-28

<sup>2</sup> Day 151/38-39

**86.308** Later in the course of Matthew Connolly's evidence he gave the following answers to questions put by counsel for the majority of the families:<sup>1</sup>

"Q. We know that Michael Kelly's body was taken away by a group of persons around him. When his body was taken away, were you actually on the ground taking shelter and not looking to see what was happening further at that time?

A. Yes, that is probably correct, if I was still at the barricade, yes.

Q. But still at the barricade. Because we know that William Nash was also shot at this barricade and that William Nash was also, like Mr Kelly, shot in the chest; he was shot just to the right of the midline and above his right nipple.

Could it be, Mr Connolly, that what you have seen is Mr Kelly being shot first; you then take shelter; Mr Kelly's body has been removed by a number of persons, but in the meantime Mr Nash has been shot and Mr Young, who was in the same class as William Nash, has gone out to crawl to his body and that you have taken it, because you have not seen him shot, that that was actually Michael Kelly?

A. It is possible, yes.<sup>2</sup>

Q. When you saw John Young – if you could perhaps look at the map that you originally compiled, that is the map at AC76.24. If we look at the positions you have marked as to three bodies that you saw on the barricade, they in fact appear to be marked on the road side of the barricade, not on the pavement. Number one appears to be just at the right-hand margin on the barricade and to the right of the left-hand footpath; do you see that?

A. Yes.

Q. Just immediately to the right of the figure 1 is the figure 2, and south of both those bodies and in a midpoint between them is the third. Those are in different positions from what you marked today on the photograph. The photograph you marked today has been preserved as AC76.28. The position is that you were asked to mark firstly where you saw the first body, and you marked that with the blue arrow; that is Michael Kelly?

A. Uh-huh.

Q. You were then subsequently asked to mark where John Young was; you marked the red arrow. Finally the other person whom you saw, and you have marked that with the green arrow.

Were you taking the reference point for the green and red arrow as being the body of Michael Kelly; namely, you assumed that both of those persons were making towards the first body that you saw?

A. Yes, that is correct to say that.

Q. In other words, the markings for John Young and the second person are predicated upon your understanding that it was Michael Kelly's body they were crawling out to?

A. Yes, that would be fair to say.

Q. Whereas in fact if you look at your original map, or the map that was prepared for the Eversheds statement, it would appear that the bodies were further out to the eastern side of the barricade, that is the Rossville Flats side?

A. Well, that one is wrong, they were definitely nearer the Glenfada Park side.

Q. When you made your statement to NICRA, it would be correct to say that the only person you really named in that was John Young. Then when you were dealing with the *Sunday Times*, and I wonder if that could be put up, AC76.14, and if the final third of that could be highlighted. The words just before this begins:

'i was standing on the glenfada park side of the barricade on the pavement when i heard a single rifle shot a young fellow of about 16 or 17 fell in front of me. he had been shot in the chest on the left side. i learnt after that it was willie nash.'

Can you recall who told you it was Willie Nash, or was that just the general topic of conversation that you became appraised of?

A. It was just a general topic of conversation. I cannot actually remember who gave the names of the people. Sometimes when they were interviewing me, they would say that was such-and-such and that was such-and-such because of where I said that I thought the bodies were lying. So they actually put a name to them. But I myself could not put a name to them because I did not know any of them at the time.

Q. It goes on:

'i could see the bullet hole in his light coloured shirt.'

Willie Nash appears to have been wearing a white coloured shirt:

'the shot appeared to come from the soldiers who were about 40 y[a]rds away up rossville st on the same side crouched behind the door of a pig. nash squealed. he was not dead. he was moaning.

then the shooting really started'

Do you recall that now after –

A. Well, I recall beginning – I only actually heard the one shot and then shortly after, when I say the shooting really started, there was continuous firing for a while.

Q. Also in this statement it continues on:

‘everyone lay flat on the ground’

If one goes over to AC76.15, that it was some time after you saw the first person fall that John Young moved out from the gable; is that right?

A. Yes, that is correct.

Q. Would that have been a matter of minutes, or can you not recall?

A. Well, I could not really put a time on it, but, yeah, minutes, maybe – I think it must have been about 5 or 10, but I could not swear to that.

Q. When he was crawling out, did he crawl out on his hands and knees or on his stomach, can you recollect?

A. No, what I can recollect is by the time I actually saw him he was well clear of the crowd and he was crouched down, but not – when I say crawling, not on his hands and knees, no.

Q. When you saw him he was well clear of the gable, he was actually out towards the barricade?

A. Yes, that is correct.

Q. At this stage he was not crawling, his body was not on the ground, he was not on his hands and knees, I think you used the word ‘crouching’; is that correct?

A. Yes, that is correct, he was not on his hands and knees, no.

Q. Can you say how far he was away from the body or could you not – you simply could not see the body at that stage; is that right?<sup>3</sup>

A. No, I could not see the body, I could not actually say.

Q. Would it also be correct to say, Mr Connolly, that you were very unfamiliar with this area at this time?

A. Yes, that is the first time I had ever been in it.”

<sup>1</sup> Day 151/39-45

<sup>2</sup> We note here that Matthew Connolly was prepared to agree that it was possible that the first man he saw shot was Michael Kelly, after being told that Michael Kelly had been shot in the chest. Matthew Connolly has consistently said that the first casualty he saw was shot high up in the front left chest. Michael Kelly was not shot high up in his chest. William Nash was shot high up in the front of his chest, albeit slightly to the right of the midline.

<sup>3</sup> The tape recording of the evidence reveals that the transcript inaccurately recorded the question as including a quotation.

**86.309** Matthew Connolly also told us that the person he recalled seeing with a shoulder injury could have been Patrick O'Donnell.<sup>1</sup> As we describe when considering the events of Sector 4,<sup>2</sup> Patrick O'Donnell was hit in the shoulder by a shot fired in Glenfada Park North, and then went to the south end of the eastern block of Glenfada Park North, where he was eventually arrested by soldiers. However, Patrick O'Donnell was injured after soldiers had come into Glenfada Park North, ie after the shooting of William Nash, John Young and Michael McDaid; and after Matthew Connolly had fled into Abbey Park.

<sup>1</sup> [Day 151/50-51](#)

<sup>2</sup> [Paragraphs 104.494–521](#)

**86.310** Matthew Connolly's various accounts are not easy to follow. However, we have concluded that the first person he saw shot was William Nash, who was hit high on the chest; and the second John Young, whom he knew. His evidence indicates that there was an appreciable interval of time between William Nash and John Young being shot, which is also supported by the account given by James Begley. In his NICRA statement Matthew Connolly described it as about a minute, though in our view it would be unwise to rely on such estimates as necessarily accurate; and it may have been a shorter period, though enough time for John Young to realise what had happened and decide to go out to William Nash.

**86.311** Matthew Connolly also described John Young as crawling out, but he told us, and we accept, that by this he meant not on his hands and knees, but crouching,<sup>1</sup> which is consistent with the medical and scientific evidence relating to John Young.

<sup>1</sup> [Day 151/44](#)

**86.312** Despite Matthew Connolly accepting that it was possible that he had seen Michael Kelly shot, we consider that it is unlikely that he did so. We have noted above<sup>1</sup> that Matthew Connolly has consistently maintained that the first casualty was hit high on the chest, a description that fits William Nash's injury, but not that of Michael Kelly. Matthew Connolly may either have been nearer the rubble barricade than Michael Kelly and did not realise that the latter had been shot behind him, or had not reached the rubble barricade until after this had happened.

<sup>1</sup> [Paragraph 86.308](#)

**86.313** This leaves Michael McDaid, who was undoubtedly shot at the rubble barricade. Matthew Connolly described a third casualty hit in the shoulder, who was carried into Abbey Park. This was not Michael McDaid, who remained at the barricade until put by soldiers into an APC. Michael Kelly was carried into Abbey Park, just before soldiers arrived in Glenfada Park North. The exit wound on Michael McDaid was under his left shoulder. We have

concluded that it is likely that Matthew Connolly witnessed the shooting of Michael McDaid, saw the exit wound, and then mistakenly assumed that it was this casualty who was being carried across Glenfada Park North to Abbey Park. Matthew Connolly must have fled from the area of the rubble barricade in the same direction and at about the same time as Michael Kelly was being carried across, just before the soldiers came into Glenfada Park North.

## Paul Coyle

**86.314** In his interview with Tony Stark of Praxis Films Ltd,<sup>1</sup> Paul Coyle said that he saw William Nash run out towards the rubble barricade in the middle of the shooting, presumably to go to someone's assistance. William Nash fell to the ground dead after taking only a few steps. He had nothing in his hands. In his written statement to this Inquiry,<sup>2</sup> Paul Coyle told us that he was watching from the south end of the eastern block of Glenfada Park North and saw a youth fall at the rubble barricade, where he had been gesticulating at soldiers. He later learned that this might have been William Nash. In his oral evidence to this Inquiry<sup>3</sup> he said that it was possible that the youth had just jumped behind the barricade for cover. He no longer had any recollection of seeing William Nash run out towards the rubble barricade.

<sup>1</sup> O5.5-O5.7

<sup>3</sup> Day 152/66-69

<sup>2</sup> AC105.2

## Alphonsus Cunningham

**86.315** In his evidence to this Inquiry,<sup>1</sup> Alphonsus Cunningham said that when standing near the south end of the eastern block of Glenfada Park North he saw a youth shot just after he lifted rubble from the barricade to throw at the soldiers. An older man subsequently went to his aid and was also shot. In our view this evidence refers to the shooting of William Nash and his father.

<sup>1</sup> AC125.2; Day 150/12; Day 150/16-18

## John Devine

**86.316** In his written statement to this Inquiry,<sup>1</sup> John Devine told us that while hiding behind a car in the south-eastern corner of Glenfada Park North he saw three bodies on the western side of the rubble barricade. One body was about a metre away from another, and the third was another metre and a half away. This account is consistent with Alexander Nash's account of where the three casualties lay.<sup>2</sup>

<sup>1</sup> AD41.1-2

<sup>2</sup> Paragraph 86.188

## Joseph Doherty

**86.317** Joseph Doherty's evidence was that while looking through the letter box of a house in Joseph Place he saw a youth shot at the rubble barricade as he straightened after bending as if to pick something up, although he told us that he did not see anything in the youth's hands. The youth had gone to the barricade from the south end of the eastern block of Glenfada Park North. An older man then went to him and was shot himself.<sup>1</sup> Again, in our view, this refers to the shooting of William Nash and his father.

<sup>1</sup> AD76.7; AD76.9-10; WT8.11-12; WT8.14; AD76.3; Day 138/147-149

## Letty Donnelly

**86.318** In her written statement to this Inquiry,<sup>1</sup> Letty Donnelly told us that while watching from her sister's flat at 6 Garvan Place (on the first floor of Block 1 of the Rossville Flats) she saw a boy fall just north of the eastern section of the rubble barricade, as he ran towards the barricade.<sup>2</sup> She then saw the crouched figure of a man just south of the eastern section of the barricade shouting: "*That's my son. Help me'.*" She learned that these two were William Nash and his father. She also saw two other bodies on the north side of the western section of the rubble barricade, which were later thrown into an Army vehicle. In her oral evidence to this Inquiry<sup>3</sup> she accepted that William Nash and his father could have been on the western section of the barricade but remained sure that one was to the north of the barricade and one to the south. In view of the evidence given in 1972, we have concluded that Letty Donnelly's memory has deceived her, since we are sure that William Nash was shot when on the southern side of the rubble barricade. Furthermore, for reasons given earlier in this report,<sup>4</sup> we are sure that William Nash (as well as Michael McDaid and John Young) was facing north and not running south when he was shot.

<sup>1</sup> AD125.2

<sup>2</sup> AD125.7

<sup>3</sup> Day 124/119

<sup>4</sup> Paragraphs 86.193-197

## Hugh Duffy

**86.319** Hugh Duffy said in his evidence to this Inquiry that while standing at the south end of the eastern block of Glenfada Park North he saw two bodies at the rubble barricade, both to the west of the gap, lying very close to each other. He knew that the body further from Glenfada Park North was that of William Nash as he saw his father, Alexander Nash (who was standing in the same group as the witness), go to him. William Nash was lying with his head pointing north. The other body was lying on the barricade, was wearing dark clothes and had dark hair. This man was lying on his side with his back to Glenfada Park and with his head pointing north.<sup>1</sup> There is no doubt that there were three bodies at the rubble barricade when Alexander Nash went out to his son. Hugh Duffy also told Kathleen Keville that he saw two bodies.<sup>2</sup> It appears that his observation in this regard was incomplete.

<sup>1</sup> [AD156.3; Day 150/77-81](#)

<sup>2</sup> [AD156.9](#)

## John Dunleavy

**86.320** In his written statement to this Inquiry,<sup>1</sup> John Dunleavy told us that from the sitting room of his flat at 5 Garvan Place (on the second floor of Block 1 of the Rossville Flats) he saw three bodies very close to one another, approximately in the middle of the rubble barricade. His recollection was that one of the bodies was “*slightly on top of the other two*” and that this youth wore a jumper that gradually became red with blood. The recollections of this witness are to a significant degree consistent with the 1972 accounts of Alexander Nash.

<sup>1</sup> [AD170.2](#)

## William Etherson

**86.321** William Etherson said in his evidence to this Inquiry<sup>1</sup> that while crouching in Rossville Street some distance south of the rubble barricade, he saw three youths fall as they ran across the rubble barricade from west to east. They all seemed to drop at the same time, but he could not be sure that they had been hit.

<sup>1</sup> [AE4.3-4; Day 143/6-9](#)

## Seamus Fleming

**86.322** In his NICRA statement,<sup>1</sup> Seamus Fleming described being affected by CS gas and spraining his ankle when he began to run from Columbcille Court; and then reaching the “*entry to Glenfada Park*” (ie the south-eastern entrance to Glenfada Park North). His statement continued:

“There were about twenty young men sheltering behind a barricade of bricks and rubble. I then noticed that some of the lads got up and ran into the entry where I was standing. As they were running, I heard gunfire.

There were still about six left at the barricade and they fell for cover. I saw soldiers everywhere and three saracens. During a lull in the shooting, the six lads at the barricade got up to run towards our entry. The minute their heads appeared, there was a burst of fire and I saw a lad with a blue half jerkin clutch his stomach with his hands and slump on top of the barricade. I saw also a lad with a brown coat slumping over, holding his left side. They did not move. A man beside me in the entry made an attempt to go forward to assist them but there was another burst of gunfire and a bullet struck the wall above us. A piece of red brick fell to the ground beside where the man was standing. At that point I ran through Lisfannon Park and into Butcher Street. I stood there for from 5 to 10 minutes. There was a lot of gunfire so I made for home.”

<sup>1</sup> [AF22.11](#)

**86.323** It is our view that the “*lad with a blue half jerkin*” was probably Michael Kelly and the “*lad with a brown coat*” William Nash, since these descriptions are consistent with the clothing worn by these casualties. Seamus Fleming said to this Inquiry that he did not see youths at the rubble barricade throwing stones or anything else at this time. In his oral evidence<sup>1</sup> he told us that he did not see anybody throwing anything from the barricade towards the soldiers.

<sup>1</sup> [Day 146/55](#)

## Brendan Gallagher

86.324 This witness made a NICRA statement,<sup>1</sup> in which he gave the following account:

“I was in Rossville Street Barricade and five Saracens drove into Rossville Street and lined up. A few young boys were going to throw stones at them when the army opened fire. I saw two of these young boys fall dead and the third fellow was shot in the stomach. At the same time another person was shot in the leg while he was standing on the barricade.”

<sup>1</sup> AG4.1

86.325 In his written statement to this Inquiry,<sup>1</sup> Brendan Gallagher told us that he did not now remember seeing four boys shot at the rubble barricade although he vaguely remembered seeing bodies there. However, in his oral evidence to this Inquiry he said that he saw three people fall at the rubble barricade, two to the west of centre and one to the east (who was shot in the stomach). All three were on the southern side of the rubble barricade. He also saw a fourth person (who was shot in the leg) still further to the east. Some of these people had been throwing stones, but Brendan Gallagher could not recall which ones. He told us that as he dived for cover at a point close to the north-eastern corner of Glenfada Park South he had also seen another casualty fall close to him, and that he believed that at a slightly later stage, after he had taken refuge in a flat in the eastern block of Glenfada Park North, he saw Hugh Gilmour shot.<sup>2</sup>

<sup>1</sup> AG4.3

<sup>2</sup> Day 147/198-208

86.326 The person Brendan Gallagher said he had seen shot in the leg is likely in our view to have been Constantine Gallagher, who, as we describe elsewhere in this report,<sup>1</sup> was on the rubble barricade and had been injured in the leg by a baton round. We are doubtful whether Brendan Gallagher saw Hugh Gilmour shot, as there is nothing in his NICRA statement to that effect.

<sup>1</sup> Paragraphs 87.142–148

## Veronica Glenn

86.327 Veronica Glenn said in her evidence to this Inquiry that she had been watching from her parents' flat (at 26 Mura Place at the south end of the fourth floor of Block 1 of the Rossville Flats) and that she believed that she had seen four bodies on the rubble barricade. One of these was on the western side, two on the eastern, but she could not

place the fourth body. Veronica Glenn believed that she had previously seen these people taking cover at the barricade during a burst of fire that followed the shooting of a youth who appears to have been Michael Kelly.<sup>1</sup>

<sup>1</sup> AG68.2-8; Day 144/142-148

## Helen Johnston

**86.328** In a NICRA statement made jointly with her sister Margaret Johnston,<sup>1</sup> Helen Johnston recorded that she was in a small alley with a number of other people:

“From where we were standing we could see the remains of a barricade. Lying at the barricade were three men all on top of the other. Immediately beside them on his back was an elderly man. He appeared to be alive as his arms were moving. I asked some of the men, could they not pull him in. They said it was much too dangerous and the other three were dead. Then the chippings came off the wall, where the bullets were striking the wall by where we were standing.”

<sup>1</sup> AJ11.1

**86.329** In her written statement to this Inquiry, Helen Johnston told us that she thought that she had seen the casualties at the rubble barricade from the area of the eastern entrance to Glenfada Park South.<sup>1</sup> In her oral evidence to this Inquiry, she recalled that two of the three people were close to one another, while the third was a foot or two further away. She initially said that she had seen these three men throwing stones, but later withdrew that suggestion.<sup>2</sup>

<sup>1</sup> AJ11.3; AJ11.13

<sup>2</sup> Day 228/32-36; Day 228/61-66

**86.330** From this account it appears that Helen Johnston did not see any of the casualties being shot, but only saw them lying close together after Alexander Nash (William Nash’s father) had gone out to his son.

## Eamon McAteer

**86.331** In his NICRA statement, Eamon McAteer recorded that from the area of the south end of the eastern block of Glenfada Park North he saw three bodies almost lying on top of one another on the rubble barricade.<sup>1</sup> In his evidence to this Inquiry, he again referred to three bodies in close proximity to each other and recalled that they were in a position to the west of the centre and to the south of the barricade.<sup>2</sup>

<sup>1</sup> AM41.33

<sup>2</sup> AM41.13; Day 135/13-15

## Mary McCann

**86.332** This witness was uncertain as to the precise position of the two bodies that she recalled seeing at the rubble barricade as she looked out from the window of 11 Garvan Place (on the first floor of Block 1 of the Rossville Flats), but indicated that they were close together on the eastern side of Rossville Street. She also thought that a man (who appears to have been Alexander Nash) was in between these two bodies waving his arm.<sup>1</sup> We formed the view that this witness, though doing her best, really had no clear recollection of events.

<sup>1</sup> [AM78.1; Day 133/60-64](#)

## Kevin McCloskey

**86.333** Kevin McCloskey said in his evidence to this Inquiry that he saw three men fall as he and they ran south over the rubble barricade. He indicated that they fell on the southern side of the barricade, to the west of the gap. He tried to help one of these men, but could not drag him to cover. He thought that this man was in his twenties or thirties. He saw no stone-throwing from the barricade.<sup>1</sup>

<sup>1</sup> [AM116.4-5; Day 135/237-242](#)

**86.334** We formed the view, on listening to Kevin McCloskey's evidence, that he did not have a true recollection of events; in many respects his overall account is inconsistent with other convincing evidence. For example he described going from the rubble barricade and seeing three or four men standing at the south end of the eastern block of Glenfada Park North, one of whom was Fr Bradley. It is clear from photographic and other evidence that there were substantially more people at the south end of that block, who remained there throughout the shooting at the rubble barricade. We concluded that it would be unwise to rely on the account given by this witness.

## John McCrudden

**86.335** This witness said in his evidence to this Inquiry<sup>1</sup> that he looked out from an upstairs window in 12 Garvan Place (on the third floor of Block 1 of the Rossville Flats) and saw two bodies on the western side of the rubble barricade, a little to the left of the arrow he marked on the following photograph.<sup>2</sup> He also appears to have seen Alexander Nash nearby, which may have prevented him from seeing a third body.

<sup>1</sup> [AM152.3-4; Day 95/108-111](#)

<sup>2</sup> [AM152.13](#)



## Nola McSwine

**86.336** In her evidence to this Inquiry,<sup>1</sup> Nola McSwine (now McCullagh) said that while looking out of the window of a flat on the third floor of Block 1 of the Rossville Flats she saw three bodies lying towards the middle of the rubble barricade. She had the impression (possibly from their posture) that they had come from the south-eastern corner of Glenfada Park North. The bodies were very close to each other. She subsequently saw a man (who appears to have been Alexander Nash) go to the bodies.

<sup>1</sup> [AM157.3-4; Day 137/10-11](#)

## Michael McCusker

**86.337** We have referred earlier<sup>1</sup> to the evidence of this witness. In his Keville interview,<sup>2</sup> he said that he talked to John Young at the rubble barricade and that John Young told him “*that there was two boys shot around at ... the back of the flats*”. According to John Goddard’s interview note,<sup>3</sup> Michael McCusker said that John Young, who had no stone in his hands, had told him that Michael Bradley had been shot. In his written statement to this Inquiry,<sup>4</sup> Michael McCusker said that John Young had told him that Michael Bradley had been shot

and taken to a house in Joseph Place. In his oral evidence to this Inquiry,<sup>5</sup> Michael McCusker said that he left John Young standing at about the point marked with an arrow on the following photograph.<sup>6</sup>

<sup>1</sup> Paragraphs 86.126–129 and 86.150–151

<sup>2</sup> AM160.14

<sup>3</sup> AM160.9

<sup>4</sup> AM160.2

<sup>5</sup> Day 148/55-56

<sup>6</sup> AM160.10



## Denis Patrick McLaughlin

**86.338** In his Keville interview, this witness (who was 16 at the time) gave the following account:<sup>1</sup>

“I was down at the William Street to see what was happening and er – they started to shoot the gas and we came running up Rossville Street.

[Female voice] To get away from the gas?

To get away from the gas. I was hit with a rubber bullet and I fell and two men dragged me up...

[Female voice] You were hit with a rubber bullet?

Aye and I fell and I was dragged up a bit ... I was all right and er – ... I says I'm ... going down, see what's happening down here again. And I went down and I seen a body over at the barricade and there was another fella along with me, he goes over at the body and I went over along with him and er – this other fella walked out and he was shot in the stomach and he fell, then another man came out again he was shot and he fell and a boy came out and he was shot in the head...

[Female voice] Were any of them armed?

No. None of them was armed at all.

[Female voice] they weren't trying to – to fight the soldiers?

No. They just came out to help with this body that was lying there. They thought we were – they thought we were shot too as we were lying beside him because we didn't want to get up, you know. And they shot him in the head and the – the blood spurted out of his head it came away in my hands, you know. And er – there was a – the oth – there was a boy then that came over and he dragged this boy by the feet, you know, to get him out of the road. He says for us to come over out of the road, you know, you don't want to get shot. We says 'what about these bodies?'

He says 'you have to come over here in case you get shot', you know. So he dragged the first boy by the feet then he grabbed my hands and he dragged me across and we run in against the wall with Father Bradley, you know. And I grabbed Father Bradley down beside me, you know, as he's sort of like a little scared, you know. Some of the soldiers came around the corner and there was another man and he pulled off his coat and the steam was rising out of him and there was a hole in his shoulder and I knew he was shot."

<sup>1</sup> [AM326.38-39](#)

**86.339** Denis Patrick McLaughlin also made a NICRA statement,<sup>1</sup> in which he recorded that the first casualty he saw was dressed in a brown suit and had black hair, and had been running south over the "*loose stones of the barricade*" when he fell back and rolled over onto his face. He stated that he saw this man from the south end of the eastern block of Glenfada Park North, and that George Roberts, who had been running alongside the man, went to assist him. Denis Patrick McLaughlin also crawled out to him. A second man fell nearby, who he later found out had been shot dead. A third man walked out slowly. More shots rang out and the third man fell on top of Denis Patrick McLaughlin. The witness turned and saw a fourth casualty's head burst open with blood pouring out. Denis Patrick McLaughlin recorded in his NICRA statement that after witnessing people being shot he became hysterical.

<sup>1</sup> [AM326.19-21](#)

**86.340** Denis Patrick McLaughlin gave written and oral evidence to this Inquiry. In his written statement to this Inquiry<sup>1</sup> he gave a similar account to that he had given in his NICRA statement, but said that from photographs of those who were killed on Bloody Sunday he

had been able to identify the first casualty he saw, who was wearing the brown suit, as William Nash. In his oral evidence to this Inquiry<sup>2</sup> he said that he did not see any wound suffered by this casualty. He said<sup>3</sup> that he did not know what the second man had been doing before he fell. He thought that the man had been shot, because bullets were hitting the rubble barricade when he fell. He said<sup>4</sup> that he presumed that the third man had walked out “*from the Glenfada Park side*”. He thought that this man had been shot because of the way he fell, but he saw no sign of injury on him. He said<sup>5</sup> that he could not remember from where the fourth casualty had come, but he remembered the blood coming out of his head.

<sup>1</sup> AM326.4-6

<sup>4</sup> Day 159/29-30

<sup>2</sup> Day 159/102-105

<sup>5</sup> Day 159/30-33

<sup>3</sup> Day 159/27-29

**86.341** We have no doubt that Denis Patrick McLaughlin witnessed the shooting of some of the casualties at the rubble barricade. He identified himself<sup>1</sup> as the youth standing fourth from the right in the photograph taken by Liam Mailey showing Fr Bradley walking in the direction of Rossville Street, which we have shown earlier in this report and which we reproduce below.<sup>2</sup>

<sup>1</sup> AM326.12

<sup>2</sup> Paragraph 86.209



**86.342** In his oral evidence to the Widgery Inquiry, Liam Mailey said that the youth shown fourth from the right in his photograph had become hysterical.<sup>1</sup>

<sup>1</sup> WT7.33

**86.343** We have considered the evidence of Denis Patrick McLaughlin. He was a witness to horrific events taking place close to him, and so it is not surprising that he became hysterical. However, we take the view that his evidence indicates that William Nash was shot before John Young and Michael McDaid. There is nothing in his accounts to suggest that the latter two were doing anything other than trying to go out to the bodies.

## Kevin McGonagle

**86.344** According to the note made by John Barry of the *Sunday Times* Insight Team of an interview with Kevin McGonagle,<sup>1</sup> this witness said that from his position in a house in Joseph Place he saw one youth near the “*left-hand*” (which from there would be the western) pavement of Rossville Street crawling towards another youth who was lying at the rubble barricade. The crawling youth then ceased moving. In his evidence to this Inquiry, Kevin McGonagle said that he recalled seeing three or four people fall in a similar area, and another person crawling towards them before that person twitched and was presumably shot.<sup>2</sup>

<sup>1</sup> AM254.22.3

<sup>2</sup> AM254.10; Day 128/181-192

## Jack Nash

**86.345** This witness said in his evidence to this Inquiry<sup>1</sup> that he recalled looking towards the rubble barricade from near the south end of the eastern block of Glenfada Park North and seeing two bodies lying close to one another, and Alexander Nash in the middle of them waving his arm. He believed that the bodies were approximately in the centre of the rubble barricade, slightly to the east of the gap.

<sup>1</sup> AN27.3; Day 137/18-19

## Brian Rainey

**86.346** Brian Rainey (who was a schoolteacher) made a written statement dated 4th February 1972.<sup>1</sup> In this statement he described moving towards Free Derry Corner and continued:

“I had just crossed the street barricade across Rossville Street, just in front of the High Flats and was approaching the small wall surrounding the block of maisonettes at Glenfada Park when I heard shouting and as I looked behind I could see Army Saracens rushing into Rossville Street. A number of young lads were running in all directions in front of them. One saracen stopped about 15–20 yards of the William Street side of the street barricade in Rossville Street. Most of the young lads stopped level with the barricade. I stepped up onto the wall which runs along the front of the maisonettes at Glenfada Park so that I could see better what was happening. I saw a couple of young lads being captured by the Army and being led towards the saracens. At this stage other soldiers were taking up positions. A number of the young lads began stoning the Army, and I saw and heard other young lads shout towards the people at the meeting to come and join them.

Then I heard a burst of gunfire. I decided to get down from the wall and I stood close against the front of the maisonettes. There came another burst of gunfire and as I looked back towards the Army I saw a closely packed group of about four young lads fall lifelessly to the ground. Their position was directly behind the Rossville Street barricade on the Glenfada Park side of the road. At this burst of shooting I got down on my hands and knees and crawled along the base of the maisonettes at Glenfada Park. Just before I turned the corner I looked back to see if what I had seen had actually happened. From the way this small group had fallen – they seemed to be piled on top of one another – I was quite certain they had been shot. Again I must state I did not see any guns except those used by the Army, nor did I see any petrol bombs nor did I hear any nail bombs. The only weapons I saw being used by a number of young lads were stones.”

<sup>1</sup> [AR3.11-12](#)

**86.347** Brian Rainey also made a written statement for the Widgery Inquiry, though he did not give oral evidence.<sup>1</sup> In this statement he gave the following account:

“I looked back towards William Street and I saw armoured vehicles driving into and along Rossville Street. Everyone was running. I ran about twenty yards and stopped alongside a small wall which surrounds a block of maisonettes at Glenfada Park. I stood on top of this wall and looked back. By this time I could see two of the army vehicles had halted some thirty yards on the far side of the barricade. Soldiers had got out of the vehicles and were moving around very fast. I saw two people being arrested and dragged away. It was at this point that a number of young lads, who had run past the barricade in the direction of Free Derry Corner, returned to the barricade and began shouting and throwing stones at the army. Other lads were shouting in the direction of the meeting for the people there to come back and help them. It was just then that I heard the sound of gunfire – a couple of single shots. I got down off the small wall immediately and crouched along the front of the maisonettes. I was looking to my left – that is in the direction of the army. I was still hearing single shots ringing out – very sharp and crisp in sound. Just then I observed a group of young lads, about three or four quite close together, falling to the ground and lying motionless. I knew they had been hit. They seemed to fall quite close together. Their position was at the barricade across Rossville Street, opposite the high flats, on the Glenfada Park side of the street.”

<sup>1</sup> AR3.15-16

**86.348** Brian Rainey gave written and oral evidence to this Inquiry. In his written statement,<sup>1</sup> he told us that the wall on which he had first stood was the one running along the gardens on the south-eastern side of Glenfada Park South, that the youngsters at the rubble barricade had their backs to him and that the three or four he saw fall did so at about the centre of the rubble barricade:<sup>2</sup>

“To my mind they had all been throwing stones, grabbing what was nearest. I could not believe my eyes. I had never seen anyone shot before. I remember the way they fell was most unusual, they just dropped together in a lifeless way, not forwards or backwards, just sideways in a heap on top of one another. To me, when they were shot they were looking towards the army position where they were throwing stones.”

<sup>1</sup> AR3.1

<sup>2</sup> AR3.2-3

**86.349** In his oral evidence to this Inquiry, Brian Rainey was asked about this part of his written statement:<sup>1</sup>

“Q. ... Is your recollection sufficiently clear for you to be able to say that you actually saw them throwing stones, or is there an element of supposition in your expression ‘to my mind, they had all been throwing stones’?”

A. That was a general, there was a general comment to cover the boys that were at the barricade. Most of them, I feel, were throwing stones, but I could not say all of those who were shot were throwing stones.”

<sup>1</sup> [Day 132/113](#)

**86.350** When he was shown Ciaran Donnelly’s photograph (reproduced below) of people facing the Army vehicles in Rossville Street, Brian Rainey told us that his recollection was that there were more people around the rubble barricade when people were shot than shown in that photograph.<sup>1</sup>

<sup>1</sup> [Day 132/114-115](#)



**86.351** Brian Rainey marked on the following photograph where he recalled the young men falling.<sup>1</sup>

<sup>1</sup> [Day 132/147-148; AR3.20](#)



**86.352** As will have been noted, Brian Rainey has given consistent accounts of what he heard and saw from his vantage point on the eastern side of Glenfada Park South.

## Edward Rigney

**86.353** It appears that this witness made a NICRA statement,<sup>1</sup> for although the statement in question bears the name of Damion Rigney, the address corresponds with that given by Edward Rigney to this Inquiry and the signature on the manuscript copy of the NICRA statement matches the signature on his written statement to this Inquiry.<sup>2</sup> The NICRA statement was in the following terms:

“I was in Chamberlain Street when the army made their charge into Rossville Street. I ran back to the meeting at Free Derry Corner. I left this when B. Devlin was about to speak. There was shooting started. I saw a man fall at the barricade at Rossville Flats. Two boys ran out to lift him and they were shot at as well, both fell.”

<sup>1</sup> AR8.1

<sup>2</sup> AR10.7

**86.354** In his evidence to this Inquiry,<sup>1</sup> Edward Rigney said that as he ran across Rossville Street to the southern corner of Glenfada Park South he thought that he saw people fall behind the rubble barricade as they moved from east to west.

<sup>1</sup> AR10.5; Day 136/39-40

## Ronald Wood

**86.355** Ronald Wood (who had served in the Royal Navy) gave a written statement for and oral evidence to the Widgery Inquiry. In his written statement he described what he saw from what would appear to have been the south-eastern corner of the eastern block of Glenfada Park North:<sup>1</sup>

“8. Soldiers got out of the saracens immediately they stopped and some took cover round the saracens and some took cover by a wall in front of the building which I think is called Columbcille Court.

9. The crowd was scattering away from the soldiers towards Free Derry Corner or into the turnings and alleyways off Rossville Street. A few stones were thrown at the soldiers and they fired one or two rubber bullets in return.

10. From somewhere on the William Street side of me two shots were fired. They were real bullet shots. There was no crowd between myself and the troops. That part of Rossville Street from which these two shots were fired was occupied by the troops.

11. One of those two shots hit a young fellow of I suppose about eighteen or nineteen who was standing at the barrier about two or three yards away from me. He was hit in the left side of his stomach. He had a light jacket and white T-shirt on. He was not armed. He was not firing. He was not even throwing stones. This happened no more than a minute or so after the troops got out of the saracens.

12. Several of us lifted this young fellow and took him into cover behind Glenfada Flats. As that was happening there was a whole fusillade of shots and two people further out along the barricade fell. They were young fellows as well. They were dressed in jackets and trousers. I saw no weapons on them or round their bodies. I am fairly certain that they were unarmed. In any case they definitely were not firing. No shots had come from our end of Rossville Street at all.

13. About the same time that these two young fellows were shot the first fellow whom we had carried into cover was taken into one of the flats in either Glenfada Park or Abbey Park. I saw when he was taken that he had been shot in the left side of his stomach. He was still alive then.”

<sup>1</sup> [AW24.11-12](#)

**86.356** Ronald Wood gave a consistent account in his oral evidence to the Widgery Inquiry.<sup>1</sup>

<sup>1</sup> [WT4.55-59](#)

**86.357** In his written and oral evidence to this Inquiry, Ronald Wood gave an account essentially consistent with the evidence that he had given in 1972, though it appears that his recollection now is that he did not actually see Michael Kelly or the other two casualties at the moment they were shot.<sup>1</sup>

<sup>1</sup> [AW24.1-4; Day 127/1-72](#)

**86.358** We have no doubt that Ronald Wood was close to Michael Kelly when the latter was shot and then (“*fairly quickly*” afterwards), as he put it to the Widgery Inquiry,<sup>1</sup> saw two other people who had fallen at the rubble barricade. He told us in his written statement to this Inquiry that he had been informed afterwards that these two people had been shot in the head.<sup>2</sup> This, if he was correctly informed, indicates that he saw Michael McDaid and John Young.

<sup>1</sup> [WT4.58](#)

<sup>2</sup> [AW24.3](#)

## Conclusions on the foregoing evidence

**86.359** As we have already noted,<sup>1</sup> much of the evidence is confused and inconsistent. Nevertheless, in our view an analysis of the evidence as a whole does enable us to reach some firm conclusions.

<sup>1</sup> [Paragraph 86.287](#)

**86.360** We are sure that William Nash, John Young and Michael McDaid were all shot and fell close together when they were slightly to the west of the centre of the rubble barricade; and that they were shot in that order.

**86.361** We are also sure that, while there was an interval between the shooting of William Nash and the other two casualties, the latter two were shot within a very short time of each other.

**86.362** In our view John Young was going to the aid of William Nash when he was shot; and probably Michael McDaid was doing likewise.

**86.363** We are sure that all three of these casualties were facing north in the direction of soldiers who were further north along Rossville Street when they were shot; and must have been shot by one or more of those soldiers.

**86.364** There is no evidence at all that any of these three casualties was armed with any form of lethal weapon. We are sure that they were not. Many of the witnesses to whom we have referred have stated expressly that none of these three, nor anyone around them, was

armed with either a firearm or any form of bomb. All three had probably been throwing stones or similar missiles at the soldiers from the area of the rubble barricade. William Nash may have been throwing or about to throw a stone when he was shot; but in our view John Young was not doing so, as he was going to the aid of William Nash; and the same is probably the case with Michael McDaid. Given, as we are sure was the case, that these casualties were shot by a soldier or soldiers at ground level further along Rossville Street, the medical and scientific evidence indicates that they were not standing upright when they were hit, but were leaning forward or, as one witness put it, crouched.

## Kevin McElhinney

### Biographical details

**86.365** Kevin McElhinney was 17 years old at the time of Bloody Sunday. He was the third of five children and lived with his parents in Phillip Street, Pennyburn. He was employed as a shop assistant in Lipton's supermarket in Strand Road.<sup>1</sup>

<sup>1</sup> [AM503.1](#); [ED44.3](#)

### Prior movements

**86.366** Kevin McElhinney's sister Roslyn (now Roslyn Doyle) told us in her written statement to this Inquiry<sup>1</sup> that her brother left the family home after lunch to go on the march with a few friends who had called for him, including Frank Hone and Paul Coyle.

<sup>1</sup> [AD139.1](#)

**86.367** Frank Hone told us in his written statement to this Inquiry<sup>1</sup> that he called for Kevin McElhinney on his way home from Mass and went with him to the Creggan for the start of the march, but lost him in the crowd at an early stage. Frank Hone only went on the march to throw stones, but he said that Kevin McElhinney was not interested in rioting in the way that he was.<sup>2</sup> On the other hand, he also said that after Kevin McElhinney had been killed he told Kevin McElhinney's father that Kevin McElhinney "*would not have been carrying more than a stone*".

<sup>1</sup> [AH80.2](#)

<sup>2</sup> [AH80.4](#)

**86.368** In his written statement to this Inquiry,<sup>1</sup> Paul Coyle told us that he and his friend Kevin Duffy went to the Creggan where the march was to begin. He met Kevin McElhinney at the Creggan roundabout. Kevin McElhinney was carrying a paint bomb (ie a bottle

containing paint). It appears from a remark attributed to Paul Coyle in an article published in the *Sunday Press* on 19th January 1992,<sup>2</sup> which he confirmed in his oral evidence to this Inquiry,<sup>3</sup> that Kevin McElhinney had told him something to the effect that he wanted “*to make his mark on a Saracen*”. We accept this evidence.

<sup>1</sup> AC105.1

<sup>3</sup> Day 152/56-57

<sup>2</sup> L242

**86.369** James McGeehan told us in his written statement to this Inquiry<sup>1</sup> that he walked to the start of the march with his two brothers and his friends Kevin McElhinney and Paul Coyle. James McGeehan went on the march to William Street and continued to Barrier 14 instead of turning down Rossville Street. In his oral evidence to this Inquiry,<sup>2</sup> James McGeehan admitted that he had been involved in the rioting at Barrier 14. James McGeehan said that he vaguely recalled that he saw Kevin McElhinney for the last time “*when we were well up William Street*”.<sup>3</sup> It is not clear exactly what this means. James McGeehan expressed the opinion that when they became separated Kevin McElhinney must have stayed at Little James Street, but he did not explain the reason for this belief.

<sup>1</sup> AM227.1-AM227.2

<sup>3</sup> AM227.5

<sup>2</sup> Day 99/68-69

**86.370** In his written statement to this Inquiry,<sup>1</sup> Paddy Kelly told us that he met Kevin McElhinney at Bishop’s Field and accompanied him on the march as it made its way down to the Bogside. Paddy Kelly took part in the early stages of the rioting at Barrier 14 and then moved to Little James Street where he took part in further rioting. When the paratroopers entered the Bogside, Paddy Kelly ran down Rossville Street and across the waste ground. Paddy Kelly stated that he saw Kevin McElhinney for the last time at the junction of William Street and Rossville Street, and was not sure where Kevin McElhinney had gone subsequently.<sup>2</sup> He gave the impression, without saying so expressly, that Kevin McElhinney had been with him all the time until then. Paddy Kelly described Kevin McElhinney as someone who might have thrown a bottle or stone in a riot, but did not say whether he had in fact done so on this occasion.

<sup>1</sup> AK20.1

<sup>2</sup> AK20.2-AK20.3

**86.371** Larry Doherty’s photograph, which is reproduced below, shows Kevin McElhinney on the march. He is also shown on the march in a section of a cine film made by Michael Rodgers.<sup>1</sup>

<sup>1</sup> Vid 52 00.40



Kevin McElhinney

86.372 A further photograph shows Kevin McElhinney at the front of the crowd as it moved down lower William Street towards Barrier 14.



Kevin McElhinney

**86.373** Alex Morrison told us in his written statement to this Inquiry<sup>1</sup> that he went on the march on his own but soon met Kevin McElhinney. They followed the march to the junction of Creggan Street and William Street. They then decided to take a short cut, knowing that there was to be a meeting at Free Derry Corner. Alex Morrison thought (but doubtfully)<sup>2</sup> that they had walked via Little Diamond and Fahan Street West to Rossville Street, as indicated on the plan attached to his statement.<sup>3</sup> On reaching Rossville Street, however, they changed their minds and went to the main entrance of Block 1 of the Rossville Flats instead of to Free Derry Corner. On Alex Morrison's account, Kevin McElhinney then remained in the vicinity of the rubble barricade until he was killed. This evidence is inconsistent with the evidence of James McGeehan and Paddy Kelly, and with the photograph showing Kevin McElhinney at the front of the crowd in William Street, which we have reproduced above,<sup>4</sup> and which indicates that Kevin McElhinney went down William Street instead of taking the short cut described by Alex Morrison.

<sup>1</sup> AM429.7-AM429.8

<sup>3</sup> AM429.12

<sup>2</sup> Day 143/128

<sup>4</sup> Paragraph 86.372

**86.374** According to the note made by Philip Jacobson of the *Sunday Times* Insight Team of his interview of Alex Morrison,<sup>1</sup> the latter had left the march at the "far end" of William Street after having "seen it grind to halt and then seen gas and water cannon etc" and then "cut through to the Rossville flats via Glenfadda". The note does not record that Kevin McElhinney was with Alex Morrison at that stage, which raises the question whether the latter could be mistaken in his current recollection that he and Kevin McElhinney took the short cut together. The references in Philip Jacobson's note to seeing gas and water cannon and to cutting through Glenfada Park also indicate that Alex Morrison himself must have proceeded further along William Street than he now uncertainly recalls. It is also relevant to note that Alex Morrison's answers in the transcript of the interview that he gave to Paul Mahon on 6th April 1998<sup>2</sup> (more than two years before he signed his written statement to this Inquiry on 2nd May 2000) suggest that he was then extremely uncertain both about the route that he took and about whether Kevin McElhinney was with him before he reached Rossville Street. In our view Alex Morrison was mistaken in his uncertain recollections. We consider that it is likely that Kevin McElhinney took part in the rioting at Barrier 14.

<sup>1</sup> AM429.2

<sup>2</sup> X4.44.1-X4.44.5

## Medical and scientific evidence

### Wound pathology and ballistics

**86.375** Dr Thomas Marshall, then the State Pathologist for Northern Ireland, conducted an autopsy of the body of Kevin McElhinney on 31st January 1972 at Altnagelvin Hospital.<sup>1</sup> Dr Domhnall MacDermott (a local general practitioner who attended as an observer)<sup>2</sup> and an RUC photographer were also present.<sup>3</sup> Dr Shepherd and Mr O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, considered the notes, report and photographs from this autopsy. Dr Marshall (now Professor Marshall), Dr Shepherd and Mr O'Callaghan all gave written and oral evidence to this Inquiry. Dr Marshall also appeared before the Widgery Inquiry.

<sup>1</sup> WT9.3; D543

<sup>3</sup> D214

<sup>2</sup> AM5.7

**86.376** In his autopsy report,<sup>1</sup> Dr Marshall described the following five gunshot wounds:

(i) An entrance wound, 3mm in diameter, on the inner side of the left buttock, 2cm from the anus. The left posterior margin of the wound was bordered by a zone of abrasion, up to 3mm wide. The wound bled profusely. When a probe was inserted, there was a track into the abdomen, extending forwards with an inclination of 45° and a slight deviation to the left.

(ii) A lacerated oval exit wound, measuring 7cm x 4cm, in the left flank over the lower ribs, centred 13cm above the top of the iliac crest. The long axis of the wound was vertical. The wound exposed lacerated, black-soiled muscle and a fractured rib. There was a band of green discoloured skin extending downwards from the wound towards the left groin.

(iii) A circular laceration, 4mm in diameter, situated 2.5cm above the upper margin of wound (ii). A tongue of superficial abrasion, 4mm broad, extended upwards for 12mm from the upper surface of this wound.

(iv) A circular laceration, 4mm in diameter, situated 8cm above wound (iii). Around this wound, between the 9 o'clock and 12 o'clock positions, there was an arc of abrasion, 4mm broad.

(v) A laceration, measuring 5cm x 4cm (this appears to be an error for 5mm x 4mm), situated 3.5cm above wound (iv), which had a base formed by the shelved upper margins.

<sup>1</sup> [D214](#)

**86.377** Dr Marshall noted that a track passed downwards between the skin and the left lower ribs, connecting wounds (ii) to (v), and emerging into the abdominal cavity through a ragged hole in its left wall.<sup>1</sup>

<sup>1</sup> [D215](#)

**86.378** Dr Marshall also described a linear abrasion, 6cm long and up to 1cm wide, extending downwards and forwards across the outer side of the left thigh at the junction of the upper and middle thirds.<sup>1</sup>

<sup>1</sup> [D215](#)

**86.379** The internal injuries found by Dr Marshall are described in his report.<sup>1</sup>

<sup>1</sup> [D217](#)

**86.380** In the course of the autopsy, as he explained in his oral evidence to this Inquiry,<sup>1</sup> Dr Marshall caused X-rays to be taken of Kevin McElhinney's chest and pelvis. He may have done this in order to see whether any bullet or fragment of a bullet was still lodged in the body, and found that there was none.<sup>2</sup>

<sup>1</sup> [Day 207/50-53](#)

<sup>2</sup> [Day 209/77-79](#)

**86.381** In his autopsy report, Dr Marshall summarised his conclusions about the fatal injury as follows:<sup>1</sup>

“Death was due to a missile wound of the abdomen. A single missile had entered the left buttock only an inch to the left of the opening of the anus. It had passed into the left side of the pelvic cavity causing considerable laceration of muscle, fracturing of bone and a tear in the bladder. It had then divided a segment of large intestine, lacerated the artery supplying the left leg and torn open two segments of small intestine before entering the left side of the abdominal wall. Here it fragmented as it passed through the tissues outside the left lower ribs. One large piece and three small fragments emerged separately, the larger piece fracturing the ninth left rib. Death was precipitated by the bleeding into the abdomen from the lacerated artery.

The injuries were of a kind caused by a high velocity bullet.

The track of the missile through the body was upwards and forwards with a slight deviation to the left although the forwards and left deviations might have been influenced by the missile striking the pelvic bone. When the situation of the entrance wound is taken into account, it seems likely that he was bent forwards at the time he was shot from behind. Then the bullet could have been travelling almost horizontally.”

<sup>1</sup> [D218](#)

**86.382** With regard to the abrasion of the left thigh, Dr Marshall’s conclusions were as follows:<sup>1</sup>

“There was an abrasion extending downwards and forwards across the outside of the left thigh. This could have been a graze from a bullet. It could have come from the same weapon if the left thigh had been flexed at the time. He might have been crouched down on all fours or climbing over something.”

<sup>1</sup> [D218](#)

**86.383** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Marshall confirmed the conclusions set out in his autopsy report.

<sup>1</sup> [WT9.4-WT9.6](#)

**86.384** In his written statement to this Inquiry,<sup>1</sup> Dr Marshall clarified the reference in his description of the entrance wound to an inclination of 45° and a slight deviation to the left, explaining that the former was the inclination from the horizontal plane and the latter the deviation from the sagittal plane. Dr Marshall had been asked whether the abrasion around the uppermost three wounds on the left side of Kevin McElhinney’s body might indicate that these were entrance wounds caused by fragments of a second bullet. He said that although he could not entirely rule out this possibility, he remained of the opinion that a single bullet had caused all the injuries.

<sup>1</sup> [D547](#)

**86.385** Dr Marshall also explained that the reason why he suggested that the abrasion on the left thigh might have been a graze from a bullet was that it appeared to lack some of the characteristics of a graze caused by falling or rubbing against another surface.<sup>1</sup>

<sup>1</sup> [D547-D548](#)

**86.386** In their report,<sup>1</sup> Dr Shepherd and Mr O’Callaghan observed that the mortuary photographs showed shelving of the upper margin of wound (iii) rather than the abrasion described by Dr Marshall.

<sup>1</sup> E2.51

**86.387** Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of Kevin McElhinney under the direction of Dr John Martin, then a Principal Scientific Officer in the same department.<sup>1</sup> In his report dated 21st February 1972,<sup>2</sup> Dr Martin set out these findings:

“A small hole in the seat area of the trousers (item 6) had traces of lead on the perimeter and is characteristic of bullet entry. A large rip in the left side seam of the jacket (item 2) is characteristic of bullet exit. There is corresponding damage to the undergarments. A small rip in the rear left shoulder of the jacket with damage to the undergarments is characteristic of a bullet fragment – possibly a piece of metal jacket. Two small fragments of lead were detected on the edge of this rip.”

<sup>1</sup> D205-D209; D741.60

<sup>2</sup> D201

**86.388** In the laboratory notes,<sup>1</sup> Herbert Donnelly had described his findings in more detail, and had referred to the following damage to the clothing:

(i) A tear on the left leg of the trousers, 11in below the waist and 2½in behind the side seam.

(ii) A hole, with a diameter of ⅛in, situated 8in below the top of the trousers on the rear mid-seam, with corresponding damage to the underpants. Dr Martin had added a note that this hole was tested positively for lead and that it had all the appearance of an entry hole.

(iii) Two splits in the left side seam of the jacket. Only the lower of these, which was situated 8in below the armpit, was accompanied by a corresponding hole in the lining of the jacket. This split measured 1in x ⅛in.

(iv) A further hole in the jacket, measuring ½in x ⅛in, situated 1in behind the left side seam and 8¾in below shoulder level. Dr Martin had added a note that this hole was tested positively for lead particles. There was a corresponding hole in the lining of the jacket.

(v) A hole in the left side of the pullover, corresponding to the “*previous exhibit*”, ie the jacket. Herbert Donnelly did not say which of the holes in the jacket it matched.

(vi) The following four holes in the left side of the shirt:

(a) A hole measuring  $\frac{1}{2}$ in x  $\frac{1}{8}$ in, situated just in front of the side seam and 16in below shoulder level.

(b) A hole,  $1\frac{1}{2}$ in long, situated just behind the side seam and 15in below shoulder level.

(c) A hole measuring  $\frac{3}{4}$ in x  $\frac{1}{8}$ in, situated  $1\frac{1}{2}$ in behind the side seam and  $14\frac{1}{2}$ in below shoulder level.

(d) A hole measuring  $\frac{3}{16}$ in x  $\frac{1}{16}$ in, situated  $3\frac{1}{4}$ in behind the side seam and  $6\frac{1}{4}$ in below shoulder level.

(vii) The following three holes in the left side of the T-shirt:

(a) A hole measuring  $\frac{3}{4}$ in by 2in, situated  $1\frac{1}{2}$ in in front of the side seam and 15in below shoulder level.

(b) A hole, with a diameter of  $\frac{1}{8}$ in, situated  $\frac{1}{8}$ in in front of the side seam and 10in below shoulder level.

(c) A hole, with a diameter of  $\frac{1}{8}$ in, situated 1in behind the side seam and  $8\frac{1}{2}$ in below the shoulder seam.

(viii) Holes in the upper and sole of the left boot. These were not accompanied by corresponding damage to the sock.

<sup>1</sup> D205-D209

**86.389** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Martin said that he had not found “*fragments*” on the rip in the left shoulder of the jacket ((iv) in the list set out above), but “*evidence which suggested a fragment*”, although he then described what he had found as “*minute fragments*”. In the laboratory notes,<sup>2</sup> he had marked an illustration of the rip “*pb +ve particles*”. Dr Martin had marked the polythene bag containing the filter paper used to test this area of the jacket with the following note:<sup>3</sup> “*Entry hole L shoulder Cut in cloth 2 particles of lead*”. In their report,<sup>4</sup> Dr Shepherd and Mr O’Callaghan commented

that Dr Martin appeared to have concluded from the traces of lead found on the rip in the left shoulder of the jacket that this damage had been caused by the entrance of a fragment of a bullet not linked to the fatal injury.

<sup>1</sup> WT9.28

<sup>3</sup> F11.1

<sup>2</sup> D205

<sup>4</sup> E2.52-E2.53

**86.390** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Martin referred to the tear in the left leg of the trousers ((i) in the list set out above) as “*another cut ... which may have suggested another particle, but I could not say*”. In context, it seems that he meant that it might have been caused by another bullet fragment. In their report,<sup>2</sup> Dr Shepherd and Mr O’Callaghan pointed out that in the laboratory notes<sup>3</sup> the tear was illustrated as a right-angled defect. This damage to the left leg of the trousers, which was associated with the abrasion of the left thigh considered by Dr Marshall to be a possible bullet graze, was in the view of Dr Shepherd and Mr O’Callaghan more consistent with contact with a point than with the passage of a bullet.

<sup>1</sup> WT9.18

<sup>3</sup> D207

<sup>2</sup> E2.53

**86.391** In summarising the gunshot wounds described by Dr Marshall in his autopsy report, we referred to the entrance wound in the left buttock as wound (i), to the large laceration in the left side as wound (ii), and to the three smaller lacerations in the left side as wounds (iii) to (v), in order from lowest to highest. In their report, Dr Shepherd and Mr O’Callaghan used different numbering. In order to avoid confusion, we set out the following summary of their conclusions<sup>1</sup> with our numbering substituted for theirs:

“Clearly a bullet entered the left buttock of Kevin McELHINNEY and penetrated the organs of the pelvis. The X-ray of the pelvis shows the point of contact with the flat bone (ilium) of the left side of the pelvis. The bullet entered at an acute angle from right to left (which is supported by the site of the abrasion rim) and was deflected nearly vertically after the contact with the pelvis.

The large oval wound [(ii)] does not have the appearance of a true exit wound, it is clearly a laceration and overlays the fractured left 9th rib. The photographs show a faint darker line joining the top margin of this wound with the bottom of wound [(iii)].

Wound [(ii)] and the lowest damage to the clothing have been caused by the passage of the bullet through the rib, and possibly against the skin, which has stretched the skin and caused it to lacerate but the bullet has not exited through this wound. Instead it has passed 2.5 cm in the subcutaneous tissues before exiting through wound [(iii)].

Wound [(iii)] has the shelved (or abraded) upper margin which is consistent with a bullet exiting upwards.

Wound [(iv)] is a re-entry wound. The small arc of abrasion on the upper front margin is consistent with an entry wound. However the site of this abrasion is not typical for a bullet travelling upwards from wound [(iii)]. Despite this it is our opinion that wound [(iv)] is the re-entry site from wound [(iii)].

There is a dark band connecting wounds [(iv)] and [(v)]. Wound [(v)] has a shelved upper margin which is consistent with a bullet exiting upwards.

The X-rays of the chest show that air (or gas) is present in areas in the soft tissues of the left side of the chest and the left axilla (armpit). This is highly suggestive of the subcutaneous passage of a bullet, but no tracks can be identified on the X-rays.

None of the X-rays show any bullet fragments that would result if the bullet had fragmented after its impact with the rib as suggested by Dr Marshall in his opinion.

The bullet passed upward through the undergarments of the chest leaving the series of holes. After leaving wound [(v)], the bullet did not pass through the jacket or its lining until it exited through the hole near the shoulder.

Dr Marshall formed the opinion that all of the injuries were caused by one bullet and we would concur with that conclusion; we differ only [o]n the behaviour of the bullet at the time of exit and in our opinion that it did not fragment.

Assuming the Normal Anatomical Position it is clear that the track of the bullet was from below upward and from right to left.

The same track could be achieved if Kevin McELHINNEY was bending over or on all fours and the shot was fired from behind and to his right.”

<sup>1</sup> E2.54-E2.55

**86.392** In his oral evidence to this Inquiry,<sup>1</sup> Dr Marshall stood by his interpretation of Kevin McElhinney’s injuries. As to Dr Shepherd’s view that wound (ii) did not have the appearance of a true exit wound, Dr Marshall said that while a textbook might describe an exit wound as a stellate wound with everted margins and no rim of abrasion, there was no such thing as a typical exit wound. He could see no reason why wound (ii) should not be an exit wound. Dr Marshall did not think that the bullet had exited intact through wound (iii), since it had passed through the pelvis and the ninth left rib and would have been unlikely to make such a neat hole. He believed that this wound was caused either by a fragment

of the bullet or a fragment of the rib. Dr Marshall did not accept that wound (iv) was a re-entry wound and pointed out that he had reported a track between wounds (iii) and (iv), which was not consistent with the proposition that the bullet had exited through wound (iii) and re-entered through wound (iv). He thought that wounds (iv) and (v) had also been caused by the exit of a fragment of bullet or rib. Dr Marshall agreed that no bullet fragments were shown in the X-rays. He accepted that if the bullet had fragmented he would expect at least to have found some small fragments in the body, but he said that their absence did not “*entirely rule ... out*” the possibility that the bullet had fragmented.

<sup>1</sup> [Day 207/61-84](#)

**86.393** Dr Marshall’s attention was drawn<sup>1</sup> to a mortuary photograph showing an area of shading on the skin between wounds (ii) and (iii) and an area of reddening between wounds (iv) and (v). He said that he did not know what had caused these marks and that they were not necessarily attributable to the subcutaneous passage of a bullet or fragment. He was asked whether he would have expected to see damage to the surface of the skin if a bullet had passed internally between wounds (iii) and (iv), and said that there was no reason why such damage should have occurred.

<sup>1</sup> [Day 207/132-136](#)

**86.394** Dr Marshall said<sup>1</sup> that although the track of the bullet was not definitive because it might have been deflected on hitting the pelvis, nevertheless the site of the entrance wound and the general course of the bullet through the body suggested that Kevin McElhinney had been bending forwards, kneeling or crawling when he was shot. The bullet was fired from behind Kevin McElhinney, but Dr Marshall did not accept that the rim of abrasion on the margin of the entrance wound showed that the bullet had necessarily come from the right.

<sup>1</sup> [Day 207/102-107](#); [Day 207/130-132](#)

**86.395** Dr Marshall said<sup>1</sup> that he had suggested that the graze on the left thigh might have been caused by a bullet fired from the same weapon as the fatal shot because it was a linear abrasion in the vicinity of the entrance wound and aligned in the right kind of direction. However, he agreed that it was possible that the graze was not caused by a bullet.

<sup>1</sup> [Day 207/84-86](#)

**86.396** In his oral evidence to this Inquiry,<sup>1</sup> Dr Shepherd said that he and Mr O’Callaghan remained of the view that their interpretation of Kevin McElhinney’s wounds was correct and that Dr Marshall’s was wrong. They found it impossible to believe that a bullet could have fragmented in the way proposed by Dr Marshall without leaving any fragments in the body, which would have been visible on the X-rays. They also considered that the appearance of

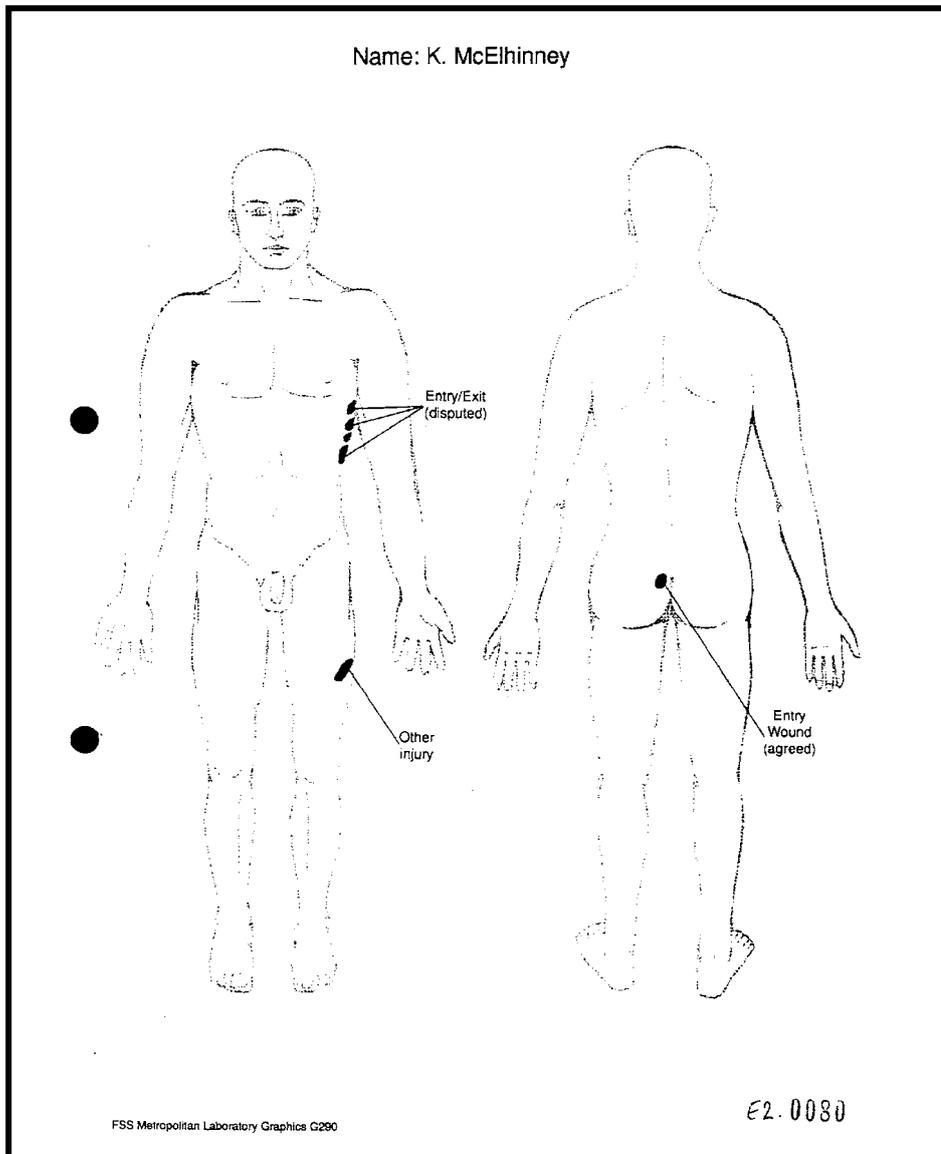
wounds (iii), (iv) and (v) suggested that they had been caused by a round object such as an intact bullet, rather than a fragment of a bullet or bone. Dr Shepherd also maintained his view that the bullet had entered Kevin McElhinney's body from the right.<sup>2</sup>

<sup>1</sup> Day 229/20-24; Day 229/90-92; Day 229/101-102

<sup>2</sup> Day 229/63-64

**86.397** The photographs of Kevin McElhinney's body taken in the mortuary show the wounds described by Dr Marshall. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O'Callaghan<sup>1</sup> illustrates the position of the wounds and of the abrasion of the left thigh.

<sup>1</sup> E2.80



**86.398** As noted above,<sup>1</sup> Dr Marshall thought that an abrasion on Kevin McElhinney's left thigh might have been the result of a bullet that grazed him before he was fatally injured, though Dr Shepherd and Mr O'Callaghan were sceptical about this on the basis of the nature of the damage to the clothing, which Dr Marshall had not considered. In our view it is possible that a bullet grazed Kevin McElhinney before a second bullet caused his fatal injury, since some civilians described bullets striking the ground around him, but we are not certain about this. As to the other suggestions that Kevin McElhinney was struck by more than one bullet, we have concluded that this is unlikely to have happened. In our view, apart possibly from the injury to the left thigh, Kevin McElhinney was struck only by the bullet that caused the fatal injuries. We accept the view of Dr Shepherd and Mr O'Callaghan that this bullet is unlikely to have fragmented. The bullet entered Kevin McElhinney's body from behind him and, though we are not certain about this, probably from his right.

<sup>1</sup> Paragraphs 86.382, 86.385, 86.390 and 86.395

## Tests for firearm discharge and explosives residue

**86.399** Dr Martin tested the jacket that Kevin McElhinney was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Dr Martin detected a density of lead particles on the back of the jacket that he considered to be "*significantly above the range normally encountered*". He also detected lead particles on the swabs from the back and web of the left hand, but none on the swabs from the right hand. He stated in his report the conclusion that the nature and distribution of lead particles on the swabs and jacket was similar to that produced by discharge gases from firearms. However, given his view that the damage to the left shoulder of the jacket suggested that Kevin McElhinney had been hit by a fragment of a bullet, Dr Martin said that it was also possible that the lead particles on the back of the jacket and on the left hand had come from that bullet.<sup>1</sup> Dr Martin also detected lead particles on Kevin McElhinney's trousers<sup>2</sup> but did not comment on these in his report.

<sup>1</sup> D201-D202

<sup>2</sup> D204; D605-D606

**86.400** In his oral evidence to the Widgery Inquiry,<sup>1</sup> Dr Martin said that it would not be safe to interpret his results as showing that Kevin McElhinney or someone close to him had been handling a firearm, in view of the alternative possible explanation of the lead particles as having originated from a fragmented bullet.

<sup>1</sup> WT9.15; WT9.17-WT9.18; WT9.28

**86.401** In his written statement to this Inquiry,<sup>1</sup> Dr Martin confirmed that he had concluded that he could not establish whether Kevin McElhinney had been exposed to firearm discharge residues or to particles from a fragmented bullet.

<sup>1</sup> [D608](#)

**86.402** Dr John Lloyd, the independent scientific expert engaged by this Inquiry, summarised in his report<sup>1</sup> his overall conclusions about the tests for lead particles conducted by Dr Martin. He considered that, in view of the lack of control testing and the likelihood of spurious contamination, Dr Martin's results were of no evidential value.

<sup>1</sup> [E1.51-E1.52](#)

**86.403** In his oral evidence to this Inquiry,<sup>1</sup> Dr Martin accepted that unless there was evidence from other sources to indicate an association between any of the deceased and a weapon, it would be unwise to interpret his findings "*as other than contamination*".

<sup>1</sup> [Day 226/2](#)

**86.404** In the laboratory notes<sup>1</sup> Dr Martin had recorded that he had detected two specks of lead on the left hand of Kevin McElhinney, one large smear on the web of that hand, 11 particles on the jacket, and 25 particles and one "*smudge*" on the trousers. In his oral evidence to the Widgery Inquiry,<sup>2</sup> Dr Martin said that a person operating the bolt of a rifle might acquire a smear of lead on the palm of his hand, but Dr Martin did not attach the same significance to lead smears elsewhere on the hand.

<sup>1</sup> [D203-D205](#)

<sup>2</sup> [WT9.36](#)

**86.405** Dr Lloyd stated in his report<sup>1</sup> that it was the general, but not the invariable, rule that the deposition of firearms discharge residue became weaker as the distance from the point of origin increased. Hence the results in Kevin McElhinney's case could more readily be explained on the assumption that the source of the particles, or at least the majority of the particles, was other than the firing of a gun by the deceased. In his oral evidence to this Inquiry,<sup>2</sup> Dr Martin accepted that this was "*fair reasoning*".

<sup>1</sup> [E1.32-E1.33](#)

<sup>2</sup> [Day 226/82-85](#)

**86.406** Dr Lloyd also observed in his report<sup>1</sup> that the small number of particles found on the left hand could have been transferred from the clothing, and did not constitute acceptable evidence that Kevin McElhinney had used a firearm. In his oral evidence to this Inquiry,<sup>2</sup>

Dr Lloyd confirmed this view. He added that the presence of the particles detected by Dr Martin would be explicable if Kevin McElhinney had been crawling on a surface contaminated by fragmenting bullets.

<sup>1</sup> E1.45-E1.46

<sup>2</sup> Day 227/46-47

**86.407** In these circumstances we are of the view that there is no valid scientific evidence that Kevin McElhinney had been handling firearms or had been close to someone doing so.

**86.408** Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of Kevin McElhinney for explosives residue. None was detected.<sup>1</sup> There is, therefore, no scientific evidence that Kevin McElhinney had been in contact with explosives.

<sup>1</sup> D197

## Kevin McElhinney's clothing

**86.409** Kevin McElhinney was wearing a brown striped suit with a pink shirt under a brown/green round-necked pullover.<sup>1</sup>

<sup>1</sup> D195; D206

## Where Kevin McElhinney was when he was shot

**86.410** There is substantial and convincing evidence that Kevin McElhinney was shot when he was close to the south-western door of Block 1 of the Rossville Flats. We refer to this evidence when considering below<sup>1</sup> what he was doing when he was shot.

<sup>1</sup> Paragraphs 86.414–468

## When Kevin McElhinney was shot

**86.411** Kevin McElhinney was in our view the last person killed by Army gunfire in Sector 3. In their joint NICRA statement,<sup>1</sup> Helen and Margaret Johnston described seeing from a small alleyway three men lying on the rubble barricade, and beside them on his back an elderly man, who appeared to be alive as he was moving his arms. The three men were in our view Michael McDaid, John Young and William Nash; and the elderly man Alexander Nash. Helen and Margaret Johnston recorded that they then saw two boys crawling along the road towards the entrance to Block 1 of the Rossville Flats, one of

whom then appeared to be shot. We have no doubt that this was Kevin McElhinney. There is nothing in this statement that indicates whether or not Alexander Nash had been wounded by this stage.

<sup>1</sup> [AJ11.1](#)

**86.412** In her oral evidence to this Inquiry, Helen Johnston said that as she and her sister Margaret watched from the north-eastern corner of Glenfada Park South she saw Alexander Nash walking to the barricade with a handkerchief and then falling.<sup>1</sup> However, her recollection was that Alexander Nash had come from somewhere further down towards Free Derry Corner, whereas the evidence of Alexander Nash and others, which we accept, was that he walked out from the south-eastern entrance to Glenfada Park North. Since Helen Johnston had said nothing about seeing Alexander Nash walking out to the rubble barricade in her NICRA statement, and since in our view Alexander Nash had come from the entrance to Glenfada Park North, her recollections about where he had come from are to this extent faulty, though we have no doubt that she was doing her best to help us. As will be seen when we discuss the circumstances in which Alexander Nash was wounded,<sup>2</sup> we have concluded that he was wounded some time after he had gone out to the rubble barricade. It is possible, therefore, that Alexander Nash was wounded after Kevin McElhinney had been shot, though we are not sure about this.

<sup>1</sup> [Day 228/33-39](#)

<sup>2</sup> [Paragraph 86.552](#)

**86.413** We should note that Margaret Johnston told us that she did not remember much about making the NICRA statement and that her sister's memory had been better than hers, though she did recall seeing Alexander Nash at the rubble barricade.<sup>1</sup>

<sup>1</sup> [AJ13.5](#)

## **What Kevin McElhinney was doing when he was shot**

**86.414** A number of witnesses gave accounts of seeing Kevin McElhinney as or immediately after he was shot.

## Alex Morrison

**86.415** We have already referred to some of the evidence of this witness when discussing the shooting of Hugh Gilmour and when discussing the prior movements of Kevin McElhinney.<sup>1</sup> He gave this account in his NICRA statement,<sup>2</sup> part of which we have already quoted when discussing the shooting of Hugh Gilmour:<sup>3</sup>

“When the soldiers entered Rossville St I retreated and ran towards the entrance of the High Flats. From there I saw a batch of soldiers getting out of a Saracen opposite. One of these soldiers ran towards a wall at the maisonettes opposite the High Flats – he aimed the rifle at a group of young boys who were standing on the Free Derry Corner side of a barricade of rubble which is directly outside the main doors of the High Flats. These boys had retreated to this point as the army came along Rossville St. I saw one of these boys fall just as a soldier fired from his position at the maisonettes. This was the first boy shot.

Immediately I heard further shots which came from the soldiers and were directed at the other boys at the barricade of rubble. We retreated immediately to the doors of the flats. Kevin McElhinney was running alongside me. We were crouched and running at the same time – making for the main door of the flats. As I entered I heard Kevin – who was now<sup>4</sup> just behind me shout ‘I’m hit ... I’m hit ...’ I dived on in the door and went up the stairs thinking that Kevin was behind me. I realised that no one was behind me so I ran back down and saw Kevin lying dead just inside the door. Others lifted him and took him upstairs. Kevin was beside me for the few moments before he was shot. At no time had a nail bomb, petrol bomb, gun or any other lethal weapon.”

<sup>1</sup> Paragraphs 86.138–140 and 86.373–374

<sup>2</sup> AM429.1

<sup>3</sup> Paragraph 86.138

<sup>4</sup> It is clear from the manuscript that “not” in the typed version was a transcription error for “now”.

**86.416** We have referred above<sup>1</sup> to the fact that Philip Jacobson of the *Sunday Times* Insight Team interviewed Alex Morrison. According to his note,<sup>2</sup> this witness found himself standing next to Kevin McElhinney on the William Street side of the rubble barricade. They both were “*vigorously stoning the army, at extreme range*” and Alex Morrison noticed that Kevin McElhinney had a rubber bullet protruding from his pocket. After dealing with where Alex Morrison said that he had come from, a matter to which we have referred above,<sup>3</sup> the note continued:<sup>4</sup>

“morrison says he saw the paras come in and run from their pigs; he saw a soldier run to the wall of the maisonettes opposite the north end of the flats and aim at a group of youths standing on or just in front of the barricade. morrison says he saw one youth fall – he has no idea who it was – and then, as he and mcelhinney turned to run, there was another burst of shots. He put his head down and ran flat out for the flats door, crossing the barricade on the way; mcelhinney was alongside him at this stage, nearest to the flats wall. “we were both crouched over, you know, to try and make a smaller target.” morrison got ahead of mcelhinney and rushed in through the main flats doors; at that moment he heard mcelhinney shout ‘I’m hit ... I’m hit’. Morrison was by his own admission scared shitless by now and he just dashed ahead up the stairs to the first floor before his panic subsided. ‘I came running down again and there was this body on the first floor just inside the door. he was lifted up and carried upsta[ir]s and at first I didnt recognise it was kevin the face was so white and disturbed (pj; I assume he means distorted). but then they set him down and somebody looking for identification took the rubber bullet out and I then knew it was kevin.’ he recalls seeing a knights of malta man with kevin (pj: jim norris) and thinks there was also a cameraman (mailey, who helped carry kevin upstairs). after that morrison stayed out of sight on the first floor. he is, of course, adam[a]nt that mcelhinney had no gun, nail bomb or other lethal weapon at the time he saw him, though he volunteered the information that kevin ‘was always away stoning’ and had been stoning just before he got it.”

<sup>1</sup> Paragraph 86.374

<sup>2</sup> AM429.2

<sup>3</sup> Paragraph 86.374

<sup>4</sup> AM429.2-3

**86.417** In his evidence to this Inquiry, Alex Morrison said that he only assumed that Kevin McElhinney was behind him. He reached the entrance to the flats, ran upstairs and lay down on a balcony taking cover “*in a state of panic ... for some time*”. He then returned down a flight of stairs and saw Kevin McElhinney’s body on the first floor.<sup>1</sup> He said that it was possible that he had heard Hugh Gilmour and not Kevin McElhinney cry out that he had been hit.<sup>2</sup>

<sup>1</sup> AM429.8; Day 143/136; Day 143/141-142

<sup>2</sup> Day 143/145-148; AM429.9

**86.418** As we have already noted<sup>1</sup> when considering the circumstances in which Hugh Gilmour was shot, it is difficult to place reliance on Alex Morrison’s current belief that it was Hugh Gilmour that he had heard. We have concluded that it is probable that Alex Morrison was just in front of Kevin McElhinney and did hear him (not Hugh Gilmour) call out that he had been hit, as they both made for the entrance to Block 1 of the Rossville Flats.

<sup>1</sup> Paragraph 86.140

## Liam Mailey

**86.419** Liam Mailey, the freelance photographer, gave a NICRA<sup>1</sup> statement,<sup>2</sup> an undated interview to the *Sunday Times*<sup>3</sup> and a written statement for and oral evidence to the Widgery Inquiry. These accounts were consistent with one another. In his accounts to the Widgery Inquiry he said that after he had taken the photograph showing Fr Bradley walking away from the group surrounding the body of Michael Kelly along the south end of the eastern block of Glenfada Park North (which we have shown above)<sup>4</sup> he stepped back into the southern lobby of Block 1 of the Rossville Flats as people ran into that area. Patrick O’Hagan was standing in front of him. Liam Mailey gave an account of seeing “*at least four people*” run into the entrance before a fifth or sixth person collapsed face first through the door. He later learned that this was Kevin McElhinney. Liam Mailey also said that he saw what he assumed was the same bullet as hit Kevin McElhinney strike and splinter a doorpost. He thought that it then ricocheted and grazed Patrick O’Hagan on the ankle. Liam Mailey said that Kevin McElhinney had no weapon of any description. Patrick O’Hagan had told him that he had seen Kevin McElhinney approaching the door in a crawling or crouched position.<sup>5</sup>

<sup>1</sup> The typeface and layout of this document have the appearance of a transcript of a Keville interview, which it may be, but there is no interview of Liam Mailey on the surviving Keville tapes.

<sup>2</sup> M50.60

<sup>3</sup> M50.50-54

<sup>4</sup> Paragraphs 86.209 and 86.341

<sup>5</sup> M50.58; WT7.33; WT7.39; WT7.47

**86.420** In his evidence to this Inquiry, Liam Mailey said that as he walked down the stairs towards the entrance of Block 1 he saw a man fall through the doorway, and a piece of wood splinter from the doorpost. He presumed that the same bullet had hit the man and the doorpost, although he accepted that he might have been wrong about this. It was his belief that the man had either been shot at the moment that he saw him, or very shortly before. From material that he had seen and heard after the event, he believed that this man was Kevin McElhinney.<sup>1</sup> In his oral evidence<sup>2</sup> he said that Kevin McElhinney was “*very close to ... or possibly on the ground*” when he saw him fall through the door.

Hence Kevin McElhinney may not have been falling from his full standing height. He said that he could no longer recall who Patrick O'Hagan was, and did not recall him being hit by a ricochet.<sup>3</sup>

<sup>1</sup> M50.4-5; Day 163/127-129

<sup>3</sup> Day 163/148-149

<sup>2</sup> Day 163/125-126

## Patrick O'Hagan

**86.421** In his NICRA statement,<sup>1</sup> Patrick O'Hagan recorded that he was in the doorway of the Rossville Flats at a time when six people crawled towards this area, under fire from the Army. The first five reached cover, but the sixth man was shot, was pulled into the flats, possibly by the person who preceded him, and was attended by a first aid man. Patrick O'Hagan described the youth as about 15 years old and unarmed.

<sup>1</sup> AO44.1

**86.422** In his handwritten statement dated 22nd February 1972,<sup>1</sup> Patrick O'Hagan gave a consistent account, adding that the youths had been "*trapped*" at the rubble barricade by Army gunfire before they began crawling to the flats. Patrick O'Hagan here said that the youth who was shot had "*collapsed partially around the open door*". He had seen him several times during his crawl and was sure that he was not armed.

<sup>1</sup> AO44.12-13

**86.423** Patrick O'Hagan did not mention seeing the door splinter, or being grazed by a ricochet, in either of these statements.

**86.424** In his written statement to this Inquiry, Patrick O'Hagan said that he only saw two boys crawling towards the flats, both unarmed as far as he could tell. The second one stood up and made a run for the doorway, which he reached safely. Patrick O'Hagan then became aware that the other youth had stopped crawling. A couple of people moved from the doorway and dragged him in. Patrick O'Hagan recalled that the youth was alive when he left the scene. Patrick O'Hagan again did not mention being struck by a ricochet, but did say that he saw the door splinter, although he thought that this occurred as he ran to the doorway himself, before seeing any casualties. He told us that he believed that his statement dated 22nd February 1972 was more accurate than his other accounts.<sup>1</sup> He emphasised that his current recollection was very uncertain and unreliable. Patrick O'Hagan did not give oral evidence.

<sup>1</sup> AO44.5-7

## James Norris

**86.425** James Norris was an Order of Malta Ambulance Corps volunteer who was in the Rossville Flats treating Hugh Hegarty, who had been hit by a gas canister in William Street, when firing began. In his report to the Order of Malta Ambulance Corps, he stated that he left the flat to find another first aid volunteer or a doctor to assist, and after brushing past numerous people who were taking cover he began to descend the stairs. As he did so, he was told that someone had been shot “*around the corner from the flats doorway*”. When James Norris reached the bottom stair, he “*saw a cameraman and just at that a boy aged between 16–20 years fell in the doorway*”. This youth was bleeding profusely and one of his legs was shaking violently.<sup>1</sup>

<sup>1</sup> AN20.18-19

**86.426** James Norris made another written statement, which contains a broadly consistent account, which he told us that he probably wrote “*within days*” of Bloody Sunday.<sup>1</sup> In that account he said that he was told about a casualty “*just at the door of the flats*” and ran down the stairs in time to see a youth fall in the doorway. He noted that one of the youth’s legs shook violently.<sup>2</sup>

<sup>1</sup> Day 147/133

<sup>2</sup> AN20.25

**86.427** In his evidence to this Inquiry, James Norris said that he did not recall being told that a man had been shot, and said that the lobby was deserted when the doors were “*flung open and a fella crashed through the doors as if he was in full flight*”. He thought that “*he must have been shot as he came through the doors as he seemed to collapse*”. James Norris caught him and lowered him to the ground. The youth was, he thought, wearing a green suit and white shirt with no pullover, and was bleeding from his left side. James Norris said that Liam Mailey (whose account of this incident he did not accept) joined him at some point after the entry of the youth into the lobby.<sup>1</sup> James Norris said that his recollection was that he only treated one person who came through the doors of the Rossville Flats. He did not accept the suggestion that he might have treated one casualty at the door, and one further up the stairs.<sup>2</sup>

<sup>1</sup> AN20.3-4; Day 147/94-101

<sup>2</sup> Day 147/136-137

**86.428** We took the view that where his account to us differed from his 1972 accounts, it would be wise to rely upon the latter rather than the former.

## Gerard Grieve

**86.429** Gerard Grieve said in his Keville interview<sup>1</sup> that he had been one of about a dozen youths who had been standing at the rubble barricade. After they heard some shooting seven of them ran away. Gerard Grieve was the fourth of these to reach the southern entrance to the Rossville Flats. He then heard another shot. Kevin McElhinney fell and Gerard Grieve saw him “*creeping into the doorway*”. Gerard Grieve went to help him, and four further shots rang out and hit the door. Gerard Grieve then pulled Kevin McElhinney into the doorway. Gerard Grieve said that Kevin McElhinney had nothing in his hands.

<sup>1</sup> [X2.34.45](#)

**86.430** In his evidence to this Inquiry, Gerard Grieve said that before this incident he had run through the Rossville Flats car park, where he had seen Fr Daly attending to Jackie Duddy. Gerard Grieve had gained access to Block 1 of the Rossville Flats after a man in the crowd had kicked in a panel in a locked door. He had walked to the barricade when “*we were sure that the shooting had stopped*”. A group of around 12 to 15 people stood at the barricade for a couple of minutes (without throwing stones) until a burst of fire led to Gerard Grieve and the four or five people immediately next to him diving to the ground. During a lull in the firing a number of these people ran in a crouched posture to the south-western entrance of Block 1. As his turn came, Gerard Grieve saw a soldier at the Kells Walk walls (the third in from Rossville Street), described in his oral evidence as the second soldier with his visor up in the following photograph taken by Jeffrey Morris, aim at him.<sup>1</sup>

<sup>1</sup> [AG55.4-6; Day 147/21-23](#)



**86.431** Gerard Grieve told us that he reached the doorway before the soldier could fire.<sup>1</sup> He said that he ran inside the foyer of Block 1, and from there heard a thud and a man calling that he had been shot. Gerard Grieve could not see this person because the door was in the way. However, he had been aware of someone behind him as he ran. After taking cover for a few seconds, Gerard Grieve went to the doorway and saw a young man crawling towards him. Gerard Grieve pulled him into the flats from the cover of the doorway, and as he did so he heard more shots ring out, one of which hit the doorway. He later learned that the injured man was Kevin McElhinney, and that he died of his injuries. Gerard Grieve said that this man had been using his hands to crawl, and had been carrying nothing in them.<sup>2</sup>

<sup>1</sup> AG55.6; Day 147/23-24

<sup>2</sup> AG55.6; Day 147/24-28; Day 147/31

## John Patrick Friel

**86.432** In an undated statement made in 1972,<sup>1</sup> John Patrick Friel recorded that as he reached the ground floor having run down the stairs at the (south) end of Block 1 of the Rossville Flats he “*saw someone’s body falling in the front door of the flats. People dragged the person who was bleeding into the flats and carried him up the stairs.*” He described how a priest had asked him to search the dead boy’s clothing for identification, but said that he found only a rubber bullet in the left-hand pocket of the boy’s jacket, though he later learned that the casualty was Kevin McElhinney.

<sup>1</sup> AF32.14-16

**86.433** In his evidence to this Inquiry, John Patrick Friel could only state that when he first saw this casualty his “*shoulders were inside the door and the rest of his body was outside*”. He was not sure whether the casualty had fallen in this position, or had been dragged there.<sup>1</sup>

<sup>1</sup> AF32.5; Day 118/142-143

## Fr Terence O’Keeffe

**86.434** Fr O’Keeffe has given consistent accounts of how, after he had seen the bodies on the rubble barricade, he saw a youth dragging himself towards the south-western entrance to the Rossville Flats. Fr O’Keeffe formed the impression from the manner of the youth’s movement (ie crawling more on his side and back than his front) that this man had been injured in the leg. The youth had nearly made it to the doorway when he hauled himself up – possibly on the first of the poles that supported the porch roof – in order to get over

the step. At this point his body jerked and Fr O’Keeffe assumed that a bullet had hit him. The youth subsequently made his way, or was dragged, through the doors of the flats.<sup>1</sup> Fr O’Keeffe saw no-one around this youth at the time that he was shot.<sup>2</sup>

<sup>1</sup> WT5.8-9; WT5.18-19; H21.38; H21.47

<sup>2</sup> WT5.18; H21.47; Day 127/117-118

**86.435** In his oral evidence to the Widgery Inquiry, Fr O’Keeffe said that he did not see the man dragging anything with his feet. Although he could only see one hand when the man was crawling, he did not see him drop anything when he hauled himself up and hence he deduced that he had not been carrying anything with his hands either.<sup>1</sup>

<sup>1</sup> WT5.19

**86.436** In his written statement to this Inquiry, Fr O’Keeffe told us that the youth lay still after he had been shot, and he had to be dragged into the flats.<sup>1</sup> However, in his written statement for and oral evidence to the Widgery Inquiry he seemed to imply that the youth was able to scramble into the flats of his own accord.<sup>2</sup> In his interview with Philip Jacobson of the *Sunday Times* Insight Team, Fr O’Keeffe is recorded as saying that the youth “*half-fell*” through the doorway.<sup>3</sup>

<sup>1</sup> H21.47

<sup>3</sup> H21.38

<sup>2</sup> H21.22; WT5.18-19

**86.437** In his oral evidence to this Inquiry, Fr O’Keeffe said that the manner in which the youth was dragging himself across the ground would have made it very difficult for him to have been carrying anything.<sup>1</sup>

<sup>1</sup> Day 127/117-118

## Helen and Margaret Johnston

**86.438** We have referred above<sup>1</sup> to the evidence of these witnesses. According to a joint NICRA statement that she made with her sister Margaret,<sup>2</sup> Helen Johnston was at the south end of the eastern block of Glenfada Park North. She recorded in that statement and in her written statement to this Inquiry<sup>3</sup> that she saw two youths crawling towards the south-western entrance to Block 1 of the Rossville Flats. As the first youth made it to the doorway she saw the second youth’s body jerk as if he had been shot. In her evidence to this Inquiry she said that she saw this youth jerk twice, once at a point between the rubble

barricade and the doorway, and again when he was at the doorway. People who were taking cover at the doorway subsequently pulled this youth into the flats. Helen Johnston also told this Inquiry that she did not believe that either youth was carrying a weapon.

<sup>1</sup> Paragraphs 86.328–330 and 86.411–413

<sup>3</sup> AJ11.3-4

<sup>2</sup> AJ11.1

**86.439** In her oral evidence to this Inquiry, Helen Johnston said that she believed that the youths may have been coming from the rubble barricade, and that they were crawling on their stomachs.<sup>1</sup> Margaret Johnston told us in her written statement to this Inquiry that she did not see this incident, although her sister told her about it afterwards.<sup>2</sup>

<sup>1</sup> Day 228/41-43

<sup>2</sup> AJ13.5

## Peter Lancaster

**86.440** According to his written statement to this Inquiry, Peter Lancaster had taken cover beneath some stairs at the north-eastern corner of Glenfada Park South. He told us that he saw two men crawling south along the wall of Block 1 of the Rossville Flats towards the entrance to the building. The first managed to reach the entrance, but the second was shot about three yards short. Peter Lancaster saw the man's body jerk, but the man still managed to crawl a little further and was then helped through the doorway. Peter Lancaster described the man as crawling on his stomach using only his hands and feet, as he did not want to raise himself from the ground. He could see that the man who was shot had nothing in his hands.<sup>1</sup>

<sup>1</sup> AL4.4

**86.441** In an undated statement made in 1972,<sup>1</sup> Peter Lancaster gave an account that was broadly consistent with his evidence to us, but implied that the second man began to crawl just after the first man had reached the doorway, having previously been "*hugging the ground for cover*". He also referred to the second man being hit in the back or the lower region of his body, and to seeing a second shot splinter the doorway of the flats. Peter Lancaster said that the first youth was responsible for dragging the second into the building and said in terms that the second youth was unarmed.

<sup>1</sup> AL4.9

**86.442** Peter Lancaster did not give oral evidence.

## Barry Liddy

**86.443** In his Keville interview<sup>1</sup> and in his undated statement made in 1972,<sup>2</sup> Barry Liddy said that after he had seen Michael Kelly and other casualties at the rubble barricade he saw another youth, on the far (ie eastern) side of the road, apparently with a leg injury. Barry Liddy and others urged him to remain under the limited cover of the barricade. The youth either did not hear, or ignored, this advice and began to crawl towards the southern entrance to the Rossville Flats as the soldiers continued to fire towards him. Barry Liddy recorded in his undated statement that although he saw the youth reach cover he later learned that he had been shot dead. Barry Liddy did not in either account give a specific description of observing the moment when the youth was shot.

<sup>1</sup> AL13.14-16

<sup>2</sup> AL13.3-6

**86.444** In his interview with Paul Mahon,<sup>1</sup> Barry Liddy said that he recalled seeing two youths on the eastern side of Rossville Street by the barricade. People in the doorway encouraged them to move towards the entrance to Block 1. The first youth began to move in this direction while the other watched from the barricade. The crawling youth was shot from behind about halfway between the barricade and the flats. Barry Liddy saw his jacket jump. The youth cried out and ceased moving.

<sup>1</sup> X4.49.39-45

**86.445** Barry Liddy died in 1998 and did not give evidence to this Inquiry.

## Patrick Joseph Norris

**86.446** In his Keville interview Patrick Joseph Norris said that he saw one shot pass a youth crawling along Rossville Street and hit a door. The next bullet hit the youth. Patrick Joseph Norris thought that the youth had died. The youth was not armed with "*petrol bombs, acid, not even stones*".<sup>1</sup>

<sup>1</sup> AN24.20

**86.447** Patrick Joseph Norris told us in his written statement to this Inquiry that from a position at the south end of the eastern block of Glenfada Park North he saw Kevin McElhinney shot as he crawled on his own towards the doorway of Block 1 of the Rossville Flats. Patrick Joseph Norris then saw people coming from the doorway of Block 1 to pull him into the building.<sup>1</sup> Patrick Joseph Norris said in his oral evidence that what he had said in his Keville interview was in accordance with his present recollection.<sup>2</sup>

<sup>1</sup> AN24.4

<sup>2</sup> Day 167/136

## Margaret Healy

**86.448** In her NICRA statement<sup>1</sup> Margaret Healy recorded that she took refuge in a house in Glenfada Park. She then gave the following account:

“Looking out of the window of the flat where I was taking refuge, I saw a soldier in a kneeling position. He was approached by another soldier who seemed to be in a position of authority and his attention was drawn to a young boy who was crawling along the ground. The soldier who had been kneeling rose to his feet, took aim at the boy and pulled the trigger. I saw a red flash spurting from his rifle. The boy stopped moving and someone from the flats pulled him into the doorway. The soldier who fired the shot followed the instructions given him by the other soldier and fired at targets as he was told.”

<sup>1</sup> AH51.8

**86.449** Margaret Healy told us in her written statement to this Inquiry that as she looked out of the window of a flat at the northern end of Glenfada Park North she saw two soldiers at the northern gable of Block 1 of the Rossville Flats. One, who was standing up, smoking a cigarette and holding a baton, appeared to draw the attention of a kneeling soldier to the south end of the block. The kneeling soldier then rose, aimed his weapon and fired at a young man who was crawling towards the entrance to Block 1. Margaret Healy told us she saw the muzzle flash. The young man’s body jerked. Margaret Healy briefly covered her eyes, and when she opened them again she saw the young man being pulled into the entrance to Block 1. The young man was crawling with his palms flat to the ground and hence could not have been carrying anything. At the time of this incident a lot of people were trying to gain access through this doorway, but Margaret Healy did not mention any other youths crawling in that direction.<sup>1</sup>

<sup>1</sup> AH51.3-4; AH51.7

**86.450** Margaret Healy is dead and did not give oral evidence to this Inquiry. We have considered the account that she gave to Paul Mahon.<sup>1</sup> We are left in doubt as to whether she was seeking in her various accounts to describe the shooting of Hugh Gilmour or Kevin McElhinney, and concluded that it would be unwise to place reliance on her accounts.

<sup>1</sup> X4.14.12-X4.14.17; X4.14.31-X4.14.32; X4.14.34

## Robert Devine

**86.451** In his written statement to this Inquiry, Robert Devine told us that he was sheltering under the pram-ramp of Glenfada Park South. He appears to have seen Kevin McElhinney just after he had been shot. Robert Devine referred only to seeing one man crawling in this area, and told us that a number of people moved from the doorway in order to drag him in.<sup>1</sup> Robert Devine did not give oral evidence to this Inquiry.

<sup>1</sup> [AD42.3](#)

## Paul Coyle

**86.452** In his evidence to this Inquiry,<sup>1</sup> Paul Coyle said that he saw a man crawling along the pavement beneath the western wall of Block 1 of the Rossville Flats, at a point between the rubble barricade and the entrance to the flats. The man was unarmed and was crawling on his front. Paul Coyle saw him stop moving, but could not state categorically that he had been shot. He later learned that it could have been Kevin McElhinney. In an interview with Tony Stark of Praxis Films Ltd,<sup>2</sup> Paul Coyle said that he saw two people crawling in that direction. He said in his oral evidence to this Inquiry<sup>3</sup> that he had a vague recollection of this, but could not recall any further detail.

<sup>1</sup> [AC105.7](#); [Day 152/69-70](#)

<sup>3</sup> [Day 152/70-71](#)

<sup>2</sup> [O5.16](#)

## Fergus McAteer

**86.453** Fergus McAteer made a statement in 1972<sup>1</sup> in which he described being with his brother Eamon and looking across from the south end of the eastern block of Glenfada Park North after learning of three people who had been shot and were lying on the rubble barricade. This statement continued:

“To my left I looked across Rossville Street and saw, a few feet from the door of the High Flats, a man lying on the footpath. He had been shot in either the right side or leg. He was bleeding. He dragged himself inside the door of the flats. I could see no weapon or gun of any description on the footpath where he had been.”

<sup>1</sup> [AM42.1](#)

**86.454** Fergus McAteer gave consistent accounts in his written and oral evidence to this Inquiry.<sup>1</sup>

<sup>1</sup> [AM42.8-9](#); [Day 168/35-56](#)

## Eamon McAteer

**86.455** This witness is the brother of Fergus McAteer. He told us that he also saw a man crawling close to the wall of the western side of Block 1 of the Rossville Flats, who he was sure was being shot at as he could see chips and bullets coming off the pavement around him. *“I was sure that he was being shot at. It was heart rending to see. I do not know whether he remained there or what happened to him.”*<sup>1</sup> In his oral evidence to this Inquiry, Eamon McAteer said that the reason he did not notice what happened to the man was that his attention was drawn to people running away across Glenfada Park North. He also said that he would have noticed if the man had had a rifle with him and would have recorded this in his statement if he had done so.<sup>2</sup>

<sup>1</sup> AM41.4

<sup>2</sup> Day 135/15-17

**86.456** Eamon McAteer also made a statement in 1972, but recorded nothing about seeing a crawling man in that statement.<sup>1</sup> This may have been because he did not know what had happened to the crawling man.

<sup>1</sup> AM41.33

**86.457** It is our view that the person Fergus and Eamon McAteer described was Kevin McElhinney, though as we have explained above,<sup>1</sup> he was shot in the left buttock, not in the leg.

<sup>1</sup> Paragraphs 86.375–398

## Other witnesses

**86.458** We have considered the evidence of Sean O’Neill,<sup>1</sup> Christopher James Doherty,<sup>2</sup> Eugene Bradley<sup>3</sup> and Charlie Downey,<sup>4</sup> but in our view it provides little assistance on the matter under discussion. Sean O’Neill claimed to have seen Kevin McElhinney running with a group of people including Hugh Gilmour, who was clutching his stomach and who shouted *“I’m hit”*. In our view this is a false memory, as Kevin McElhinney was not shot at the same time as Hugh Gilmour. Christopher James Doherty described seeing a man he thought was shot in the leg crawling on his back and then going into the entrance to Block 1 of the Rossville Flats. It is possible that this was Kevin McElhinney, but there is no other evidence to suggest that this casualty was at any stage on his back. In our view this detail is a false memory. Eugene Bradley described seeing a man being shot in the front or side as the man was crawling backwards along Rossville Street facing north, almost in a sitting position. Eugene Bradley made no statement in 1972 and in our view, though he may have seen Kevin McElhinney, his recollection of the manner in which the man was

crawling is again a false memory. No other witness gave a similar description and Kevin McElhinney was, as we have already explained,<sup>5</sup> shot in the left buttock and could not have been so wounded while facing north. Charlie Downey saw Kevin McElhinney only when the latter was lying inside Block 1 of the Rossville Flats after he had been shot.

<sup>1</sup> AO65.9

<sup>4</sup> AD133.5

<sup>2</sup> AD58.1; AD58.7-8; AD58.12

<sup>5</sup> Paragraphs 86.375–398

<sup>3</sup> AB113.2; Day 169/165

## Consideration of the foregoing evidence

**86.459** There are inconsistencies between the various accounts that we have considered above.<sup>1</sup> However, in our view many of the inconsistencies in the civilian evidence are attributable to understandable errors in observation or recollection of frightening events taking place in rapid succession. Notwithstanding these inconsistencies, we have concluded that it is possible to draw three firm conclusions from the civilian evidence viewed as a whole.

<sup>1</sup> Paragraphs 86.415–458

**86.460** In the first place, we are sure that Kevin McElhinney was shot when he was crawling or moving in a crouched position in a southerly direction from the area of the rubble barricade and when he had come close to the entrance to Block 1 of the Rossville Flats. The evidence of the eyewitnesses that he was moving in this manner is in our view supported by the medical and scientific evidence.

**86.461** In the second place, we are sure that Kevin McElhinney was posing no threat to soldiers when he was shot. He was simply trying to crawl to safety. In our view he is likely to have been throwing stones towards the soldiers, but this activity was posing no serious threat and had ceased by the time he was seeking to escape and was shot. We are also sure that Kevin McElhinney did not have a rifle or any other form of weapon with or near him when he was shot. There is nothing in the civilian evidence to suggest that he had anything with him that could have been mistaken for a rifle. Indeed, as will have been seen, a number of civilian witnesses were sure that he had nothing with him at all.

**86.462** In the third place, we have, when considering the events of Sector 2 earlier in this report<sup>1</sup> considered and rejected the submission made on behalf of many of the soldiers<sup>2</sup> (based on descriptions of a casualty given by civilians that were said not to match Kevin McElhinney) that apart from Kevin McElhinney, there was another, unidentified, casualty who was shot and taken into Block 1 of the Rossville Flats. As we describe elsewhere in this report,<sup>3</sup> Kevin McElhinney was carried from Block 1 of the Rossville Flats, put into an ambulance and taken to Altnagelvin Hospital. Although they were walking wounded,

witnesses may well have seen Patrick Brolly and Hugh Hegarty being escorted out of Block 1 of the Rossville Flats. We have found nothing to suggest that any witness saw or might have seen any other casualty taken from Block 1 of the Rossville Flats. For reasons that we have already given,<sup>4</sup> we reject any suggestion that witnesses may have seen other casualties but somehow knew or had been told that no mention should be made of them.

<sup>1</sup> Paragraphs 60.9–49

<sup>3</sup> Paragraphs 124.13–20

<sup>2</sup> FS7.1768-1770; FS8.1394-1401

<sup>4</sup> Paragraph 60.46

- 86.463** Some witnesses referred to seeing a body being dragged into the Rossville Flats (eg Gerard Grieve, Patrick O’Hagan, Helen Johnston, Peter Lancaster, Patrick Joseph Norris, Margaret Healy and Robert Devine), whereas others described a youth falling or crashing through the doors (eg Liam Mailey and James Norris). In our view it is probable that people did help Kevin McElhinney through the door.
- 86.464** Some witnesses saw only one person moving from the barricade to the Rossville Flats (eg Fr O’Keeffe, Patrick Joseph Norris, Margaret Healy and Robert Devine), whereas others (eg Helen Johnston and Peter Lancaster) saw two. The evidence of the latter is in that respect consistent with the evidence of soldiers (considered earlier in this report<sup>1</sup>) of seeing two crawling men.
- <sup>1</sup> Chapter 84
- 86.465** Gerard Grieve, Patrick O’Hagan and Liam Mailey have all given evidence at some point that up to five people had run into the flats before the person who was shot. In our view this was probably the case.
- 86.466** There are some suggestions that Kevin McElhinney was shot twice. Fr O’Keeffe and Barry Liddy both thought that when they first saw the youth crawling towards the Rossville Flats door he was already injured in his leg. Helen Johnston saw the youth jerk twice, once when he was between the rubble barricade and the doorway, and the second time when he was at the entrance to the flats. Peter Lancaster also saw the youth jerk. If he jerked, it does not necessarily follow that he had been shot. However, as we have noted above,<sup>1</sup> the possibility exists that a bullet caused the abrasion on Kevin McElhinney’s left thigh.
- <sup>1</sup> Paragraph 86.398
- 86.467** Some witnesses (eg Gerard Grieve and Peter Lancaster) have said that after the casualty fell through the door a further shot or shots struck and splintered the doorpost at the entrance to the flats. Liam Mailey initially believed that this damage was done by the

same shot as struck Kevin McElhinney, but accepted in his evidence to this Inquiry that this may have been a false assumption. Patrick Joseph Norris said that the shot had hit the door shortly before the crawling youth was hit. As noted above,<sup>1</sup> other witnesses described a number of shots being fired at about the time Kevin McElhinney was shot. We have concluded that a shot probably did hit the door, though we are not certain whether or not this happened before, or as, Kevin McElhinney reached Block 1.

<sup>1</sup> Paragraphs 86.421–424, 86.443–447 and 86.455–457

**86.468** We return later in this report<sup>1</sup> to the question as to whether the soldier or soldiers who fired at Kevin McElhinney did so in the mistaken belief that he was carrying a firearm and that, although he was crawling away, he would use the weapon once he had reached a position of cover.

<sup>1</sup> Paragraphs 89.52–71

## Where Kevin McElhinney was taken after he was shot

**86.469** As we have already noted,<sup>1</sup> Kevin McElhinney was carried from Block 1 of the Rossville Flats to an ambulance. We describe elsewhere in this report<sup>2</sup> the circumstances in which this happened. The following photographs<sup>1</sup> respectively show Kevin McElhinney lying in Block 1 before he was taken to the ambulance, and being carried from Block 1 to the ambulance.<sup>3</sup>

<sup>1</sup> Paragraph 86.462

<sup>2</sup> Paragraphs 124.13–20

<sup>3</sup> Although Fulvio Grimaldi told us that he took the first of these photographs (Day 131/71) we are not certain about this, as it did not appear in the set of his photographs submitted to the Widgery Inquiry. The photograph appeared in his book *Blood in the Street* but he may have acquired it from someone else. The second photograph was taken by James Dakin of the *Daily Express*.





## Alexander Nash

### Biographical details

**86.470** Alexander Nash was 52 years old at the time of Bloody Sunday. He lived in Dunree Gardens, Creggan, with his wife and ten of his 13 children. One of his sons had been married on the day before Bloody Sunday and the celebrations had continued late into the night. Alexander Nash's wife had missed the wedding, as she had suffered a heart attack a few days earlier and was recovering in Altnagelvin Hospital. Alexander Nash was an unemployed painter.<sup>1</sup> He died on 25th January 1999 before he had given any evidence to this Inquiry.

<sup>1</sup> [AL34.1](#); [AN1.10](#); [AN1.14](#); [AN1.16](#); [AN6.1](#); [AN7.1](#); [WT8.2](#); [Day 149/59-60](#)

### Prior movements

**86.471** In his statement to the RUC,<sup>1</sup> Alexander Nash said that he left home at 11.00am and went to a public house, where he drank "*about seven or eight stout and two whiskeys*". At about 2.15pm he left and took a taxi with a friend to the cemetery. He walked through the cemetery and joined the march near its front.

<sup>1</sup> [ED33.6](#)

**86.472** Alexander Nash gave broadly consistent accounts of his subsequent movements in his statement to the RUC,<sup>1</sup> in a statement witnessed by Eamonn Deane found in the collection held by the Irish Government,<sup>2</sup> and in his written statement for the Widgery Inquiry,<sup>3</sup> which is a re-typed copy of a statement taken by the solicitors who acted for the surviving casualties in that Inquiry.<sup>4</sup> He stated that he followed the march down William Street. At the junction with Chamberlain Street, he met his son John (Columba), who said that another of his sons, Alan, had returned from England to see his mother, and was at the Rossville Flats. Alexander Nash walked with his son John down Chamberlain Street to the car park of the Rossville Flats. He went out of the car park into the area around the shops (on the south side of Block 2 of the Rossville Flats) and then crossed Rossville Street into Glenfada Park.

<sup>1</sup> ED33.6

<sup>3</sup> AN1.10

<sup>2</sup> AN1.14

<sup>4</sup> AN1.16

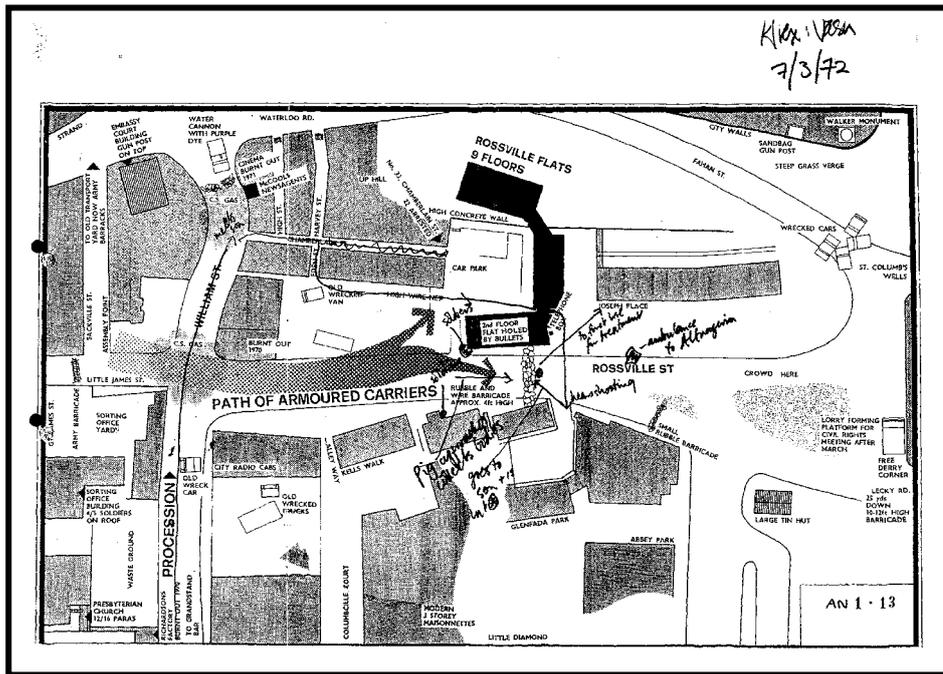
**86.473** In his statement to the RUC, and in his statement witnessed by Eamonn Deane,<sup>1</sup> Alexander Nash recorded that he waited for ten or 12 minutes in the area of the Rossville Flats while one of his sons, John, looked for another of his sons, Alan, but that he then became fed up with waiting and moved across Rossville Street, across the rubble barricade and “*over near Glenfada Park*”. He then moved to the rubble barricade. He did not refer to waiting in the area of the Rossville Flats in his written statement for the Widgery Inquiry.<sup>2</sup>

<sup>1</sup> AN1.14

<sup>2</sup> AN1.10

**86.474** An annotated *Sunday Times* plan,<sup>1</sup> which is dated 7th March 1972 and which, although it is not accompanied by any interview notes, appears to be an illustration of an account given by Alexander Nash on that date, indicates that instead of walking all the way down Chamberlain Street to reach the car park of the Rossville Flats, Alexander Nash walked on to the waste ground at Eden Place and then walked down the back of the houses on the western side of Chamberlain Street. The plan also indicates that he left the car park through the passage between Blocks 1 and 2 of the Rossville Flats.

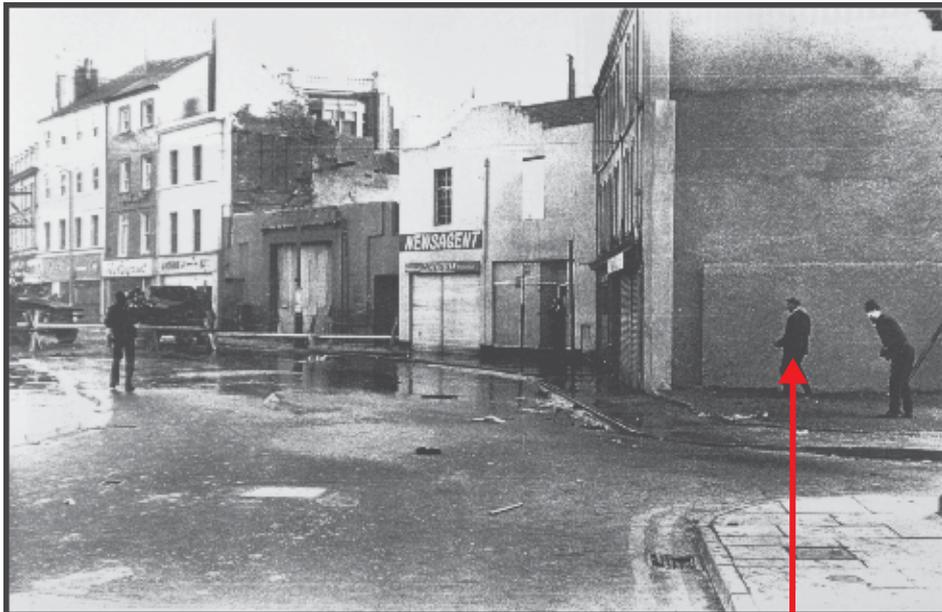
<sup>1</sup> AN1.13



- 86.475 In his written statement to this Inquiry,<sup>1</sup> John Nash confirmed that he met his father at the corner of Chamberlain Street and William Street. It was his evidence that his father told him that his brother Alan had returned from England (rather than that he told his father). His father told him to go to the Rossville Flats, which he did, but he could not remember whether his father had come with him.

<sup>1</sup> AN6.2

- 86.476 Fulvio Grimaldi's photograph appears to show Alexander Nash standing on his own on the eastern side of Chamberlain Street near the junction with William Street at a time when the water cannon had been used and the area immediately in front of Barrier 14 was almost empty. On the basis of his accounts and the *Sunday Times* map, we are of the view that Alexander Nash left this area and went through the gap between Blocks 1 and 2 of the Rossville Flats and then across Rossville Street to the entrance to Glenfada Park North, from where he then went to the rubble barricade.



Alexander Nash

## Medical and scientific evidence

**86.477** Mr HM Bennett, a consultant surgeon at Altnagelvin Hospital, described the injury to Alexander Nash's left arm in a letter to the RUC dated 7th February 1972.<sup>1</sup> He reported that the wound was "*through and through passing from right to left*". He considered that it had probably been caused by a low velocity projectile because there was relatively little muscle destruction. Mr Bennett also noted that there was a graze on the left side of the chest, "*?? from rubber bullet*". He gave no reason for his view that the graze might have been caused by a baton round. Mr Bennett described Alexander Nash's injuries as relatively minor.

<sup>1</sup> ED33.5

**86.478** Dr Shepherd and Mr O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, reviewed the medical records relating to the injuries sustained by those who received non-fatal gunshot wounds on Bloody Sunday. In their report on these cases,<sup>1</sup> Dr Shepherd and Mr O'Callaghan made the following comments about Alexander Nash's injuries:

“[Alexander] Nash had a through and through wound of the left forearm. This was described by Mr Bennett in a letter to the RUC dated 7th February as passing from ‘right to left’, he also notes that the ‘relatively little muscle destruction’ indicates that the wound was ‘probably a low rather than a high velocity missile’. On the evidence available no comment can be made concerning the nature of the projectile.

In addition to the bullet wound of the left arm there was a graze of the left chest (or ‘left abdomen’ in the casualty notes), which may have been associated with the passage of the projectile through the left arm or it may have been due to a different projectile. Mr Bennett suggests that it may have been due to a plastic bullet but in the absence of any specific wound descriptions it is not possible to determine how he came to this conclusion.”

<sup>1</sup> [E10.8](#)

**86.479** In written answers to questions submitted by the representatives of the family of Alexander Nash,<sup>1</sup> Dr Shepherd and Mr O’Callaghan said that it was not possible to distinguish reliably between wounds caused by low velocity bullets and those caused by high velocity bullets in cases where the bullet had passed through only a few centimetres of tissue. The wound profile caused by a 7.62mm L2A2 bullet was well established. The first 10cm or so of the wound track showed little if any cavitation and minimal tissue destruction. The wound to Alexander Nash’s left arm could therefore have been caused either by a 7.62mm bullet or by a low velocity bullet. Dr Shepherd confirmed this view in his oral evidence to this Inquiry.<sup>2</sup>

<sup>1</sup> [E18.1.8-E18.1.10](#)

<sup>2</sup> [Day 229/66-67](#); [Day 229/98-99](#)

**86.480** In our view it is not possible from the medical and scientific evidence to determine whether Alexander Nash was shot by a high or low velocity bullet. As will be seen below,<sup>1</sup> Alexander Nash told the Widgery Inquiry<sup>2</sup> that he was struck on the inside of his raised left arm.

<sup>1</sup> [Paragraph 86.490](#)

<sup>2</sup> [WT8.4-5](#)

## Alexander Nash’s clothing

**86.481** Alexander Nash was wearing a cloth cap, dark jacket and trousers and a white or pale-coloured shirt.<sup>1</sup>

<sup>1</sup> [P774](#)

## Accounts given by Alexander Nash

**86.482** As we have already explained,<sup>1</sup> Alexander Nash died before he could give evidence to this Inquiry. However, while he was in Altnagelvin Hospital he was interviewed by journalists<sup>2</sup> and made a statement to the RUC<sup>3</sup> and he subsequently made a further statement witnessed by Eamonn Deane that appears in the collection held by the Irish Government.<sup>4</sup> An interview of Alexander Nash and other members of his family was published in Fulvio Grimaldi's book *Blood in the Street*. Alexander Nash made a statement to the solicitors representing the surviving casualties at the Widgery Inquiry,<sup>5</sup> a copy of which stood as his written statement for the Widgery Inquiry.<sup>6</sup> He also gave oral evidence to the Widgery Inquiry.<sup>7</sup> Alexander Nash was quoted in the Insight article published in the *Sunday Times* on 23rd April 1972.<sup>8</sup> He had been interviewed by journalists of the *Sunday Times* Insight Team on 7th March 1972, although it appears that the annotated plan<sup>9</sup> shown above<sup>10</sup> is the only surviving record of that interview. Alexander Nash made a deposition to the coroner<sup>11</sup> and gave oral evidence at the inquests held on 21st August 1973.<sup>12</sup> In later years he gave accounts to his daughters Kate Lyons<sup>13</sup> and Linda Roddy<sup>14</sup> and to his son John Nash.<sup>15</sup>

<sup>1</sup> Paragraph 86.470

<sup>2</sup> L85.2; L94; L132; L134; L135; L136; L137; L139; L140; L142; L143; L144; L145; L151; L293; X1.4.7

<sup>3</sup> ED33.6

<sup>4</sup> AN1.14

<sup>5</sup> AN1.16

<sup>6</sup> AN1.10

<sup>7</sup> WT8.2

<sup>8</sup> L214

<sup>9</sup> AN1.13

<sup>10</sup> Paragraph 86.474

<sup>11</sup> AN1.12

<sup>12</sup> L220; L220.1

<sup>13</sup> AL34.6

<sup>14</sup> AR21.11-AR21.13

<sup>15</sup> AN6.21

**86.483** We examine the various accounts Alexander Nash gave in some detail, since although there is no doubt that Alexander Nash was injured while at the rubble barricade, there is controversy over whether his left arm was hit by an Army bullet or one fired by a paramilitary gunman. We consider that it is likely that a baton round caused the injury to his chest, as Mr Bennett thought might have been the case.

86.484 There is a film of Alexander Nash's interview at Altnagelvin Hospital.<sup>1</sup> The transcript of that interview<sup>2</sup> is as follows:

"I was going, you know the wee barricade at the flats, the wee small ... I was walking up there you see to go home, and the shooting started you see. I was only going a few yards, I looked back and I seen three ... so I had an idea ... You know.

You saw three bodies?

Three bodies yeah. And I went out across and I put that hand up like that there and I got it right through the arm. And then I got this one and I dived, threw myself to the ground and three or four shots were fired at me, and my son was lying dead beside me and two others.

Did you see who fired these shots at you?

No, soldiers about 50 yards from me, they were this side and there were another crowd that side. Soldiers, definitely I know it.

Were you or your son at any time carrying a gun?

Not a chance. I wouldn't know how to shoot it. Never in my life had a gun. Never.

Did you see any other men around who were carrying guns?

No, no guns, there weren't a shot fired, ... time.

You don't think its possible at all that the bullets which hit you, which killed your son, could have come from anywhere else?

Impossible, impossible, where I got that shot. Impossible. He was shot there right there, and the other boys were shot there. I viewed them in the morgue you can see them, they couldn't get at the back of you.

What happened to you after you were shot?

I lay there and a Saracen tank come up and these two big boys jump out, three more dead bodies there, picks them up, drags them over into the Saracen tank with them ... one there, one on top and they dragged my son there."

<sup>1</sup> Vid 4 12.14

<sup>2</sup> X1.4.7

**86.485** In his statement to the RUC, Alexander Nash (after describing how he reached Glenfada Park) gave this account:<sup>1</sup>

“I then heard shooting although I thought it was rubber bullets or gas. I turned around and looked towards the wee barricade in Rossville Street and saw my son William lying on his stomach with his head looking towards me. I also saw two other bodies lying one on either side of him, on their backs. I ran over to the barricade and I put my right hand up to stop the Army from shooting. The next thing I heard was more shots and I fell to the ground for safety. I then realised that I had been hit in the left arm and on my left side. I fell just beside my son and the Army tank then came and soldiers lifted the 3 bodies into the tank. They didn’t say anything to me or interfere with me. When the tank went away I got up and went around to the back of the Rossville high flats into a wee house there where the Knights of Malta men dressed my wound. They put me into their ambulance along with some other injured people and a dead body. They then brought us all up to Altnagelvin Hospital where I have been ever since. At the time I was shot I was not carrying any object.”

<sup>1</sup> [ED33.6](#)

**86.486** In his statement witnessed by Eamonn Deane, which was made on or about 7th February 1972, Alexander Nash gave a somewhat similar account, though in this statement he recorded that he had put his left hand up to signal that the shooting should stop:<sup>1</sup>

“I was shot in that arm and was hit in the ribs also. When I was hit I was fired at four or 5 times more. I dropped down beside Willie and the other 2 men. I put my hand on my son’s back and said ‘Willie!’ His eyes were wide open but I knew straight away that he was dead and that the other 2 were dead too.”

<sup>1</sup> [AN1.14](#)

**86.487** In the statement taken from Alexander Nash in 1972 by the solicitors who then acted for the surviving casualties, he gave the following account:<sup>1</sup>

“Having seen my son, William, I put up my left hand as a signal and and walked out into Rossville Street. The shooting was still going on and I went over towards where my son was lying. As I approached him I knew he was dead. I went on over I; more shots were striking around me – I could heard the bullets hitting the stones and I deliberately dropped down flat on my face – this way I had the barricade of stones between me and the shooting soldiers. As I lay there a Saracen came up Rossville Street, and stopped at the barricade. I then sat with my back to the barricade. I saw two soldiers get out of the Saracen. I heard one of them shouting ‘three more dead bodies’. He and his companion then lifted the bodies, one at a time and threw them into the Saracen. They then drove away, and when the Saracen drove away I got up and walked over towards the shops at the rear of the high flats.

It was when I was sitting on the ground that I realised that I had been hit by a bullet or bullets, and when I got over to the shops I was taken to a First Aid post there.”

<sup>1</sup> AN1.16-17

**86.488** As already noted,<sup>1</sup> a copy of this statement<sup>2</sup> was used as his written statement for the Widgery Inquiry.

<sup>1</sup> Paragraph 86.482

<sup>2</sup> AN1.10

**86.489** In the course of his oral evidence to the Widgery Inquiry, Alexander Nash gave the following answers:<sup>1</sup>

“Q. You emerged I suppose from Glenfada Park into Rossville Street?

A. I went in the middle like that, and put my hand up like that.

Q. Was there any shooting going on when you did that?

A. Yes.

Q. Could you see where the bullets were striking?

A. They were striking the concrete, the wee barricade, where I was.

Q. They must have been very close to you?

A. Yes. That is where I was hit, when I went down. When I put my hand up I got shot here, and I got one here somewhere in my side.

Q. Did you realise at the time you had been shot?

A. Yes, I had a good idea then.

Q. What did you do?

A. I got down. There is a wee barricade and I got hold of him, he was laying face down with his head that way. I couldn't get him out.

Q. Was the shooting continuing when you got down on the ground?

A. I was there on the ground while there was shooting still going on. A Saracen tank came up, and it picked the three bodies up. There were two jumped out and they said 'Three more dead bodies'.

Q. What about yourself?

A. They never touched me.

Q. What did you do?

A. I walked across to the far side. There was an ambulance there, and I went into a house there and he bandaged me up. I got on the ambulance to the hospital.

Q. You were taken to hospital?

A. Yes."

<sup>1</sup> WT8.3

**86.490** A little later he gave the following evidence:<sup>1</sup>

"Q. Would you demonstrate what you did as you went out?

A. I got my hand and put it like that. I stood in the middle of the barricade to stop them, and I got it there and there.

Q. You stood at the barricade with your left hand raised and your fingers stretched out?

A. Yes.

Q. And when you did that, did the shooting continue?

A. Yes.

Q. Where were you struck?

A. There and there.

Q. You were struck on the inside of your left arm and on the left side?

A. Yes.

Q. You must have been struck by two bullets?

A. Yes, must have been.

Q. And at first you were not conscious I suppose of being struck?

A. No. I had my conscious about me, so I went down.

Q. Did the shooting stop?

A. Yes, the shooting stopped after that, but there were three or four bullets hit the concrete, the big stones. Then it stopped and the tank came up.

Q. You stood up and raised your left hand toward the soldiers?

A. Yes.

Q. When you did that could you see where the soldiers were?

A. Just at the bottom of the flats.

Q. Rossville Flats?

A. Yes. They were across the other wee place too.

Q. Was the firing coming from the Rossville Flats or the men on the other side?

A. It was coming that way.

Q. Towards you?

A. Yes.

Q. Were you carrying anything in your hand? Had you any weapon in your possession?

A. None at all.

Q. After you got down behind the barricade, what did you do?

A. I just lay there on top of him, put my hand on top of his back, and I just said 'Willie', that's all."

<sup>1</sup> WT8.4-5

**86.491** Alexander Nash was asked by counsel for the Ministry of Defence about the direction of the firing that he had heard:<sup>1</sup>

“Q. At that time when you went out with your hand up was there firing coming from the other direction – that is, from that way, down the corner of Rossville Flats (Indicating)?

A. There was firing there.

Q. There was firing coming from that direction?

A. Yes.

LORD WIDGERY: That would be from Joseph Place or somewhere around there?

A. No, no. At the end of the flats, near the top of the flats, away at the end of it.

Mr. GIBBENS: Can you follow this: There you found the barricade –

A. At the very end of the flats, down this way (Indicating).

Q. There was some Army up there?

A. Yes – at the little flats, here.

Q. What I was asking – you have misunderstood me – is this: There was firing coming from that direction up towards the barricade, was there not? Did you hear pistol shots being fired from there?

A. No.”

<sup>1</sup> WT8.8

**86.492** Later in his evidence he gave these answers:<sup>1</sup>

“Q. Just before going back to Glenfada Park to pick up your son, had you heard shooting coming from that direction, that is to say, the bottom of No. 1 block, up there behind the barrier? I am asking you about shooting against the soldiers.

A. No.

Q. Had you heard shooting coming out of Glenfada Park?

A. No.”

<sup>1</sup> WT8.9

**86.493** Alexander Nash gave a general account of the circumstances of his shooting in his deposition and oral evidence to the coroner inquiring into the death of William Nash and Michael McDaid,<sup>1</sup> but neither added anything to, nor said anything inconsistent with, the accounts we have already considered. The same is the case with the interview with Alexander Nash and other members of his family that appeared in Fulvio Grimaldi's book *Blood in the Street*.

<sup>1</sup> [AN1.12](#); [L220](#); [L221](#)

**86.494** We return to the *Sunday Times* Insight article<sup>1</sup> later in this chapter.

<sup>1</sup> [L214](#)

**86.495** Kate Lyons was one of Alexander Nash's daughters. She told us in her written statement to this Inquiry<sup>1</sup> that her father had told her that he did not realise that he had been shot until after the event. She also stated:

"My father described lying next to Willie and being approached by a soldier, who had a blackened face and was aged about 25–30, coming towards the Rubble Barricade from the north of Rossville Street. My father thought that the soldier was coming to finish him off. My father believed that this was the same soldier who had shot him in the first place. The soldier told him that he would get help 'over there'. My father did not know where 'over there' meant, but the soldier may have meant a first aid post."

<sup>1</sup> [AL34.6](#)

**86.496** Kate Lyons also told us:<sup>1</sup>

"My father went to the Widgery Inquiry but I cannot remember if he was asked to give evidence. When he returned, he raged about the way that the Inquiry had been conducted. He said that they painted Willie as a criminal on the basis that he had a police record. Lord Widgery implied that Willie had been a gunman. My father used to say, 'IRA m'shite.' There was no way that Willie was ever a gunman."

<sup>1</sup> [AL34.4](#)

86.497 Linda Roddy (another daughter) gave this account in her written statement to this Inquiry of what she recalled her father telling her about the circumstances in which he was shot:<sup>1</sup>

“My father told me that he rushed to Willie’s side, in between the three bodies as Willie lay there dying. Willie screamed at my father to help him. On many occasions my father told me that, had there been a gun there, he would have used it to protect himself and Willie (any parent’s instinct would be to protect their young), but there was no gun there. Nor were there any other bombs or weapons.

My father stood up and started waving his hands about to get help, shouting ‘help me, help me, this is my son’. At this point a soldier, who my father described as an officer, and who was standing north of the rubble barricade, fired a shot at my father with a hand pistol, which hit my father in the arm. My father kept on screaming that my brother and the others needed help. My father then felt a second impact in his side and fell to the ground. When I started looking into the events of Bloody Sunday, I learnt that it was suggested that my father had been shot by a gunman from the Rossville Flats, as the shot that injured him was probably a low-velocity shot. I asked him about it. His reply was to the point: ‘IRA gunman, me shite’. He added that, unless the officer who shot him was also an IRA gunman, it was out of the question. He told me that, as he was facing north up Rossville Street behind the rubble barricade, trying to get help for my brother, all the bullets he could feel coming past were coming towards him (from north to south).

My father went on to say that the officer who had shot him kept coming forward (south) towards him. At this point, my father stood up. He thought the officer was coming forward to finish him off. My father said over and over that he could not understand why the officer did not finish him off. He came to the conclusion that the officer’s conscience had gotten to him. As the officer reached my father, he removed his hat and my father asked him for help. The officer pointed my father in the direction of the telephone kiosk at the southern gable end of Block 1 of the Rossville Flats. The officer then called other soldiers over to the bodies. My father believed the officer and started walking south towards the kiosk to get help. He then told me that he remembers very little else after that. He can remember seeing Willie’s body being dragged into the Saracen but he cannot recall whether he was still at the rubble barricade at that stage or at the southern gable end of Block 1 of the Rossville Flats.”

<sup>1</sup> AR21.12

**86.498** Later in this report<sup>1</sup> we consider the circumstances in which soldiers came forward with an APC to collect the bodies at the rubble barricade. Although we do not doubt that Alexander Nash told his daughters that it was the officer who came forward who had shot him, and that this soldier was coming forward to finish him off (and gave much the same account in his interview with Jimmy McGovern<sup>2</sup>), we are sure that he was mistaken about this. In his second RMP statement<sup>3</sup> and in his written statement for the Widgery Inquiry<sup>4</sup> Lieutenant N described going with other soldiers to the rubble barricade, finding a man of about 60 years who was mumbling about being hurt in the shoulder, and directing him to a first aid man. We are sure that Lieutenant N was not responsible for the injury to Alexander Nash, nor went forward for any purpose other than to collect the bodies at the rubble barricade.

<sup>1</sup> [Paragraphs 122.1–128](#)

<sup>2</sup> [AN6.21](#)

<sup>3</sup> [B384](#)

<sup>4</sup> [B400](#)

## Where Alexander Nash was when he was shot

**86.499** There is no doubt that Alexander Nash (who consistently said so) was shot in the left arm after he had gone out to his son William Nash, who was lying at the rubble barricade.

## When Alexander Nash was shot and what he was doing when he was shot

**86.500** Again from his own account there is no doubt that Alexander Nash was shot after the shooting of his son William, John Young and Michael McDaid. It is not clear from the accounts Alexander Nash gave how long he was at the rubble barricade before he was shot, but we have no doubt, from his accounts alone, that he was doing nothing that could have justified him being shot or that could have led anyone to believe, albeit mistakenly, that he was a gunman or bomber. He was, in our view, simply waving for help. In our view he was shot after Kevin McElhinney.

**86.501** We now turn to consider the other evidence relating to these aspects of the shooting of Alexander Nash. We do so in some detail, as much of this evidence is relevant to the question whether he was shot by an Army bullet or one fired by a paramilitary gunman. We consider that question below.<sup>1</sup>

<sup>1</sup> [Paragraphs 86.560–607](#)

## Charles McDaid

**86.502** In his evidence to this Inquiry, Charles McDaid identified himself in one of Liam Mailey's photographs as one of the group of people surrounding the body of Michael Kelly behind the south end of the eastern block of Glenfada Park North.<sup>1</sup>

<sup>1</sup> AM161.6; Day 60/176



Charles McDaid

**86.503** In the course of his oral evidence to this Inquiry he gave the following evidence:<sup>1</sup>

“Q. You, in direct response to a question from Mr Clarke, indicated that on this particular occasion you did not hear any firing from behind the barricades towards the north end of Rossville Street?

A. That is right.

Q. Indeed, in response to a series of questions from Mr Harvey, you confirmed that at no stage in or around the barricade you observed any person in possession of a firearm, nail bomb or petrol bomb?

A. That is correct, yes.

Q. If one more especially focuses attention on the doorway of block 1, can you confirm, or can you say whether or not you recall anything of a person in that location with a firearm, nail bomb or petrol bomb?

A. I cannot recollect seeing anybody with anything in their hands.

Q. If I could call up, please, AM161.6<sup>2</sup> and more especially if we could have highlighted paragraph 39. Mr Clarke has already quoted that – it is a short paragraph, if you bear with me. You say:

‘I also saw one man at the rubble barricade with a raised hand which then fell back to the ground.’

When you say, ‘which then fell back to the ground’, do you remember specifically to his hand?

A. To his hand.<sup>3</sup>

Q. You then, in the subsequent paragraph, if one could highlight paragraph 40, please. At that particular stage you say:

‘There were still shots being fired from the northern end of Rossville Street towards the rubble barricade at this stage.’

A. Yes.

Q. Is that correct?

A. Yes.

Q. Is it your recollection at this time, Mr McDaid, that at that point in time when this gentleman’s hand fell to the ground, the only shooting that you were aware of was coming from the northern end of Rossville Street?

A. Yes.”

<sup>1</sup> Day 60/178-179

<sup>2</sup> AM161.6

<sup>3</sup> There is no audio record of this part of the transcript, as the cassette tapes were being changed at this point. The transcript of this question and answer do not make sense. We do not recall what was in fact said.

**86.504** Though it is not perhaps entirely clear, we consider that Alexander Nash was the man described by Charles McDaid.

## John Duffy

**86.505** John Duffy (whose father was Patrick “Barman” Duffy, to whom we have referred when considering the events of Sector 2<sup>1</sup>) told us that he was observing events from a stairwell in the northern block of Joseph Place.<sup>2</sup> His recollection was that someone he afterwards learned was Alexander Nash walked out of Glenfada Park North. He told us that this man walked out with his hands up, and then there was a lot of shooting and he fell. He recalled that he saw Alexander Nash walk out “*side on*” to Rossville Street with his hands up, when he was shot. He described the shots he had heard as to him “*coming from up Rossville Street*”.<sup>3</sup>

<sup>1</sup> Chapter 29

<sup>3</sup> Day 80/126; Day 80/140-142; Day 80/152-155

<sup>2</sup> Day 80/138; AD160.15

**86.506** John Duffy’s recollection was that Alexander Nash was shot as he went out from Glenfada Park North. He gave this answer during the course of his oral evidence to this Inquiry:<sup>1</sup>

“Q. Again he fell, could you tell whether it was on to his front or his back or whatever?”

A. From what I remember, I think, at shots – as he came walking out, there was a lot of shots and he kind of fell, fell over, because I was getting pulled in. Where I was at the time, I was getting pulled in and I would go out again, you know what I mean, I think he slumped over.”

<sup>1</sup> Day 80/152-153

## Elizabeth Dunleavy

**86.507** In her NICRA statement Elizabeth Dunleavy described seeing events in the car park of the Rossville Flats from her flat in Block 1 of those flats.<sup>1</sup> In this statement she made no mention of witnessing events in Rossville Street, but in her written evidence to this Inquiry she told us that after seeing what happened in the car park, she looked from the sitting room window into Rossville Street and saw three bodies on the rubble barricade. Her statement continued:<sup>2</sup>

“I saw an older man approach the three bodies from the south end of Rossville Street (although I do not know from where he came). This man knelt down in the street on one knee, and raised his hand. I think he was signalling to the soldiers not to shoot. His arm then went limp and fell by his side. I assume that he was shot in the arm but I did not hear a shot.”

<sup>1</sup> [AD169.5](#)

<sup>2</sup> [AD169.2-3](#)

**86.508** In her oral evidence to this Inquiry, Elizabeth Dunleavy told us that when the man put his hand up he was “*facing down Rossville Street towards where the soldiers were*”.<sup>1</sup>

<sup>1</sup> [Day 83/142](#)

**86.509** In our view Alexander Nash was the older man described by Elizabeth Dunleavy.

## John McCrudden

**86.510** At the time of Bloody Sunday, John McCrudden was 12 years old. He observed events from his home, which was 12 Garvan Place, a maisonette on the second and third floors of Block 1 of the Rossville Flats. Later in this report<sup>1</sup> we consider his evidence relating to shots fired by soldiers at a window of his home. We were impressed by this witness. We identify 12 Garvan Place in the following photograph.

<sup>1</sup> [Paragraphs 123.212–278](#)



12 Garvan  
Place

**86.511** In his NICRA statement,<sup>1</sup> after describing what he had seen happen in the Rossville Flats car park, John McCrudden recorded that he had then looked out of the front windows and seen three men falling in Glenfada Park. He continued:

“I looked at the barricade below the window and I saw 4 men and three were lying not moving at all. The 4th man was waving his arms saying ‘There are three bodies’. The army then fired at him.

Then a Saracen came up to the barricade. About six soldiers jumped out and they just grabbed the three men and threw them into the Saracen.”

<sup>1</sup> AM152.10

86.512 In his written evidence to this Inquiry, John McCrudden gave the following account:<sup>1</sup>

“I looked out from the living room window and down at the Rubble Barricade that stretched across William Street. I could still hear gunfire. As I looked from the window the Barricade was slightly to my right (to the north). I saw two fellas lying on the ground on the south side of the Barricade. I cannot remember how they were lying or describe them any further, but they were not moving and I assumed they had been shot. There was an elderly man with them. I could tell he was elderly because he had grey hair and was wearing a cap. He crouched down and I got the impression that he was trying to move them. He was waving at someone and shouting for them to come and help. The man kept his head down, but moved his hand above the Barricade. I saw lumps fly up from the Barricade near to his hand and generally I saw lumps and dust fly from the Barricade due to shots being fired at it. During all this time the shooting that had started when I saw the army vehicles move in continued with the same intensity.”

<sup>1</sup> [AM152.3-4](#)

86.513 During his oral evidence to this Inquiry there was this exchange:<sup>1</sup>

“MR MANSFIELD ... Just a couple of questions first of all on this: dealing with the older man who you originally described as wearing a cap, that man; when you were looking out of your window, which way was that older man facing as he was on the barricade, can you remember or not? You can either do it with reference to the photograph, in other words, looking at this photograph was he facing up Rossville Street, away from the barricade, or was he facing some other way?

A. He would have been facing more towards William Street.

Q. Facing towards William Street. And the shots that you either – you heard shots, did you, and you saw the effect of the shots on the rubble barricade because bits were flying up?

A. Yeah.

Q. From which direction were the shots coming?

A. From William Street.

Q. Again, still looking at this photograph, the window from which you were looking, is it right that it is between this entrance to the block of flats in which yours was and the rubble barricade?

A. That is correct, yeah.”

<sup>1</sup> [Day 95/132-133](#)

**86.514** In our view Alexander Nash was the elderly man described by John McCrudden.

**86.515** The following photograph is the one to which John McCrudden was referred in this passage and was one that he had previously marked to show where he recalled seeing lumps of concrete fly up from the rubble barricade.<sup>1</sup>

<sup>1</sup> [AM152.13; Day 95/109-110](#)



## Kevin McGonagle

**86.516** At the time of Bloody Sunday, Kevin McGonagle was a 24-year-old schoolteacher. In a letter that he wrote to the Widgery Inquiry dated 1st March 1972, he gave this account of what he saw from a house in Joseph Place:<sup>1</sup>

“I then stood up and looked out of the window. I saw two youths lying on the near side of the rubble barricade in front of the large flats. An old man was kneeling beside them with his hands in the air, gesturing for aid. He was facing the Little James Street direction of Rossville Street. As his hands were in the air, obviously beckoning help, there was three loud cracks and I saw dust rising off[f] a sloping paving stone in front of the old man. In my opinion it was a bullet fired from the Rossville Street (Little James Street direction) area. The puff of dust on the paving stone was instantaneous with the noise of the cracks, which, in my opinion was rifle fire. The man then fell.”

<sup>1</sup> [AM254.19-20](#)

86.517 John Barry of the *Sunday Times* Insight Team interviewed Kevin McGonagle on 10th March 1972.<sup>1</sup> In this interview Kevin McGonagle gave a similar but more detailed account:

“I watched out of the window. And I could see the barricade, not all of it, but the left half. I could see one young fellow lying most of him on the left-hand pavement, but with his head almost off the kerb. The other was lying more to the centre, with his head towards the barricade and his feet towards the corner gable of Abbey Park.<sup>2</sup> Round the gable of Abbey Park a lot of people were gathered. And I saw the left-hand young fellow crawl for a bit, about two feet, towards the other guy. He was quite flat, never raising any part of his body even his head, just pushing himself. Then he stopped and he didnt move again. I just assumed they had been the last over the barricade and were trying to take cover from the shooting. Perhaps it didnt cover them enough.

There were some more loud cracks, and I moved away from that corner over to the left, so I didn't have a continuous view. I didnt see the man come out to the two lads. I warned the people not to be looking out. When I looked out again, I saw a man out behind the barricade, an oldish sort of man, with a long tweedy sort of overcoat on. He was kneeling there. Just between the two lads, looking down on them, with his back up the road towards me. He was looking down at the two fellows and then he lifted his hands in the air, his elbows bent, his bare hands up. I could see his palms, and he had nothing in them. He was motioning to someone out of my sight – beckoning them up for aid, slowly waving his hands back towards his face. I immediately assumed that the two fellows were dead or unconscious, something wrong them anyway. And he somehow looked really frightened, pretty frightened looking, beckoning them towards him. Then I heard two or three cracks. And in front of the man on the barricade, a paving stone sloping down towards the Army, I saw a puff of smoke rising from this. And the man fell backwards. I couldnt see whether he was getting down for cover or whether he was hit. It looked to me though as if he had a violent reaction, a sort of tremor, and he fell.<sup>3</sup> I went back from the window again, too, and I was afraid of being shot. I took it for granted it was the Army shooting. And I knew that glass or wood or even concrete wouldnt protect you.”

<sup>1</sup> [AM254.22.3](#)

<sup>2</sup> In his oral evidence to this Inquiry, Kevin McGonagle explained that here and in the next sentence he had meant Glenfada Park ([Day 128/190-191](#)).

<sup>3</sup> There was the following manuscript addition to this sentence: “I surmised he had been hit by something.”

**86.518** Kevin McGonagle gave a consistent account in his written and oral evidence to this Inquiry.<sup>1</sup> He told us that he recalled seeing the oldish man (who in our view was undoubtedly Alexander Nash) facing north when shots struck the rubble barricade.<sup>2</sup>

<sup>1</sup> AM254.11; Day 128/189-191; Day 128/193-197;  
Day 128/210-213

<sup>2</sup> Day 128/213

## Marie Lynch

**86.519** In her NICRA statement<sup>1</sup> Marie Lynch described looking from the front window of 6 Garvan Place in Block 1 of the Rossville Flats and seeing a man lying behind the rubble barricade and another man leaning over him. She continued: “*The man called up to me for help and an ambulance. The man then put his hand up to the army and the army fired at him but the bullet hit the barricade.*” In her written statement to this Inquiry, Marie Lynch told us that from what she had heard later she thought the man was called Nash.<sup>2</sup> In our view this man was Alexander Nash.

<sup>1</sup> AL27.5

<sup>2</sup> AL27.1-2

## Frank Lawton

**86.520** As we have noted earlier in this report,<sup>1</sup> Frank Lawton made a NICRA statement of which two typescript versions exist.<sup>2</sup> The texts of the two versions of this statement are substantially identical. Frank Lawton then made a further statement, which was witnessed by a Londonderry solicitor.<sup>3</sup> This statement is undated but was clearly made in 1972. In large part it reproduces the content of the NICRA statement but it contains some additional material. He also made a written statement for the Widgery Inquiry<sup>4</sup> and gave oral evidence to that Inquiry. He gave written and oral evidence to this Inquiry.

<sup>1</sup> Paragraph 58.30

<sup>3</sup> AL6.29

<sup>2</sup> AL6.19-20; AL6.27

<sup>4</sup> AL6.21

**86.521** Frank Lawton described observing events from his mother-in-law’s flat (11 Mura Place) in Block 1 of the Rossville Flats. In his oral evidence to the Widgery Inquiry, he said that he was on the fifth floor.<sup>1</sup> In his evidence to this Inquiry he agreed that the yellow arrow on the following photograph (which was taken in 1986 when Block 1 was being demolished) marked about where he remembered the flat to be.<sup>2</sup>

<sup>1</sup> WT6.78

<sup>2</sup> Day 389/93; AL6.33



- 86.522** In 1972 Frank Lawton gave accounts of what he had seen when looking into the Rossville Flats car park. He then recorded that he had gone to the front of the building. In his NICRA statement he described seeing an elderly man who was lying beside three shot men at the rubble barricade. He continued:<sup>1</sup>

“He appeared to be getting them closer to the barricade for shelter. None of these three men were able to assist themselves. The elderly man was later identified to me as Mr Darnion (this will have to be verified). I saw him look over the barricade and raise his hand, a shot struck the slab of concrete beside him and passed on to the area of ‘Free Derry Corner’. He ducked then again put his hand up. By this time the fire had stopped.”

<sup>1</sup> [AL6.20](#)

- 86.523** A similar account appears in the other version of Frank Lawton’s NICRA statement and the statement witnessed by the Londonderry solicitor.<sup>1</sup>

<sup>1</sup> [AL6.27-28](#); [AL6.30](#)

- 86.524** We have no doubt that the elderly man was Alexander Nash and that Frank Lawton had been misinformed of his identity.

**86.525** Frank Lawton's written statement<sup>1</sup> for and oral evidence to the Widgery Inquiry were consistent with his previous accounts relating to the elderly man, although in his oral evidence to the Widgery Inquiry he described seeing perhaps two or three shots hitting the concrete at the rubble barricade.<sup>2</sup> He also told the Widgery Inquiry that he had heard no sound of shooting that might have come from the rubble barricade and had seen no signs of weapons there.<sup>3</sup>

<sup>1</sup> AL6.21

<sup>3</sup> WT6.80

<sup>2</sup> WT6.79; WT6.81

**86.526** In an interview with Tony Stark of Praxis Films Ltd, Frank Lawton described the flat from which he was watching as directly over the rubble barricade.<sup>1</sup>

<sup>1</sup> O8.4

**86.527** Frank Lawton also gave written and oral evidence to this Inquiry. In relation to Alexander Nash, he gave the following account in his written statement:<sup>1</sup>

"A man, who I later found out to be Alexander Nash, walked briskly or ran, crouching as he did so, towards the three bodies on the Rubble Barricade. I am not certain exactly where Mr Nash came from but it seemed to me that he came from opposite the front entrance of Rossville Flats (that is from the western side of Rossville Street). He was wearing a light coloured tweed overcoat (or perhaps a raincoat) and a flat cap. As he ran he waved both arms in the air. When he reached the Rubble Barricade, he knelt down between the bodies at points H and J. He reached over to all three bodies, one on his left and two on his right, and seemingly tried to pull them closer towards himself. Intermittently, he would raise his hands – his right if he was pulling the body on his left and vice versa – beckoning to the soldiers, it seemed to me, either to stop shooting or for help. The shooting did not cease. On the contrary, there was lead flying everywhere and I saw bullets strike the Rubble Barricade in front of where Mr Nash was kneeling. It seemed to me that the shots were fired at him and in response to his raising his hands or head above the height of the Rubble Barricade. Every time Mr Nash stuck his head up he was shot at. The army have said that there were people shooting at them from the Rubble Barricade and that they returned fire. Mr Nash however was not armed and posed no threat to the soldiers. All the bullets Mr Nash however was not armed and posed no threat to the soldiers. All the bullets I saw hit the Rubble Barricade did so on its north side and were travelling in the direction of Free Derry Corner. I did not see any bullets hit the south side of the

Rubble Barricade. After the shooting had ended, I went down to the Rubble Barricade and saw a concrete block with about three or four bullet tracks on it. The tracks, which looked like they had been etched in by a grindstone, were about four or five inches long. In my opinion, the angle of the tracks were consistent with the shots I heard fired from the direction of William Street, the soldiers I had seen around Kells Walk and the bullets I had seen ricocheting off the Rubble Barricade.”

<sup>1</sup> AL6.9-10

**86.528** Frank Lawton marked the points “H” and “J” on a map, as denoting positions near the centre of the rubble barricade.<sup>1</sup>

<sup>1</sup> AL6.26

**86.529** In his oral evidence to this Inquiry, Frank Lawton gave similar evidence in respect of Alexander Nash. He told us that when he saw Alexander Nash come out there were only the three bodies at the rubble barricade and that he saw no-one else come out afterwards.<sup>1</sup> Asked how many shots he had seen directed at Alexander Nash while he was looking at him, he replied “*I think there was probably three or four*” and later “*probably ... about two to three*”.<sup>2</sup> He also told us that he did not recall having heard any low velocity shots in the area while he was watching Alexander Nash (from behind the closed window)<sup>3</sup> or in the period that followed.<sup>4</sup> He said that from his viewpoint he could see the whole of the rubble barricade, but would not have been able to see the entrance to Block 1 of the Rossville Flats unless he had leaned out of the window, which he did not do.<sup>5</sup>

<sup>1</sup> Day 389/120

<sup>4</sup> Day 389/129

<sup>2</sup> Day 389/118; Day 389/139-140; Day 389/145-147

<sup>5</sup> Day 389/118-119

<sup>3</sup> Day 389/119

## Fr Terence O’Keeffe

**86.530** Fr O’Keeffe’s evidence to the Widgery Inquiry and to this Inquiry was that he saw a man raising his arm while holding a body at the rubble barricade at a time when he and Fr Bradley were attending to Michael Kelly. His evidence to the Widgery Inquiry indicated that he saw this man before Fr Bradley began to consider moving out to the barricade himself. Fr O’Keeffe saw the man fall and assumed that he had been shot but, as he said to this Inquiry, he could not be sure that he had actually seen the moment at which the

man was shot. Fr O’Keeffe also said that he saw a soldier at the north-western corner of Block 1 of the Rossville Flats at this time. Fr O’Keeffe saw this soldier aiming, but could not be certain that he saw him fire.<sup>1</sup>

<sup>1</sup> H21.22; WT5.7-8; H21.46-47; Day 127/110-112

**86.531** We accept, as Fr O’Keeffe said in his oral evidence to this Inquiry,<sup>1</sup> that the man in question was Alexander Nash.

<sup>1</sup> Day 127/150

## Fr Denis Bradley

**86.532** The transcript of the account given by Fr Bradley to the *Sunday Times* Insight Team in 1972,<sup>1</sup> and his evidence to this Inquiry,<sup>2</sup> also indicate that by the time he contemplated moving out to the casualties at the rubble barricade Alexander Nash was already with the body of his son, and had his arm in the air. Fr Bradley did not mention seeing Alexander Nash in this position in his evidence to the Widgery Inquiry, but he did mention seeing four bodies at the barricade at this time.<sup>3</sup>

<sup>1</sup> H1.31

<sup>3</sup> H1.41; WT4.36-37

<sup>2</sup> H1.10; Day 140/117-118

## George Downey

**86.533** George Downey said to this Inquiry that it was before he carried Michael Kelly away from the south end of the eastern block of Glenfada Park North that he saw Alexander Nash moving to the rubble barricade and waving his arm. He believed that Alexander Nash’s arm fell within a couple of seconds, but it is not clear whether Alexander Nash had been shot at this point.<sup>1</sup>

<sup>1</sup> AD134.3-4; Day 123/29-31; Day 123/71-72; AD134.16

## Helen Johnston and Margaret Johnston

**86.534** In her written statement to this Inquiry,<sup>1</sup> Helen Johnston told us that she now knew that Alexander Nash had been shot but did not know this when she saw him. In her oral evidence to this Inquiry<sup>2</sup> she said that he was shot, but when asked whether she saw him being shot she said “*No, I just saw him going down*”. Margaret Johnston recorded in her written statement to this Inquiry<sup>3</sup> that Alexander Nash looked as if he had stumbled and tripped. She did not know what had happened to him but “*just knew he couldn’t get*

*himself up*". In her oral evidence to this Inquiry,<sup>4</sup> she said that Alexander Nash had appeared unable to stand up and that there had "*appeared to be something wrong with him*".

<sup>1</sup> [AJ11.3](#)

<sup>3</sup> [AJ13.3](#)

<sup>2</sup> [Day 228/38](#)

<sup>4</sup> [Day 228/88-89](#)

**86.535** As we have explained earlier in this report<sup>1</sup> when discussing when Kevin McElhinney was shot, Helen Johnston and Margaret Johnston recorded in their joint NICRA statement<sup>2</sup> that they saw an elderly man at the rubble barricade. In our view this man was Alexander Nash. However, we are not persuaded by their accounts that Alexander Nash was shot before Kevin McElhinney. As we have already observed,<sup>3</sup> we are uncertain whether or not this was the case.

<sup>1</sup> [Paragraph 86.411](#)

<sup>3</sup> [Paragraph 86.412](#)

<sup>2</sup> [AJ11.1](#)

## Jack Nash

**86.536** Jack Nash, who was at the south end of the eastern block of Glenfada Park North, told us that he saw his relation Alexander Nash at the rubble barricade shortly after having helped to carry Michael Kelly to the south end of the eastern block of Glenfada Park North. He recalled that Alexander Nash had his right arm in the air and was talking, but he could not hear what he was saying as there was still shooting going on at the time.<sup>1</sup>

<sup>1</sup> [AN27.3; Day 137/17-19](#)

## Nola McSwine

**86.537** Nola McSwine (now McCullagh) was watching events from a flat in Block 1 of the Rossville Flats. In her NICRA statement she said that she saw an elderly man lying next to three bodies at the rubble barricade. He got up and shook them, and realised that they were dead. The man then raised his arm, but "*they*" (presumably the soldiers to the north) shot him. The man raised his other arm and was shot again, this time falling to the ground.<sup>1</sup> Nola McSwine's evidence to this Inquiry was that she saw an elderly man inspect each of the bodies, waving his arm as he did so. She then saw a soldier in Rossville Street approximately level with the north end of the eastern block of Glenfada Park North, who had one knee on the ground, fire his rifle towards, she assumed, the

elderly man. Nola McSwine said that she knew that the soldier had fired as she saw his body jerk. As he fired the rifle, the elderly man fell. She believed that the man then got up and waved his other arm, at which point she saw the same soldier fire again and again.<sup>2</sup>

<sup>1</sup> AM157.9

<sup>2</sup> AM157.4; Day 136/111-112; Day 136/129-134

**86.538** We are sure that the elderly man described by Nola McSwine was Alexander Nash.

## Leo Friel

**86.539** Leo Friel recorded in his NICRA statement, and told us in his evidence to this Inquiry, that from the area north of Free Derry Corner he saw a man at the rubble barricade get to his feet and raise his hands during a lull after the initial burst of gunfire in the Rossville Street area; and then heard further shooting, and saw the man fall. According to his NICRA statement he knew that this man had been shot. In his evidence to this Inquiry he said that before the man fell he saw his *right* arm wobble and bend in the middle. There was another lull in firing after this incident, and then shooting commenced again.<sup>1</sup> Leo Friel said in his oral evidence to this Inquiry<sup>2</sup> that he later learned that the man's surname was Nash. He thought that he had been told that his first name was William but he was not sure of this. The man had been in his forties or possibly older. We are sure that the man Leo Friel observed was Alexander Nash.

<sup>1</sup> AF35.1; AF35.4; Day 142/132-139

<sup>2</sup> Day 142/136-137

## Celine Dunleavy

**86.540** Celine Dunleavy recorded in her NICRA statement, and told us in her evidence to this Inquiry, that from a window of a flat in Block 1 of the Rossville Flats she saw an elderly man at the rubble barricade shouting out to the soldiers that they should come and see what they had done to his son. In her evidence to this Inquiry she said that he raised his hand and a single shot rang out. She did not see who fired it, but from the way in which his hand fell she assumed that the shot came from the north. In her NICRA statement she recorded that the soldiers fired at the old man calmly, but her recollection to this Inquiry was that she could only hear the shot.<sup>1</sup> We are sure that the man Celine Dunleavy observed was Alexander Nash.

<sup>1</sup> AD168.5; AD168.2; Day 132/162-163

## Mary McCann

**86.541** Celine Dunleavy's cousin, Mary McCann, was with her at this time. She recorded in her NICRA statement that she saw an elderly man lying with the bodies at the barricade, apparently shortly after she had heard the first live rounds fired. Mary McCann saw this man kneel, and wave his hand, during a lull in firing. A live round was fired at him, but it hit the stones in front of him. The man took cover, but subsequently knelt up again and shouted to the soldiers to come and see what they had done to his son.<sup>1</sup> Mary McCann gave a similar account to this Inquiry, and said that she could not see the soldiers who fired, but assumed that they were positioned further north along Rossville Street. Mary McCann said that she later recognised the man whom she had seen as Alexander Nash.<sup>2</sup>

<sup>1</sup> AM78.4

<sup>2</sup> AM78.1-2; Day 133/64-65

## Other civilian witnesses

**86.542** We have examined the evidence of Patrick Heaney,<sup>1</sup> Letty Donnelly,<sup>2</sup> Kathleen Carlin (now Kathleen Hutton),<sup>3</sup> RM 2<sup>4</sup> and Patrick McGinley,<sup>5</sup> but in our view these witnesses provided no additional assistance on the matter under discussion.

<sup>1</sup> AH107.3

<sup>4</sup> AK42.8; Day 424/37-42

<sup>2</sup> AD125.9; Day 124/130-133; AD125.16; Day 124/136-137

<sup>5</sup> AM241.4; Day 425/129-132

<sup>3</sup> AH97.2; X2.14.16-17; Day 189/57-60; Day 189/75-77

## Captain 021

**86.543** Captain 021 was an officer of the Royal Electrical and Mechanical Engineers (REME) attached to 22 Lt AD Regt in January 1972. He was at Echo Observation Post (OP) (on the roof of the Embassy Ballroom) for most of the afternoon of Bloody Sunday. In his RMP statement he recorded that before a shot was fired past his position, followed by further incoming fire and then return fire from paratroopers at Kells Walk, "*an old man who had been behind the barricade was struck by a rubber bullet which caused him to fall behind the barricade near the centre*" and that "*When the shooting stopped, the old man who had been struck by a rubber bullet, rose to a sitting position and waved to the troops, to come forward to him*", which they eventually did in an APC. Captain 021 then described the old man going off in the direction of the "*Glenfada flats*".<sup>1</sup>

<sup>1</sup> B1503-1504

**86.544** According to Captain 021's RMP statement, the old man was hit by a baton round before there was any firing; and remained there until an APC came forward and collected three bodies at the rubble barricade. There is, as we have described above,<sup>1</sup> abundant evidence to show that Alexander Nash did not reach the rubble barricade until after his son William, John Young and Michael McDaid had been shot there. Captain 021's description of an old man waving to the troops to come forward in our view clearly refers to Alexander Nash; but in our view Captain 021 was mistaken in his account of this man being hit by a baton round while at the rubble barricade and before any firing, and in describing him as going off in the direction of Glenfada Park. It is possible that Captain 021 did see Alexander Nash hit by a baton round at a later stage, when the latter had got to the rubble barricade; or saw him hit there but mistakenly thought that this was by a baton round. However, we are not at all certain about this, because there are other difficulties with Captain 021's RMP statement.

<sup>1</sup> Paragraphs 86.482–500, 86.507–509 and 86.520–529

**86.545** Captain 021 described seeing three bodies being removed from behind the rubble barricade and taken behind Glenfada Park North, as well as a further three bodies later being loaded onto the APC which had come forward. We are sure that only Michael Kelly was carried from the rubble barricade into the entrance to Glenfada Park North; and that Alexander Nash had not gone out to the rubble barricade until after all four casualties had been shot at the rubble barricade. When describing the shooting by soldiers at Kells Walk, Captain 021 asserted that "*the men who remained at the barricade were completely covered by the concrete which is about 3 feet in thickness and made up of slabs of concrete and rubble and in my opinion these men could not have been shot by the Paratrooper<sup>1</sup> as they were concealed from my position which is some 60 to 70 feet above the position occupied by the troops*". However, there is no doubt that Michael Kelly, William Nash, John Young and Michael McDaid were shot at the rubble barricade.

<sup>1</sup> In his oral evidence to this Inquiry, Captain 021 agreed that this should have read "Paratroopers" (Day 317/119).

**86.546** Captain 021 made no mention of the shooting of Hugh Gilmour or Kevin McElhinney.

**86.547** Captain 021 made a written statement for the Widgery Inquiry.<sup>1</sup>

<sup>1</sup> B1507

**86.548** Later in this report<sup>1</sup> we consider Captain 021's account of incoming fire.

<sup>1</sup> Paragraphs 151.36–47

- 86.549** Captain 021 gave written and oral evidence to this Inquiry. In his written statement to this Inquiry, Captain 021 told us that he now had no memory of the old man; and he also told us that he was not happy that his written statement for the Widgery Inquiry reflected accurately his recollection of events.<sup>1</sup>
- <sup>1</sup> [B1509.007](#)
- 86.550** In his oral evidence to this Inquiry, Captain 021 told us that he was the intelligence officer of 22 Lt AD Regt.<sup>1</sup>
- <sup>1</sup> [Day 317/81-82](#)
- 86.551** We have considered the accounts given by Captain 021 in 1972 as well as his written and oral evidence to this Inquiry. We have come to the conclusion that it would be unwise to rely upon his accounts in seeking to establish the circumstances in which Alexander Nash came to be injured.

## Consideration of the foregoing evidence

- 86.552** The evidence we have considered above<sup>1</sup> is not sufficient to enable us to say precisely when Alexander Nash was shot. However, in our view the weight of the evidence shows that this probably happened a little time after he had reached his son. We are of the view that after he had been shot, Alexander Nash, who had been waving before, probably waved again; and that, after that, an APC came forward and soldiers collected the bodies of the three young men lying at the rubble barricade. On the basis of his own account, and the medical evidence, we consider it probable that in addition to being shot, Alexander Nash was also struck by a baton round while he was at the rubble barricade.
- <sup>1</sup> [Paragraphs 86.500–551](#)
- 86.553** As we have already stated,<sup>1</sup> we are sure that Alexander Nash was doing nothing that could have led anyone to believe, albeit mistakenly, that he was posing any threat that justified him being shot. It is our view that when he was shot he was waving his left arm to attract attention.
- <sup>1</sup> [Paragraph 86.500](#)
- 86.554** There is nothing in the civilian evidence to suggest that during the time Alexander Nash was at the rubble barricade, anything was happening that might have caused any of the soldiers to believe that there was any form of activity there hostile to them. On the

contrary, there is a substantial body of civilian evidence to the effect that there was no such activity; and that all that was happening at the rubble barricade was Alexander Nash waving for help. We accept that evidence.

**86.555** It is convenient at this point to refer to the ABC footage which shows Army vehicles, including the Support Company command vehicle and the Ferret scout car, gathered to the north of Block 1 of the Rossville Flats, as well as the vehicles of Anti-Tank Platoon on the western side of Rossville Street south of Kells Walk.<sup>1</sup>

<sup>1</sup> [Vid 48 10.36](#)

**86.556** In view of the presence of these vehicles, it is clear that this footage was shot after Jeffrey Morris's photograph of Colonel Derek Wilford and members of Composite Platoon at the walls of the low ramp at the south end of Kells Walk, which we have shown earlier in this chapter.<sup>1</sup> Alexander Nash cannot be seen in that photograph, but in view of the evidence we have considered above, he was either out of sight behind the rubble barricade at this time, or just out of the photograph to the left.

<sup>1</sup> [Paragraph 86.430](#)

**86.557** A figure that we have no doubt was Alexander Nash can be seen in the ABC footage. The following are two stills from that footage, in chronological order. The first shows Alexander Nash behind what appears to be a lump of concrete forming part of the rubble barricade; and the second shows him in the same position but with an arm in the air.<sup>1</sup>

<sup>1</sup> [E30.4](#); [E30.10](#)

Alexander  
NashAlexander  
Nash

86.558 Paul Smith of the Forensic Science Service told us that from the footage he was unable to comment on the direction in which Alexander Nash was facing, as no facial features were visible, nor could the fingers or thumb be seen that might have shown which arm was being raised.<sup>1</sup> Barry Fox gave written evidence to this Inquiry,<sup>2</sup> but was unable to help us fix with any precision when he shot the footage. Notwithstanding this, in view of

the position of the vehicles and the evidence we have considered above,<sup>3</sup> we have concluded that the footage is likely to have been shot at a stage after Alexander Nash was injured, when he was waving again. We have also concluded, from the same evidence, that Alexander Nash was facing the camera (ie looking northwards) when he was filmed.

<sup>1</sup> E30.1

<sup>3</sup> Paragraphs 86.500–551

<sup>2</sup> M115.1

## What happened to Alexander Nash after he was shot

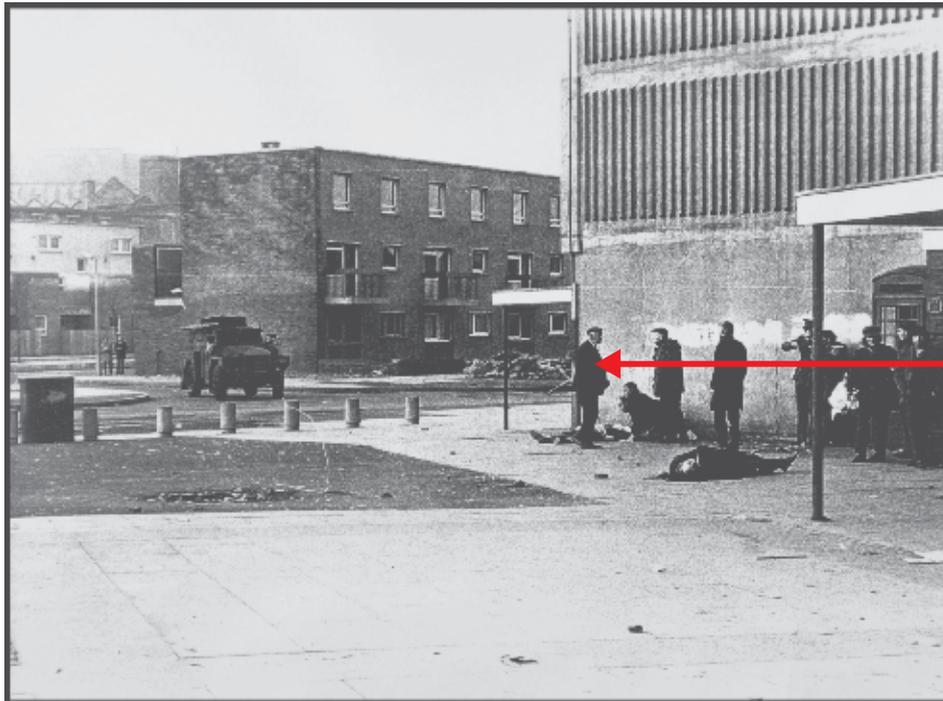
**86.559** After the bodies had been collected from the rubble barricade, Alexander Nash moved to the south end of Block 1 of the Rossville Flats. He can be seen in the following photograph taken by Fulvio Grimaldi. Alexander Nash recorded in his written statement for the Widgery Inquiry that when he went over to the shops (presumably those on the south side of Block 2 of the Rossville Flats) he was taken to a first aid post (which according to his oral evidence to the Widgery Inquiry was in a house), and then to an ambulance.<sup>1</sup> According to the statement he made to the RUC<sup>2</sup> he was treated in “a wee house” where “*the Knights of Malta men dressed my wound*”. The Order of Malta Ambulance Corps volunteers who treated Alexander Nash were James Norris and Noel McLoone, who did so in a house in Joseph Place.<sup>3</sup> As appears later in this report,<sup>4</sup> Alexander Nash was taken to Altnagelvin Hospital in the same ambulance that carried Hugh Gilmour, Patrick Doherty (shot in Sector 5), and Michael Bradley and Patrick McDaid (injured in Sector 2).

<sup>1</sup> AN1.10-11; WT8.3

<sup>3</sup> AN20.21-22; AM359.22

<sup>2</sup> ED33.6

<sup>4</sup> Paragraphs 124.3–9



Alexander  
Nash

## Whether a soldier or a paramilitary gunman shot Alexander Nash

**86.560** It will have been seen from the evidence discussed above<sup>1</sup> (including that of Alexander Nash himself) that there is a body of civilian evidence to the effect that Alexander Nash was shot by a soldier firing from further north along Rossville Street.

<sup>1</sup> [Paragraphs 86.482–551](#)

**86.561** No soldier has admitted firing at Alexander Nash, nor do any of the soldiers' descriptions – either of the individuals at whom they said that they fired, or of the circumstances in which they said that they fired – match either Alexander Nash or the circumstances in which he was injured. We discuss later in this report<sup>1</sup> whether the trajectory photographs assist in determining which, if any, of the soldiers might have been responsible.

<sup>1</sup> [Chapter 89](#)

**86.562** We now turn to examine the evidence which, it is submitted by the representatives of the majority of represented soldiers,<sup>1</sup> shows that Alexander Nash was injured by a man firing a pistol from the entrance to Block 1 of the Rossville Flats.

<sup>1</sup> [FS7.1700-1710](#)

## Private U

**86.563** Private U did not mention the matter in his first RMP statement,<sup>1</sup> which was principally concerned with the shot that he recorded that he had fired; and which we have considered earlier in this report.<sup>2</sup> However, in a second RMP statement (untimed but dated 4th February 1972),<sup>3</sup> he gave this account:

“Further to my previous statement dated 1 Feb 72:<sup>4</sup>

I am at present serving with my unit engaged on IS Duties in Northern Ireland.

At Londonderry on the 30 January 1972 about 1615 hrs I was with my Company in the forecourt of Rossville Flats as the Northern corner, Grid 43251686. I had taken over a position here, observing people behind a barricade in Rossville St, about half way down block one of the flats. I saw 2 bodies lying down behind the barricade, a man of about 45 years came across to give assistance to one of the bodies, he had come out of the flats. I saw this man sit one of the bodies up behind the barricade and wave for assistance. I could now see that the body he had propped up was a youth of about 16–17 yrs, this youth had a wound to his stomach. I was approximately 50 meters from the barricade. The main doors at the bottom of the flats facing Rossville St were open and I saw an arm holding a pistol extended from behind the door. I saw the pistol jerk, observed the strike of the bullet. It hit about 5 metres short on the other side of the barricade, ricocheted and hit the man who had gone over to the youth, in the right arm. Immediately after this shot, another was fired by the gunman at the doors. I saw the youths head jerk and he slumped into the man’s arms. Previous to this the youth had been looking round. The man had been shouting, ‘Come and help me, he’s dying.’ He also said, ‘He’s been shot.’ After the youth was hit in the head, the man said, ‘He’s dead’. and got up onto his feet and wandered off away from the barricade, apparently in a daze. One of our Humber APCs went forward to the barricade shortly after this and three bodies were removed from behind the barricade. One of these bodies was that of the youth I had seen hit in the head. Shortly after this my company withdrew from the area. About 2 days later this incident whilst watching the news on television I saw an interview with a man in hospital who said that the Army had shot his son, and shot him in the arm. This man on the interview was the man aged about 45 years to whom I have already referred.”

<sup>1</sup> B748

<sup>2</sup> Paragraphs 34.4–5 and 85.29

<sup>3</sup> B759-760

<sup>4</sup> His first RMP statement was in fact dated 31st January 1972.

- 86.564** Private U gave written and oral evidence to the Widgery Inquiry. In his written statement, after describing the shot he said he had fired himself, he made the following statement about the incident under consideration:<sup>1</sup>

“At this point I could see two bodies on the barricade. One was a youth who was sat up with an old man holding him and he appeared to be looking round. I heard the old man shout ‘He’s dying’. At this point the two grey doors of the flat were open and a right arm appeared with a pistol. I did not engage the hand with the pistol as it was not a definite target and also there was people beyond it. I shouted across the road to the other soldiers but they could not hear me. The pistol fired two quick shots in the direction of the barricade. The first hit the ground and ricocheted into the old man who was holding the youth and the second appeared to hit the youth whose head jerked back. At this point the old man shouted ‘He’s dead’.

I could also see a blood stain on the youths shirt. The old man called to me to come and assist him. I told the Sergeant Major about it who said that he was waiting for a vehicle.

The old man was holding his arm as if wounded and he got up and walked away looking dazed. A vehicle was then sent in by the platoon commander who found three bodies which were piled behind the barricade. All had gun shot wounds and were dead.”

<sup>1</sup> [B768-769](#)

- 86.565** Private U gave a similar account in his oral evidence to the Widgery Inquiry.<sup>1</sup> He also told that Inquiry that he had not seen any firing down Rossville Street before soldiers had removed the three bodies on the rubble barricade.<sup>2</sup>

<sup>1</sup> [WT13.99-100; WT14.4-5](#)

<sup>2</sup> [WT14.8](#)

- 86.566** Private U gave written and oral evidence to this Inquiry. In his written statement he gave the following account:<sup>1</sup>

“Another incident I remember at the Rubble Barricade (and I cannot remember whether it came after or before I shot the gunman). There were two young men and an old man. The old man was holding one of the young boys who was wearing a light shirt on which there was a large patch of blood. The boys were much much younger and the old man was much older than the man I shot with grey hair. The old man was shouting at me, as if beckoning me over. He was shouting something like ‘help, he is dying’.

As the man was beckoning me, an arm appeared out of the grey doorway which led from Block 1 of the Rossville Flats into Rossville Street, near to the Rubble Barricade. I cannot be sure whether it was a right arm or a left arm but visualising it now, I think it more likely to have been a right arm. The hand held a pistol, which was pointing towards the Rubble Barricade and, almost instantaneously, I heard two pistol shots in quick succession. I took it at the time that this gunman was shooting blind, possibly towards the soldiers by the wall. However, one of his shots (I cannot be sure which but I think it was the first one) hit the ground south of the Rubble Barricade and ricocheted up to hit the old man in the arm. It did not hit the barricade and bounce back when it ricocheted. It simply hit the ground and bounced back to continue travelling in the same direction. I say this because I think they misunderstood me on this point when I was giving my evidence to the Widgery tribunal. As the other shot rang out (probably the second) the young lad's head jerked backwards. The impression I had at the time was that the shot had hit him. At that moment, the old man turned the young boy round, laid him down, and shouted something like 'he's dead'. He then wandered away, looking like he was in a daze.

The target was too small and there were too many people around the area from which the man with a pistol was firing for me to fire at him. I might have hit one of them or possibly someone further in the distance near Free Derry Corner. The target was just too small, unlike the first target I had fired at. I knew, however, that the soldiers on the other side of the road by the wall would have a better angle so, when I saw the pistol appear, I shouted over to them 'grey doors'. I don't think they heard me. I did not see them firing at the target. In fact, I do not remember the soldiers by the wall firing at all."

<sup>1</sup> [B787.006-007](#)

**86.567** In the course of his oral evidence to this Inquiry, it was suggested to Private U that he had made up his account of seeing a gunman fire from the entrance to Block 1 of the Rossville Flats and hit two people at the rubble barricade, in order to rebut what (as he had mentioned in his second RMP statement) he had seen on television. Private U maintained that he had seen this incident.<sup>1</sup> He gave the following answers:<sup>2</sup>

“Q. We will have, so it is quicker, could we have page 760, please. This is the last sentence of the statement dated 4th February, a statement which only effectively deals with the Nashes, if I can put it generally. It says:

‘About two days after this incident [that is the one in Rossville Street] whilst watching the news on television I saw an interview with a man in hospital who said that the Army had shot his son, and shot him in the arm. This man on the interview was the man aged about 45 years to whom I have already referred.’

That is in this statement. You had not said a word about this before you saw the television; had you?

A. I do not recall.

Q. I would like you to think carefully: you had not said a word about seeing a man, a more elderly man, an old man, however you want to describe him, at the barricade, had you?

A. I do not recall.

Q. You can take it from me, it is certainly not in your first statement, not a single reference to it in the first statement, on the night, on the 31st; do you follow?

A. I follow.

Q. It is a simple question: why had you not given any description, in the first statement on the night, of what you had seen at the barricade?

A. I cannot explain.

Q. Because it is the kind of thing, I suggest, the description, if you had seen it, that you could not forget and you would have put in the first statement. That is why I suggest you did not see it in the way you have described it and you do not have any other explanation; do you?

A. I have no other explanation.”

<sup>1</sup> Day 369/184-191

<sup>2</sup> Day 369/184-185

## Private 037

**86.568** Private 037 made an RMP statement timed at 2230 hours on 4th February 1972,<sup>1</sup> the same date as the second RMP statement made by Private U. It was in the following terms:

“I was observing the Street from a position at the North West corner of No 1 Block Rossville Flats looking in the direction of a barrie[r] which was placed across the street.

Behind this barrier I saw two male persons one of which was lying on the ground and appeared to be dead the other male person I saw waving both his hands in the air trying to draw some attention to himself. At this time no member of my Coy was firing in the direction of the barrier as they were preparing to withdraw.

Suddenly I heard a shot being fired, this shot was of low velocity and was fired from a front door of Block 1 Rossville Flats, which lead out into the street. This shot was directed at the male person who I saw waving his hands in the air.

This was followed by the person falling to the ground behind the barrier and at this point all I could see was his shoulder sticking up. I could not return fire as I was not in a position to do so. I noticed that as this male person fell he looked towards the doorway of the flats but I could not see any movement from this doorway only smoke coming from it.

I observed the area for about ten minutes then withdrew.”

<sup>1</sup> B1632-1633

**86.569** Private 037, who was Major Loden’s driver and who, as we have explained earlier in this report,<sup>1</sup> was involved in the arrest of William John Dillon, did not give evidence to the Widgery Inquiry, but did give written and oral evidence to this Inquiry. In his written statement to this Inquiry, Private 037 told us that he had not seen the incident described in his RMP statement and could not have done so as he was only ever on the eastern corner of the northern gable of Block 1. He told us that a colleague told him about it and that he might have retold the story to the RMP, who then recorded it as if it were his own evidence. He denied that he had lied to the RMP in order to support someone else’s evidence. He stated that he was not asked to put forward a story in support of another soldier, and he did not take it upon himself so to do.<sup>2</sup>

<sup>1</sup> Chapter 33

<sup>2</sup> B1636.3

**86.570** In his oral evidence Private 037 said again that he had no first-hand knowledge of this incident, and had only a vague recollection of being told about it. He also suggested that he might not have given the RMP a statement at all, although he could not explain how his signature came to appear on the manuscript copy held by this Inquiry:<sup>1</sup>

“Q. How did your signature end up on the manuscript version if you did not make the statement?

A. I have no idea.

Q. Because one possibility that arises from your evidence today and in your statement to Eversheds is that in 1972 you were prepared to put your signature to a statement in which you say you saw a number of events but which you now say was just knowledge gleaned from general conversation?

A. I am not saying that, I am saying I did not write this statement.

Q. But you signed it, did you not?

A. Yes, I did by all accounts, yes.

Q. So you were prepared to put your signature to a statement that recorded events you had not seen?

A. No, I was not.

Q. Why did you sign it?

A. Because this is not what I made.

Q. So how did your signature end up on this statement?

A. I would certainly like to know myself.

Q. Do you have any explanation?

A. No, I have none whatsoever.”

<sup>1</sup> [Day 357/150-151](#)

**86.571** Private 037 told us that he knew Private U, but that he was not really friendly with him.<sup>1</sup>

<sup>1</sup> [Day 357/145-146](#)

## Lance Corporal 033

**86.572** Lance Corporal 033 was a signaller who travelled into the Bogside in Major Loden's command vehicle. He also made an RMP statement dated 4th February 1972.<sup>1</sup> This statement was timed at 1950 hours. We have already referred to this soldier and considered some of his evidence earlier in this report.<sup>2</sup>

<sup>1</sup> B1617-1618

<sup>2</sup> Chapter 50 and paragraphs 51.343–344

**86.573** In this statement Lance Corporal 033 described disembarking, making an arrest and returning to the command vehicle. After describing coming under Thompson sub-machine gun fire, Lance Corporal 033 recorded that he (apparently together with Major Loden and Lance Corporal INQ 627) "*ran forward to the end of the Flats and I took up a position at Grid 43271686, where I could observe people at the barricade across Rossville St, about half way down the flats*".

**86.574** The grid reference indicates a position a short distance to the north of the north end of Block 1 of the Rossville Flats.

**86.575** This statement continued:

"I saw one male person apparently dead lying on the top of the barricade. Next to this body, behind the barricade was a male person waving his arms in the air as if to indicate an injured person behind the barrier. Also from this position I saw a gunman armed with a handgun shooting at troops advancing along the right hand side of Rossville St. The gunman was located on the ground floor of the flats, about three or four windows from the end. I could only see the arm with the gun extend into view and fire. The location was Grid 43251682. I did not engage fire. I think the gunman was engaged by troops on the right flank in Rossville St. Whilst observing the gunman I saw him switch his aim from the advancing troops and observed him fire at the man waving from behind the barricade. I think he fired twice at this man but I definitely observed one round strike behind the barricade. I did not observe any other gunmen or nail bombers during the engagement. At about 1630 hours we withdrew from the flats area. I did not fire any rounds during the engagement."

**86.576** The grid reference that Lance Corporal 033 gave for the gunman indicated a position just south of the centre of Block 1 of the Rossville Flats.

**86.577** Lance Corporal 033 did not give evidence to the Widgery Inquiry but did give written and oral evidence to this Inquiry.

86.578 In his written statement to this Inquiry,<sup>1</sup> Lance Corporal 033 described vehicles moving forward to where he was standing near Block 1. He told us that he then heard SLR fire and, he thought, a different type of fire, possibly an M1 carbine. His statement continued:

“My next memory is going to the northern corner of Block 1 of the Rossville Flats and looking down the side of the Flats. I could see a small barricade which had been set up across the road, which was very typical of the type you would see in No Go areas. I think it was slightly further north than the rubble barricade marked on the attached map (grid reference J15 on the map attached). It was made of general rubble and was not particularly high. I do not think it was above knee height at the highest point, but I was some distance away from it.

I could see a male lying on the barricade. I think his head was towards me and he was lying on his stomach and chest. I cannot remember anything about the clothing he was wearing. Another man was near to him. He was waving one hand; I cannot now remember which hand it was. I assumed, from what I saw, that the man lying near him had been shot. I thought he was indicating that he wanted help.

I took my gas mask off at some point, but I cannot remember whether it was before or after I looked round that corner.

I then saw part of an arm and a handgun emerge from Block 1 of the Rossville Flats, at ground level. I cannot remember whether the gun was in the person's right or left hand. My memory of this incident is that the gun emerged out of a window but, looking at the photographs of Block 1 of the Rossville Flats, I believe it would have been from the doorway. I have no memory of seeing a porch by the doorway; I just focused on the arm and the handgun. Seeing the gun was a surprise. It was very unusual to actually be able to see a gunman shooting a weapon, because they were usually concealed. I did not shoot because the arm and weapon did not provide enough of a target to shoot at from that range.

I could see that the gun was being fired by the recoil of the weapon. I did not see any shells eject. That does not<sup>2</sup> mean that shells were not ejected, some weapons ejected shells backwards and some forwards. It would, however, suggest that it could have been a revolver not a pistol.

The shots appeared to be aimed at the troops in what I know now (from the map attached) to be the area of Rossville Street, by Glenfada Park North. I do not know how many shots the terrorist fired. He then appeared to be engaged by troops on my right (on the western side in Rossville Street). I remember seeing a soldier there, shooting with an SLR. He was a right hand shot. I believe he fired one shot as I was looking at him. I think he may have been standing by a small wall as he was engaging his target. From where I was standing, it was not possible to see with any certainty where he was aiming, other than his weapon was pointing south. He was the only soldier that I can remember seeing shooting.

I then looked back south towards the barricade and then I saw one or two strikes of bullets that I assume came from the handgun on the barricade, close to the man who was waving, like small explosions of dust upwards. These strikes were from bullets fired behind the man on the barricade. The way the bullets struck the barricade, they could not have come from the soldiers. I found this very confusing. It looked to me as if the gunman was shooting at one of his own people. It did not make any sense, but that is what I saw and I have absolutely no doubt about that.”

<sup>1</sup> B1621.006-007

<sup>2</sup> We have inserted the word “not” since in his oral evidence to this Inquiry (Day 324/32-33) Lance Corporal 033 told us that this had been omitted in error.

**86.579** In his oral evidence to this Inquiry, Lance Corporal 033 gave the following answers after he had been shown his RMP statement, in which he had described seeing the arm of the gunman “*about three or four windows from the end*”:<sup>1</sup>

“Q. ... There is an ambiguity in that sentence because it refers to the ground floor of the flats, but it also refers to three or four windows from the end.

A. That is correct, sir.

Q. And the windows are not on the ground.

A. I agree, sir.

Q. But it appears that three or four windows from the end, if we go back to P310, would take you to there or there (indicating). Do you think that when you made your RMP statement and referred to ‘windows’ you were intending to indicate that the fire was from somebody firing out of a window?

A. No, sir. What I saw came from ground level. It was at ground level, down here. And I had not been down here. And I – I guess back then I thought these were windows; I did not know it was a doorway. So I was trying to work it out from there, sir.

Q. Are you saying that you thought the door that appears in the porch in your mind's eye had become a window?

A. That is correct, sir.”

<sup>1</sup> [Day 324/71-72](#)

## Private 112

**86.580** Private 112 was a baton gunner who had disembarked from Sergeant O's APC in Rossville Street. As we have described earlier in this report,<sup>1</sup> he was involved in the arrest of Charles Canning on the Eden Place waste ground. He recorded nothing in his RMP statement<sup>2</sup> that in our view relates to the incident under consideration. Private 112 gave written and oral evidence to this Inquiry. In the former he said that he recalled seeing the hand of a person holding a gun appear from a second floor window of Block 1 of the Rossville Flats and fire a single shot,<sup>3</sup> while in the latter he agreed, since there was nothing to this effect in his RMP statement, that it was possible that he had not seen this happen.<sup>4</sup> As we have noted earlier in this report,<sup>5</sup> Private 112 told us that he was an alcoholic and that his memory was blurred. In these circumstances we are of the view that it would be unwise to rely upon his evidence in relation to the matter under consideration.

<sup>1</sup> [Chapter 35](#)

<sup>2</sup> [B1730](#)

<sup>3</sup> [B1732.005](#)

<sup>4</sup> [Day 320/116](#)

<sup>5</sup> [Paragraph 34.2](#)

## Lieutenant 227

**86.581** Later in this report, when dealing with the events of Sector 5,<sup>1</sup> we consider in detail the evidence given by Lieutenant 227, who was observing from Charlie OP, an Observation Post on the City Walls, near the Walker Monument. In his accounts he described hearing two or three pistol shots being fired “*from the area of Rossville flats*”<sup>2</sup> though he saw no civilian with a weapon.<sup>3</sup>

<sup>1</sup> [Paragraphs 119.57–82 and 119.225–234](#)

<sup>2</sup> [B2186.2; B2184; WT16.42-44](#)

<sup>3</sup> [WT16.43; WT16.49; B2204.004; Day 371/168-170; Day 371/204-207](#)

## Summary of the soldiers' evidence of a gunman at ground level at the south end of Block 1 of the Rossville Flats

**86.582** As will have been seen, the soldiers who gave evidence of a gunman firing in Rossville Street gave differing accounts of what they saw. Private U, having said nothing in his first RMP statement, gave in his second RMP statement and subsequent evidence detailed accounts to the effect that he saw a gunman firing two shots from the doors of Block 1 of the Rossville Flats, of which the first hit a man in the right arm and the second hit in the head the youth the man was holding up. Private 037 originally said that he had seen a man at the rubble barricade waving both hands in the air, and had then heard a low velocity shot fired from the door of Block 1 of the Rossville Flats at this man, who had fallen to the ground; but afterwards told us that he had not seen this incident. Lance Corporal 033 described a gunman at ground level firing from a window (or, as he suggested in his evidence to this Inquiry, the doorway) near the southern end of Block 1 of the Rossville Flats, first at soldiers advancing along the other side of Rossville Street and then at a man next to a body waving from behind the rubble barricade.

## Kieran Gill and the *Sunday Times* Insight Team

**86.583** Kieran Gill became involved with the Insight Team as a local stringer as they worked on their article on Bloody Sunday.<sup>1</sup> He gave evidence to this Inquiry that in the course of this work he and Peter Pringle developed a theory about Alexander Nash being shot by a low velocity weapon. Kieran Gill told us that he received information from a Provisional IRA source that a member of the Official IRA had fired a revolver on Bloody Sunday. Kieran Gill was not prepared to name his source.<sup>2</sup> According to his account, he and Peter Pringle found the address and went to the home of the Official IRA volunteer, probably during the period in which the Widgery Inquiry was sitting.<sup>3</sup> According to Kieran Gill, the man recognised him and Peter Pringle. They told him that the Provisional IRA had said that he fired a revolver on Bloody Sunday. Kieran Gill said something like "*So you shot Mr Nash!*" The man looked horrified. He admitted that he had fired a revolver around a door of the Rossville Flats. He said that he had fired the revolver after the Army had fired between 100 and 150 rounds and there had been a lull in the shooting. There were people lying dead in front of the flats. People were frightened that the soldiers were going to come into the flats and continue to shoot. The man said that he had fired three or four shots up Rossville Street to make the soldiers stay away.<sup>4</sup>

<sup>1</sup> M105.13

<sup>2</sup> M105.13-14; Day 205/116-117

<sup>3</sup> Day 206/111-114

<sup>4</sup> M105.14

**86.584** Kieran Gill told us that he and Peter Pringle said to the Official IRA volunteer that he might have shot Alexander Nash in the arm.<sup>1</sup> Kieran Gill said that he thought that he had “*filed a short story as a memo to the group news editor*”, but he did not know whether it was ever used. The essential purpose of this memorandum would have been to flag the issue for further discussion.<sup>2</sup> Although Kieran Gill told us that he believed that he or Peter Pringle had intended to go back and interview the Official IRA volunteer, he did not do so and he did not know whether anyone else had done so. Kieran Gill had a vague memory that after speaking to the man, he and Peter Pringle had gone to the door of the Rossville Flats to see whether it would have been possible for Alexander Nash to have been shot from there, and had concluded that it would.<sup>3</sup>

<sup>1</sup> M105.14

<sup>3</sup> Day 206/120-122

<sup>2</sup> Day 206/119-120

**86.585** It will have been noted that Kieran Gill did not suggest that the Official IRA volunteer had admitted that he had, or might have, shot Alexander Nash.

**86.586** Kieran Gill told us in a supplementary statement that he approached the Official IRA volunteer again on 1st May 2002. The man said that he had no recollection of the conversation described by Kieran Gill in his first statement and denied that he had fired a revolver from the door of the Rossville Flats on Bloody Sunday.<sup>1</sup>

<sup>1</sup> M105.28-29

**86.587** It is clear that Peter Pringle knew of the theory that Alexander Nash had been shot by a paramilitary gunman. However, some of this knowledge, at least, came in our view from the evidence given to the Widgery Inquiry. His notebook for Day 9 of the hearings of that Inquiry recorded: “*Nash senior: not shot by army bullet.*”<sup>1</sup>

<sup>1</sup> M68.226

**86.588** A draft of the *Sunday Times* Insight Team’s article suggested that Alexander Nash might have been shot with a low velocity weapon fired from the doorway of the Rossville Flats.<sup>1</sup> In his oral evidence to this Inquiry,<sup>2</sup> Peter Pringle was asked why this suggestion had been left out of the *Sunday Times* article<sup>3</sup> published on 23rd April 1972. In fact counsel asking the question was mistaken, because the article as published stated in terms that a bullet fired from the entrance to Block 1 of the Rossville Flats had probably hit Alexander Nash.<sup>4</sup>

“Nash had one hand on his son’s back, his left arm in the air. It was at this point that U’s ‘mystery pistol’ appeared. Alex Nash was shot through the left arm from the direction of the doorway, the bullet passing straight through from right to left. Medical evidence suggests the bullet was low-velocity which fits a pistol. The balance of probability, as Widgery agreed, suggests that somebody poked a pistol round the doors of the flats and – it being clearly imprudent to step out into full view – fired blindly at the nearest soldiers.”

<sup>1</sup> S303

<sup>3</sup> L213

<sup>2</sup> Day 191/33

<sup>4</sup> L214

**86.589** Peter Pringle, clearly labouring under the same mistake, said that it must have been omitted “*because we had no evidence that would satisfy us that it was – to be included*” and that the information may have been uncorroborated.<sup>1</sup>

<sup>1</sup> Day 191/33

**86.590** When Peter Pringle gave oral evidence, Kieran Gill had not yet made his first witness statement, and so Kieran Gill’s account was not put to Peter Pringle. However, in written comments provided to this Inquiry on 25th May 2003,<sup>1</sup> Peter Pringle told us that he had “*no recollection of the incident Mr Gill relates*” and could find no reference in his notebooks to “*such a meeting with the PIRA or the OIRA*”.

<sup>1</sup> M68.375

**86.591** OIRA 1 said in his oral evidence to this Inquiry that he was the man whom Kieran Gill had approached about this matter in May 2002. However, he denied that Kieran Gill had spoken to him in 1972 to suggest that he had fired a shot from the doorway that may have struck Alexander Nash. He also denied that he had been involved in any such incident. He did not know whether any other member of the Official IRA had given Kieran Gill information about the events of Bloody Sunday.<sup>1</sup> His evidence was that throughout the main incidents of Bloody Sunday he was in areas to the west of Rossville Street.<sup>2</sup>

<sup>1</sup> Day 395/145-152

<sup>2</sup> AOIRA1.6-11; AOIRA1.26-30

**86.592** Elsewhere in this report<sup>1</sup> we have considered the note that John Barry of the *Sunday Times* Insight Team made of what we are sure OIRA 1 had told him: about firing from Columbcille Court at a soldier beside the Presbyterian church, then returning to Glenfada Park North and fleeing through the south-western corner of Glenfada Park North as soldiers came into that area, after he had seen Michael Kelly lying at the gable end.<sup>2</sup>

<sup>1</sup> Paragraphs 19.12–21, 19.35–36, 111.22–32 and 111.156–173

<sup>2</sup> AOIRA1.1-2

**86.593** OIRA 1 disputed much of what was contained in John Barry's note, but not that he had fled westwards from Glenfada Park North when the soldiers came in. We have, apart from Kieran Gill's evidence, nothing to suggest that OIRA 1 made his way to the entrance to Block 1 of the Rossville Flats. At the same time, as we have observed elsewhere in this report,<sup>1</sup> OIRA 1 has not always told the truth about his movements immediately before and on Bloody Sunday.

<sup>1</sup> Paragraphs 19.21–32, 19.40, 111.25–26 and 111.73

## John Nash

**86.594** We have already referred<sup>1</sup> to the evidence given by John Nash, one of Alexander Nash's sons. In 2000, Jimmy McGovern interviewed John Nash. The interview was tape-recorded and when John Nash was talking about his father he said this:<sup>2</sup>

"JN: Now apparently they say we have just come across it now but my father has been telling me for the last twenty seven years that he was shot by a soldier. Right ... he says that the soldier who shot him approached him, fired, and came forward again and had the gun raised and he, he says I, I looked in he's eyes and I swore blind he going to fucking finish me off. But for some reason he didn't and he put the gun down. Now that is what he has been telling me for twenty six years ... but then you have ... some other fucking eejit and I actually went down to the Republic of Ireland. I went into a Sinn Fein office and apparently this is only a few years back way this guy says that he is the person responsible for shooting me Da ... well I went down to face him and tell him he was a fucking liar ... and I would a done it only this guy didn't turn up ... that particular day you know what I mean ... but I went down ... you know what I mean as far as ... if it means that he was telling the truth my father has been lying to me for twenty seven years. And I don't think my father was lying to me ... he says that he was shot now apparently we have been told that nowhere, no statement does me father say that he was shot by the British Army. That is not correct. Because I there is video footage there where me father says that he was shot by the soldier ... there is also a statement to say that he was shot and then in questioning when they came up to pick up the bodies you know well why did you not say anything then and me father reply was sure wouldn't they a shot again. You know which indicates that he was talking about them and us them being the British Army and us being obviously us you know. So he did he has says that but he ... obviously no written statement as he says it was actually a British soldier but he has within a day or two after it says on video footage that he was shot by the British Army.

J.McG: It is strange for a Sinn Fein man to say 'it was I who shot him' cause he must have been an idiot ... I mean ... The soldiers were all in uniform your father ... is the argument that he ...

J.N: The argument is that he, he is just ... well the argument is that he just stuck he's hand out the door and he fired you know what I mean well ... this is ... a soldiers statement ... you know what I mean and I do not believe that statement ... you know what I mean because I you know there is nobody dis ... because if the points his hand out the door and there is quite a number of people at that door as you can see ... you know what I mean like ... and I know some of the people that are ... the likes of Jimmy Green ... people like that there ... who are there standing at the door ... and he said naw they never seen no gunman at that point ...”

<sup>1</sup> Paragraphs 86.203, 86.205–207 and 86.475

<sup>2</sup> AN6.21

**86.595** John Nash had not mentioned in his original evidence to this Inquiry that someone had admitted responsibility for shooting his father. At that stage the Inquiry was not aware that Jimmy McGovern had interviewed John Nash, and so the latter was not asked any questions about this interview. However, after the Inquiry had received the transcript, John Nash was interviewed again and gave a supplementary statement.<sup>1</sup>

<sup>1</sup> AN6.53-54

**86.596** In this statement John Nash gave the following account:

“At Page AN6.21 (a copy of which is attached to this statement), the notes record a trip I made to the Republic to visit the Sinn Fein office. This trip was made by me in 1997. The purpose of the trip was actually to meet John Bruton, Dick Spring and Mr De Rossa, in connection with the campaign for a new public inquiry into Bloody Sunday. I was involved in that campaign.

Shortly before that trip I had a conversation in a bar with another man. As often happens to me, the man knew who I was and wanted to talk about Bloody Sunday. I do not remember this man and I cannot say who he was. The gist of what he told me was that there had been an article in the republican newspaper An Phoblacht, about my father's shooting. He told me that this article contained an admission by a civilian gunman that it was him who had shot my father. He did not have a copy of the article and did not tell me the name of the person who had made that admission.

I thought that this suggestion was inherently unlikely for a number of reasons. Firstly, my father had always maintained that he was shot by a soldier. He was quite definite about this. Secondly, I am aware of the photographs of the area around the rubble barricade and the doorway to block one of the Rossville Flats. Over the years I must have spoken to just about everyone shown in those photographs. Not one of them has ever mentioned to me any civilian gunman. Thirdly, it is extremely unlikely that such a story would be carried by a republican newspaper such as *An Phoblacht*. If such a story had been published by anyone, it would certainly have subsequently received wider exposure.

Despite my doubts, I decided that when I was next in Dublin I would visit Sinn Fein's offices and see if it was possible to look at back copies of *An Phoblacht*. If such an article did exist I obviously wanted to see it. I would certainly then have wanted to confront the person who had apparently admitted shooting my father.

I remember visiting Sinn Fein's offices in Parnell Square, Dublin. I spoke there to a man who undertook to help me. He said that he would have a look through his back copies and see if any such article existed. On that basis I agree to return the following day.

However, when I went back the next day this man was not there. The man who I did see had no knowledge of the conversation that I had had with his colleague the previous day. I was due to catch a bus back to Derry shortly, so I left the matter there.

I have never subsequently followed this story up. This reflects the fact that I never really had any belief in the story in the first place. I did not discuss this with my father Alexander either. In his last years my father did not enjoy the best of health, and I would not have wanted to trouble him by raising issues like this."

**86.597** No article containing an admission to the shooting of Alexander Nash has come to light, whether published in *An Phoblacht* or elsewhere.

**86.598** John Nash was recalled to give oral evidence to this Inquiry about this matter. He told us that he was aware of the Insight Team's article in the *Sunday Times* of 23rd April 1972,<sup>1</sup> in which, in apparent reliance on the evidence given to the Widgery Inquiry and on Lord Widgery's report, it was said that Alexander Nash had probably been hit by a shot fired from the entrance to Block 1 of the Rossville Flats; and that he was also aware of the

evidence given to the Widgery Inquiry by Private U.<sup>2</sup> John Nash told us that he had had the conversation with someone in a bar in Derry whom, “*at that particular time*”, he did not know, and that he never did know his name.<sup>3</sup>

<sup>1</sup> L214

<sup>3</sup> Day 424/81-82

<sup>2</sup> Day 424/80-81

**86.599** When John Nash was referred to the transcript of his interview with Jimmy McGovern, there was the following exchange:<sup>1</sup>

“Q. Reading it alone by itself, what you appeared to have told Mr McGovern was that you went to confront someone who claimed to have shot your father, a civilian who claimed to have shot your father and so whose name was known to you; do you follow?”

A. Yes.

Q. But your evidence is that that is not the position at all?

A. That is absolutely not the case. You know, had I have ever known of any – the name of any individual who would have made such a statement as that, the first people to know that name would be the Inquiry. I have done absolutely nothing over the last six years but do my best and my utmost best to assist this Inquiry. If I have given the impression that I actually knew the name of this gunman, then I have given, in this particular interview, I have given a wrong impression and I apologise for that.

Q. Because it seems to be the impression that Mr McGovern had because he then asks you, he says:

‘It is strange for a Sinn Fein man to say ‘It was I who shot him’ because he must have been an idiot’ and you do not appear to have corrected him at that point.

Were you surprised when you saw this transcript again and saw what Mr McGovern’s impression had been?

A. I have a – I have never actually seen this particular part of the transcript.

Q. This particular page?

A. Uh-huh.

Q. It is attached to your supplementary statement?

A. Yes, I did not read it.

Q. Was there any reason why you chose not to read it?

A. No, not really.”

<sup>1</sup> [Day 424/88-89](#)

## Consideration of the evidence relating to whether a soldier or a paramilitary gunman shot Alexander Nash

**86.600** There is no direct civilian evidence that OIRA 1 or any paramilitary gunman fired from the entrance to Block 1 of the Rossville Flats on Bloody Sunday. However, if, as we consider to be the case, Alexander Nash was wounded at a relatively late stage, after Kevin McElhinney had been shot and carried upstairs, there may have been few if any people still around that entrance. We note also that Alphonsus Cunningham, who was sheltering in a house on the eastern side of Glenfada Park North, said in his evidence to this Inquiry that he remembered hearing two or three low velocity gunshots which came from the direction of the Rossville Flats. He said: “*I immediately thought that some maniac had decided to take on the army with a pistol.*”<sup>1</sup> It is possible that these were the shots under consideration, though it is not entirely clear from Alphonsus Cunningham’s account when he heard them.

<sup>1</sup> [AC125.3; Day 150/20-22](#)

**86.601** We accept Kieran Gill’s evidence. In our view he did not make up his account of seeking out the Official IRA volunteer he had been told had fired from the entrance to Block 1, and of this man admitting to him and Peter Pringle that he had fired at a stage when there were dead bodies lying in front of the Rossville Flats. Equally, we can see no reason why Kieran Gill should have come mistakenly to believe that this admission had been made. In our view, on the basis of his evidence, it is probable that a paramilitary gunman fired from the entrance to Block 1 of the Rossville Flats at a stage when there were casualties lying in front of the Rossville Flats, by which someone observing from the entrance would have meant that they were lying in Rossville Street. In our view Lieutenant 227 may well have heard these shots.

**86.602** As we noted above,<sup>1</sup> Kieran Gill did not suggest that the Official IRA volunteer whom he met admitted that he had shot Alexander Nash. The only direct evidence that a paramilitary gunman shot a man who must have been Alexander Nash came from Private U; though, according to his RMP statement (from which he later resiled), Private 037 recorded that a man, who must have been Alexander Nash, fell after a low

velocity shot had been fired at him from the entrance to Block 1 of the Rossville Flats. Lance Corporal 033, while he said that the gunman had fired towards Alexander Nash, did not say that the gunman had hit him.

<sup>1</sup> [Paragraph 86.585](#)

**86.603** While Private U may have seen a gunman fire from the entrance to Block 1 of the Rossville Flats, we are not persuaded by his account that one of the gunman's bullets hit the man who must have been Alexander Nash and that the other hit in the head the youth whom the man was holding up. Alexander Nash was hit in the left arm, not the right as Private U had described. The other casualties at the rubble barricade were all shot before Alexander Nash had gone out to his son. There is, as we have described, a substantial body of civilian evidence that a soldier firing from somewhere further north along Rossville Street wounded him. Had Private U actually seen a paramilitary gunman shoot two men on the rubble barricade, we are sure that he would have recorded this in his first RMP statement. We do not accept his explanation that he was told by the RMP to explain what he did, not what he saw.<sup>1</sup> Later in his oral evidence to this Inquiry, Private U said that he could not explain why he had not included a description of this shooting in his first RMP statement.<sup>2</sup>

<sup>1</sup> [Day 369/32](#); [Day 369/43-44](#)

<sup>2</sup> [Day 369/185](#)

**86.604** For reasons given elsewhere in this report,<sup>1</sup> we consider that in a number of respects Private U gave untruthful evidence. In our view his evidence about seeing the gunman hit the man and the youth he was holding up was an invention on his part, which was probably an attempt to divert the blame from the soldiers for two casualties at the rubble barricade. As to Private 037, he set out in his RMP statement something that he had not himself witnessed. It is possible that he did so in the belief that what he had been told was true, but even if this was the case, we find his RMP statement of no evidential value. On balance, we consider that Lance Corporal 033 saw the gunman, but this soldier did not suggest that he had seen him hit Alexander Nash.

<sup>1</sup> [Paragraphs 24.40, 49.87](#) and [85.76](#)

**86.605** On our assessment of the evidence as a whole, we have concluded that it is probable that a soldier, not a paramilitary gunman, shot Alexander Nash.

- 86.606** Although we are not sure, we consider on balance that OIRA 1 was the gunman. In view of what we consider was the unreliability of much of his evidence, he probably, contrary to the accounts he gave of his movements, made his way to Block 1 of the Rossville Flats, and fired from there. If the gunman was not OIRA 1, we have no evidence to suggest who else it could have been.
- 86.607** Later in this report<sup>1</sup> we consider whether it is possible to identify the soldiers responsible for the casualties in Sector 3.

<sup>1</sup> [Chapter 89](#)

## **The removal of the bodies of Michael McDaid, John Young and William Nash**

- 86.608** After the events of Sectors 4 and 5 were over, soldiers collected the bodies of these casualties and put them into Lieutenant N's APC which had been driven from the area at the north end of Block 1 of the Rossville Flats and was then driven back there, after which it was used to take the bodies to the mortuary at Altnagelvin Hospital. We discuss this matter in more detail<sup>1</sup> after consideration of the events of Sectors 4 and 5.

<sup>1</sup> [Chapter 122](#)

# Chapter 87: The question of unidentified gunfire casualties in Sector 3

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## Introduction

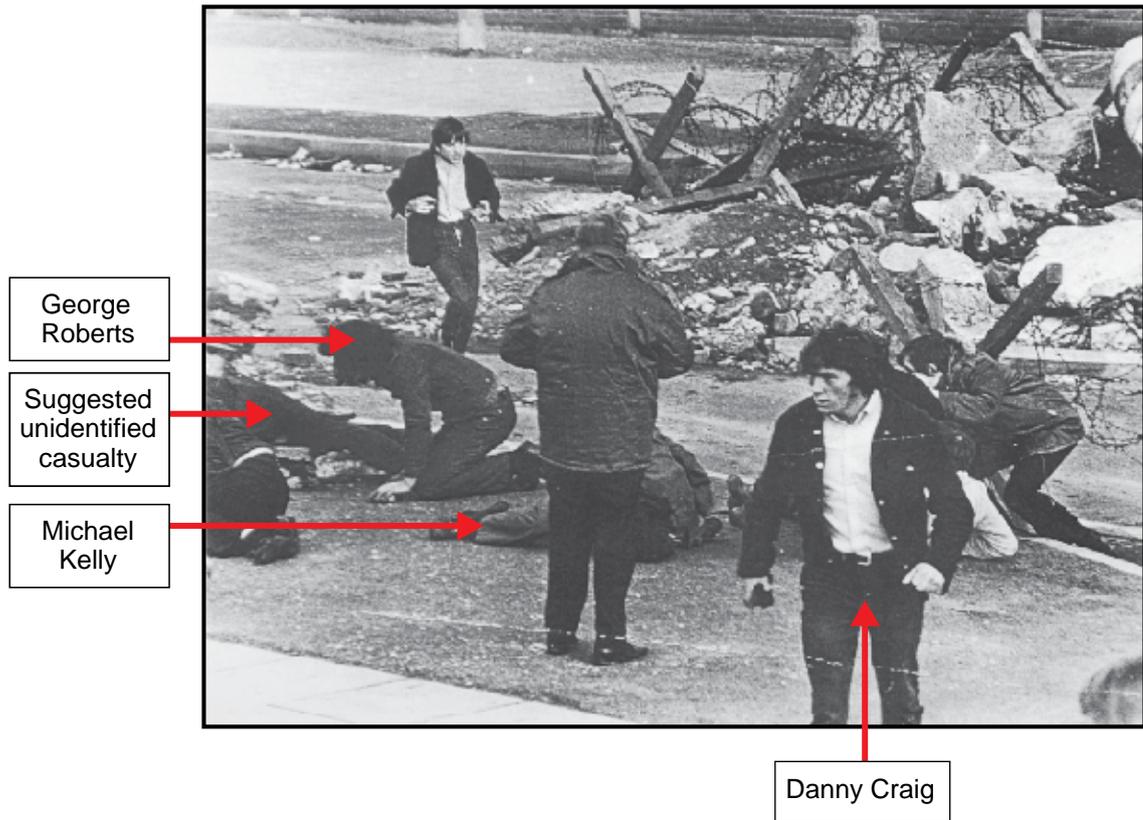
**87.1** We have already given our reasons for concluding that Lance Corporal F shot Michael Kelly.<sup>1</sup> We have also referred to the fact that the representatives of the majority of represented soldiers submitted that Michael Kelly was “*the unfortunate victim of a ‘shoot through’ round*” that first hit a nail bomber standing in front of him.<sup>2</sup>

<sup>1</sup> Paragraphs 81.21–32

<sup>2</sup> FS7.1817

**87.2** In support of that submission, the representatives of the majority of represented soldiers relied on two photographs (taken by Robert White) which they say “*clearly show part of an additional body lying at the rubble barricade at the same time as Michael Kelly*”.<sup>1</sup> We have reproduced both photographs below and identified a number of the individuals shown in them. We refer to the evidence of some of these individuals below.

<sup>1</sup> FS7.1819



## 87.3

As we understand the submission, it is that the body which appears on the left of the photographs, and which we have marked on the first photograph, is that of an unidentified casualty; and that there is civilian evidence to substantiate this. It is further submitted that

*“The lack of evidence as to the identity of this person and failure, even at this stage, to acknowledge him as a casualty of the day would tend to suggest that he was indeed armed when shot at the rubble barricade. The likelihood is that this man was the nail bomber at whom Soldier F aimed and fired...”*<sup>1</sup> Later in their submissions, the representatives of the majority of represented soldiers put this in rather stronger terms, *“The very denial of his existence is proof that he was engaged in violent, armed activity at the time he was shot, just as Soldier F describes”*.<sup>2</sup>

<sup>1</sup> FS7.1817

<sup>2</sup> FS7.1848

**87.4** As we explained earlier,<sup>1</sup> the bullet that struck Michael Kelly was unstable, and it was likely that the instability had been caused by the bullet striking something else before hitting him. The submission is that this was another person.

<sup>1</sup> Paragraphs 86.15–33

**87.5** We first turn to consider the witnesses upon whom reliance is placed for the purpose of the submission that there was an unidentified casualty of Army gunfire at the rubble barricade, who was shot at the same time as Michael Kelly.

## Someone shot at the same time as Michael Kelly

**87.6** The representatives of the majority of represented soldiers drew our attention to the evidence of the following witnesses.

### Anthony Coll

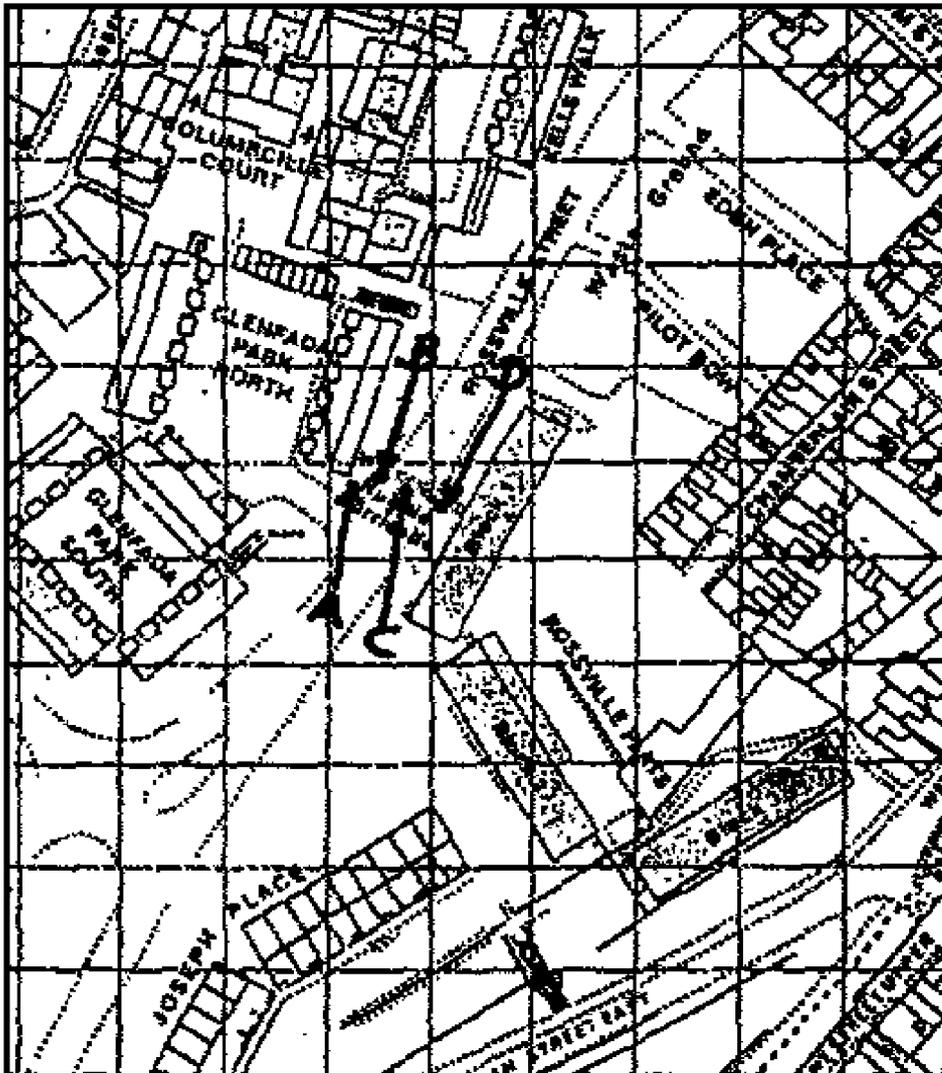
**87.7** The submission referred to the following evidence, given by Anthony Coll in his written statement to this Inquiry:<sup>1</sup>

“I remember Michael Kelly falling to the ground... I knew Michael very well, we were good friends... I took his left arm and got hold of his neck and shoulder. Someone else took his right arm. I thought that we would lift him... Michael was dragged to the corner of Glenfada Park North, but I did not help carry him because I went to help someone else after someone had shouted ‘This man is shot’. He was about 5 yards away from where Michael fell at about the point marked B on the map (grid reference J15). He was a wee, small fella with black hair with a wave in it. I remember him in front of us when I was standing behind the Rubble Barricade and two minutes later he was dead.”

<sup>1</sup> AC84.5

87.8 The map marked by Anthony Coll is reproduced below.<sup>1</sup>

<sup>1</sup> AC84.11



87.9 According to the representatives of the majority of the represented soldiers,<sup>1</sup> Anthony Coll confirmed that the person he went to assist after trying to help Michael Kelly was shown in the first of the two photographs we have reproduced above.<sup>2</sup> A copy of that photograph was attached to Anthony Coll's written statement to this Inquiry.<sup>3</sup> Commenting on it he said: "This shows two bodies on the Rubble Barricade. The one on the left was the one I went to help but who was dead".<sup>4</sup>

<sup>1</sup> FS7.1820

<sup>2</sup> Paragraph 87.2

<sup>3</sup> AC84.12

<sup>4</sup> AC84.9

87.10 The submission correctly summarises that part of Anthony Coll's written statement to this Inquiry that relates to a casualty other than Michael Kelly. However, the next three paragraphs of this statement were in the following terms:<sup>1</sup>

"13. There was also another lad who was a few yards further back, nearer to the Rossville Flats at about the point marked C on the attached map. I went towards him to help him along with about four others. He was a young fella, lying face down with his head towards the Rossville Flats and his back towards Free Derry Corner. He was lying flat on the ground, slightly away from the Rubble Barricade (to the south). However, we had to leave him because the shooting was heavy and we needed to get to shelter...

14. I also saw a more elderly man lying on Rossville Street, who looked as if he had rolled off the Rubble Barricade. He was lying next to it, leaning with his arm towards the Rubble Barricade at about the point marked D on the map.

15. I went back to the gable end of Glenfada Park North after trying to help the lad on the Rubble Barricade. There were 20 or 30 of us there. As I looked out I could see boys crawling south along Rossville Street, close to the Rossville Flats, trying to get in the doors."

<sup>1</sup> AC84.5-6

87.11 In his Keville interview (the transcript of which was not available when he made his written statement to this Inquiry), Anthony Coll said:<sup>1</sup>

"... thirty of us got behind a wall just facing the Rossville Flats and about four of us got up behind – behind the two cars and we seen four drop, getting shot at the barricade and there was four – six of us – six of us went out to pull in, took one, a couple of fellas<sup>2</sup> and we – four of us came back in again. There were another two shot, went out to get them boys in. Then we were pinned down for about a quarter of an hour with the shooting."

<sup>1</sup> AC84.19

<sup>2</sup> The transcript at AC84.19 reads "... six of us went out to pull ... took ... a couple of fellas". Having listened to the tape, we believe that the transcription that we set out above is more accurate.

**87.12** A note provided to the Inquiry as part of the *Sunday Times* archive (and almost certainly based on the Keville interview) contains similar information:<sup>1</sup>

“... and 3 of us got behind a wall just facing Rossville Flats and about 4 of us got behind 2 cars and we saw 4 getting shot at the barricade 6 of us went out to pull them in and four of us came back in again the other two were shot and we had to get them boys in We were pinned down for a quarter of an hour by the shooting...”

<sup>1</sup> [AC84.2](#)

**87.13** In some respects Anthony Coll’s evidence is not entirely reliable. In his written statement to this Inquiry, Anthony Coll referred to other events that had occurred on the day. This is part of the account that he gave of events at Barrier 14:<sup>1</sup>

“I knew that the army was building up to coming through the barrier. The Saracens were in gear and revving up. I actually saw one of the barriers pulled aside and as soon as I saw this I turned to run and my objective was to reach open ground. I would say I threw the last stone. Barrier 14 was dismantled in a flash; a snatch squad was coming towards us. The vehicles came through first with troops running behind and at the side. The Saracens were not at full speed and as the Brits were behind or parallel to the vehicles, this gave us a chance to get away.”

<sup>1</sup> [AC84.4](#)

**87.14** As will have been seen from our discussion of the events of Sector 1 and Sector 2,<sup>1</sup> this is an inaccurate description of events at Barrier 14, since Army vehicles followed, rather than preceded, soldiers going through that barrier.

<sup>1</sup> [Paragraphs 20.209–232](#) and [Chapter 65](#)

**87.15** Anthony Coll, after giving his written statement, did not co-operate with the Inquiry and did not give oral evidence.

**87.16** The following factors should be borne in mind in any assessment of Anthony Coll’s evidence:

1. In his written statement to this Inquiry, Anthony Coll did not say whether the casualty whom he tried to help was shot before or after Michael Kelly.

2. He does identify the person on the ground in the first of the two photographs shown above<sup>1</sup> as the person whom he tried to assist. The presence of Michael McDaid, alive, in the second of the two photographs shows that the person on the ground, *if he is a casualty*, was shot before Michael McDaid, William Nash and John Young.

<sup>1</sup> [Paragraph 87.2](#)

**87.17** However, we do not accept that the photographs, with or without the evidence of Anthony Coll, provide evidence of the presence of a second casualty. To our minds they show no more than a person on the ground. Since Anthony Coll did not give oral evidence, it was not possible for anyone to ask him the basis on which he felt able to say that the person shown in the photograph was the one whom he had tried to help.

**87.18** Anthony Coll's written statement to this Inquiry is to the effect that he saw three other casualties in the area of the rubble barricade, in addition to Michael Kelly. The last one that he mentions was "*a more elderly man lying on Rossville Street, who looked as if he had rolled off the Rubble Barricade*".<sup>1</sup> We are sure that this "*more elderly man*" was Alexander Nash.

<sup>1</sup> [AC84.6](#)

**87.19** In the previous chapters, we looked in detail at the evidence of what took place at the rubble barricade. We have no doubt that Michael Kelly was the first to be shot there, and that he was then taken into the entrance to Glenfada Park North, where he was tended by, among others, Fr Denis Bradley. William Nash, John Young and Michael McDaid were then shot in that order. Alexander Nash was wounded after he had gone out to the aid of his son William.

**87.20** We are also sure that the only rubble barricade casualty to be carried into Glenfada Park North was Michael Kelly. When the soldiers later went to the rubble barricade (in circumstances that we examine when considering the later events of Sector 3<sup>1</sup>) they picked up the bodies of William Nash, John Young and Michael McDaid, and found the wounded Alexander Nash in the area.

<sup>1</sup> [Chapter 122](#)

**87.21** In these circumstances, we have concluded that what Anthony Coll saw were the known casualties, and that he is simply wrong in his identification of one of them in the photographs. In our view his evidence does not support the suggestion that there was what would necessarily be a fifth, unidentified casualty at the rubble barricade.

## George Roberts

**87.22** The representatives of the majority of represented soldiers referred us to the evidence of George Roberts and stated, correctly, that he identified himself in the first of the two photographs we have set out above<sup>1</sup> as the person leaning over what these representatives described as the “*unidentified casualty*”.<sup>2</sup> We have already identified George Roberts on that photograph.

<sup>1</sup> Paragraph 87.2

<sup>2</sup> FS7.1821

**87.23** These representatives then referred to an extract from George Roberts’ written statement to this Inquiry and two answers he gave in oral evidence to this Inquiry.<sup>1</sup>

<sup>1</sup> FS7.1821-1822

**87.24** The extract from George Roberts’ written statement was preceded by this witness recounting that he had reached the rubble barricade:<sup>1</sup>

“Shooting then started from the soldiers who were to the north of us... All of a sudden, a young fella who was standing next to me, just in front of me to my left, went down. He fell and was lying on his back with his head pointing up in the direction of William Street and his feet pointing in the direction of Free Derry Corner... I remember that he was wearing a white arran sweater and there was blood gushing like a fountain out of a hole just under his eye.”

<sup>1</sup> AR13.1

**87.25** The first answer in oral evidence upon which reliance is placed was one prompted by George Roberts being shown the first of the two photographs reproduced above<sup>1</sup> and in which he had identified himself kneeling behind the rubble barricade. Counsel pointed out Michael Kelly on the photograph to George Roberts. He was then told that it was “*very likely*” that Michael Kelly had been the first person shot at the rubble barricade and that he had been shot “*substantially before anybody else*”. George Roberts was then asked if “*you could simply have been kneeling there on the left to take shelter and then turned back?*” He replied:<sup>2</sup>

“A. No, no, there was a young fella shot dead before I went down behind the barricade. He was shot underneath the left – the right eye and there was a fountain of blood coming out. Out of his right eye. That is why I went down behind the barricade.”

<sup>1</sup> Paragraph 87.2

<sup>2</sup> Day 151

87.26 A little later George Roberts was shown the second of the two photographs reproduced above<sup>1</sup> and asked:<sup>2</sup>

“Q. Is that the scene that you are quite certain of is you bending over the man in the Aran sweater?”

A. That is what I recall, yes, the Aran sweater. There was a coat on, but it is the Aran sweater sort of sticks out in my mind and the blood coming out from underneath his eye.”

<sup>1</sup> [Paragraph 87.2](#)

<sup>2</sup> [Day 151/107](#)

87.27 The submission was that:<sup>1</sup>

“While it was also put to Mr Roberts by Arthur Harvey QC [Counsel for the majority of the families] that in fact the man he saw shot was John Young, the position of the body over which he is seen crouching would not match what is known of Mr Young, nor would the timing of the man’s fall or indeed his dress of which Mr Roberts was quite certain when questioned by Edwin Glasgow QC [Counsel for the majority of the represented soldiers].

....

Mr Roberts could not have any conceivable reason to invent the account he gives of this casualty. His evidence is corroborated by the photographs, although no one suggests that his recollection of the events with which he was so closely involved at the time was prompted by being shown them.”

<sup>1</sup> [FS7.1823](#)

87.28 The submission relating to George Roberts made no reference to his Keville interview. In that interview, George Roberts said:<sup>1</sup>

“The army started shooting and a fella fell beside me, he said, ‘I’m hit’ and er – I got down beside him to try and pull him behind the gable house and I called the crowd and er – six people ran forward to help us and three of them were shot, they fell on top of me and another boy, another young fella. And er – we crawled, we couldn’t help the people that were shot, we crawled over behind the barricade and then a small wall...”<sup>2</sup>

<sup>1</sup> [AR13.10](#)

<sup>2</sup> Having listened to the tape, we have concluded that the transcript should be corrected. The corrected version is shown. It is noteworthy that the unsigned statement prepared in 1972 from the Keville interview ([AR13.8](#)) tallies with this corrected version.

**87.29** In his oral evidence to this Inquiry, George Roberts accepted that his was the voice on the tape of the Keville interview, but said that he could remember nothing of people coming to help the casualty. He thought that it would not have been possible for anyone to have taken the casualty away from the barricade because “*the Paras were coming in at the time*”. He also said that he thought it probable that it was not until the next day that he learned of others having been shot at the barricade.<sup>1</sup> Shown the two photographs that we have displayed above,<sup>2</sup> and in which Michael Kelly’s body can be seen, George Roberts said that he had been unaware of a second body being present.<sup>3</sup> He said that he saw only one person shot.<sup>4</sup>

<sup>1</sup> Day 151/79-81

<sup>3</sup> Day 151/72-73

<sup>2</sup> Paragraph 87.2

<sup>4</sup> Day 151/91

**87.30** The photographs show that George Roberts was very close to Michael Kelly and it seems very odd indeed that he could have been unaware of Michael Kelly having been shot. However, George Roberts was firm in his evidence to us that the casualty whom he attended was wearing a white Aran sweater, had been shot underneath the right eye and that there was “*a fountain of blood*” coming from the right eye.<sup>1</sup> Michael Kelly was wearing a mustard-coloured sweater and had been shot in the abdomen.

<sup>1</sup> Day 151/74

**87.31** George Roberts did say that he might have been mistaken in his recollection that the casualty whom he saw was wearing an Aran sweater.<sup>1</sup> He said that the person might have been wearing a suit over the Aran sweater but added, “*It was an Aran jumper that stood out in my mind, you know*”.<sup>2</sup>

<sup>1</sup> Day 151/75

<sup>2</sup> Day 151/90

**87.32** It was put to George Roberts that the first of the photographs displayed above<sup>1</sup> did not appear to show anyone who was wearing an Aran sweater. He replied that the photograph might have been taken “*before this individual was shot*” or “*before anyone was shot*”.<sup>2</sup> It is not possible to tell from this exchange whether George Roberts was there accepting that the person on the ground in the photograph may not have been a casualty; and thus accepting that he might have been wrong in his written statement to this Inquiry, where he identified himself in the same photograph “*leaning over the boy who had been shot just to my left*”.<sup>3</sup> We cannot tell from the photographs whether or not the person lying on the ground was wearing an Aran sweater *underneath a jacket*.

<sup>1</sup> Paragraph 87.2

<sup>3</sup> AR13.2

<sup>2</sup> Day 151/90-91

87.33 George Roberts conceded that it was “*Very possible*” that he saw one person shot but at a later time than that shown in the photograph in which he can be seen kneeling, and “*Quite possible*” that he missed a considerable number of events because he was so shocked.<sup>1</sup> When shown an enhanced copy of the same photograph and asked what he was doing, he replied:<sup>2</sup>

“I was crouching down because there were either rubber bullets or live bullets, I did not know at the time, but were being fired at us, we were down.”

<sup>1</sup> Day 151/97

<sup>2</sup> Day 151/105-106

87.34 This evidence might be taken to suggest that George Roberts was accepting the possibility that no-one had been shot at that stage. He subsequently agreed with the proposition that, to the best of his recollection, the scene showed him bending over the casualty who was wearing an Aran sweater.<sup>1</sup> He then went on to say that, of the two recumbent figures shown on the left-hand side of the photograph in which he identified himself, it was possible that neither was the casualty whom he recalled having seen.<sup>2</sup> He thought that neither looked like the man whom he saw shot.<sup>3</sup> However, he thought that in any event he was kneeling within a yard or two of the casualty. He could not be sure whether the casualty might have been just out of the photograph.<sup>4</sup>

<sup>1</sup> Day 151/107

<sup>3</sup> Day 151/119

<sup>2</sup> Day 151/117

<sup>4</sup> Day 151/118

87.35 Of those known to have been shot at the rubble barricade, only John Young and Michael McDaid had injuries that bear comparison with those described by George Roberts. He was unable to say whether the person whom he helped bore any resemblance to Michael McDaid. He said that he would be unable to describe anyone who had been shot that day.<sup>1</sup> Michael McDaid was shot in the left cheek. He clearly cannot have been the person shown on the ground in the photographs since as we have already noted, he appears, alive, in one of them.

<sup>1</sup> Day 151/73

87.36 George Roberts was also unable to say whether the person whom he helped looked like John Young, although when shown a photograph showing John Young at Barrier 14 he thought that the person “*looked a lot younger*”.<sup>1</sup> John Young was wearing a brown sweater under a dark blue zip-up jacket<sup>2</sup> and was shot in the face, the bullet entering between the left eye and the nose. Detective Sergeant Ruddell was present at the post-mortem examination carried out on John Young. He noted that John Young’s face

was bloodstained,<sup>3</sup> although no significant bloodstaining is seen in the mortuary photographs. We are sure that the person on the ground to the north of Michael Kelly is not John Young, who was shot after Michael Kelly had been carried away.

<sup>1</sup> Day 151/74

<sup>3</sup> D0134-135

<sup>2</sup> D0134; D0144

**87.37** In his written statement to this Inquiry, George Roberts said that he had crawled from the rubble barricade and taken shelter behind the south end of the eastern block of Glenfada Park North.<sup>1</sup> Having refreshed his memory from the Keville tape, he said in his oral evidence that he had instead hidden behind cars in Glenfada Park and had been behind the cars when arrested by the soldiers.<sup>2</sup>

<sup>1</sup> AR13.2

<sup>2</sup> Day 151/83-84

**87.38** We have concluded that George Roberts did not see an unidentified casualty at the rubble barricade. The suggestion that he had necessarily requires that this casualty must have been removed before the soldiers arrived at the rubble barricade and collected the bodies of the three known casualties; but we are sure that Michael Kelly was the only casualty to have been carried by civilians from the rubble barricade. George Roberts' Keville account is consistent with what we consider happened, namely that Michael Kelly was shot and carried into the entrance to Glenfada Park North, and then three others were shot, namely William Nash, John Young and Michael McDaid. In our view this account is to be preferred to his recollections decades later.

## James Begley

**87.39** The representatives of the majority of represented soldiers submitted that James Begley can be seen "*looking on with concern at the person who has fallen in the left of [the second of the two photographs we have displayed above<sup>1</sup>] rather than looking either in the direction in which he is walking or at Mr Kelly who is on the ground almost immediately in front of him.*"<sup>2</sup>

<sup>1</sup> Paragraph 87.2

<sup>2</sup> FS7.1823

**87.40** James Begley is dead and did not give any evidence to this Inquiry. He did give a Keville interview in which he said that he had hidden behind the barricade with William Nash and had seen a man called Pat Young being shot between the eyes. He said that he had also seen "*Mr Nash*" being shot, as well as another, unidentified man.<sup>1</sup> He did not refer to the death of Michael Kelly or to anyone being shot before the death of Pat Young.

<sup>1</sup> AB29.3; AB29.1

**87.41** It will be noted that two other people in the photograph, Michael McDaid and William Griffin, each appear to be looking at something other than Michael Kelly or the other person on the ground. In our view it is not possible to draw any conclusions at all from the direction in which people appeared to be looking in the instant when the photograph was taken. There is nothing in the 1972 accounts that William Griffin gave to suggest that there was another casualty near to Michael Kelly.<sup>1</sup>

<sup>1</sup> AG58.1; AG58.2; AG58.4

## John J McLaughlin

**87.42** According to his signed NICRA statement, John J McLaughlin moved behind the rubble barricade when “*3 saracen armoured cars rushed up Ros[s]ville St*”.<sup>1</sup> He went on in that account to describe events at the barricade. The representatives of the majority of represented soldiers quote the following part of John J McLaughlin’s NICRA statement:

“... the paras. opened fire. We ran in the direction of Glenfada Park. As we reached here, two young men fell behind the barricade.”

<sup>1</sup> AM334.1

**87.43** They do not quote the rest of the paragraph, nor subsequent paragraphs. John J McLaughlin continued:

“There had been at least a dozen shots fired by the paras. as we made for cover. A few seconds later, a youth was shot at the entrance to Glenfada Park. We rushed out and carried him towards the flats for shelter ... In my opinion, the youth was dead and I said an ‘act of contrition’ in his ear. As I looked up, the late Gerry McKinney was also kneeling beside me, and a Priest (Fr. Bradley) who was giving the Last Rites to the youth.

At this stage, another youth who had sought shelter was calling on help to recover the two other bodies from behind the barricade. As he ran out, he was shot down by a volley of gunfire. No one else followed as we had witnessed the callous murder of this defenceless, unarmed youth.”

**87.44** In our view in the passages that we have quoted, John J McLaughlin was providing further details of the shooting of the two young men to which he had referred in the passage quoted by the representatives of the majority of represented soldiers. On that basis John J McLaughlin’s evidence is to the effect that Michael Kelly was shot first

(which in our view he was) and that, after his body had been brought from the rubble barricade, another young man was shot. This interpretation does not involve the presence of any unknown casualty shot immediately before, or at the same time as, Michael Kelly, while at the same time it is consistent with the evidence of many other civilians.

**87.45** It is also to be noted that the representatives of the majority of represented soldiers do not refer to the account given by John J McLaughlin to the *Sunday Times*:<sup>1</sup>

“... a few youths began dragging the sort of army fence that was behind the barricade up to close the gap on the glenfadda side for the cars to get through ... Eye [sic] was watching them do this when I sudden[ly] realized they were firing real bullets. I dont know how I knew. I dont know anything about guns but I thought the noises were not like the rubber bullet bangs which are sort of low bangs. these were sharp high cracking noises.

Eye began to move back towards the entrance to glenfadda when one of the boys who had been dragging the small fence up was hit. Me and three other men rushed up to him and carried him out of the direct line of fire behind the side gable. He had been hit in the side, eye think it was the right side at just over hip level and his whole side was a mass of blood though eye couldn't see the wound through his shirt. he made no sound and eye thought he must be dead. a crowd gathered round the youth and father bradley was giving him his last rights [sic] when I looked up and saw gerry mckinney, who works for me...

While we were gathered around the first shot boy, another youth appeared and his hands were completely covered in blood; eye think but couldn't swear that he was one of the men who helped me carry the first boy. he was shouting that two more men had been shot on the barricade and pleading with us to help him carry them away. he was begging us with open hands, all bloody; there was nothing in his hands, nothing at [sic], they were just soaking in blood. None of us moved to help him ... The youth with bloody hands turned and ran back out of the area where we were and as he rounded the gable he was shot and he staggered forward and fell almost on the barricade. he never made a sound and eye was sure he must have been dead as he fell very hard...”

<sup>1</sup> AM334.4-5

**87.46** The *Sunday Times* account is consistent with John J McLaughlin's NICRA account.

- 87.47 John J McLaughlin is dead. He did not give evidence to this Inquiry. We have no further accounts from him of the events of Bloody Sunday. In our view the accounts that he gave in 1972 do not demonstrate that there was an unknown casualty at the rubble barricade.

## Hugh Anthony Duffy

- 87.48 The submission that there was an additional casualty at the rubble barricade also relies on the Keville interview given by Hugh Anthony Duffy and on the contents of his written statement to this Inquiry. It is acknowledged by those making the submission that the two accounts are somewhat different from each other.<sup>1</sup>

<sup>1</sup> [FS7.1825](#)

- 87.49 In his Keville interview, Hugh Anthony Duffy said:<sup>1</sup>

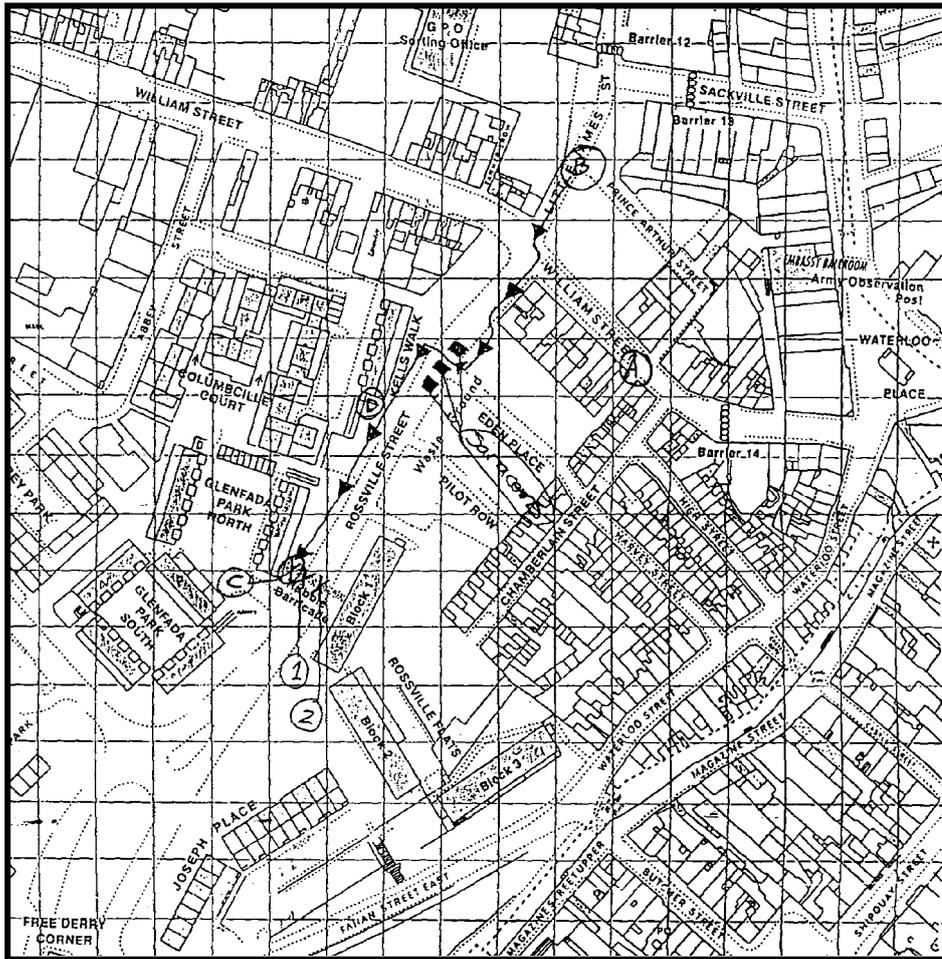
“I was standing on the footpath at Rossville Street beside a low barricade when the shot – the shooting rang out and I dived to the ground beside the barricade. Er – a young lad beside me, who was also diving beside the barricade just turned on his back and his eyes were closed and I couldn’t – I reached my hand over and he wouldn’t move. Another lad next to him – the blood was pumping out of his stomach and a few other young fellas came over to lift him and they were shot at and one almost fell – I don’t know if he was hit or not ... As far as I could ascertain the young lad that was lying beside me, nobody could get out to lift him and I couldn’t wake him so I just assumed he was dead – there was no sign of life at all.”

<sup>1</sup> [AD157.10](#)

- 87.50 In his written statement to this Inquiry, Hugh Anthony Duffy told us that he was behind the western end of the rubble barricade, facing north. He saw a soldier, who was leaning on a wall at the southern end of Kells Walk, aiming a rifle directly at him, and so threw himself down onto the ground. He heard bullets hitting the rubble barricade, and the sound of rifle fire. He looked across to his right and saw a young man, who was about 8 feet away (to the east) and also on the southern side of the barricade. The man was lying still on his back with his head on the barricade and his lower body and legs on the road. He was not moving and his eyes seemed to be half open; Hugh Anthony Duffy could not see any blood or wounds. The young man had dark blond hair and was very tidy. He was wearing a collar and tie and “*I think a light blue or grey sports coat and slacks, it may have been a suit*”.<sup>1</sup>

<sup>1</sup> [AD157.5](#)





- 87.56** These representatives submitted that the body marked 1 is the unidentified casualty and the body marked 2 is that of Michael Kelly. As to this, assuming Hugh Anthony Duffy was correct (in his written evidence to this Inquiry) about the location of the two bodies, it would not have been possible for Lance Corporal F to shoot the unidentified person and for Michael Kelly then to have been the unlucky victim of a “shoot-through”.
- 87.57** Hugh Anthony Duffy did not see the shooting of Michael Kelly or anyone else. While it can be said that his evidence can be read as consistent with a missing casualty being shot before Michael Kelly, it is not in our view evidence that there was such a casualty, since his account is equally consistent with a person being shot *after* Michael Kelly, namely one of the other known casualties.
- 87.58** If Hugh Anthony Duffy saw three bodies, then to our minds it is likely that the bodies were those of Michael Kelly and two of the other three known casualties.

## Kieran Gill

**87.59** The representatives of the majority of represented soldiers referred to an extract from the oral evidence of Kieran Gill.<sup>1</sup> Questioned by counsel for these soldiers, Kieran Gill said that he had an “*indistinct impression*” that two people fell in the first volley of shots at the rubble barricade.

<sup>1</sup> FS7.1828

**87.60** However, the quotation is only of part of the relevant passage. The whole passage is set out below, including the part quoted in the submission, which we have highlighted in bold. Counsel drew Kieran Gill’s attention to the evidence in 1972 of Liam Mailey, who had told the Widgery Inquiry that he had seen at least two people fall, injured, at the rubble barricade. The following exchange then took place:<sup>1</sup>

“Q ... Your recollection, sir, I do not challenge its honesty, is you recall one person falling?

A. Yes, I only saw one.

Q. You only saw one?

A. Yeah, generally aware that somebody else may have, but I can offer no, no insight at all into –

Q. Is that simply a matter of impression, or may it be a result of things you have been told?

A. The second person?

**Q. Yes, you say you are generally aware that a second person fell; did you understand that to be in the very first volley of shots?**

**A. Yes.**

**Q. You did?**

**A. Yes. I have a very indistinct impression of that, but I cannot offer anything on that.”**

<sup>1</sup> Day 206/178-179

**87.61** Counsel was wrong to put to the witness that he had said that he was “*generally aware that a second person fell*”. The witness had said that he was generally aware that “*somebody else may have*” fallen.

**87.62** In his first written statement to this Inquiry, Kieran Gill said that he had been standing on the rubble barricade, looking northwards, but turned his back and stepped down from the barricade as the soldiers deployed in Rossville Street. He said that he heard a volley of 5–6 shots and then one bullet passed close to him.<sup>1</sup> He continued:<sup>2</sup>

“At the same time I heard a thud and from the edge of my vision saw a young man topple and crash from the barricade, falling in the direction of Free Derry corner.

I believe the thud was from a bullet hitting him and not from his body making contact with the ground as he was still falling when I looked in his direction. He was not armed. He was approximately five yards from me.

Like everyone in the vicinity I ducked and recall dozens of others doing the same, including some who appeared to fall on the barricade and not get up again.”

<sup>1</sup> M105.6

<sup>2</sup> M105.7

**87.63** He did not in this written statement indicate that he had seen a specific, second person, rather than simply a number of people who fell when the shooting broke out. He did not say whether he thought that any of these people had been shot.

**87.64** During the course of his oral evidence to this Inquiry, Kieran Gill marked on a photograph the location of the man whom he saw fall.<sup>1</sup> The photograph is reproduced below. The blue arrow represents Kieran Gill’s own position and the red arrow that of the young man.<sup>2</sup>

<sup>1</sup> Day 203/140-141

<sup>2</sup> M105.30



**87.65** Kieran Gill said that the only description that he could give of the young man was that he was in his late teens and was wearing dark-coloured clothes.<sup>1</sup> Although the position of the young man is not the same as that of Michael Kelly (or indeed where any of the other known casualties fell), we consider that it is likely that it was Michael Kelly whom Kieran Gill saw.

<sup>1</sup> [Day 203/141](#)

**87.66** In our view Kieran Gill's evidence of "*a very indistinct impression*" of a second person falls far short of establishing, or even suggesting, that there was an unidentified casualty on the rubble barricade, as opposed to someone simply seeking cover.

## Pearse McCaul

87.67 There is this passage in the written statement to this Inquiry of Pearse McCaul:<sup>1</sup>

“As soon as live shots were fired Seamus [Friel] and I ran to the southern gable end of the eastern block of Glenfada Park North ... where there were about fifteen to sixteen people sheltering. From my position [at the gable end] I also saw people sheltering behind fences of the houses in Glenfada Park North. I saw three to four bodies lying in Rossville Street to the south of the Rubble Barricade. One man was lying at the edge of the footpath near the gable end of Glenfada Park North. He had fallen forward with his head pointing north and his feet pointing south, although I am not certain about this. I cannot remember what he was wearing. Another man was lying about one to two feet further east along the Rubble Barricade but I do not remember much about him. I did not realise that the two men had been shot because I could not see any blood on their bodies. I cannot remember anything about the other bodies on the Rubble Barricade.

I went to fetch one of the bodies lying near the Rubble Barricade with the help of one or two other people. I am not sure which body it was. We could not drag the man by his feet so we turned him over and dragged him away by holding him under his arms. I did not see his injuries and I cannot remember seeing anything in the man’s hands, not even a stone. I cannot remember where we left him. I am not sure whether we dropped him on the ground or put him down somewhere. I have never discovered the man’s identity. Live shots were still being fired and I thought we were all going to be shot.

There was then a lull in the shooting. I went back to the Rubble Barricade and picked up another body with the help of another man. I found out recently that the body was that of Michael Kelly. I cannot remember the man who helped me to carry him ... We each took hold of one of his legs and possibly a shoulder and carried him from the Rubble Barricade west towards and through the Glenfada Park North car park. I saw the bullet’s entry wound in his abdomen and the clothing on his back felt very wet.”

<sup>1</sup> AM93.3

87.68 Pearse McCaul went on to say that two soldiers appeared in Glenfada Park North, causing him to put down Michael Kelly’s body; he and Seamus Friel then ran towards the north-west corner of Glenfada Park and sought shelter in the alleyway there. According to Pearse McCaul, Jim Wray was running behind him but was shot shortly before reaching

the north-west corner.<sup>1</sup> As will be seen from our discussion of the events of Sector 4,<sup>2</sup> there is no doubt that Jim Wray was shot when making for the alleyway at the south-west corner of Glenfada Park North. In his oral evidence Pearse McCaul said that he had not run towards the north-west corner of Glenfada Park North but to the south-west corner.<sup>3</sup>

<sup>1</sup> AM93.4

<sup>3</sup> Day 164/94-95

<sup>2</sup> Paragraphs 104.205–208 and 104.233–238

**87.69** In the course of his oral evidence to this Inquiry, Pearse McCaul said that Seamus Friel was deceased.<sup>1</sup> The Inquiry has no evidence from Seamus Friel. Pearse McCaul also said that he had left the rubble barricade when rubber bullets were being fired, and before live rounds were fired. He was at the “*gable end of Glenfada Park*” [the south end of the eastern block of Glenfada Park North] by the time that live rounds were fired. He told us he had seen bodies lying at the rubble barricade but did not recall seeing anyone fall there.<sup>2</sup>

<sup>1</sup> Day 164/69

<sup>2</sup> Day 164/80-81

**87.70** Pearse McCaul said that the first man whom he tried to help was unconscious or dead. He had no recollection of seeing any blood on the casualty. He could remember nothing about the age or appearance of the casualty, or about the others who had tried to help to carry the casualty. He recalled bringing the casualty into Glenfada Park North but could not remember where the casualty had been left.<sup>1</sup>

<sup>1</sup> Day 164/84-86

**87.71** In response to a suggestion from the Chairman, Pearse McCaul said it was possible that he had only helped one person. He thought it possible that he had taken Michael Kelly “*into the gable end*” and then picked him up again.<sup>1</sup> When it was pointed out to him by counsel for the majority of the families that Michael Kelly had been brought to the south end of the eastern block of Glenfada Park North, put down and picked up again, and that photographs indicated that Pearse McCaul had been involved in carrying Michael Kelly on each occasion, Pearse McCaul agreed that it could well be that he carried just the one body.<sup>2</sup> However, questioned by counsel for the majority of the represented soldiers, he confirmed that it was his recollection that the first body was dragged, not carried, from the rubble barricade.<sup>3</sup>

<sup>1</sup> Day 164/87-88

<sup>3</sup> Day 164/126

<sup>2</sup> Day 164/109-110

87.72 Pearse McCaul also said that it was “*quite possible*” that the other bodies that he had seen were of people who had simply fallen or dropped to the ground when the gunfire started.<sup>1</sup> He said that he had seen no-one at the rubble barricade with a pistol, rifle, nail bomb or petrol bomb.<sup>2</sup>

<sup>1</sup> [Day 164/106](#)

<sup>2</sup> [Day 164/110](#)

87.73 In view of the evidence of other people who were sheltering in Glenfada Park North, including in particular Fr Bradley and Fr Terence O’Keeffe, whose accounts we consider when discussing the events of Sector 4,<sup>1</sup> we are sure that Michael Kelly was the only casualty of gunfire taken from the rubble barricade to the southern end of the eastern block of Glenfada Park North. In our view Pearse McCaul’s recall of events was limited and we are not persuaded that his account provides any support for supposing that there might have been a second gunfire casualty moved as suggested.

<sup>1</sup> [Chapters 92 and 101](#)

## Charles McDaid

87.74 The representatives of the majority of represented soldiers submitted that Charles McDaid “*gave evidence in 1972 of carrying a casualty from the rubble barricade who was shot in the right side just above his leg*”<sup>1</sup> and state that he told the Widgery Inquiry that the casualty was shot “*on ‘the right hand top of the leg’*”.<sup>2</sup>

<sup>1</sup> [FS7.1828](#)

<sup>2</sup> [FS7.1829](#)

87.75 In his written statement for the Widgery Inquiry, Charles McDaid recorded that:<sup>1</sup>

“As I moved across the barricade towards Glenfada Park shots rang out and a boy just behind me called out ‘Mister I’m shot’. I turned around and he was sinking to the ground holding his side. He had nothing in his hands nor was there any other instrument near him. A group of men moved out cautiously and as they lifted him water ran down through their hands as though his kidneys had burst. There was a bullet hole in his front right hand side just above his leg. He was laid on the ground in the shelter of Glenfada Park and Father Bradley administered the Last Rites to him.”

<sup>1</sup> [AM161.14](#)

**87.76** Apart from the description of the bullet hole, this account, made on 23rd February 1972, contains a description of a casualty who to our minds is clearly Michael Kelly. As will be seen from our discussion of the events of Sector 4,<sup>1</sup> he was the casualty whom Fr Bradley tended at the south end of the eastern block of Glenfada Park North.

<sup>1</sup> Paragraphs 92.1–3

**87.77** In his oral evidence to the Widgery Inquiry, Charles McDaid said:<sup>1</sup>

“As I ran towards the flats I passed a boy and as I passed he called out ‘Mister, I’m shot’. I stopped for a second and looked round and the boy was falling towards the ground holding his side ... When we moved out to bring the boy in, there were a few men got to the boy before I did, and as they lifted him I could see water run down between their hands and it looked as if his kidneys had burst. He had been shot on the right hand top of the leg, it wasn’t his stomach, it was quite visible ... They carried him into the alley at Glenfada Park and Father Bradley administered the Last Rites of the Church to the boy.”

<sup>1</sup> WT5.46

**87.78** He gave a similar account in his deposition to the Coroner conducting the inquest into the death of Michael Kelly.<sup>1</sup>

<sup>1</sup> AM161.24

**87.79** In his first written statement to this Inquiry,<sup>1</sup> Charles McDaid said that he had passed to the southern side of the rubble barricade when he heard a voice crying “*Mister, I am shot. Help me*”, and turned to see a young lad on the ground. He told us that the lad’s head was facing towards Glenfada Park and his feet towards the rubble barricade. The second of the two photographs that we have reproduced above<sup>2</sup> shows Michael Kelly in such a position. However, when shown this photograph, Charles McDaid was unable to identify Michael Kelly as the casualty whom he had seen.<sup>3</sup> He said that he had helped to carry the casualty and that he recalled urine seeping through his hands as he held the casualty. He said, though, that he could no longer recall the site of the bullet wound.

<sup>1</sup> AM161.5

<sup>3</sup> Day 60/151-152

<sup>2</sup> Paragraph 87.2

**87.80** It is correct that in his oral evidence to the Widgery Inquiry, Charles McDaid said that the casualty’s wound was “*on the right hand top of the leg, it wasn’t his stomach, it was quite visible*”.<sup>1</sup> Michael Kelly was hit in the left side of the stomach. However, Charles McDaid also told the Widgery Inquiry that “*the boy*” fell holding his side. He did not suggest at any

stage that another person was shot at or about the same time as the casualty whom he saw. He said that he did not hear or see a petrol or nail bomb at any time on the afternoon of Bloody Sunday.<sup>2</sup>

<sup>1</sup> WT5.46

<sup>2</sup> WT5.47

**87.81** In these circumstances, since the other details provided by Charles McDaid point unequivocally to Michael Kelly as the casualty that he saw, we are of the view that he must have been mistaken in his recollection of where the casualty had been wounded.

**87.82** Michael Kelly's clothing was scanned by the Department of Industrial and Forensic Science (DIFS) in Belfast. The DIFS notes contain no reference to the presence of urine on Michael Kelly's clothing, though this does not necessarily show that there was none. There is a note to the effect that the outside of the seat of his trousers showed some bloodstaining and the inside of the trousers showed more.<sup>1</sup> The autopsy report indicates that the left common iliac artery and vein and both the large and small intestine were lacerated by the bullet.<sup>2,3</sup>

<sup>1</sup> D0052

<sup>2</sup> D0060-64

<sup>3</sup> The *Derry Journal* reporter Noel McCartney (whose evidence we consider below and when discussing the events of Sector 4 at paragraphs 87.142–148 and 111.129–142) saw a casualty who was clearly Michael Kelly; and told us that he had a vivid memory of seeing the open wound in Michael Kelly's stomach. He added that his recollection was of seeing water, not blood.

## Robert Wallace

**87.83** The representatives of the majority of represented soldiers also referred to the written and oral evidence to this Inquiry of Robert Wallace.<sup>1</sup>

<sup>1</sup> FS7.1676; FS7.1829

**87.84** In his written statement to this Inquiry, Robert Wallace told us that, while sheltering at the “*gable end*” of the eastern block of Glenfada Park North, he had seen Michael Kelly, whom he knew by sight, being carried around the corner from the rubble barricade. Michael Kelly had then been laid on the ground. Robert Wallace continued:<sup>1</sup>

“A few seconds later, a second young man was carried around the gable end from the barricade. I have no idea who he was. He was aged about 17 or 18 and was a bit smaller than Michael Kelly, but I cannot recall any other details about him. Although he was not moving at all, I saw no wound or blood on him. I was still so shocked by the sight of Michael Kelly that I did not pay much attention to this second man.”

<sup>1</sup> AW3.02

**87.85** The representatives of the majority of represented soldiers rely on some of this passage and also on that part of Robert Wallace’s oral evidence to this Inquiry in which he said that he had not seen the face of the second young man, who was being carried face down, but that he had assumed from the man’s figure that he was 17 or 18 years old. The young man had longish, dark hair and was being carried by two men in their twenties.<sup>1</sup>

<sup>1</sup> [Day 154/138-139](#)

**87.86** In his oral evidence to this Inquiry, Robert Wallace also said that he had recognised the first young man as one of the Kelly family but had not known which member of the family he was.<sup>1</sup> He said that he had not seen Michael Kelly lying near the rubble barricade but had first seen him when he was carried round the corner of the south end of the eastern block of Glenfada Park North.<sup>2</sup>

<sup>1</sup> [Day 154/134](#)

<sup>2</sup> [Day 154/135](#)

**87.87** Robert Wallace said that he thought that the second young man was wearing dark jeans. He seemed to be slumped forward; those carrying him held their arms under his arms. Robert Wallace said that he was not really looking at this second casualty because he was “*mesmerised*” by the first young man, who he knew to be dying. He thought that the second casualty had also been placed on the ground, “*practically beside Michael Kelly*”, but he was not sure because he had at that stage tried to make a break and had run to the shelter of a car.<sup>1</sup>

<sup>1</sup> [Day 154/139-142](#)

**87.88** The representatives of the majority of represented soldiers do not set out the relevant part of Robert Wallace’s Keville tape. Robert Wallace is recorded as having said to Kathleen Keville:<sup>1</sup>

“... I got round behind the gable of a house in Glenfada Park. Just as we got round this young lad was brought around by a couple of fellas he had a wound in his side – bullet wound in his side, and there was another boy supposed to be lying at the barricade. There was at least three young fellas went out to pick him up I seen them going out I did not see them coming in again I heard afterwards they were shot.

...

They just run out, I did not see it that’s as far as I seen that. I did not see them coming in again and afterwards I heard they were shot.”

<sup>1</sup> [AW3.14](#)

**87.89** We have no doubt that the “*young lad*” referred to in this interview was Michael Kelly. Robert Wallace’s reference to “*another boy supposed to be lying at the barricade*” is in our view a reference to William Nash, whom, as we have concluded in the previous chapter,<sup>1</sup> John Young and Michael McDaid went to aid.

<sup>1</sup> [Paragraph 86.364](#)

**87.90** In his oral evidence to this Inquiry, Robert Wallace was shown the transcript of his Keville interview. He remained adamant that a second person had been brought around the gable end, even though he had not said so in 1972. He added that he did not know whether that person had been hurt,<sup>1</sup> and said that he had not mentioned this second person in 1972 because he was unsure whether that person had been wounded.<sup>2</sup> He said that in 1972 he had been trying to give as accurate an account as he could and that he had given the interview about a fortnight after 30th January 1972.<sup>3</sup>

<sup>1</sup> [Day 154/146-147](#)

<sup>3</sup> [Day 154/173](#)

<sup>2</sup> [Day 154/174](#)

**87.91** The representatives of the majority of represented soldiers are incorrect in their submission that Robert Wallace was, in his oral evidence to this Inquiry, “*unable*” to explain why he had not mentioned the second casualty in 1972. Robert Wallace did give an explanation: he said that he had not mentioned the person because he was uncertain whether the person was injured.

**87.92** The representatives of the majority of represented soldiers do not refer to Robert Wallace’s evidence, both in his written statement and in his oral evidence to this Inquiry, to the effect that he paid little attention to the second casualty.

**87.93** We do not accept that this evidence supports the submission that there was an additional unidentified casualty of Army gunfire. It is possible that Robert Wallace was recalling others (such as Constantine Gallagher and Seamus (James) Liddy) who were injured by baton rounds in the area and who ended up at or near the south end of the eastern block of Glenfada Park North, the evidence relating to whom we consider elsewhere in this report.<sup>1</sup> Had Robert Wallace seen a person wounded by Army gunfire carried round the gable end others, such as Fr Bradley and Fr O’Keeffe, would have seen this and recorded it in their accounts. We consider these accounts when dealing with the events of Sector 4.<sup>2</sup> We are confident that such witnesses would not have chosen to keep quiet about any such event.

<sup>1</sup> [Chapter 77](#) and [paragraphs 87.142–148](#)

<sup>2</sup> [Chapters 92](#) and [101](#)

## Seamus Fleming

**87.94** Our attention was drawn by the representatives of the majority of represented soldiers to parts of Seamus Fleming's statements to NICRA and to this Inquiry.<sup>1</sup>

<sup>1</sup> [FS7.1829](#)

**87.95** In his NICRA statement, Seamus Fleming said:<sup>1</sup>

"... I got as far as the entry to Glenfada Park. There were about twenty young men sheltering behind a barricade of bricks and rubble. I then noticed that some of the lads got up and ran into the entry where I was standing. As they were running, I heard gunfire.

There were still about six left at the barricade and they fell for cover. I saw soldiers everywhere and three saracens. During a lull in the shooting, the six lads at the barricade got up to run towards our entry. The minute their heads appeared, there was a burst of fire and I saw a lad with a blue half jerkin clutch his stomach with his hands and slump on top of the barricade. I also saw a lad with a brown coat slumping over, holding his left side. They did not move. A man beside me in the entry made an attempt to go forward to assist them but there was another burst of gunfire and a bullet struck the wall above us."

<sup>1</sup> [AF22.11](#)

**87.96** In his written statement to this Inquiry, Seamus Fleming said that he made his way through Columbcille Court and Glenfada Park North to the south-eastern corner of Glenfada Park North<sup>1</sup> and looked into Rossville Street. He said that he saw three "Saracens" parked on the far side of the flats near Pilot Row. He continued:<sup>2</sup>

"I also saw people lying on the southern side of the Rubble Barricade. There were about 20 people there. It was then that I heard the first shots.

When there was a lull in the shooting a number of the people got up from the Rubble Barricade to run towards where I was standing. Some of them made it, but about six or seven did not and they dived down for cover as there was further firing. As soon as they got up again, there was more firing and one man clutched his stomach and another one his left breast. Both fell down and neither moved."

<sup>1</sup> This location is taken from his map ([AF22.12](#)) not his statement, which appears to contain an error.

<sup>2</sup> [AF22.8](#)

87.97 He said that he saw no civilian with a gun or bomb.<sup>1</sup> He went on:<sup>2</sup>

“The people I saw at the Rubble Barricade were on its southern side and were mainly lying or crouching behind it. They were obviously taking cover ... I could hear shooting...

When the five or six people left on the Rubble Barricade were trying to come towards us, they were trying to make for the opening where I was standing between Glenfada Park North and Glenfada Park South. They were definitely facing towards Glenfada Park. They were heading in my direction, but the minute they got up two of them were hit by shots. They had got up from a crouching position very gingerly to have a look and then they were hit. They were both in their late teens...

I had been standing at my position ... for about 10 or 15 minutes and the two men shot at the rubble barricade were shot within that period. I could not see which way they were facing at the barricade. They were near enough in the middle. They were on the roadway on the Free Derry side, and they fell onto the Rubble Barricade. No one tended to them, but there may have been one young man from where I was standing trying to edge out to assist them, but there was another burst of gunfire and then the bullet struck the wall above us. People were afraid to move.”

<sup>1</sup> AF22.8

<sup>2</sup> AF22.9-10

87.98 Seamus Fleming went on to say that he then made his way home via Glenfada Park South and Abbey Park.<sup>1</sup>

<sup>1</sup> AF22.10

87.99 Seamus Fleming did not add anything significant in his oral evidence to this Inquiry.

87.100 It is acknowledged by the representatives of the majority of represented soldiers that, if one of the casualties seen by Seamus Fleming was Michael Kelly, then Seamus Fleming’s description of the circumstances of Michael Kelly’s shooting is inconsistent with the accounts given by witnesses who were with Michael Kelly at the time at which he was shot.<sup>1</sup> However, Counsel to the Inquiry in his opening statement “*acknowledged*” that Seamus Fleming had identified an unknown casualty.

<sup>1</sup> FS7.1830

**87.101** What Counsel to the Inquiry said in his opening statement is, of course, not evidence. In our view what Seamus Fleming was describing was what happened after Michael Kelly had been shot and taken away, and the casualties whom he saw were probably John Young and William Nash.

**87.102** In his NICRA statement, Seamus Fleming said that the first casualty whom he saw was a lad who was wearing a blue half jerkin and who clutched his stomach with his hands. The second casualty was wearing a brown coat and fell holding his left side.<sup>1</sup> As we have already noted, John Young was wearing a dark blue zip-up jacket<sup>2</sup> and, although he was shot in the face, the exit wound was in the middle of his back.<sup>3</sup> It is possible that he clutched his stomach as he fell. William Nash was wearing a brown corduroy jacket<sup>4</sup> and was shot in the chest, with the exit wound in his right lower back.<sup>5</sup>

<sup>1</sup> [AF22.11](#)

<sup>4</sup> [D0102](#)

<sup>2</sup> [D0134](#)

<sup>5</sup> [D0119](#)

<sup>3</sup> [D0150](#)

## Matthew Connolly

**87.103** The representatives of the majority of represented soldiers also relied on the evidence of Matthew Connolly.<sup>1</sup>

<sup>1</sup> [FS7.1830](#)

**87.104** We have examined in detail the accounts given by Matthew Connolly earlier in this part of the report.<sup>1</sup> We have found nothing in our analysis of his evidence to suggest that he had seen an unidentified casualty.

<sup>1</sup> [Paragraphs 86.295–313](#)

## Michael Havord

**87.105** The representatives of the majority of represented soldiers, in support of their submission that a missing casualty was shot in the shoulder, refer to an interview that Michael Havord gave to Paul Mahon, in which Michael Havord said that he had been told by Paddy Devlin (a leading Social Democratic and Labour Party (SDLP) member of the Northern Ireland Parliament) that a person wounded in the arm or shoulder had been taken to Letterkenny Hospital in the Republic of Ireland.<sup>1</sup> Paul Mahon's handwritten notes contain a further reference to Michael Havord having spoken of a person wounded in the shoulder and

taken to Letterkenny.<sup>2</sup> A surname appears in the notes but has been redacted. It is a common name and it is not possible for the Inquiry to identify this alleged casualty from the name alone.

<sup>1</sup> FS7.1832

<sup>2</sup> AM19.328

**87.106** In our view this account is of little or no use in considering whether someone was shot on the rubble barricade immediately before Michael Kelly.

**87.107** Michael Havord gave written and oral evidence to this Inquiry before Paul Mahon's material became available. However, in his written statement to this Inquiry he did tell us that he recalled Paddy Devlin handing over the keys to his car so that a casualty could be taken to hospital. He gave no details either of the casualty or the hospital<sup>1</sup> and in his oral evidence said that he did not know the identity of the casualty or where he had been shot.<sup>2</sup>

<sup>1</sup> AH46.6

<sup>2</sup> Day 125/45

**87.108** After Paul Mahon's material came to light, Michael Havord was asked to provide further details of the casualty transported in Paddy Devlin's car. His solicitors supplied a draft supplementary statement which was, in the event, never signed. That draft statement included the following passage:<sup>1,2</sup>

“During my talk with Paul Mahon before the interview I had been told by him of the incident that the person who was taken to Letterkenny in Paddy Devlin's car had in fact been shot in the arm. At the time on Bloody Sunday I was aware only that someone had been shot and needed to get to hospital and wanted to go to Letterkenny. I would not have thought it strange or covert for someone to go to Letterkenny given the fact that there were people from all over Ireland on the march and could well have been an Irish citizen or that they wouldn't want to go to Altnagelvin and have it documented that they had been on the march with the consequence of facing a possible six months jail sentence.”

<sup>1</sup> AH46.23

<sup>2</sup> This draft supplementary statement was made after the representatives of the majority of represented soldiers had made their submissions, in order to give Michael Havord the opportunity to respond to allegations that had been made in those submissions.

**87.109** The Inquiry obtained a statement from Geraldine McIntyre, an administrator at Letterkenny General Hospital, who had reviewed the hospital's records at the Inquiry's request.<sup>1</sup> The hospital's operating theatre register indicated that no patient received surgical treatment for gunshot wounds between 30th January and 2nd February 1972.<sup>2</sup>

The Inquiry is aware that Hugh Hegarty, who suffered serious facial injuries after being hit by a gas canister on Bloody Sunday, attended Letterkenny Hospital on the following Monday or Tuesday. The Inquiry obtained his treatment records, with his consent, after he had informed us that he had been treated at Letterkenny Hospital. He did not require surgery. The Inquiry is not aware of any other casualty injured on Bloody Sunday having been treated at Letterkenny Hospital. No casualty record for the relevant period could be found, so it remains possible that a patient with a minor gunshot wound, not requiring surgery, could have been treated at Letterkenny Hospital. However, there is nothing to suggest that any such person had been engaging in paramilitary activities.

<sup>1</sup> AM475.1

<sup>2</sup> AM475.4

## Descriptions of the alleged unidentified additional casualty

- 87.110** It is not clear whether the representatives of the majority of represented soldiers submit that there was more than one missing casualty at the rubble barricade. However, they rely on George Roberts' description of the unknown man as wearing an Aran sweater (under a suit). They do not refer to Hugh Anthony Duffy's evidence that the unknown man whom he saw was wearing a collar and tie under a coat or suit.
- 87.111** Hugh Anthony Duffy said that the unknown man had dark blond hair and was very tidy; Robert Wallace described an unknown casualty as wearing jeans and having long dark hair. Anthony Coll's "missing casualty" had black hair with a wave in it.
- 87.112** George Roberts' casualty had blood pouring from a wound under his eye. Charles McDaid's casualty was wounded in the leg. Matthew Connolly's casualty was shot in the left shoulder. Hugh Anthony Duffy's casualty and Robert Wallace's casualty had no visible injury.
- 87.113** In these circumstances it is difficult to accept that these witnesses were all describing the same person.
- 87.114** The known fatalities at the rubble barricade relevant to the submission under discussion were Michael Kelly, Michael McDaid, William Nash and John Young. We describe elsewhere in this report<sup>1</sup> and in fuller detail the injuries that they sustained. Kevin McElhinney and Hugh Gilmour were also fatally shot in the general area of the rubble barricade, but on the eastern side of Rossville Street, a little distance away from where

Michael Kelly was shot. There is no doubt that Kevin McElhinney ended up inside Block 1 of the Rossville Flats and Hugh Gilmour at the southern end of that block, as we describe elsewhere in this report.<sup>2</sup>

<sup>1</sup> Paragraphs 86.15–29, 86.167–173, 86.214–226 and 86.257–268

<sup>2</sup> Paragraphs 86.85–148 and 86.414–468

**87.115 Michael Kelly** was wearing a light blue jacket, a mustard-coloured pullover, a brown tie and blue trousers.<sup>1</sup> He was shot on the left side of the abdomen. There was no exit wound.

<sup>1</sup> D0040

**87.116 Michael McDaid** was wearing a green checked sports jacket, a blue shirt, a blue and orange tie and grey trousers.<sup>1</sup> According to a police report he had “*dirty fair neck length straight hair*”.<sup>2</sup> The bullet entrance wound was in his left cheek and the exit wound was on his back, behind his right shoulder. The mortuary photographs show bloodstaining on his shirt (the right side of his abdomen, on the front). It seems to us that this bloodstaining occurred after he was lifted by soldiers from the rubble barricade and carried in an APC, as we describe elsewhere in this report,<sup>3</sup> and not while he was on the rubble barricade.

<sup>1</sup> D0073

<sup>3</sup> Chapter 122

<sup>2</sup> D0073

**87.117 William Nash** was wearing a brown corduroy jacket, a brown waistcoat, a yellow flowered shirt and tie and brown trousers. The jacket and trousers are described in the police report as a suit.<sup>1</sup> According to this report he had “*dark brown straight hair, about neck length*”.<sup>2</sup> The bullet entrance wound was on the left side of his chest and the exit wound was on his right lower back. There is a record that there were bloodstains on the bottom right side of his shirt and some isolated patches on the left front.<sup>3</sup>

<sup>1</sup> D0103

<sup>3</sup> D0112

<sup>2</sup> D0103

**87.118 John Young** was wearing a dark blue zip-up jacket, a mid-brown round-necked sweater and olive green trousers.<sup>1</sup> According to a police report he had “*straight dark brown hair, collar length ... [with] side locks to just below ear lobe*”.<sup>2</sup> The entrance wound was between the left eye and the nose. The exit wound was in the middle (slightly to the left) of his back. At post-mortem the face was bloodstained. Isolated areas of bloodstaining were seen on the front and back of the jacket during examination of the clothing. Some bloodstaining was also seen on the waistband and front of the trousers.<sup>3</sup>

<sup>1</sup> D0134; D0144

<sup>3</sup> D0143-4

<sup>2</sup> D0134

## “Two casualties carried across Glenfada Park North”

**87.119** The representatives of the majority of represented soldiers submitted<sup>1</sup> that some of those who helped to carry Michael Kelly’s body across Glenfada Park North say that the soldiers entered Glenfada Park North and opened fire before the group carrying Michael Kelly had reached the exit to Abbey Park. However, there are other witnesses who say that the group had left Glenfada Park North before the soldiers arrived. These representatives invited us to conclude that there must, therefore, have been two casualties carried across Glenfada Park North.

<sup>1</sup> [FS7.1833](#)

**87.120** In support of this submission these representatives drew our attention to the evidence of Fergus McAteer, Michael Quinn, Daniel Gillespie, Eamon McAteer, Ciarán Mac Lochlainn and Don Campbell.

**87.121** None of these witnesses spoke of seeing more than one body being carried across Glenfada Park North.

### Fergus McAteer

**87.122** His evidence, in his NICRA statement in 1972,<sup>1</sup> in his written statement to this Inquiry<sup>2</sup> and in his oral evidence to this Inquiry,<sup>3</sup> was that, while he was in Glenfada Park North, he saw a casualty being carried across that complex. He then went to the south-east corner of the eastern block of Glenfada Park North, joining his brother Eamon, and saw a group of men (including Fr Bradley) who were discussing ways of reaching three young men who had been shot at the rubble barricade. Fergus McAteer remained at the south end of the eastern block of Glenfada Park North until he was with others arrested by members of Anti-Tank Platoon. We discuss these arrests later in the report.<sup>4</sup>

<sup>1</sup> [AM42.1](#)

<sup>3</sup> [Day 168/44-47](#)

<sup>2</sup> [AM42.7-8](#)

<sup>4</sup> [Chapter 113](#)

**87.123** According to his evidence to us, a period of some minutes elapsed between seeing the man being carried away and soldiers coming round the corner of the south end of the eastern block of Glenfada Park North.<sup>1</sup>

<sup>1</sup> [AM42.9; Day 168/56](#)

**87.124** As we discuss when considering the events of Sector 4,<sup>1</sup> there is abundant and convincing evidence that soldiers came into Glenfada Park North as the group carrying Michael Kelly reached the alleyway leading into Abbey Park. There then followed the shooting of casualties in Glenfada Park North before soldiers reached the south end of the eastern block, where Fergus McAteer was sheltering. He saw only one body being carried across Glenfada Park North.<sup>2</sup>

<sup>1</sup> [Chapter 92](#)

<sup>2</sup> [Day 168/47](#)

**87.125** Fergus McAteer identified himself in the following photograph.<sup>1</sup>

<sup>1</sup> [AM42.14](#); [AM42.22](#)



**87.126** As we consider more fully when dealing with the events of Sector 4,<sup>1</sup> this photograph shows the group carrying Michael Kelly. Fergus McAteer told us that this was the group that he saw and that they had passed him at this stage.<sup>2</sup>

<sup>1</sup> [Chapter 92](#)

<sup>2</sup> [Day 168/87](#)

**87.127** In these circumstances we have no doubt that what Fergus McAteer saw was the group carrying Michael Kelly across Glenfada Park North, as indeed counsel for the majority of represented soldiers himself suggested to the witness.<sup>1</sup>

<sup>1</sup> [Day 168/90-91](#)

## Michael Quinn

**87.128** Michael Quinn was one of the casualties in Sector 4. The representatives of the majority of represented soldiers submitted that he was one of the witnesses who saw an additional unidentified casualty being carried across Glenfada Park.<sup>1</sup> In his written statement to this Inquiry, Michael Quinn told us that the injured man whom he saw had been shot in the chest and was being carried by a group among which was “*the man who had been carrying the Civil Rights Banner earlier*”.<sup>2</sup> As we describe more fully when considering the events of Sector 4,<sup>3</sup> that man was Jim Wray, who can be seen in the following photograph, very close to the group of people who are carrying Michael Kelly. Michael Quinn himself appears in the same photograph.<sup>4</sup> He was wounded very soon after this photograph was taken.

<sup>1</sup> FS7.1834

<sup>3</sup> Paragraphs 104.158, 104.162 and 104.440

<sup>2</sup> AQ11.23

<sup>4</sup> Day 169/85-86



**87.129** Michael Quinn’s evidence in 1972<sup>1</sup> and to this Inquiry<sup>2</sup> was that the casualty whom he saw was wearing a blue anorak. Michael Kelly was wearing a blue jacket.

<sup>1</sup> AQ11.7; WT7.72

<sup>2</sup> AQ11.23

**87.130** The representatives of the majority of represented soldiers drew our attention to the fact that in 1972 Michael Quinn said that he saw a casualty being carried “*into a house in Glenfada Park*”.<sup>1</sup>

<sup>1</sup> [FS7.1834](#)

**87.131** In his statement for the Widgery Inquiry, Michael Quinn recorded that:<sup>1</sup>

“Just then a small crowd of people carrying the body of a man, who was wearing a blue anorak, crossed the car park and went into the back of one of the houses at Glenfada Park. After some hesitation I decided to get out of Glenfada Park. I ran across the alleyway leading into Abbey Park...”

<sup>1</sup> [AQ11.7-8](#)

**87.132** He also told the *Sunday Times* that he had seen several men carrying a man’s body into one of the houses;<sup>1</sup> the location of which was identified on a map<sup>2</sup> as a house in the middle of the row of maisonettes on the western side of Glenfada Park.

<sup>1</sup> [AQ11.11](#)

<sup>2</sup> [AQ11.15](#)

**87.133** However, in his oral evidence to the Widgery Inquiry, Michael Quinn said that he saw a casualty being carried “*across the car park towards a house on the other side*”. He said that he left the area when the group was “*very near the house*” to which the casualty was being taken.<sup>1</sup> In his written statement to this Inquiry he referred to seeing the group carrying the casualty in the middle of the courtyard of Glenfada Park North, heading towards the north-west corner. He told us that he then left the area. He did not refer in his statement to seeing the group reach a house.<sup>2</sup> He said that he did not recollect the man being taken into a house.<sup>3</sup> As will be seen in the course of our consideration of the events of Sector 4,<sup>4</sup> Michael Kelly was carried through the alleyway at the south-west corner of Glenfada Park North to a house in Abbey Park.

<sup>1</sup> [WT7.72](#)

<sup>3</sup> [Day 169/127](#)

<sup>2</sup> [AQ11.23](#)

<sup>4</sup> [Chapter 92](#) and [paragraph 108.132](#)

**87.134** We have no doubt that the person Michael Quinn saw being carried was Michael Kelly.

## Daniel Gillespie

**87.135** The representatives of the majority of represented soldiers drew our attention to the evidence of Daniel Gillespie.<sup>1</sup> We discuss the accounts given by this witness when considering the events of Sector 4.<sup>2</sup> He appears to have sustained an injury on Bloody

Sunday, but as will be seen, his accounts of what he saw and did on the day are confused and contradictory to the extent that in our view it would be unwise to place any reliance on his evidence.

<sup>1</sup> FS7.1836

<sup>2</sup> Paragraphs 104.167–177

## Eamon McAteer

**87.136** The representatives of the majority of represented soldiers also referred us to part of Eamon McAteer's NICRA statement.<sup>1</sup> The part which they cited is highlighted in bold below:<sup>2</sup>

"I was standing for a while with some friends. We were talking near the gable wall of the high flats when the armoured cars first came into Rossville Street. I ran into Glenfada Park. Then looking behind me at the armoured cars I saw the soldiers get out and take up firing positions. Then the army shot towards our fleeing group. We took cover at the gable wall of No. 1 Glenfada Park. With me was a group of about twenty people. We were shocked at the firing by the army. In our group I noticed my brother Fergus and Fr. Denis Bradley. A young man was dragged from the centre of Rossville Street behind the first barricade into the gap leading into Glenfada Park. He was laid down near me and was soon tended by Fr. Bradley. The man had a small hole in his stomach which I saw quite clearly as I bent over him. **The man was carried away into the adjoining Park through a passage way.**"

<sup>1</sup> FS7.1838

<sup>2</sup> AM41.33

**87.137** Eamon McAteer went on to state that he remained at the south end of the eastern block of Glenfada Park North until he was arrested, as indeed was the case.<sup>1</sup>

<sup>1</sup> AM41.33

**87.138** In our view this is a clear and accurate statement of the circumstances in which Michael Kelly was brought from the rubble barricade, tended by Fr Bradley, and then carried across Glenfada Park North through the south-west alleyway to a house in Abbey Park. As already noted, we return to these events in our consideration of the events of Sector 4.<sup>1</sup> Had another casualty been carried across Glenfada Park North, then Eamon McAteer would have been bound to have seen this happen. It was not suggested to Eamon McAteer when he gave oral evidence to this Inquiry that he must have seen another casualty apart from Michael Kelly being carried across Glenfada Park North.

<sup>1</sup> Chapter 92 and paragraph 108.132

## Ciarán Mac Lochlainn

**87.139** It was submitted by the representatives of the majority of represented soldiers that this witness's written evidence to this Inquiry,<sup>1</sup> of seeing a casualty carried through the alleyway leading to Abbey Park before soldiers came into Glenfada Park North, goes to show that this was not Michael Kelly, but another casualty.<sup>2</sup> In our view what this witness recalled was Michael Kelly being carried into Abbey Park; and his memory has played him tricks over precisely when this happened.

<sup>1</sup> [AM12.4-5](#)

<sup>2</sup> [FS7.1838](#)

## Don Campbell

**87.140** Don Campbell told us that he recalled seeing a casualty being carried from the north-west corner of Glenfada Park North towards Abbey Park.<sup>1</sup> He had made no reference to this in his written statement.<sup>2</sup>

<sup>1</sup> [Day 157/30-39](#)

<sup>2</sup> [AC8.2-4](#)

**87.141** In our view this is another case where a witness's memory, after so many years, has played him tricks. Don Campbell recalled seeing William McKinney fall when the latter was looking at a body on the ground with a group of people, after an ambulance had arrived in Rossville Street. William McKinney was in fact shot in Glenfada Park North, as we describe when considering the events of Sector 4,<sup>1</sup> some minutes before any ambulances arrived. Don Campbell accepted that his recollections were extremely vague.<sup>2</sup>

<sup>1</sup> [Paragraphs 104.457-479](#)

<sup>2</sup> [Day 157/78-79](#)

## Noel McCartney

**87.142** At this point we draw attention to the evidence of Noel McCartney, a *Derry Journal* newspaper reporter, to whose accounts the representatives of the majority of represented soldiers do not refer in the course of the submission under consideration.

**87.143** In his written statement for the Widgery Inquiry,<sup>1</sup> Noel McCartney, then a junior reporter on the *Derry Journal*, recorded that he watched the arrest operation from behind the rubble barricade. As about 20 people surged forward from the barricade to assist a youth who had been arrested, rifle shots were fired from the direction of the soldiers. People retreated to the [south] side of the barricade and a youth fell as he climbed over the barricade. Noel McCartney retreated to the "opening" into Glenfada Park.

<sup>1</sup> [M55.8-9](#)

**87.144** Noel McCartney went on to state that the youth who had fallen was brought into the Glenfada Park opening by a group of people. The youth (we have no doubt this was Michael Kelly) had been shot in the left lower stomach. At least four people then ran out to another person who was lying at the barricade. There was further firing. Noel McCartney saw “3 of them” lying at the base of the barricade. A fourth person was also lying out from the barricade on his stomach. Noel McCartney recognised him as a close friend, Constantine Gallagher, who then crawled to the Glenfada Park opening. He had been hit by a rubber bullet and was in great pain.<sup>1</sup>

<sup>1</sup> M55.8-9

**87.145** In his written statement to this Inquiry, Noel McCartney gave a similar account. He added that Constantine Gallagher had been hit in the leg by a rubber bullet.<sup>1</sup> He identified Constantine Gallagher in a number of photographs<sup>2</sup> and, in his oral evidence to this Inquiry, agreed that Constantine Gallagher had longer hair than he did and was wearing a denim jacket.<sup>3</sup> Based on the evidence of Noel McCartney we have identified him and Constantine Gallagher on the photograph below, which shows a large number of civilians gathered behind the rubble barricade. A number of Army vehicles parked in Rossville Street can be seen in the background.

<sup>1</sup> M55.2

<sup>3</sup> Day 157/110

<sup>2</sup> M55.3-7



**87.146** In his oral evidence to this Inquiry, Noel McCartney was asked whether he recalled anyone running, walking or standing to the north of Michael Kelly at the time at which Michael Kelly fell, or whether he recalled anyone lying on the ground between

Michael Kelly and the soldiers, after Michael Kelly had fallen. He said that he had no such recollection. He also had no memory of people at the rubble barricade at this time doing anything other than running away.<sup>1</sup> He said that he was not aware of anyone, other than Michael Kelly, being brought into Glenfada Park from the rubble barricade.<sup>2</sup>

<sup>1</sup> [Day 157/137-9](#)

<sup>2</sup> [Day 157/141](#)

**87.147** Noel McCartney said that he did not know when Constantine Gallagher had been hit by a rubber bullet but he acknowledged that the photograph which we have shown above, taken from the south-west side of the barricade, and in which Constantine Gallagher appears, was taken before Constantine Gallagher was struck.<sup>1</sup> It seems likely, therefore, that Constantine Gallagher was hit when he was in the area of the rubble barricade.

<sup>1</sup> [Day 157/111](#)

**87.148** We consider that Constantine Gallagher is likely to have been thought by some witnesses (for example, Robert Wallace as we have noted above<sup>1</sup>) to be a casualty of Army rifle fire. We were unable to obtain a statement from Constantine Gallagher.

<sup>1</sup> [Paragraph 87.93](#)

## **An unidentified casualty not necessarily shot at the same time as Michael Kelly**

**87.149** We turn now to consider other evidence relied upon in support of the submission made on behalf of some of the soldiers that there was evidence of an unidentified casualty or casualties at the rubble barricade, whether or not shot before, at the same time as, or after Michael Kelly.<sup>1</sup>

<sup>1</sup> [FS8.1320-1343](#)

**87.150** When, as we describe later in this report,<sup>1</sup> soldiers arrived at the rubble barricade, only the bodies of Michael McDaid, John Young and William Nash were lying there. The submission therefore must be that the unidentified casualties had been removed before this happened, or that they had been able to remove themselves from the area.

<sup>1</sup> [Paragraphs 122.1–128](#)

## Danny Craig

**87.151** Danny Craig told this Inquiry, both in his written statement and in his oral evidence that he saw two young men shot before Michael Kelly was hit. He was able to identify Michael Kelly, saying that he and Michael Kelly had met at the rubble barricade and that he, Danny Craig, had taken on the role of a brother in seeking to look after Michael Kelly.<sup>1</sup>

<sup>1</sup> AC111.2-3; Day 135/51; Day 135/58

**87.152** In his written evidence to this Inquiry he said:<sup>1</sup>

“One of the big guys got down on his knee in Rossville Street close to Kells Walk. I think he was on the footpath. I was facing him and I would say he went down on his right knee, and he pulled his gun up and fired at us. I thought it would be a rubber bullet and I told Michael to watch it. The soldier fired and the noise was not like the noise of a rubber bullet. It left a ringing in my ears because it was live fire. Most of the lads around me were younger than me and one of them fell down straight away. Then another one was shot and fell face down on the barricade, screaming and clutching his leg. I was thinking ‘What’s the matter with you?’ because I couldn’t believe they had been shot. The big guys were walking along towards us and Saracens were still coming in behind them.

I said to Michael Kelly ‘Get down,’ and I bent down to pick up a stone and he did the same because he was doing everything that I did, but as he stood up he fell back and said ‘Danny, I’m shot.’”

<sup>1</sup> AC111.2

**87.153** Danny Craig then described leaving the rubble barricade and going to Glenfada Park North:<sup>1</sup>

“There was a fence with about 10–12 people hiding by it and I ran to it. I can’t recall where this fence was. As I was there I saw friends of the two young lads shot before Michael Kelly out at the Barricade dragging them by their hair, because they both had fairly long hair. I don’t know where they were dragged to. Then two braver men than me ran out and pulled Michael Kelly on to the footpath in the shelter of the southern gable end wall of the eastern block of Glenfada Park South [sic].”

<sup>1</sup> AC111.3

**87.154** The representatives of some of the soldiers refer to an undated handwritten statement which Danny Craig appears to have signed.<sup>1</sup> Danny Craig's evidence was that the contents of the first page were incorrect; however, in his written statement to this Inquiry, when referring to the handwritten statement, he said, "*it is right about me seeing the two boys being shot*".<sup>2</sup>

<sup>1</sup> [Day 135/79](#)

<sup>2</sup> [AC111.5](#)

**87.155** The relevant part of the handwritten statement reads:<sup>1</sup>

"... I made my way over to Glenfada Park and out onto Rossville Street, to directly behind small barricade opposite the High Flats. I saw a lad being hit in the stomach by a bullet which came from the direction of the soldiers. He shouted to me, 'I'm shot, help me'. This lad doubled forward and fell forward first and then fell back on his side. I stared at him and then another boy jumped out from behind Glenfada Flats to assist him. I saw this boy being shot in the leg. He shouted 'Somebody help me, I'm shot.' I now know the first lad to be Kelly. I don't know who the second boy was."

<sup>1</sup> [AC111.7-8](#)

**87.156** In another handwritten statement dated 4th March 1972 and signed by him,<sup>1</sup> Danny Craig recorded:<sup>2</sup>

"I was standing at the Rossville Street barricade as the Paras came into Rossville St. I had heard the firing on William Street earlier, two shots.

There had been no shooting since that until the volley of shots rang out and Kelly fell. Two others fell I think they were both injured.

I am shown in the Photo with a stone in my hand.

There had been quite a few stones thrown until the volley of shots fired. Then everyone cleared. It took a good minute for me to realise that it was real bullets they were firing.

Mr Kelly came over and lifted a stone the same time as me. He raised himself up in position to throw when he was struck in the stomach. I had not fired my stone.

Someone had yelled out, just before that to stand our ground & hold them at the barricade.

About 100 people were at the barricade. Gas filled the air and some people were just looking on.

I did not see the Paras take aim and fire. I saw the Saracens come in. I saw the soldiers dismount. The shots came immediately. They opened fire almost immediately. After Kelly was hit, I made my way into an alleyway in the flats. I went through a house. Before I left I saw Kelly carried over and died.”

<sup>1</sup> Day 135/124-125

<sup>2</sup> AC111.11-12

**87.157** The statement was witnessed by JC (Christopher) Napier and appears to have been made for the purposes of the Widgery Inquiry. However, during his oral evidence, Danny Craig said that he had no recollection of making the handwritten statements that were attributed to him.<sup>1</sup>

<sup>1</sup> Day 135/125-126

**87.158** In the first handwritten statement to which we have referred, Danny Craig:

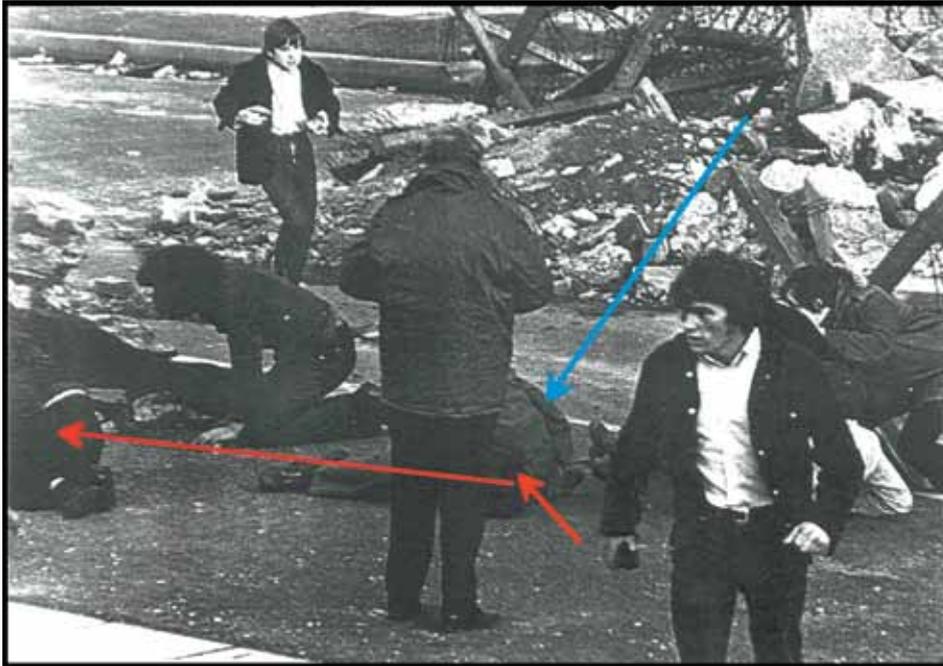
- made clear that the second boy was hit *after* Michael Kelly; and
- made no reference to a third boy having been shot.

**87.159** In the second handwritten statement, Danny Craig made no reference to anyone other than Michael Kelly being shot at the barricade. These handwritten statements appear to be accounts made soon after the event and may perhaps be expected to be more reliable than accounts given many years later.

**87.160** It is correct, as the representatives of some of the soldiers record, that in his oral evidence to this Inquiry Danny Craig marked a photograph,<sup>1</sup> indicating that the two boys whom he saw shot were in the area in which a kneeling or lying person can be seen in the photograph.<sup>2</sup>

<sup>1</sup> AC111.28

<sup>2</sup> Day 135/145



**87.161** This photograph shows people on the ground. Without more it does not provide evidence that they had been shot. We should note at this point that Danny Craig, in his written evidence to this Inquiry, identified himself as the figure in the foreground of the photograph with a stone in his hand.<sup>1</sup>

<sup>1</sup> [AC111.3](#); [AC111.14](#)

**87.162** We are not persuaded that Danny Craig's evidence shows that there were one or two unidentified casualties at the rubble barricade. His 1972 accounts, which we consider are more reliable than his evidence to us, refer to only one casualty hit in the leg. In our view this is likely to have been Constantine Gallagher who, as we have explained above,<sup>1</sup> was hit in the leg by a baton round while in the area of the rubble barricade.

<sup>1</sup> [Paragraphs 87.142–148](#)

## Brendan Gallagher

87.163 The relevant part of Brendan Gallagher’s NICRA statement is set out below:<sup>1</sup>

“I was in Rossville Street Barricade and five Saracens drove into Rossville Street and lined up. A few young boys were going to throw stones at them when the army opened fire. I saw two of these young boys fall dead and the third fellow was shot in the stomach. At the same time another person was shot in the leg while he was standing on the barricade. At this time I ran towards Glenfada Park and as I reached it a bullet hit the wall beside me and knocked a big lump out of it.”

<sup>1</sup> AG4.1

87.164 In his written statement to this Inquiry, Brendan Gallagher told us that he went to Free Derry Corner, where Bernadette Devlin and others were standing on the back of a lorry, heard shots, turned northwards and saw two Army “*Saracens*” parked in Rossville Street. Soldiers kneeling beside them were shooting into the crowd. At that stage “*There were a few lads at the Rubble Barricade throwing stones*”.<sup>1</sup> He continued:<sup>2</sup>

“For a moment, I just stood there in momentary shock, and then I walked north towards the Saracens ... I think that all the Brits I saw near the Saracens were shooting, but I can’t remember now. No-one was shooting at them ... I then dived for cover at the north east gable end of Glenfada Park South ... When I dived for cover, I saw a bullet take a chunk out of a wall near me, although I cannot remember which wall ...

I also saw a person falling on the footpath somewhere near me. He was obviously dead. He had just been standing there when he was shot. I would say that he had been shot from the City Walls because, in my opinion, the angle that he was shot at could only have come from the Derry Walls.”

<sup>1</sup> AG4.2

<sup>2</sup> AG4.2-3

87.165 Brendan Gallagher also referred to the statement that he had made in 1972. He stated that his current recollection was that boys were throwing stones, not just preparing to throw them, and that he could no longer remember seeing four boys shot at the rubble barricade: “*I can only vaguely remember seeing bodies on the Rubble Barricade, but I have no idea whether they were dead.*”<sup>1</sup>

<sup>1</sup> AG4.3

**87.166** In his oral evidence to this Inquiry, Brendan Gallagher said that he did remember people “*being shot, lying on the ground in front of ... the barricade*”.<sup>1</sup> He went on to say that he saw two young boys “*falling to the ground*” and then saw a third man shot in the stomach.<sup>2</sup> The men were on the southern side of the rubble barricade; the first two young men fell on the western (Glenfada Park) side of Rossville Street and the third man fell on their right, closer to the Rossville Flats.<sup>3</sup> A fourth man was then shot in the leg; that man was close to the rubble barricade, on the Rossville Flats side of the street.<sup>4</sup> Brendan Gallagher said that he then moved to the cover of the north end of the eastern block of Glenfada Park South and saw another man fall near to him, on the footpath bordering Glenfada Park South. Brendan Gallagher said that the man lay with blood pouring from his chest or stomach;<sup>5</sup> however, he also said that this man “*fell face down, I think*”.<sup>6</sup> Brendan Gallagher went on to say that this casualty was carried away; he thought that the casualty had been taken towards the Rossville Flats, but was uncertain of this.<sup>7</sup> He was certain that this incident had occurred after other young men had been shot at the rubble barricade; the casualty was many yards from the barricade.<sup>8</sup>

<sup>1</sup> Day 147/198

<sup>5</sup> Day 147/202

<sup>2</sup> Day 147/198-199

<sup>6</sup> Day 147/203

<sup>3</sup> Day 147/198-199

<sup>7</sup> Day 147/203

<sup>4</sup> Day 147/200

<sup>8</sup> Day 147/212

**87.167** Brendan Gallagher said that he then, with others, broke into a flat on the eastern side of Glenfada Park North. Going to a window that looked out onto Rossville Street, he saw a few young lads still throwing stones from the rubble barricade, “*game for a fight with the Brits*”.<sup>1</sup>

<sup>1</sup> Day 147/204

**87.168** It is odd that Brendan Gallagher could recall so little when he gave his written statement to the Inquiry, yet was able to remember far more when he gave oral evidence. There are significant discrepancies between the account that Brendan Gallagher gave in 1972 and his accounts to this Inquiry. In 1972 Brendan Gallagher described seeing four casualties falling at the same time and in the same place as each other. In Brendan Gallagher’s account to this Inquiry, four casualties fell at the rubble barricade and a fifth casualty fell some time later, and to the south of them.

**87.169** In our view Brendan Gallagher is mistaken in his accounts to this Inquiry of a casualty being carried across Rossville Street towards the Rossville Flats. There is no other evidence to that effect. We take the same view of his accounts of boys continuing to throw stones at the Army after several of their number had been shot.

**87.170** We consider that Brendan Gallagher's accounts are confused and do not persuade us that he had witnessed the shooting of an unknown casualty. His 1972 account was of two casualties shot dead, another shot in the stomach and a fourth shot in the leg, all in the area of the rubble barricade. As we describe elsewhere in this report,<sup>1</sup> Michael Kelly was shot in the stomach before William Nash, John Young and Michael McDaid, none of whom was shot in the stomach or in the leg. In our view the man with a leg injury was probably Constantine Gallagher, hit in the leg by a baton round as we have described above.<sup>2</sup>

<sup>1</sup> Paragraphs 86.15–29, 86.45–47, 86.167–173, 86.191, 86.214–226, 86.241, 86.257–268 and 86.285

<sup>2</sup> Paragraphs 87.142–148

**87.171** It was submitted to us that Brendan Gallagher's evidence corroborates that of Danny Craig; both of them speak of a casualty having been shot in the leg. As we have observed, it is our view that this was Constantine Gallagher.

## Hugh Foy

**87.172** The representatives of some of the soldiers refer, in a footnote, to the evidence of Hugh Foy.<sup>1</sup> They submit that he gave evidence of a similar casualty to the fifth casualty reportedly seen by Brendan Gallagher, though they accepted that Hugh Foy's evidence was ambiguous.

<sup>1</sup> FS8.1325

**87.173** Hugh Foy's evidence to this Inquiry was that he was standing on the edge of the pavement surrounding the north-east corner of the eastern block of Glenfada Park South when he saw a man lying a few feet to the north of him. The man was about his own age (he was 31 at the time) and had been injured in the torso; there was a pool of blood around him.<sup>1</sup> In his written evidence to this Inquiry, Hugh Foy told us that he was on this pavement when the Army vehicles came into the Bogside; during the course of his oral evidence, he said that he must have been further north when the vehicles first arrived and he must then have moved southwards.<sup>2</sup> His evidence indicates that he was somewhere on Rossville Street when the soldiers arrived and that he stayed there until he saw the body of the casualty. He saw no other casualties.

<sup>1</sup> AF29.4, Day 146/106-107

<sup>2</sup> AF29.3; Day 147/102-103

**87.174** The relevant part of Hugh Foy's NICRA statement is set out below:<sup>1</sup>

"I saw three saracens approaching at great speed. I fled across the first barricade in Rossville Street.

About five minutes afterwards I heard a single shot (high velocity) which seemed to go over my head, and which came from the direction of the entrance to Rossville Street. After about 30 secs. approx. this was followed by about 30 shots (from the same direction) which were fired into the crowd that was running and many of whom were crouching for cover. I saw one man fall. He groaned and I realised he was shot. NB This man was NOT armed (Some shots came from the city walls)."

<sup>1</sup> AF29.7

- 87.175** There are inconsistencies between the evidence given by Hugh Foy in 1972 and that given to this Inquiry. In his evidence to this Inquiry, he provided details of more incidents than he did in 1972. He told this Inquiry that after witnessing the shooting in Rossville Street he had fled to the gap between Blocks 1 and 2 of the Rossville Flats, not being aware that there was an entrance to Block 1 at its southern end on the Rossville Street side.<sup>1</sup> At least some of this evidence must be incorrect; if Hugh Foy was standing where he told this Inquiry that he was standing, then he would have been able to see the Rossville Street entrance. In 1972, he said that he ran to "*the safety of the maisonettes opposit[e] the high flats*".<sup>2</sup>

<sup>1</sup> AF29.5

<sup>2</sup> AF29.7

- 87.176** In our view the body seen by Hugh Foy was that of Michael Kelly.

## George Downey

- 87.177** The representatives of some of the soldiers submitted:<sup>1</sup>

"Mr Downey gave evidence of seeing four or five bodies on the rubble barricade prior to seeing Alexander Nash crawling out, although his attention was focussed on his brother-in-law Michael Kelly."<sup>2</sup>

<sup>1</sup> FS8.1328

<sup>2</sup> Day 123/72

- 87.178** They make no further submissions about this witness.

**87.179** In his written statement to this Inquiry, George Downey told us that he took shelter at the south end of the eastern block of Glenfada Park North after having heard gunfire. He heard others say that people had been shot, looked out towards the rubble barricade and saw three to five men who were lying still on the barricade. One of those men looked like – and turned out to be – Michael Kelly.<sup>1</sup> George Downey continued:<sup>2</sup>

“I also distinctly remember seeing an old man, south of the Rubble Barricade... crawling on his elbows, towards the Rubble Barricade. At the time, I thought that the man was simply taking cover but I learned later that he was Alexander Nash and that he was crawling towards the Rubble Barricade to reach his son, William, who lay shot on it.”

<sup>1</sup> [AD134.3-4; AD134.12](#)

<sup>2</sup> [AD134.4](#)

**87.180** George Downey went on to say that Michael Kelly’s body was then brought by a man called Charlie McLaughlin from the rubble barricade to the south end of the eastern block of Glenfada Park North.

**87.181** However, in his oral evidence to this Inquiry, George Downey gave a slightly different account:<sup>1</sup>

“There was still more shooting and I came to about the end of the gable wall, that is – and I looked out and there were fellas dragging a body, right? At this time there were only one body at the barricade and another fella called Charlie McLaughlin, he lifted him and I recognised then that it was my brother-in-law and I give Charlie a hand over to what-do-you-call-it, you know what I mean, just the edge of the pad there, you know, and by that time then there were more shooting and I looked out and there were three bodies at the barricade, right, lying down at, now, but at this time I do not know whether they were dead or not at that time.

There was an old gentleman too there and he was waving away at his arm up in the air and I said to Charlie, you know what I mean, ‘What is he waving about?’. There were that much confusion, squealing, crying, everything going on all at the one time, but his hand fell down then and at that time there were people coming over to us in the corner and we were there roughly three to four minutes.”

<sup>1</sup> [Day 123/28-29](#)

**87.182** He went on to say that two other men had initially crawled out to Michael Kelly and dragged him back but that Charlie McLaughlin had then lifted Michael Kelly off the ground.<sup>1</sup> He recalled seeing boys lying down when he first looked at the barricade; these were the two men who then crawled out to retrieve Michael Kelly's body.<sup>2</sup> He said that he had subsequently glanced at the barricade and had noticed people lying down behind it and then seen an old man crawling; however, his attention had been focused on Michael Kelly.<sup>3</sup>

<sup>1</sup> [Day 123/30](#)

<sup>3</sup> [Day 123/31](#)

<sup>2</sup> [Day 123/36](#)

**87.183** George Downey said that he had seen four or five people lying on the rubble barricade but stressed that he did not know whether or not they were dead; he had thought at the time that they were trying to take cover.<sup>1</sup> No-one suggested to George Downey that he had seen other dead bodies on the barricade at or before the time at which Michael Kelly was shot.

<sup>1</sup> [Day 123/71-72](#)

**87.184** In our view George Downey's oral evidence, which appears to clarify his written statement, provides no support for the proposition that there were missing casualties at the rubble barricade.

## Betty Walker

**87.185** The representatives of some of the soldiers rely on a note taken by John Goddard<sup>1</sup> of Praxis Films Ltd, who was reporting a conversation that he had had with a woman named in the note as Betty Watson.<sup>2</sup>

<sup>1</sup> [M86.16-17](#). The note was not taken by Neil Davies as stated in the written submissions.

<sup>2</sup> [FS8.1331-2](#)

87.186 The relevant part of the note reads:<sup>1</sup>

"BETTY WATSON

Not present on BS, but is family spokesperson for Michael McDaid family re BS and most other things.

....

1) They have photograph showing Michael still walking around the barricade while priest and crowd are tending two bodies behind the barricade, one of whom they all say is Michael Kelly."

<sup>1</sup> M19.471

87.187 The representatives of some of the soldiers submit, in our view correctly, that the photograph in question must be the following, which we have reproduced earlier in this chapter.<sup>1</sup>

<sup>1</sup> Paragraph 87.2



87.188 "Betty Watson" is Betty Walker, a sister of Michael McDaid, one of those killed at the rubble barricade. She and her husband, Mickey Walker, gave an interview to Jimmy McGovern and Stephen Gargan.<sup>1</sup> In that interview, Mickey Walker again described the

photograph in which Michael McDaid is seen standing while the body of Michael Kelly lies on the ground. Mickey Walker made no reference to that photograph depicting another body.<sup>2</sup>

<sup>1</sup> [AW30.2-41](#)

<sup>2</sup> [AW30.18](#)

**87.189** In our view the interpretation by family members of the scene depicted in this photograph is not of great assistance. It is not possible to tell from the photograph alone whether there is a dead or injured person, other than Michael Kelly, on the ground.

## Alphonsus Cunningham

**87.190** The representatives of some of the soldiers rely on the written and oral evidence to this Inquiry of Alphonsus Cunningham.<sup>1</sup> They do not refer to his NICRA statement,<sup>2</sup> which Alphonsus Cunningham made on 3rd February 1972. In that statement he recorded that he was standing on the Free Derry side of the rubble barricade when the soldiers came in; he saw them reach the ramp leading into Kells Walk. He watched while the soldiers arrested a youth.

<sup>1</sup> [FS8.1336-1337](#)

<sup>2</sup> [AC125.5](#)

**87.191** The relevant part of the statement continues:<sup>1</sup>

“The crowd attempted to charge over the barricade at the soldiers. A soldier standing in front of the ramp raised his rifle to his shoulder and fired a single shot into the crowd. The crowd scattered in confusion and I observed a youth lying on his side with his knees bent, on the Free Derry side of the barricade.

A group of men went to his aid in a crouching position. One man raised his arm to appeal for time to remove the injured youth. The same soldier fired 2/3 shots towards the rescue party. Again the crowd scattered in confusion.

Heavy gunfire followed and I took refuge in the square of Glenfada Park. I saw the youth who was shot at the barricade carried past with a wound in his stomach. They carried him in the Abbey Street direction.”

<sup>1</sup> [AC125.5](#)

**87.192** In addition to making a NICRA statement, Alphonsus Cunningham gave a taped interview to Kathleen Keville.<sup>1</sup> The representatives of some of the soldiers refer to this interview but do not quote extensively from it. The relevant parts are as follows:<sup>2</sup>

“There was a soldier standing on his own er – out on Rossville Street at the far end of Glenfada Park, er – he seen the crowd moving over the top of the barricade [towards the soldiers who had just arrested a man] and fired one shot into the middle of them. Somebody called out is er ‘is anybody hurt’ and the next thing I seen was a young man of about eighteen or nineteen with a white shirt and light coloured er – sports jacket lying on the ground with his knees pulled up towards his chin. Some near the corner where I was standing made a move out to rescue him and the same soldier opened fire again, firing about three o[r] four shots. After this here the shooting seemed to intensify and er – there was a – another man brought round the corner towards me with er – I would say a wound in his leg I wha – I’m not too sure about that, but he was wounded anyway because somebody’s called out for a scarf and used as a tourniquet. I er – I moved into the Glenfada Park area itself and took cover as everybody else in the area was doing.”

<sup>1</sup> In his oral evidence to this Inquiry, Alphonsus Cunningham said that he had no recollection of giving such an interview (Day 150/25).

<sup>2</sup> AC125.11-12

**87.193** The representatives of some of the soldiers quote from some of the relevant part of Alphonsus Cunningham’s written statement to this Inquiry. He told us that he had been standing behind (south of) the rubble barricade. He continued:<sup>1</sup>

“I then noticed a soldier standing in front of a ramp on the south end of Kells Walk ... He raised his rifle casually to his shoulder and fired a shot in the direction of the Rubble Barricade. Almost immediately a young lad, standing about 4 yards away from me on the south side of the Rubble Barricade, crumpled face-down onto the barricade. Just before he fell I noticed that the boy had been lifting some rubble off the barricade to throw at the soldiers. The boy hit the Rubble Barricade and just seemed to lie there without moving. I cannot remember any details at all about the boy’s appearance or what he was wearing. I am not sure exactly where he fell.

Just after I saw the boy fall, a stocky grey haired man came out from the south gable end wall on the eastern block of Glenfada Park North. He moved past me and crouching down, he made his way towards the boy who had fallen onto the barricade. He had just about reached the boy, when I saw the same soldier ... fire another shot. Almost immediately the older man fell but I cannot remember whether he fell onto his front or his back. I am unable to remember any further details about the older man's appearance or what he was wearing. I couldn't see a wound or any blood coming from the older man but I have no doubt that he was shot by the soldier whom I saw fire the shot.

... I moved west, further along the gable end wall where I had been standing ... Almost immediately, four men passed me coming from the direction of the Rubble Barricade. They were carrying a young lad. Two men held the boy's shoulders and two held his legs. The boy was wearing a pale pink shirt and I think he may have also been wearing a jacket which was hanging off him. I noticed a small hole in the area of the boy's abdomen, but there was not much blood. This may have been the youth whom I had first seen fall at the Rubble Barricade, but this is only an assumption on my part because he was being carried from the direction of the Rubble Barricade."

<sup>1</sup> [AC125.2](#)

**87.194** In his oral evidence to this Inquiry, Alphonsus Cunningham could not explain why his NICRA statement contained no reference to an older man being shot at the rubble barricade, but denied that his recollection of such a man being shot could be mistaken.<sup>1</sup>

<sup>1</sup> [Day 150/15](#)

**87.195** The representatives of some of the soldiers rely on Alphonsus Cunningham's belief, expressed in his oral evidence to this Inquiry, that the casualties whom he saw at the barricade (the youth and the older man) were not Michael Kelly and Alexander Nash.<sup>1</sup> It is true that the description given by Alphonsus Cunningham in 1972 of the youth's clothing – a white shirt and light-coloured sports jacket – does not match the description of Michael Kelly's clothing. In his oral evidence to this Inquiry, Alphonsus Cunningham said that he could no longer recall the casualty wearing a sports jacket but remembered a "*light-coloured*" shirt.<sup>2</sup>

<sup>1</sup> [FS8.1336-1337](#)

<sup>2</sup> [Day 150/25](#)

**87.196** The 1972 description does match closely the clothing worn by Michael McDaid, who was wearing a sports jacket and a blue shirt; when shown the photograph of Michael McDaid walking by the rubble barricade after Michael Kelly had been shot, Alphonsus

Cunningham said that the young man did not look familiar to him.<sup>1</sup> The representatives of some of the soldiers submit that, in his oral evidence, Alphonsus Cunningham “*emphatically denied*” that the older man whom he had seen was Alexander Nash.<sup>2</sup> In fact, the “emphatic denial” was of the suggestion that he might simply have seen a man going to the assistance of someone injured on the barricade, had later heard of the shooting of Alexander Nash and had come to believe that he had seen an older man shot when he had not.<sup>3</sup>

<sup>1</sup> Day 150/18

<sup>3</sup> Day 150/15-16

<sup>2</sup> FS8.1337

**87.197** Alphonsus Cunningham, shown photographs of Michael Kelly lying face up, south of the barricade, agreed with the proposition put to him by counsel for some of the families that Michael Kelly was unlikely to be the youth whom he had seen face down on the barricade itself. He also said, “*I am not sure. To tell you the truth, it is that long ago.*”<sup>1</sup> In our view it is difficult to place much reliance on Alphonsus Cunningham’s expression of opinion about the identity of this casualty.

<sup>1</sup> Day 150/28-29

**87.198** It is impossible to say why Alphonsus Cunningham referred in one 1972 account to a man having been wounded in the leg but made no reference in his other 1972 account to this incident. In any event, we consider that a casualty wounded in the leg is likely to have been Constantine Gallagher. To our minds the reference to an older man is to Alexander Nash. We are not persuaded that Alphonsus Cunningham’s evidence indicates the existence of an unidentified casualty.

## Michael Kivelehan (“Michael Cunningham”)

**87.199** The representatives of some of the soldiers rely on a document which they identify as a NICRA statement and which is attributed to a man identified as “Michael Cunningham”.<sup>1</sup> The document was in fact prepared from the recording of an interview given to Kathleen Keville. The name of the interviewee has been mistranscribed; the correct name is Michael Kivelehan.

<sup>1</sup> FS8.1339

**87.200** In that 1972 account, Michael Kivelehan stated:<sup>1,2</sup>

“As I cleared the barr[i]cade I went to my Grannys to get fixed up and I came out again. When I came out again I came over to the barr[i]cade and as I dived to the barr[i]cade two fellows fell beside me, I dont know who they were, I went into the house everybody was in a panic, and I looked out the front and everybody was in a panic again. Then shots rang out and we looked out the front and there was some fellow lying on the ground, he was shaking, another fellow dived into the garden, we told him not to go out we were holding the crowd back. The young fellow got up and stood on the wall and walked over to a man to help him, this was a fellow by the name of Michael Kelly, as he got over to help him they plugged him in the back. He fell and when we looked out the front there were people lying ev[e]rywhere...”

<sup>1</sup> This version is in our view more accurate than the transcript created by the Inquiry from the Keville tape.

<sup>2</sup> [AK45.16](#)

**87.201** Michael Kivelehan gave an interview to John Goddard of Praxis Films Ltd. The relevant part of the interview notes reads as follows:<sup>1</sup>

“Began to run up Rossville street. Saracens parked across Kells Walk, Pilots Row, men came out of them. Over barricade, they had started shooting – impression was from the men by Kells Walk, boy got stuck on barbed wire on top of barricade. Not sure if shot or not. Been no shooting, bombing, even stoneing at that point. Me into Glenfada Park, and to my Grannie’s flat, top right corner of top quadrangle. Soldiers coming into G. Park from Kells Walk.”

<sup>1</sup> [AK45.1](#)

**87.202** The notes then record descriptions of casualties seen by Michael Kivelehan in Glenfada Park and Kells Walk.

**87.203** In his written statement to this Inquiry, Michael Kivelehan told us that his grandmother’s flat was almost in the south-west corner of Glenfada Park; it was towards the southern end of the western block of Glenfada Park North.<sup>1</sup> He stated that he decided, as the soldiers came into the Bogside, to seek safety in his grandmother’s flat. According to this account, he climbed over the rubble barricade and lay behind it until there was a lull in the shooting. He was with his brother, whose trousers were torn by barbed wire on the

barricade. Although he could hear shouts about people having been shot, he was not aware of anyone around him having been shot. He then went to his grandmother's home, which had windows overlooking Abbey Street and Glenfada Park North.<sup>2</sup>

<sup>1</sup> AK45.2; AK45.7

<sup>2</sup> AK45.3-4

**87.204** Michael Kivelehan made no reference in his written statement to the Inquiry to having seen anyone, at any stage, shot in the area of the rubble barricade. Referring to the NICRA statement of his mother, Mary Ann Kivelehan, who said that she saw "*the young boy Kelly*" falling "*in the back garden*", he observed that she was probably right but added, "*However I did not see any of this*".<sup>1</sup>

<sup>1</sup> AK45.6

**87.205** In his oral evidence to this Inquiry, Michael Kivelehan said that the boy whom he described to Praxis as being stuck in barbed wire was his brother; he could not explain the reason for the sentence in the Praxis notes that recorded that Michael Kivelehan did not know whether or not that boy had been shot.<sup>1</sup> He did not refer in the course of his oral evidence to seeing anyone shot on the rubble barricade.

<sup>1</sup> Day 406/72-73

**87.206** The contents of Michael Kivelehan's Keville interview were not put to him, either when he made his written statement to this Inquiry or when he gave oral evidence. The reason for this was that at that time the Inquiry had not linked Michael Kivelehan with Michael Cunningham and had not appreciated that it was the former who had given a Keville interview. The Inquiry made attempts subsequently to contact Michael Kivelehan for the purpose of addressing his Keville interview, but these were unsuccessful.

**87.207** Mary Ann Kivelehan's NICRA statement contained the following passage:<sup>1</sup>

"I was in my mothers home [...] when the shooting started. The young boy Kelly came and fell in the back garden. Next he got up, just ran towards the steps where he fell dead. The Knights of Malta tried to help him."

<sup>1</sup> AK38.1

**87.208** Although Michael Kivelehan gave a slightly different address for his grandmother's home in Glenfada Park to his mother, the evidence indicates that they were both referring to the same address.

- 87.209** The representatives of some of the soldiers submitted that the 1972 account attributed to Michael Cunningham provides evidence of a person being shot before Michael Kelly. We do not accept this submission. It is not possible from the language used to tell whether Michael Kelly is being identified as the man who went to the assistance of somebody else, or is the victim whom that man was trying to help. There is no reference in any of Michael Kivelehan's other accounts to his having seen Michael Kelly fall. Michael Kivelehan could not have seen the rubble barricade from his grandmother's flat. It is not entirely clear from the Keville transcript that Michael Kivelehan, when referring to the shooting of Michael Kelly, was in fact referring to events on the rubble barricade.
- 87.210** The NICRA account of Michael Kivelehan's mother, Mary Ann Kivelehan,<sup>1</sup> shows that she identified wrongly one of those shot in Glenfada Park or Abbey Park as "*Kelly*". It seems to us that that mistake is likely to be the origin of a mistake made by Michael Kivelehan as to the identity of someone he saw shot.

<sup>1</sup> [AK38.1](#)

## Hugh Breslin

- 87.211** Hugh Breslin is dead and gave no evidence to this Inquiry. The representatives of some of the soldiers rely on an account that he gave to Kathleen Keville, in which he said:<sup>1,2</sup>

"As they came into the Bogside I saw a young – a man being shot. He was lying on the ground. A young lad by the name of Michael Kelly went out with his arms up facing the soldiers telling them that he was going to pull the man in and when he went out they shot him, shot him in the back and shot him in the head. That's all I seen at that end. As far as I can see the young lad was shot from the Derry Walls."

<sup>1</sup> [AB76.1-2](#)

<sup>2</sup> Neither the 1972 transcript, on which the soldiers' representatives rely, nor the transcript prepared by the Inquiry, seems to be entirely accurate. The version reproduced above seems to us more closely to reflect the words spoken on the tape.

- 87.212** Hugh Breslin gave no description of the casualties whom he said he saw, nor of the place at which they fell. His description of Michael Kelly's actions is not consistent with other evidence relating to Michael Kelly's activities in the moments before he was shot. It seems to us that Hugh Breslin has wrongly identified another casualty as Michael Kelly. We have found nothing in his account to suggest that there was an unknown casualty.

## Peter O'Neill

**87.213** In his Keville interview, Peter O'Neill said:<sup>1</sup>

“... I had just er – er – negotiated the barricade, opposite the high flats when er – I heard people running. I looked round and I saw er – Army wagons er – coming in with the soldiers with guns ... reached the ramp at Glenfada Park the second er – block er – in Glenfada Park and I saw the soldiers starting. I went up the ramp er – and I got a pretty good view and I'm sure, I can't really say how many seconds but it wasn't very long, er – I heard a shot and I saw a ... youth with long hair falling to the ground clutching his knees or his thighs like he was shot in the thigh and it was obvious that er – it came from the Army...

He had no stones ... as far as I can remember he was only shouting abuse at them and who blame him ... he was carried away by his friends.”

<sup>1</sup> [AO64.1](#)

**87.214** We decided that there was no need for a statement from Peter O'Neill. No efforts were made, therefore, to trace him.

**87.215** Peter O'Neill does not in his Keville interview provide any information at all about the location of the casualty whom he saw. Assuming the casualty to have been on the rubble barricade, we consider that it is likely to have been Constantine Gallagher, hit in the leg by a baton round. Alternatively it may have been Michael Kelly, who was shot in the stomach but may have clutched his thighs as he fell. As described elsewhere in this report<sup>1</sup> Michael Kelly was carried from the rubble barricade to the area to the south of the southern end of the eastern block of Glenfada Park North.

<sup>1</sup> [Paragraphs 86.59 and 92.1–3](#)

**87.216** The representatives of some of the soldiers submitted that the casualty seen by Peter O'Neill may have been the same as the casualty seen by Vincent Mulvane.<sup>1</sup>

<sup>1</sup> [FS8.1340](#)

## Vincent Mulvane

87.217 Vincent Mulvane described to Kathleen Keville the scene at Barrier 14 and continued:<sup>1</sup>

“... next the Army was all over the Bogside. As we were coming into – towards the meeting the next thing we heard loud bangs and we knew it was an army rifle right away. And the first one that went down ... shouted to other people there is one hit. That was the very first one that was hit.

...

I seen him yes, I seen him getting carried away he was a young lad.

...

I didn't see him getting hit but I was lets say about ten yards from him and he just went down and people were ... shouting all over the place screaming one of them's hit and then er – about two minutes later another man was hit in the leg and he was carried away.”

<sup>1</sup> AM453.2

87.218 The Inquiry was unable to find Vincent Mulvane. He did not, in his Keville interview, say where he or the casualties were. Assuming the casualties to have been in the area of the rubble barricade, we are of the view that the first casualty seen by Vincent Mulvane was Michael Kelly and that the second person was Constantine Gallagher.

## Unidentified casualties on the Rossville Flats side of the rubble barricade

87.219 The representatives of some of the soldiers referred to the evidence of three witnesses,<sup>1</sup> Brendan Deehan,<sup>2</sup> Don Campbell<sup>3</sup> and Kieran Gill,<sup>4</sup> each of whom told the Inquiry that he had seen a casualty on top of the rubble barricade. In addition, Brendan Deehan said that he had seen another casualty near the wall of Block 1 of the Rossville Flats.

<sup>1</sup> FS8.1340-1342

<sup>3</sup> AC8.1

<sup>2</sup> AD20.1

<sup>4</sup> M105.1

87.220 These representatives acknowledged that the witnesses gave no descriptions of the casualties whom they said that they saw, and further acknowledged that it is not possible to tell whether the casualties described were known or unknown ones. We have found nothing to suggest that it was the latter.

**87.221** These representatives further referred to the evidence of Captain 021<sup>1</sup> who in his RMP statement said that he saw three bodies being taken from the rubble barricade and behind Glenfada Park.<sup>2</sup> He said that this occurred after the “*main shooting*” had stopped but before three bodies were taken away in an APC. As already mentioned, Captain 021 was a Royal Electrical and Mechanical Engineers Captain attached to 22 Lt AD Regt in January 1972. He was at Echo Observation Post on the top of the Embassy Ballroom for most of the afternoon of Bloody Sunday.

<sup>1</sup> [FS8.1342-3](#)

<sup>2</sup> [B1504](#)

**87.222** In his written statement to this Inquiry, Captain 021 told us that he had only a vague recollection of seeing bodies on the day.<sup>1</sup> However, he stated that he thought that his RMP statement accurately reflected his recollections on 3rd February 1972 (the date of the statement).<sup>2</sup> In his oral evidence, when speaking of the account given in the RMP statement of three bodies being taken from the barricade, he maintained “*It was an accurate recollection at the time*”.<sup>3</sup>

<sup>1</sup> [B1509.005](#)

<sup>3</sup> [Day 317/121](#)

<sup>2</sup> [B1509.006](#)

**87.223** In our view Captain 021 was simply wrong in his recollection. Michael Kelly was carried from the rubble barricade at an early stage to the area at the southern end of the eastern block of Glenfada Park North. After that the three identified casualties at the rubble barricade lay there until picked up by soldiers. We are sure that at the stage after Michael McDaid, John Young and William Nash had been killed and before the APC came forward, no-one except Alexander Nash approached the rubble barricade; and no bodies were moved from there. Earlier in this report<sup>1</sup> we expressed our doubts about the accounts given by Captain 021.

<sup>1</sup> [Paragraphs 86.543–551](#)

## A casualty at the small barricade in Rossville Street

87.224 The representatives of some of the soldiers relied on the account given in 1972 by Thomas Mullarkey, who said:<sup>1</sup>

“We started to move along towards Fahan Street West. I crossed the barricade at the corner. Shooting broke out again. I turned to run. A man beside me fell, shot through the head; he was not armed. I fell in the shelter of the terraced houses on the other side of the street.”

<sup>1</sup> [AM452.17](#)

87.225 These representatives raised the possibility that Thomas Mullarkey was referring to an event at the main rubble barricade, and not at a smaller barricade which was further south. They acknowledge the difficulty that Thomas Mullarkey, in his evidence to this Inquiry, said that he had no recollection of this incident and could not accurately identify the barricade that he had had in mind in 1972.<sup>1</sup>

<sup>1</sup> [FS8.1343-1346](#)

87.226 The same representatives submitted that, if the incident occurred on the main rubble barricade, it could not have involved a known casualty since “*the only civilian known to have been shot in the head, in the ordinary meaning of that phrase, was Bernard McGuigan*”.<sup>1</sup> The representatives note that both Michael McDaid and John Young were shot in the left cheek but, for reasons that are not explained, submit that such shooting would not have led Thomas Mullarkey to describe either victim as having been shot in the head.

<sup>1</sup> [FS8.1346](#)

87.227 In our view Thomas Mullarkey was referring to the shooting of either Michael McDaid or John Young.

## Conclusions on unidentified casualties in Sector 3

87.228 We are sure, for the reasons that we have given, that there were no unidentified casualties of Army gunfire in Sector 3, either standing in front of Michael Kelly with the result that the bullet that hit him became unstable, or shot elsewhere and at a

different time. It follows that as part of this conclusion we reject the submission that the bullet fired by Lance Corporal F hit a nail bomber and then continued and killed Michael Kelly.

**87.229** There are other considerations that lead us to the same conclusions.

**87.230** If one or more unidentified casualties were shot at the rubble barricade, he or they must have moved or been moved, because otherwise when the soldiers arrived to pick up the bodies of Michael McDaid, John Young and William Nash (as we describe later in this report<sup>1</sup>) the unidentified casualty or casualties would still have been there. This seems implicitly to be acknowledged (at least in part) by the representatives of the majority of represented soldiers, who submit that in addition to Michael Kelly, another unidentified casualty was carried across Glenfada Park North.

<sup>1</sup> [Paragraphs 122.1–128](#)

**87.231** As will be seen from our consideration of the events of Sector 4,<sup>1</sup> there were over two dozen people who sheltered at the south end of the eastern block of Glenfada Park North or who were elsewhere in Glenfada Park North after the soldiers came into the Bogside and opened fire. Many remained in the area of the south end of the eastern block of Glenfada Park North until arrested by soldiers who had come into Glenfada Park North, as we describe in the context of considering the events of Sector 4.<sup>2</sup> None of them has given evidence of seeing more than one person injured by Army rifle fire being brought from the rubble barricade into Glenfada Park North.

<sup>1</sup> [Chapter 92](#)

<sup>2</sup> [Chapter 113](#)

**87.232** The explanation proffered by the representatives of the majority of represented soldiers appears to be that there was, in effect, a conspiracy of silence among civilians not only about what one or more unidentified casualties had been doing, but also about how he or they moved or were moved; and that the only possible reason for the conspiracy of silence was to conceal that the casualty or casualties had been engaged or were about to engage in attacking the soldiers with lethal weapons and thus had been justifiably shot.

**87.233** Quite apart from what we regard as a lack of evidence to support the submission, we find great difficulties with it. The submission appears to assume that a number of civilians knew or had been told or discovered (or at least suspected) what the unidentified casualty or casualties had been doing and decided, or obeyed instructions, not to make any mention of them; and that this conspiracy of silence has lasted ever since. No explanation is proffered (nor can we think of one) as to how civilians knew or came to know or

suspect that the casualty or casualties had been engaging the soldiers with lethal weapons and decided or obeyed instructions to say nothing about this from a very early stage. Simultaneously, however, as will have been noted, the submission relies upon the accounts of a number of civilians as demonstrating that there was at least one additional casualty. Assuming for the purpose of the argument that their evidence does demonstrate this, it follows that they cannot have been privy to the need to conceal the additional casualty, but no explanation is suggested as to how or why this was so. In our view the proposition that there was such a conspiracy is untenable.

**87.234** By way of example, Fr Bradley was at the south end of the eastern block of Glenfada Park North from an early stage. He there tended Michael Kelly. He was asked whether he learned of any other casualty whose identity was not made public and told us that he had not,<sup>1</sup> but it was not suggested to him either that in addition to Michael Kelly there was another casualty of gunfire brought into Glenfada Park North, or that he saw this but chose to keep quiet about it. We take the view that Fr Bradley was a witness on whose accounts we can place reliance. He is not a person who would have been party to the suggested conspiracy. Had there been an additional casualty or additional casualties we are sure not only that he would have known about it, but also that he would have told us. Furthermore, had there been an additional casualty carried into or across Glenfada Park North, we are sure that Ciaran Donnelly, who took photographs of Michael Kelly, would have seen and photographed this event.

<sup>1</sup> [Day 140/241](#); [Day 140/246](#)

**87.235** There are further difficulties with the submission. None of the witnesses whose accounts are called in aid suggests that what he saw was a paramilitary shot while employing or about to employ lethal force against soldiers or that he knew or suspected that this was or might have been the case. Furthermore, the descriptions these witnesses give of a casualty differ in material respects, including what the casualty was wearing and the nature of the wound that he sustained. No attempt is made to deal with these differences, though it does not seem to be submitted that there were more than, at most, one or two unidentified casualties. As was the case with a similar submission made in respect of casualties in Sector 2, it appears to be accepted that the evidence of the witnesses on which the submission relies cannot on any view be taken literally at face value, for were this to be done, there would not be one unidentified casualty, but many.

**87.236** As we have also pointed out, our examination of documentation held by the security services has convinced us that if there had been any people killed on Bloody Sunday in addition to the known dead, news of such an event would have reached the security

services and would have been recorded. There is no record of any additional fatalities. In addition, we accept the evidence given by Fr Edward Daly that it amounted to “*offensive nonsense*” to suggest that there could have been secret and private burials of people killed by the Army on Bloody Sunday.<sup>1</sup>

<sup>1</sup> [Day 75/51-55](#)

## Further firing in Sector 3

**87.237** There was further firing in Sector 3, after the shooting of the casualties to which we have referred, though it did not result in any further gunfire casualties. This firing took place after the events of Sectors 4 and 5, so we return to this aspect of the matter after considering what happened in those sectors. Below<sup>1</sup> we consider whether it is possible to identify which soldier was responsible for which casualty in Sector 3. We have already given our reasons<sup>2</sup> for concluding that Lance Corporal F was responsible for the shooting of Michael Kelly. We also express our views on the question as to whether the soldiers concerned believed that they had identified and fired at someone posing a risk of causing death or serious injury.

<sup>1</sup> [Chapter 89](#)

<sup>2</sup> [Paragraphs 81.21–32](#)

**87.238** It is convenient at this stage to examine the evidence relating to shot damage to the southern end of the eastern block of Glenfada Park North and the question of who could have caused such damage.

# Chapter 88: The damage to the south end of the eastern block of Glenfada Park North

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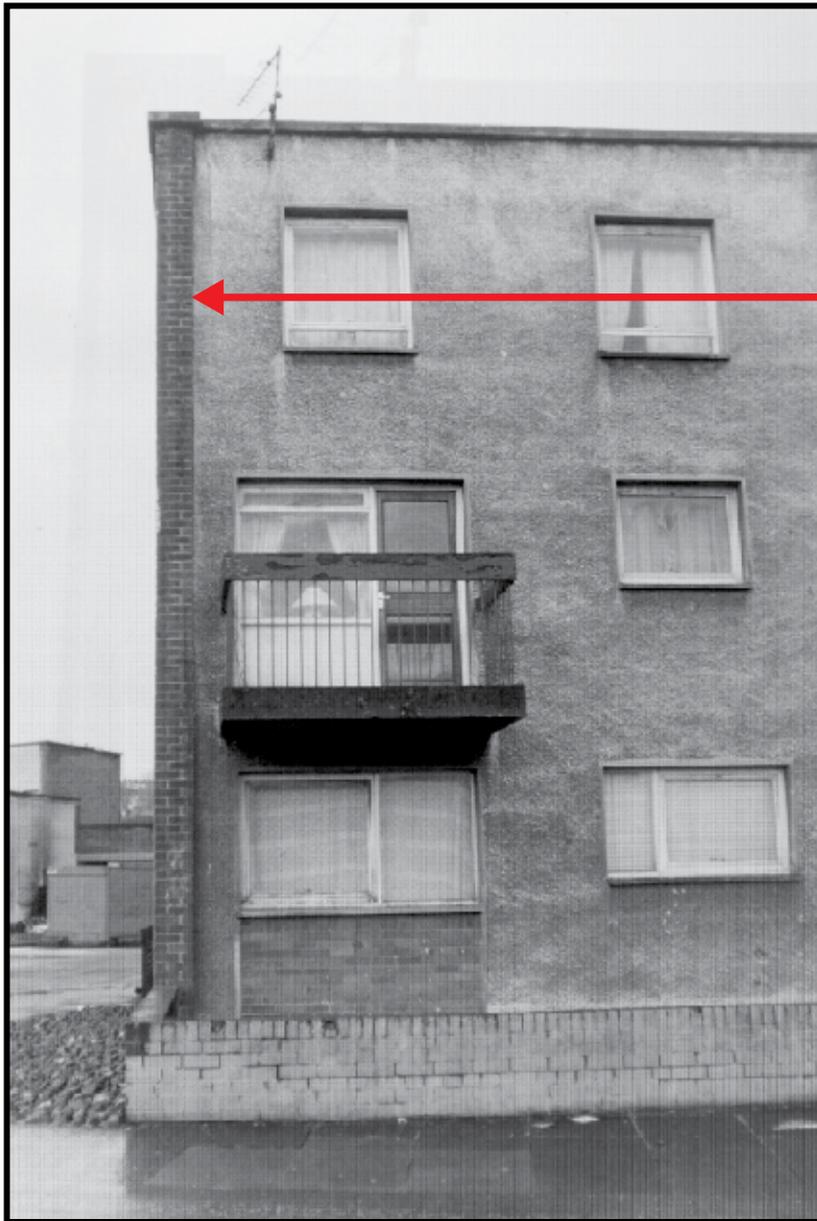
**88.1** Mr Kevin O'Callaghan, the expert on ballistics engaged by this Inquiry, appended to the report that he prepared jointly with the independent expert pathologist Dr Richard Shepherd the following series of photographs,<sup>1</sup> taken for the purposes of their report. The photographs show the south end of the eastern block of Glenfada Park North (often called the gable end) and an area of damage to the northern edge of the brickwork return at the south-east corner of that block at the level of the second floor windows.

<sup>1</sup> [F9.1-F9.6](#)





Damage to  
brickwork  
return



Damage to  
brickwork  
return



Damage to  
brickwork  
return





- 88.2** A number of civilian witnesses gave evidence that appears to relate, or that may relate, to the cause of this damage, which is likely to have occurred on Bloody Sunday.

## **Jim Doherty**

- 88.3** In his written statement to this Inquiry,<sup>1</sup> Jim Doherty told us that between five and 15 minutes after the shooting of Damien Donaghey and John Johnston he left the junction of William Street and Rossville Street because CS gas seemed to be coming from

Barrier 14. He made his way to Glenfada Park North where he heard a lot of high velocity gunfire. He could not tell from where these shots were coming. He hid for a time behind one of the fences on the eastern side of Glenfada Park North. Then he came out and kept moving between the north-eastern and south-eastern corners of Glenfada Park North and looking out from those positions. From the south-eastern corner he could see soldiers on the City Walls. From the north-eastern corner he could see soldiers running south over the waste ground; and up to five Army vehicles, which pulled up on the waste ground at Pilot Row and Eden Place and in Rossville Street just north of the rubble barricade.

<sup>1</sup> [AD73.4-AD73.6](#)

**88.4** While at the south-eastern corner he “*saw bullets striking*” the south end of the eastern block of Glenfada Park North. He knew that bullets were being fired “*by the way the brickwork was splintering and hitting the side of the gable wall*”. He made the assumption, or formed the impression, that these bullets had been fired by soldiers on the City Walls. The reason, or one of the reasons, for this assumption was that the bullets hit the brickwork above the height of his head. However, he did not see the soldiers on the walls firing and could not be sure that his assumption was correct. He returned to the garden fence where he hid again with Gerard McKinney. When a young lad came up and said that people were lying dead in front of the rubble barricade, Jim Doherty ran away through the alley leading to Abbey Park.

**88.5** In his oral evidence to this Inquiry,<sup>1</sup> Jim Doherty at first tentatively accepted that the splintering brickwork had been in the position shown in the fourth of Mr O’Callaghan’s photographs shown above<sup>2</sup> (the south-east corner of the eastern block of Glenfada Park North), but then said that he was unsure whether he had been at the south-east or the south-west corner of Glenfada Park North when he saw it. Later in his evidence,<sup>3</sup> he confirmed that he had been at the south end of the eastern block of Glenfada Park North but said that he would not have been able to see the south-east corner of that block. The bullets could have hit anywhere between the top of the wall and 8 feet above his head. There was “*brickwork splintering all over the place*”. With some diffidence, he marked a photograph<sup>4</sup> to illustrate where he thought the bullets had struck (at the south-west corner of the eastern block of Glenfada Park North).

<sup>1</sup> [Day 65/78-84](#)

<sup>2</sup> [Paragraph 88.1](#)

<sup>3</sup> [Day 65/109-114](#)

<sup>4</sup> [AD73.9](#)



88.6 Jim Doherty did not claim to have seen how many bullets hit the wall.

## George Downey

88.7 In his written statement to this Inquiry,<sup>1</sup> George Downey told us that after hearing people shouting that the Army was coming into the Bogside, he ran through Columbcille Court and Glenfada Park North and emerged into Rossville Street to the south of the rubble barricade. He saw soldiers and Army vehicles to the north of the barricade. There were 30 to 40 people to the south of the barricade. Some of these people were throwing stones at the soldiers. He then heard a single shot. This was the first shot that he heard after the soldiers had entered Rossville Street. The bullet hit the “*southern gable wall of Glenfada Park North*” above the height of his head and chipped off a piece of masonry. George Downey thought that the bullet had been fired from the City Walls. Then many more single high velocity shots were fired from the direction of the soldiers in Rossville Street and people scattered in all directions to take cover. When this shooting subsided, George Downey heard others saying that people had been shot. He then saw three to five men lying still on the barricade, including his brother-in-law Michael Kelly.

<sup>1</sup> [AD134.3-4](#)

**88.8** In his oral evidence to this Inquiry,<sup>1</sup> George Downey said that there had been ten to 15 people, rather than 30 to 40, in the area south of the rubble barricade when he came out into Rossville Street. The shot hit the wall of Glenfada Park North after an incident in which a number of people moved north of the rubble barricade to try to rescue a man who had been arrested on the waste ground. He was not sure whether the shot had hit the south wall or the east wall, or the south-east corner, of the eastern block of Glenfada Park North, but he remembered that it had made a hole at least 5 or 6 inches wide. He thought that the bullet had hit the wall above the level of the balcony. Although he was not sure about this, he believed that it had been fired from the City Walls because the noise came from behind him as he faced north, and because of the height at which the bullet struck the wall. This shot was followed by further high velocity shooting, after which he looked out and saw Michael Kelly being brought in from a position south of the barricade. There was then more shooting before he saw another three bodies behind the barricade. Later in his evidence,<sup>2</sup> George Downey said that the shot had hit the wall before the attempt was made to assist the man being arrested on the waste ground. It was a high velocity shot. His attention was drawn<sup>3</sup> to the fourth of the six photographs reproduced above<sup>4</sup> showing damage to the brickwork at the south-east corner of the eastern block of Glenfada Park North at the level of the top floor window. George Downey said that this was consistent with the height at which he remembered the bullet striking the wall.

<sup>1</sup> [Day 123/15-39](#)

<sup>2</sup> [Day 123/63-67](#)

<sup>3</sup> [Day 123/78-79](#)

<sup>4</sup> [Paragraph 88.1](#)

## Hugh Duffy

**88.9** In his interview with Kathleen Keville,<sup>1</sup> Hugh Duffy said that he was standing at the side of “*Columbcille Court*” with another man when two bullets struck above their heads. Then Alexander Nash arrived. There were two young men lying shot at the rubble barricade. Alexander Nash went out to the two casualties. One of them was his son William. Then Alexander Nash was himself hit in the side.

<sup>1</sup> [AD156.12](#); [AD156.9](#)

**88.10** In his written statement to this Inquiry,<sup>1</sup> Hugh Duffy told us that although he remembered hearing the two shots fired and seeing Alexander Nash go out to the two casualties, he was now unclear about the order in which these events occurred. The two shots were fired when he was standing very close to the wall at the south end of the eastern block of Glenfada Park North. He thought that other shooting had been taking place at the time, but these two shots were very clear. As they rang out, small flakes of red brick dust fell

from the wall above him. He did not know whether both shots had hit the wall, but when he looked up he saw a large chip in the brickwork, probably 20 to 30 feet above him, almost level with the “*second floor balconies*”. Someone had said that the shots must have come from the City Walls. Hugh Duffy had thought that this was so, as the shots “*could not have come from anywhere else*”. He had looked up towards the City Walls but had not seen anyone there, nor had he seen any soldiers anywhere else. Hugh Duffy attached to his statement a marked photograph<sup>2</sup> indicating that the site of the bullet damage was at the south-east corner of the eastern block of Glenfada Park North approximately level with the top of the first floor windows.

<sup>1</sup> AD156.2-4

<sup>2</sup> AD156.6



**88.11** In his oral evidence to this Inquiry,<sup>1</sup> Hugh Duffy agreed that the bullet damage might have been higher up the wall than this, in the position shown in the fourth of Mr O’Callaghan’s photographs reproduced above.<sup>2</sup> He confirmed that he was not now sure whether the two shots had been fired before or after Alexander Nash went out to the rubble barricade.<sup>3</sup>

<sup>1</sup> Day 150/83-86

<sup>3</sup> Day 150/88

<sup>2</sup> Paragraph 88.1

## Seamus Fleming

**88.12** In his Northern Ireland Civil Rights Association (NICRA) statement,<sup>1</sup> Seamus Fleming recorded that he was in Columbcille Court when he heard that the soldiers were coming into the Bogside. He started to run but fell and sprained his ankle. Two men pulled him up. He reached “*the entry to Glenfada Park*”. There were about 20 young men sheltering behind the rubble barricade. Some of them rose and ran towards the entrance where he was standing. As they were running, Seamus Fleming heard gunfire. He could see soldiers “*everywhere*” and three Army vehicles. There were about six men left at the barricade. During a lull in the shooting, these men rose to run towards the entrance. There was a burst of fire. A lad wearing a blue half-jerkin clutched his stomach and slumped on top of the barricade. Another lad wearing a brown coat slumped over, holding his left side. Neither of these lads moved. A man beside Seamus Fleming tried to go to their assistance, but there was another burst of gunfire and a bullet struck the wall above Seamus Fleming and this other man. A piece of red brick fell to the ground beside where the other man was standing. Seamus Fleming then ran away through Lisfannon Park.

<sup>1</sup> AF22.11

**88.13** In his written statement to this Inquiry,<sup>1</sup> Seamus Fleming gave a generally similar account. He stated that he spent about ten to 15 minutes standing at the point marked “X” in square I15 on the plan attached to his statement<sup>2</sup> (near the south-east end of the fences on the north-east side of the north-eastern block of Glenfada Park South). After the man tried to edge out to help the two casualties on the rubble barricade, there was a burst of fire and one or more shots hit “*the corner of the red brick parapet*” above Seamus Fleming, showering him and others with chippings from the wall. According to this account, Seamus Fleming thought that this shooting must have come from the direction of Joseph Place or the City Walls because the south wall of the eastern block of Glenfada Park North would have shielded the wall above him from firing by soldiers on the waste ground.

<sup>1</sup> AF22.2-5

<sup>2</sup> AF22.12

**88.14** In his oral evidence to this Inquiry,<sup>1</sup> Seamus Fleming was asked whether at any stage he had moved from the south to the north side of the south-eastern entrance to Glenfada Park North, and he said that he could not really remember. He said that the amount of debris that fell from the wall made him think that only one shot had hit it.<sup>2</sup> His view that the shot must have been fired from the direction of the City Walls was reached only after the event. Seamus Fleming then marked a photograph<sup>3</sup> (reproduced below) to indicate

the site of the bullet damage as being at the south-east corner of the eastern block of Glenfada Park North, and said that by the time the shot was fired he had moved forward to a position at the south end of that block. He nevertheless remained of the view that the shot could not have been fired from Rossville Street.<sup>4</sup>

<sup>1</sup> Day 146/53-54

<sup>3</sup> AF22.13

<sup>2</sup> Day 146/62-65

<sup>4</sup> Day 146/77



## Brendan Gallagher

**88.15** In his NICRA statement,<sup>1</sup> Brendan Gallagher recorded that he was “*in Rossville Street Barricade*” when five Army vehicles were driven into Rossville Street. A few young boys were going to throw stones at them when the soldiers opened fire. Brendan Gallagher ran towards Glenfada Park. As he arrived there, a bullet hit the wall beside him and knocked out a big lump. He ran into a back garden with eight others. They had to break into a house because bullets were flying around them. They spent 20 minutes lying in the house. The shooting continued for about half that time.

<sup>1</sup> AG4.1

**88.16** In his written statement to this Inquiry,<sup>1</sup> Brendan Gallagher told us that he was standing at the point marked “A” on the plan attached to his statement<sup>2</sup> (in the middle of Rossville Street just south of the junction with Fahan Street West). According to this account, he

heard shots and saw two Army vehicles parked further north in Rossville Street. Soldiers were kneeling beside the vehicles and firing into the crowd. A few lads at the rubble barricade were throwing stones but nothing else. Brendan Gallagher stood in shock for a moment and then walked towards the vehicles. He thought that he had wanted to see what was going on. He then took cover at the north-east end of the south-eastern block of Glenfada Park South. As he did so, he saw a bullet take a chunk out of a wall nearby, but he could not remember which wall this was. He also saw a man standing near him on the footpath fall. The man had been shot and was obviously dead. Brendan Gallagher considered that this man had been shot from the City Walls because of “*the angle that he was shot at*”, but could remember no further details. He and others then ran into Glenfada Park North and broke into a flat in the eastern block. From a window overlooking Rossville Street, he could see people running and panicking. A few lads at the barricade were still throwing stones. He thought that he had then seen Hugh Gilmour shot at the entrance to Block 1 of the Rossville Flats. He also seemed to remember seeing another lad on the ground near the barricade. He remained in the flat for 15 to 20 minutes until the shooting had stopped. He no longer remembered seeing four people shot at the barricade. He vaguely recalled seeing bodies on the barricade but had no idea whether they were alive or dead.

<sup>1</sup> AG4.2-3

<sup>2</sup> AG4.7

**88.17** In his oral evidence to this Inquiry,<sup>1</sup> Brendan Gallagher was not asked about the shot that hit a wall when he was taking cover at the north-east end of the south-eastern block of Glenfada Park South.

<sup>1</sup> Day 147/195-214

## Helen Johnston

**88.18** In her NICRA statement made jointly with her sister Margaret Johnston,<sup>1</sup> Helen Johnston recorded that the two of them had crossed Rossville Street to Glenfada Park when they heard Army vehicles coming in. They heard gunfire and “*moved back*”. Then they moved to a “*small alley way*” where some other people had gathered. From here they could see three men lying on top of one another at a barricade. Immediately beside these men an elderly man was on his back. The elderly man appeared to be alive because his arms were moving, but Helen Johnston was told that the other three men were dead. Then chippings came off a wall near where the two sisters were standing as bullets struck it. Helen Johnston and Margaret Johnston moved to the “*next alleyway*” where they found Fr Denis Bradley and others. The firing continued. On the opposite side of the road, two

boys were crawling towards the entrance to the Rossville Flats. The first boy reached the entrance, but the second appeared to be shot and had to be pulled in through the doorway.

<sup>1</sup> [AJ11.1](#)

**88.19** In her written statement to this Inquiry,<sup>1</sup> Helen Johnston told us that she believed that when the Army came into Rossville Street she had entered Glenfada Park North at its north-east corner; and, although she could not be sure of this, that she had continued past the south end of the eastern block of Glenfada Park North to the area of the eastern entrance to Glenfada Park South. She believed that it was from there that she had seen the three young men and the older man on the rubble barricade. She now knew that the older man had been Alexander Nash. She also believed that she had been in that area when chippings flew off the wall above her head. However, she remembered that she and her sister had been “*between two walls close together*” and that the chippings had been flying from “*a wall opposite us*”, which she said could have been the wall at the south end of the eastern block of Glenfada Park North. Helen Johnston identified herself and her sister in photographs taken by Liam Mailey and Ciaran Donnelly, all of which show people in the area of the south end of the eastern block of Glenfada Park North after the body of Michael Kelly had been brought in from Rossville Street. Nevertheless she did not think that this was where she had been when she saw the casualties at the rubble barricade, because her recollection was of “*a walkway with walls on either side*” and of “*a much narrower area with a pram ramp*”.

<sup>1</sup> [AJ11.2-6](#)

**88.20** In her oral evidence to this Inquiry,<sup>1</sup> Helen Johnston said that she could not remember where she had been when the chippings flew off the wall, but that it had been a small enclosed area with only enough room for two people to stand shoulder to shoulder.

<sup>1</sup> [Day 228/45-48](#)

## Margaret Johnston

**88.21** The account given in the NICRA statement made jointly by Margaret Johnston and her sister Helen Johnston<sup>1</sup> is summarised above.

<sup>1</sup> [AJ13.1](#)

**88.22** In her written statement to this Inquiry,<sup>1</sup> Margaret Johnston told us that she was not certain where she and her sister had taken cover when the Army had entered Rossville Street. She was sure that they had moved around a bit in “*the network of alleyways*”. While taking cover she had seen brick chippings coming off a wall to her side, but she could not say where exactly she had been when this happened, or which wall had been chipped by bullets.

<sup>1</sup> [AJ13.2-3](#)

**88.23** In her oral evidence to this Inquiry,<sup>1</sup> Margaret Johnston told us that she believed that when the chippings came off the wall she and her sister had been in a “*ramp-type alleyway*” with a sloping wall. Although she said that it was on the William Street side of the rubble barricade, she also said that “*you could look directly across at the doors of the High Flats*”.

<sup>1</sup> [Day 228/80-87](#)

## James Kelly

**88.24** In his NICRA statement,<sup>1</sup> James Kelly did not refer to bullets hitting the south end of the eastern block of Glenfada Park North.

<sup>1</sup> [AK12.1](#)

**88.25** In his written statement to this Inquiry,<sup>1</sup> James Kelly told us that he was at the south end of the eastern block of Glenfada Park North at a time when a group of people had gathered around the body of Michael Kelly after he had been shot. James Kelly said that the body was lying at the point marked “D” on the plan attached to his statement<sup>2</sup> (in Rossville Street near the south-east corner of the eastern block of Glenfada Park North); but he also said that it was lying in the position shown in two photographs appended to his written statement.<sup>3</sup> These show the group around the body after it had been brought into the entrance to Glenfada Park North. James Kelly said that during this time he had noticed bullets hitting the wall above him. Someone had said that shots were being fired from the City Walls. Quite a few of the group around James Kelly thought that this might be so. James Kelly looked up towards the City Walls but saw nothing.

<sup>1</sup> [AK12.3-AK12.4](#)

<sup>3</sup> [AK12.20](#); [AK12.22](#)

<sup>2</sup> [AK12.34](#)

**88.26** In his oral evidence to this Inquiry,<sup>1</sup> James Kelly said that he thought that he had first seen the body of Michael Kelly while it was still in Rossville Street. He vaguely recalled that the body had then been lifted and carried, but he could not remember in which

direction. He said that he believed that bullets had struck the wall above him, because dust or little pieces of stone had fallen from it. Later in his evidence,<sup>2</sup> James Kelly accepted that it was possible that he first saw Michael Kelly's body only after it had been brought in from Rossville Street. James Kelly said<sup>3</sup> that the bullets struck the wall in an area that he marked on a photograph with an arrow.<sup>4</sup>

<sup>1</sup> Day 145/25-29

<sup>3</sup> Day 145/47

<sup>2</sup> Day 145/54-55

<sup>4</sup> AK12.39



**88.27** However, James Kelly agreed<sup>1</sup> that the dust and debris that fell into the area where he was standing could have resulted from a bullet or bullets hitting the corner of the block in the area where damage is shown in Mr O'Callaghan's photographs.<sup>2</sup>

<sup>1</sup> Day 145/75-77

<sup>2</sup> F9.4-F9.6

**88.28** There is no other evidence indicating that a bullet struck the gable end wall as James Kelly had described. In our view he was describing, as he accepted could have been the case, the damage to the corner of the gable end.

## Don Mullan

**88.29** In his NICRA statement,<sup>1</sup> Don Mullan recorded that after the soldiers entered the Bogside he began to run with the rest of the crowd down Rossville Street. Suddenly there was an outbreak of shooting. As he ran past the rubble barricade he saw a boy fall. Men ran from

“*behind a wall at the maisonettes*” to help the boy but had to dive for cover because the soldiers fired at them. Bullets struck a wall above Don Mullan’s head. He and others ran “*behind the maisonettes*”, by which we understand him to mean into Glenfada Park.

<sup>1</sup> [AM448.12](#)

**88.30** In his written statement to this Inquiry,<sup>1</sup> Don Mullan told us that he had been standing close to Michael Kelly, and ducked instinctively when Michael Kelly was shot. In the next few seconds there was a huge quantity of gunfire. According to this account, Don Mullan believed that this gunfire came from the direction of the soldiers at Kells Walk and that it was aimed at the rubble barricade, off which he could see bullets “*spitting*”. For several moments it appeared that people at the barricade did not know what to do. Don Mullan may have moved to help Michael Kelly. At some stage Don Mullan stood up. Two men pushed past him as they ran out from Glenfada Park to try to rescue casualties at the barricade. Don Mullan did not know whether the two men reached the casualties, but he said that they had to retreat because of the high concentration of shooting. Don Mullan then heard another burst of fire. The bricks and mortar in the wall above his head “*seemed to explode like a fire cracker*”. What he had seen was bullets striking the south-east corner of the eastern block of Glenfada Park North. Immediately after these shots hit the wall, he ran away.

<sup>1</sup> [AM448.5-6](#)

**88.31** In his oral evidence to this Inquiry,<sup>1</sup> Don Mullan said that he thought that after Michael Kelly had been shot there had been a brief interval, after which perhaps ten to 12 shots had been fired down Rossville Street. Although the two men who pushed past him had obviously been going to help someone, Don Mullan did not himself see anyone other than Michael Kelly fall. He said that it had been his impression that the two men were trying to reach people other than Michael Kelly who had fallen at the barricade.<sup>2</sup> He could not say whether the corner of the eastern block of Glenfada Park North had been struck by one bullet or more than one. He confirmed that the damage that he saw was the damage shown in Mr O’Callaghan’s photographs.<sup>3</sup> Don Mullan said that his belief at the time had been that the shot or shots that hit the wall had been fired from the north.<sup>4</sup>

<sup>1</sup> [Day 148/114-117](#)

<sup>2</sup> [Day 148/126-129](#)

<sup>3</sup> [Paragraph 88.1](#)

<sup>4</sup> [Day 148/154-156](#)

## Robert Breglio

88.32 In a report dated 14th March 1997, Robert Breglio, a ballistics expert who had been consulted by Don Mullan and the Bloody Sunday Justice Campaign, gave the following opinion:

“On Sunday, January 26, 1997, I visited the area of Rossville Street and Glenfada Park and examined some impact marks on a building at the corner of Rossville Street and [sic] bears a sign named Glenfada Park. Mr Mullan stated to me that he had seen these impact marks made by being struck by bullets on the day of Bloody Sunday, 30 January 1972.

These impact marks are confined in a tight pattern to only three bricks in the entire column of brick work. The impact marks are high up on the building and approximately the 22nd, 23rd and 24th brick down from the top of the column. The bricks have been impacted at the right edge of each individual brick.

In my professional opinion, these impact marks on the bricks were made by being struck by high velocity projectiles that were fired from a high powered weapon.

The trajectory of these projectiles is incoming from east to west and probably a west north west direction.

I will conclude that in my professional opinion these projectiles were fired from a position located up in the area of the Derry Walls.”

88.33 Robert Breglio did not give evidence to this Inquiry.

## The evidence of the Inquiry's scientific experts

**88.34** In their report,<sup>1</sup> Dr Shepherd and Mr O'Callaghan set out their opinion about the damage to the brickwork at the south-east corner of the eastern block of Glenfada Park North:

"If the damage was caused in 1972, as was indicated to Mr. Breglio, weathering over the subsequent twenty-seven years will almost certainly have caused the weakened brick to deteriorate further, so any interpretation of the damage must be made with caution.

The photographs taken for this report ... clearly show a continuous curved edge to the margin of the damage which involves four bricks and not three. The continuous margin indicates that, at least, the major part of the damage was caused by a single event which was sufficiently forceful to damage all four bricks: such as a bullet strike.

If the damage was caused by a bullet, the bullet is likely to have travelled from right to left as one faces the gable end of Glenfada Park, striking the right edge of the column of bricks as viewed from Rossville street. In other words from the direction of Kells Walk and not from the direction of the City Walls."

<sup>1</sup> [E2.66-7](#)

**88.35** In his oral evidence to this Inquiry,<sup>1</sup> Mr O'Callaghan confirmed that although he could not be absolutely certain that the damage seen in the photographs had been caused by a bullet, he thought that it must have resulted from a "*single, fairly forceful event*". The damage to four bricks was consistent with the impact of a single bullet because a shock wave would have passed through the brickwork adjacent to the actual point of contact.

<sup>1</sup> [Day 230/46-48](#)

## Conclusions

**88.36** The civilian evidence considered above is confused and conflicting. As we have observed in other contexts, we do not find this surprising, since people were trying to recall what happened, and the order in which things happened, in the course of fast-moving and horrific events. However, we have no doubt that a bullet did hit the south-east corner of the eastern block of Glenfada Park North on Bloody Sunday.

**88.37** In the light of the photographic evidence and that of the experts retained by this Inquiry, we are of the view that only one bullet hit that corner; and that this bullet was fired from the north, ie from further along Rossville Street. We do not accept the views expressed by

Robert Breglio, since in our view there was no firing from the City Walls directed into the area of Sector 3, or indeed into any of the other sectors. We discuss the question of firing from the City Walls elsewhere in this report.<sup>1</sup>

<sup>1</sup> [Chapter 167](#)

**88.38** More difficult is the question of when the shot that hit the corner of the gable end was fired. The civilian evidence ranges from an early stage to about the time that Alexander Nash was wounded.

**88.39** As we have explained earlier in this report,<sup>1</sup> there is evidence that before Anti-Tank Platoon soldiers reached the low walls of the Kells Walk ramp, Corporal P of Mortar Platoon fired two shots which he, in our view falsely, claimed were directed at a nail bomber. One of these shots could account for the damage to the corner, if it occurred at that stage.

<sup>1</sup> [Chapter 73](#)

**88.40** As we have also explained earlier in this report,<sup>1</sup> Corporal P claimed that he had fired three shots over what he described, again in our view falsely, as a hostile crowd moving forward after he had advanced south along Rossville Street. If indeed he did fire a shot or shots at above head height at this stage, one of those shots could account for the damage to the corner, if that damage occurred at a later stage.

<sup>1</sup> [Paragraphs 85.2–28](#)

**88.41** There is no evidence from any other soldier of firing that could explain the damage to the corner of the south end of the eastern block of Glenfada Park North. In our view it is probable that Corporal P was responsible for this shot, whenever it was fired.

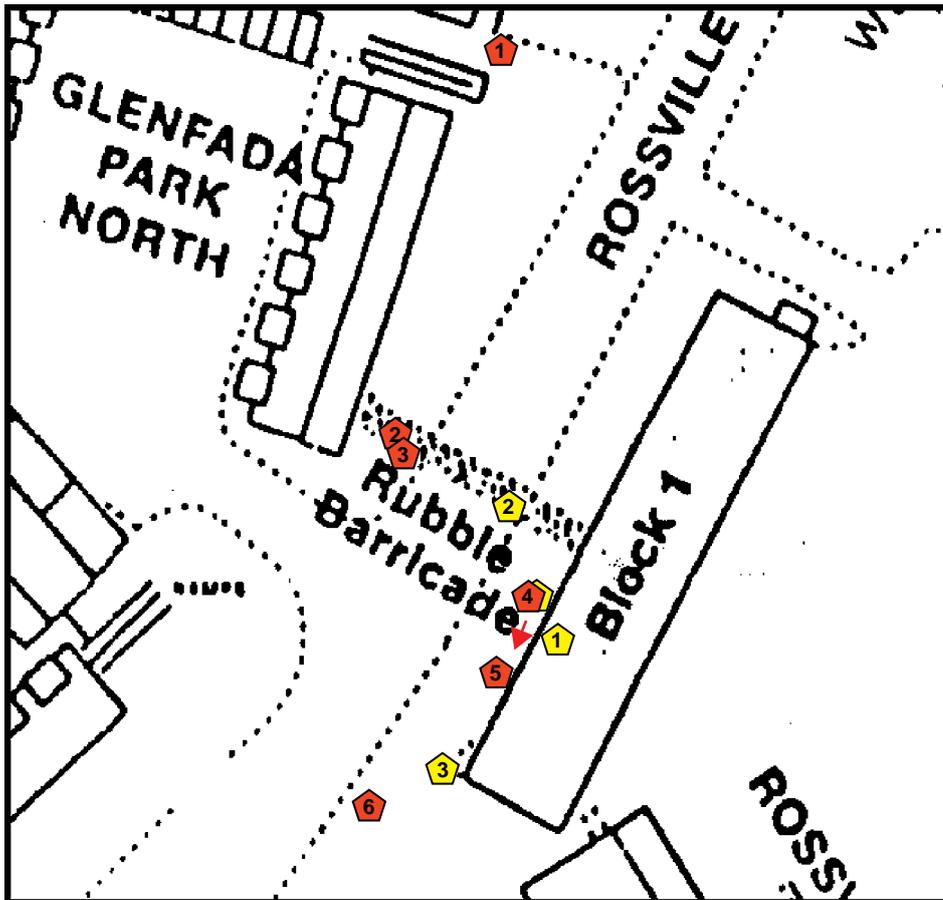
# Chapter 89: The soldiers responsible for the Sector 3 casualties

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- 
- 89.1** As was the case with Sector 2, it is important to bear in mind a number of the conclusions that we have reached.
- 89.2** In the first place, we are satisfied that the known casualties in Sector 3 were the only casualties of Army gunfire in that sector. It follows that the soldiers did not shoot any gunmen or bombers in Sector 3.
- 89.3** In the second place we are sure that none of the casualties was armed or doing anything that could have justified any of them being shot.
- 89.4** In the third place, we are satisfied that no soldier other than Corporal E, Lance Corporal F and Lance Corporal J of Anti-Tank Platoon, Sergeant K, Private L and Private M of Composite Platoon, and Corporal P and Private U of Mortar Platoon could have been responsible for any of the casualties in that sector.

- 89.5** In the fourth place, apart from a man who fired a handgun from the entrance to Block 1 of the Rossville Flats at a stage when all the casualties save possibly Alexander Nash had been hit, we have found no evidence that persuades us that at or in the immediate area of the rubble barricade there were gunmen or nail or petrol bombers.
- 89.6** In the fifth place, none of the firing soldiers (with the possible exception of Lance Corporal F<sup>1</sup>) admitted shooting any of the Sector 3 casualties or even the possibility that he had hit any of them by accident, while aiming at another target. All of them (except for Corporal P in respect of the shots that he said that he fired over the heads of a crowd in Rossville Street, which on his account caused no casualties) insisted that they had fired only at men who were carrying or deploying or seeking to deploy firearms or bombs.
- <sup>1</sup> [Day 376/175](#); [Day 376/86-87](#)
- 89.7** According to the only soldiers who in our view could have been responsible for the casualties in Sector 3, Lance Corporal F and Corporal P had each shot a nail bomber, Corporal P and Private U had each shot a man with a handgun, and Private L and Private M had shot one or two riflemen.
- 89.8** During the period in which the casualties were sustained in Sector 3, Corporal E, Lance Corporal F and Lance Corporal J of Anti-Tank Platoon, Sergeant K, Private L and Private M of Composite Platoon, and Corporal P and Private U of Mortar Platoon had between them (according to their evidence) fired a total of 19 rounds. The soldiers claimed that all of these shots were fired at gunmen or bombers, except for the three shots that Corporal P said that he fired over the heads of a crowd.
- 89.9** There was later firing by soldiers in Sector 3, which did not result in any casualties, and which we consider later in this report.<sup>1</sup>
- <sup>1</sup> [Chapter 123](#)
- 89.10** We set out below two maps. On the first of these we show the position of the targets that the soldiers said that they had hit and those that they said that they had missed (or did not know whether they had hit), compiled from their trajectory photographs. On the second map we show where we believe the Sector 3 casualties were shot.



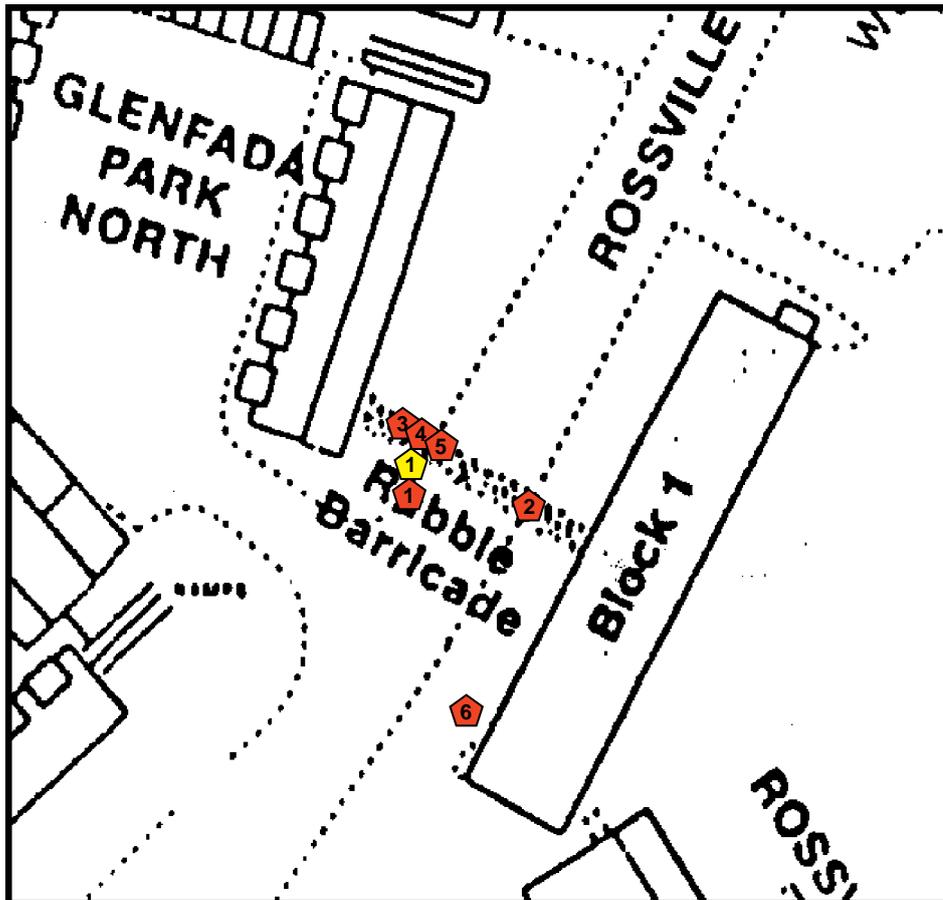
**Targets the soldiers claim to have hit**

- 1 Corporal P's first target: man with a nail bomb
- 2 Corporal P's second target: man with a pistol
- 3 Lance Corporal F's target: man with a nail bomb
- 4 Private L's target: man with a rifle. Private L said that he hit the target with two shots; the target continued to move southwards after having been hit by the first shot. Private L said that he thought that he might have hit two men with his second shot.
- 4 and 5 Private M's targets: two men with long, black, stick-shaped objects
- 6 Private U's target: man with a pistol



**Targets the soldiers claim to have missed  
(or do not claim positively to have hit)**

- 1 Corporal E's target: man with a pistol
- 2 Lance Corporal J's first target: youth with a smoking object
- 3 Lance Corporal J's second target: man with a nail bomb
- 4 Sergeant K's target: man with a gun



	<b>Casualties who were killed or mortally wounded in the area of the rubble barricade</b>
1	Michael Kelly
2	Hugh Gilmour. The precise position at which this casualty was shot is unknown.
3, 4 and 5	Michael McDaid, William Nash and John Young. William Nash was in the middle of the three but the precise position of these casualties at the rubble barricade is not known.
6	Kevin McElhinney
	<b>Casualty who was wounded in this area</b>
1	Alexander Nash

89.11

In short, as in Sector 2, soldiers in Sector 3 insisted that they had shot or shot at gunmen or bombers, which in our view they had not, and (with the possible exception of Lance Corporal F with regard to Michael Kelly) did not accept that they had shot the known casualties, which in our view they had. As in the case of Sector 2, to our minds it

inevitably follows that this materially undermines the credibility of the accounts given by the soldiers who fired. The evidence of one or more of them must be significantly inaccurate and incomplete.

**89.12** We have found no evidence to suggest that any of the Sector 3 casualties was or might have been shot by accident. No soldier said that he might have missed the person he was firing at and hit someone else by mistake, though Private U said that he appeared to hit someone in addition to the man with a handgun whom he said that he had shot south of the rubble barricade. There is nothing to suggest that any soldier discharged his rifle unintentionally.

**89.13** In the light of the evidence we have considered in this part of the report, and the views we have expressed on that evidence, as well as the conclusions we have stated above,<sup>1</sup> we now turn to consider the firing by the soldiers in Sector 3 to see whether it is possible to determine which casualty was shot by which soldier. We also express our view on the state of mind of the soldiers when they fired. We bear in mind, as we have previously observed, that particularly when under stress or when events are moving fast, people can often erroneously come to believe that they are hearing or seeing what they were expecting to hear or see.

<sup>1</sup> [Paragraphs 89.2–9](#)

## Lance Corporal F's shooting of Michael Kelly

**89.14** It is our view that we cannot rely on the accounts of Lance Corporal F in the absence of supporting evidence. The fact that he shot Michael Kelly at the rubble barricade is established beyond doubt. The question remains whether he believed that he was justified in firing.

## Lance Corporal F's state of mind

**89.15** We reject Lance Corporal F's evidence that he fired at a nail bomber at the rubble barricade. The fact that for many days he did not admit to firing across the rubble barricade but instead invented an account of firing additional shots into the Rossville Flats, in order to account for the rounds he had expended, means to our minds that he could not have believed that he had identified someone posing a threat of causing death or serious injury, for otherwise there would have been no reason to conceal this shot. We have considered whether Lance Corporal F fired in panic or fear, without giving any proper thought to whether he had identified a person posing a threat of death or serious

injury, but in our view this was not the case, since he was with other soldiers and a considerable distance from his target; and had no reason to believe that he or his colleagues were in immediate danger. We have concluded that there is no doubt that Lance Corporal F fired across the rubble barricade either in the belief that no-one there was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. Whether or not he had specifically targeted Michael Kelly remains in doubt, as the bullet that hit this casualty had previously hit something else, but in view of the number of people who at that stage were at the rubble barricade Lance Corporal F must have appreciated that his firing was, at the least, very likely indeed to cause injury or death among those people. On his own account, of course, he did deliberately fire at someone.

**89.16** We are reinforced in our conclusion about Lance Corporal F's state of mind when he shot Michael Kelly by his subsequent conduct in Sectors 4 and 5, and the false evidence he gave about what happened in those sectors, which we consider in detail later in this report.<sup>1</sup>

<sup>1</sup> Paragraphs 97.13–26, 100.8–11 and 112.30–58

**89.17** It was suggested by the representatives of the majority of the families and the wounded that the reason why Lance Corporal F finally admitted to shooting at the rubble barricade might have been that it had become known that Dr Martin had identified the bullet that hit and killed Michael Kelly as having come from his rifle.<sup>1</sup> We are not persuaded that this was so, since it was only after Colonel Overbury had interviewed Lance Corporal F on 19th February 1972 that Dr Martin conducted his examination of bullets test-fired from the rifles sent to him and matched the bullet from Michael Kelly's body with Lance Corporal F's rifle.<sup>2</sup>

<sup>1</sup> FS1.158; FR1.571.1

<sup>2</sup> D56; D550; D628

**89.18** What caused Lance Corporal F to change his accounts therefore remains unclear. We reject as wholly implausible his explanation that until he was shown maps and photographs he had forgotten that he had shot not only a man (Michael Kelly) at the rubble barricade but also (as we discuss later in this report<sup>1</sup>) another man in Sector 5. Colonel Overbury told us that he had no direct recollection of the circumstances in which the statement that he took from Lance Corporal F came to be made, though he

suggested that the statement was taken because of the inconsistencies in Lance Corporal F's previous statements as to the sequence of events.<sup>2</sup> That may be so but, as our Counsel pointed out to Colonel Overbury:<sup>3</sup>

“Q. It is not, in fact, just a problem about sequence, is it? If we look at the statement you took from him, he has now recalled –

A. Yes, he has.

Q. – shooting somebody dead at the barricade?

A. Yes, he has.

Q. And firing at a man with a pistol?

A. Yes, he has, sir.

Q. Neither of which were recorded in any of his previous statements?

A. That is true, sir.”

<sup>1</sup> Paragraphs 119.164–175

<sup>3</sup> Day 243/57-58

<sup>2</sup> Day 243/56-57

**89.19** In the end we are unable to be sure why Lance Corporal F changed his accounts, though it may well have been the result of being questioned closely by Colonel Overbury, who at that stage was cross-checking with photographs the evidence given by soldiers, in the light of knowing where people had been shot on Bloody Sunday;<sup>1</sup> and who probably knew that a comparison was going to be made between bullets recovered from the deceased and bullets test-fired from the rifles that had been used on that day, in order to see whether the former could be matched to any of the rifles.

<sup>1</sup> Day 243/56-57

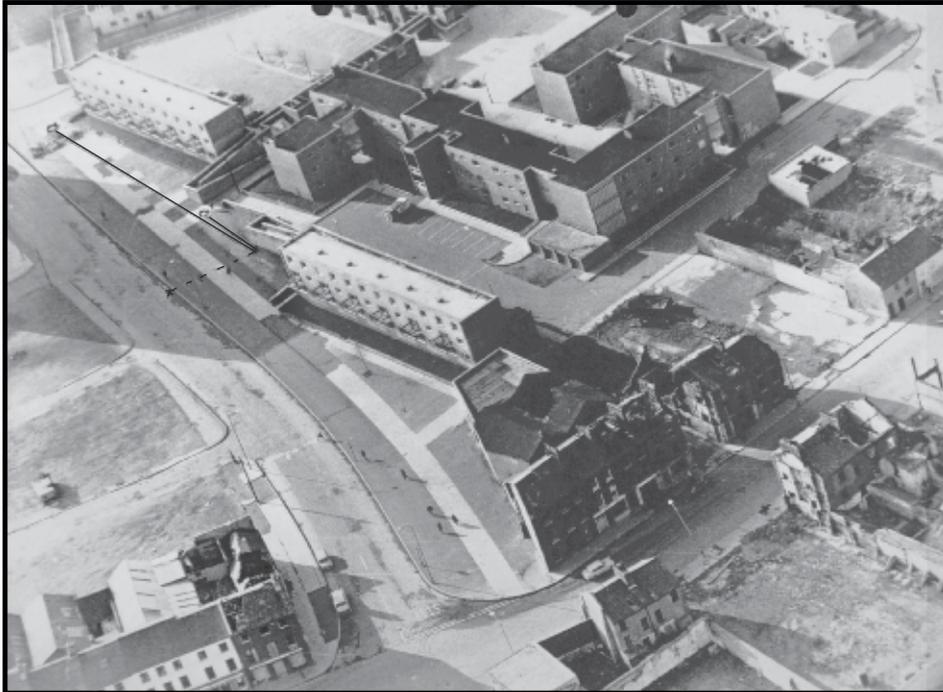
## Corporal P

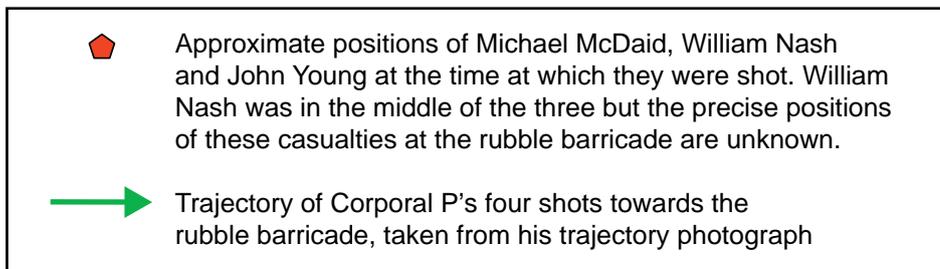
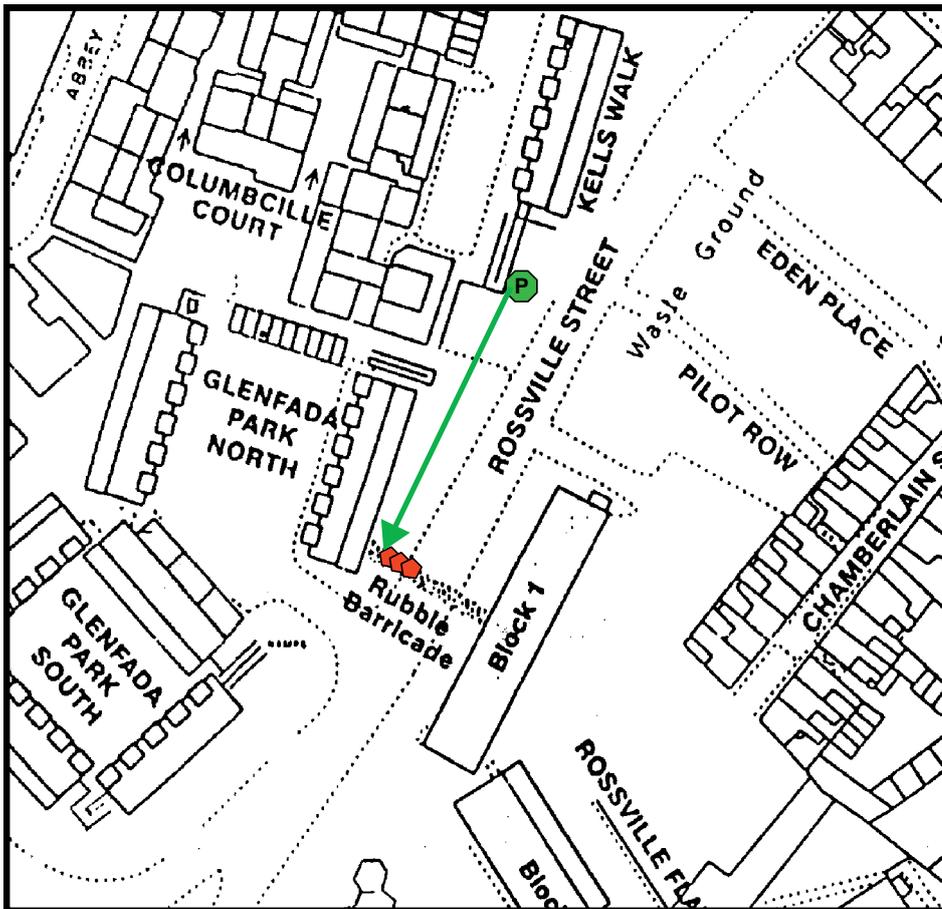
**89.20** Earlier in this report<sup>1</sup> we have, for the reasons given, rejected Corporal P's evidence that soon after he had disembarked from Sergeant O's Armoured Personnel Carrier (APC) he had fired at and hit a man with a nail bomb whose body was removed by the crowd; and his account of firing four shots at a man with a pistol at the rubble barricade. As will have been seen, there is no civilian evidence to support his account of firing either at a man with a bomb or a man with a firearm; and much to contradict this account.

<sup>1</sup> Paragraph 73.27

89.21 In our view Corporal P was responsible for the shooting of one or more of the casualties William Nash, John Young and Michael McDaid. As we have previously concluded,<sup>1</sup> William Nash was shot first and after a short interval, John Young and then Michael McDaid were shot within a very short time of each other. We set out below Corporal P's trajectory photograph and a map depicting, according to that trajectory photograph, the line of his shots at what he said was a man with a pistol at the rubble barricade. This trajectory photograph also shows the shots that Corporal P said that he had fired at a nail bomber and over the crowd. On the same map we depict where we believe these three casualties were when they were shot.

<sup>1</sup> Paragraphs 92.360–361





**89.22** As will be seen, on the basis of Corporal P's trajectory photograph, his shots at what he described as a man with a pistol passed close to where we believe these three casualties were shot.

**89.23** No other soldier gave evidence of seeing Corporal P fire these shots, even though on his account he was in front of soldiers at the low walls of the Kells Walk ramp; and Private 017 was close by. None of the soldiers who fired in Sector 3 gave an account that explained the shooting of three casualties close together and within a short time of each other.

**89.24** In our view it is unlikely in the extreme that Corporal P would have admitted firing four shots in the direction of the rubble barricade if he had not in fact done so, since he would have known that people had been shot there. He told the Widgery Inquiry that when he shot there were about five or six people at the barricade, on either side of the man with a pistol.

## Corporal P's state of mind

**89.25** As we have stated earlier in this report,<sup>1</sup> we are sure that Corporal P lied when he said that he had aimed at and hit a pistol man at the rubble barricade, just as we are sure that he lied when describing shooting a nail bomber earlier. In our view there is no doubt that Corporal P lied about shooting the nail bomber in order to conceal the fact that he had not been justified in firing his rifle over the heads of people in Rossville Street, and that he lied about shooting the pistol man in order to conceal the fact that he had fired either in the belief that no-one at the rubble barricade was posing a threat of causing death or serious injury, or not caring whether anyone there was posing such a threat. We have considered both whether it is possible that Corporal P fired in fear or panic without giving proper thought as to whether or not he was justified in doing so, and whether it is possible that Corporal P fired in the mistaken belief that he had identified a man with or (as he told the Widgery Inquiry) firing a pistol, but we have found no evidence that in our view supports either of these possibilities. To our minds nothing in the conduct of William Nash, John Young or Michael McDaid could have led anyone to believe that any of them was or might be handling or firing a pistol; and we have found no evidence that suggests to us that anyone else near to these casualties could have been thought to have been doing so.

<sup>1</sup> [Paragraph 85.27](#)

**89.26** Whether Corporal P was responsible for all three of these casualties remains in doubt, since, for the reasons given below,<sup>1</sup> Lance Corporal J might have been responsible for shooting one of them; and we cannot eliminate the possibility that Corporal E might have shot another.

<sup>1</sup> [Paragraph 89.35](#)

## Corporal P's other shots

**89.27** According to his accounts, which we have considered in detail earlier in this report,<sup>1</sup> Corporal P, after shooting a pistol man at the rubble barricade, noticed that Sergeant O's APC had moved from the Rossville Flats car park to the corner of Block 1 and he followed

the soldier he had been with towards that corner. He said that at that stage a crowd of about 50 or 60 people came out of Glenfada Park and attempted to cross the rubble barricade. These people were still throwing stones and he fired three shots over their heads to disperse them.

<sup>1</sup> [Paragraphs 85.2–28](#)

**89.28** We have earlier<sup>1</sup> rejected this account. By the stage at which Sergeant O's APC moved to the corner of Block 1 of the Rossville Flats, people had been killed at the rubble barricade leaving it deserted save for the three shot there and Alexander Nash, who had gone to his son William, who was lying there with Michael McDaid and John Young.

<sup>1</sup> [Paragraphs 85.2–28](#)

**89.29** We have earlier<sup>1</sup> discussed the evidence about a shot that hit the southern corner of the eastern block of Glenfada Park North at the level of the second floor windows and concluded that this shot was probably fired by Corporal P. It is not clear when this shot was fired.

<sup>1</sup> [Chapter 88](#)

**89.30** We have found nothing that could have justified this firing or that could have led Corporal P to believe, albeit mistakenly, that he or his colleagues were in such danger from a crowd of people that his only recourse was to fire over their heads, at whatever stage this shot was fired. The same applies if Corporal P fired another two shots at the same sort of elevation.

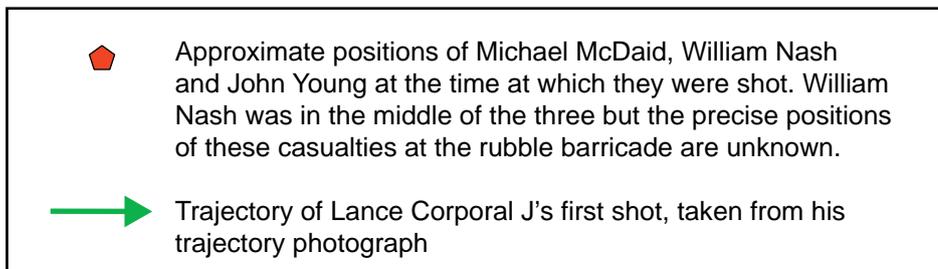
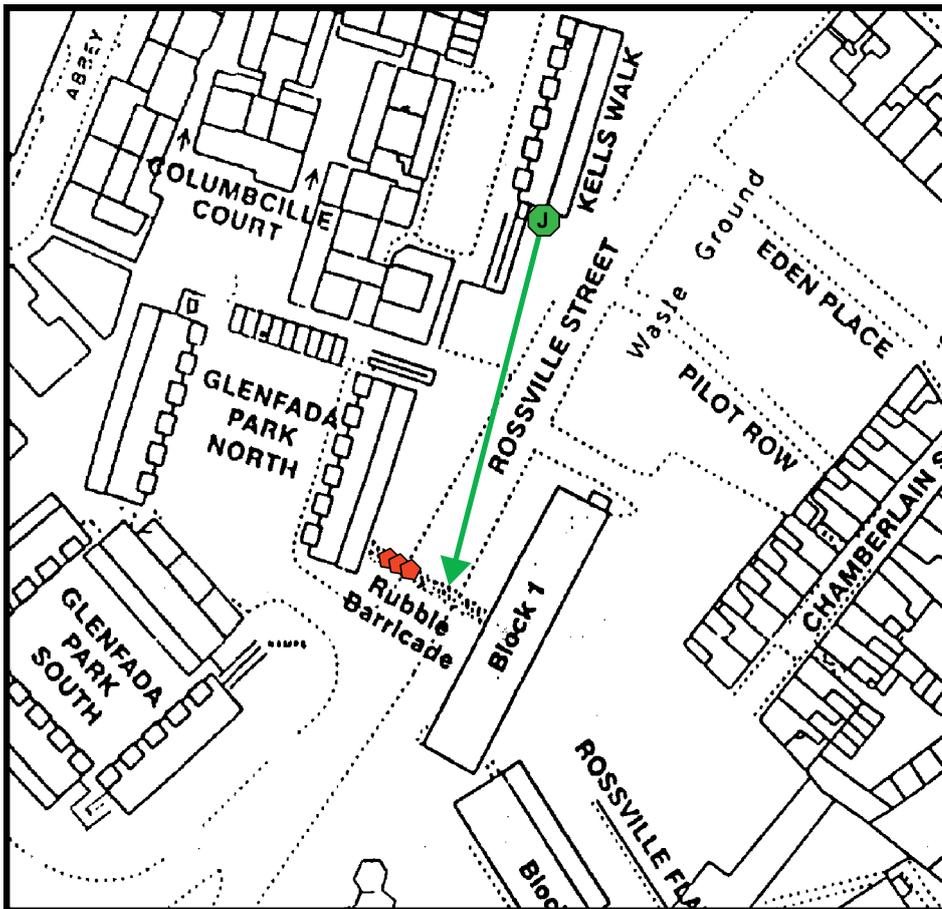
**89.31** There is, however, another possible explanation for Corporal P's account of these three shots, which is that he fired one or more of them at Alexander Nash, who was tending his dead or dying son at the rubble barricade, but in the knowledge that he had fired without believing that he had, or might have, identified someone posing a threat of causing death or serious injury, made up an account of shooting over the heads of a crowd. On the basis of his own account Corporal P fired these shots at a stage when Alexander Nash was (apart from the people already shot) probably on his own at the rubble barricade. However, this remains only a possibility and there is insufficient evidence to make any finding against Corporal P on this point. As we explain below,<sup>1</sup> there is also a possibility that Lance Corporal J was responsible for the injury to Alexander Nash.

<sup>1</sup> [Paragraph 89.38](#)

## Lance Corporal J

- 89.32** Lance Corporal J gave accounts of seeing nail bombs thrown from the direction of the rubble barricade and of seeing one explode, though none of the missiles came as far as his position. He described two gunmen who fired from the rubble barricade and a youth with a fizzing object that he was sure was a nail bomb. He said that he fired one shot at the nail bomber, which he thought missed.
- 89.33** We set out below Lance Corporal J's trajectory photograph and a map depicting the line of his shot at what he said was a nail bomber. The trajectory photograph also shows another shot that Lance Corporal J said that he had fired later at another nail bomber. On the same map we depict where we believe William Nash, John Young and Michael McDaid were when they were shot.





89.34 We have earlier in this report<sup>1</sup> given our reasons for rejecting Lance Corporal J's evidence of gunmen at the rubble barricade and of nail bombs being thrown with one exploding; and his evidence that there was a nail bomber at the rubble barricade at whom he fired. As will have been seen, there is no civilian evidence to support his account of gunmen and nail bombers; and much to contradict this account.

<sup>1</sup> Paragraphs 82.6–7, 82–84 and 83.7–10

- 89.35** In these circumstances it is difficult to rely on Lance Corporal J's evidence to the effect that he missed his target at the rubble barricade, although we have found nothing that suggests to us that he fired more than one shot at this stage. In our view it is possible that he hit Michael McDaid, or John Young, or William Nash. We consider below<sup>1</sup> the question of Lance Corporal J's state of mind.
- <sup>1</sup> [Paragraph 89.39](#)
- 89.36** After firing the shot that he claimed was fired at a nail bomber at the rubble barricade, Lance Corporal J described advancing towards the barricade, at which stage, according to him, several nail bombs were thrown, two of which exploded. He then described seeing a nail bomber at the southern corner of Block 1 of the Rossville Flats, and from the wall of the ramp at the northern end of Glenfada Park North firing one shot at this man, which he thought missed.
- 89.37** We have earlier<sup>1</sup> given our reasons for rejecting Lance Corporal J's evidence about nail bombs exploding and his evidence that he had identified and fired at a nail bomber at the southern end of Block 1 of the Rossville Flats.
- <sup>1</sup> [Paragraphs 83.7–10](#) and [85.93](#)
- 89.38** We have no reason to doubt that Lance Corporal J fired one shot from the northern end of Glenfada Park North, though no other soldier gave specific evidence of seeing him do so. It is likely that Lance Corporal J fired at about the stage when other soldiers of Anti-Tank Platoon had gone, or were going into Glenfada Park North, as we describe when dealing with the events of Sector 4.<sup>1</sup> In our view therefore it is possible that Lance Corporal J fired the shot that injured Alexander Nash. This would provide an explanation for why he lied, as in our view he did, about his target, since if he did fire at Alexander Nash he could not have believed that he had, or might have, identified someone posing a threat of causing death or serious injury, and thus had a motive for seeking to conceal what he had done. However, as with Corporal P, this remains only a possibility and there is insufficient evidence to make any finding against Lance Corporal J on this point.
- <sup>1</sup> [Chapter 93](#)

## Lance Corporal J's state of mind

**89.39** We have considered whether it is possible that Lance Corporal J fired in a state of fear or panic without giving proper thought to whether or not he was justified in doing so. However, when he first fired he was a long way from the rubble barricade, while his second shot was fired at a stage when in our view there was no activity of any kind in Sector 3 that might have induced panic. We have also considered whether it is possible that he mistakenly suspected that the people he fired at might have been about to throw nail bombs, albeit it is difficult to see what could have induced such a suspicion. However, we have found no evidence that in our view supports either of these possibilities. In our view there is no doubt that Lance Corporal J lied about gunmen, nail bombers and nail bombs in order to conceal, in the case of both his shots, the fact that he had fired either in the belief that no-one in the area towards which he was firing was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat.

## Corporal E

**89.40** As we have described earlier in this report,<sup>1</sup> Corporal E gave an account of firing from behind the low walls of the Kells Walk ramp at a man with a pistol, who had fired one shot from a window in the next-to-top floor of Block 1 of the Rossville Flats. We set out below his trajectory photograph, which also shows the trajectory of two shots that he said that he fired later in Glenfada Park North, which we consider when dealing with the events of Sector 4.<sup>2</sup>

<sup>1</sup> [Paragraphs 81.58–72](#)

<sup>2</sup> [Paragraphs 97.50–57](#)



- 89.41** No other soldier gave specific evidence about Corporal E firing from the low walls of the Kells Walk ramp.
- 89.42** As already noted,<sup>1</sup> there is no entry in Major Loden's List of Engagements that appears to relate to the shot that Corporal E said that he fired at a man firing a pistol from Block 1 of the Rossville Flats.
- <sup>1</sup> [Paragraph 81.70](#)
- 89.43** There is no evidence from any source, other than Corporal E himself, that there was a gunman in the position he identified, or that he fired at that position, or that a bullet went in through any window in that position. For reasons we give elsewhere in this report,<sup>1</sup> we are of the view that in a number of important respects Corporal E lied in his 1972

accounts, in particular in describing a petrol bomb smashing and burning in front of the rubble barricade and in claiming (as we discuss when considering the events of Sector 4<sup>2</sup>) that after he had gone into Glenfada Park North, he encountered nail and petrol bombers and then shot a man who threw a petrol bomb and then a nail bomb in his direction. Thus although it is possible that Corporal E fired a shot from the low walls of the Kells Walk ramp at a window in the Rossville Flats, we do not accept that he had identified a gunman at that window or even that he believed that he had identified, or might have identified, a gunman. In view of the unreliability of Corporal E's accounts it is also possible that he did not fire up at Block 1 of the Rossville Flats at all but fired in another direction. We therefore cannot eliminate the possibility that he was responsible for shooting William Nash, John Young or Michael McDaid, and invented an account of firing up into Block 1 in order to escape responsibility for having shot a young man at the rubble barricade either in the belief that no-one at the barricade was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat.

<sup>1</sup> Paragraphs 89.8 and 100.4–7

<sup>2</sup> Paragraphs 97.50–57

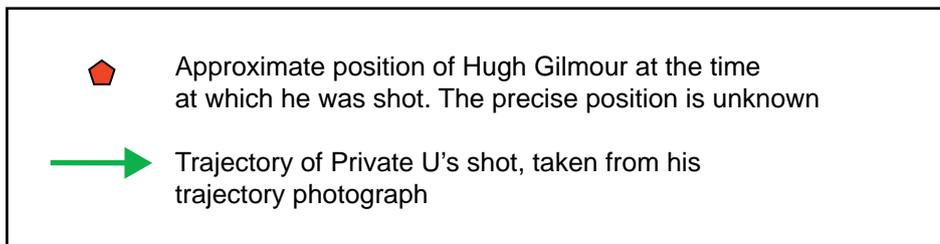
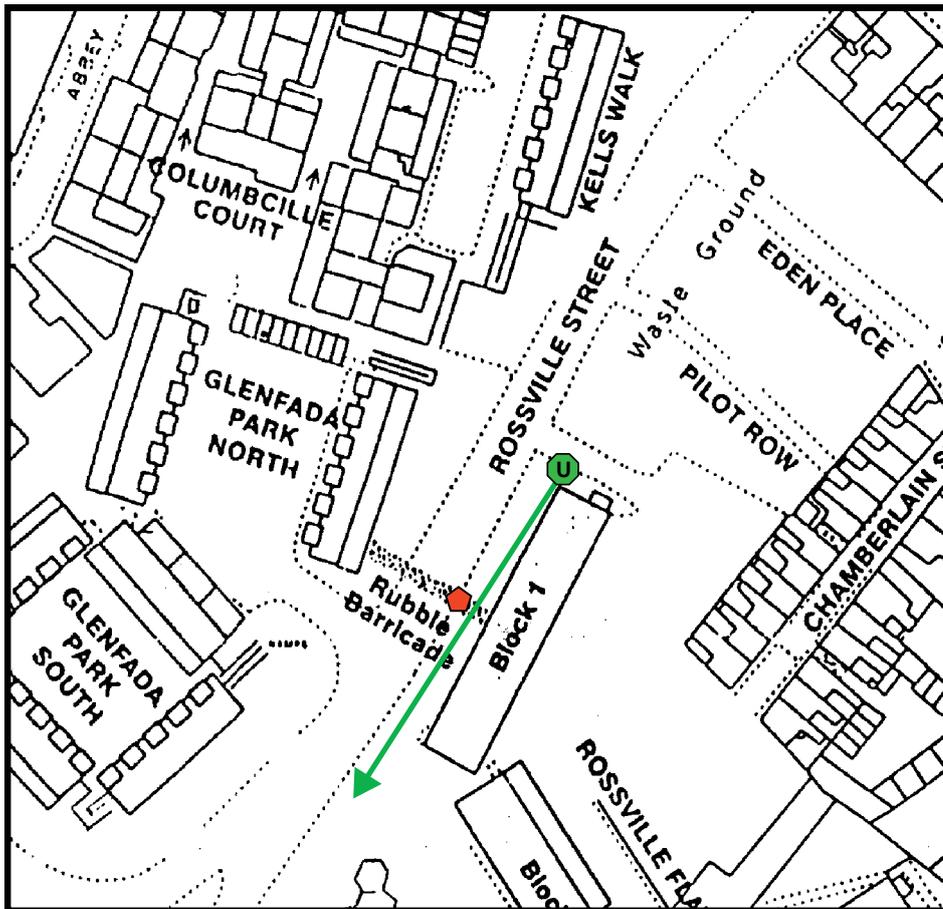
## Private U

**89.44** We have earlier<sup>1</sup> given reasons for our view that Hugh Gilmour was the casualty witnessed by Bombardier 015, who was watching events from the Peter England shirt factory and who saw a man shot by a soldier at the north-west corner of Block 1 of the Rossville Flats. Private U was the only soldier to have fired from that position along Rossville Street. We are sure that Hugh Gilmour was the casualty witnessed by Bombardier 015; and that Private U shot Hugh Gilmour.

<sup>1</sup> Paragraph 86.154

**89.45** We set out below Private U's trajectory photograph and a map depicting the line of his shot at what he said was a man with a handgun. On the same map we depict the approximate position where we believe Hugh Gilmour was when he was shot.





## Private U's state of mind

**89.46** For the reasons that we have given earlier in this report,<sup>1</sup> we reject Private U's account of firing at a gunman. To our minds there can be only one reason why he put forward what was in our view a knowingly false account of his firing, namely that he wished to conceal the fact that it was unjustified.

<sup>1</sup> [Paragraph 85.76](#)

**89.47** In our view Private U did not fire in fear or panic without giving proper thought to whether or not he was justified in doing so, since we have found nothing that suggests to us that this might have been the case. We also consider that he did not fire because he mistakenly thought that his target was or might be about to shoot at him or his colleagues since, had that been the case, he would have had no reason to invent an account of shooting someone some distance from where he had in fact shot Hugh Gilmour. We have no doubt that Private U shot Hugh Gilmour either in the belief that Hugh Gilmour was not posing a threat of causing death or serious injury, or not caring whether or not he was posing such a threat.

## **Private L and Private M**

**89.48** We are sure that Kevin McElhinney was shot by either Private L or Private M from the low walls of the Kells Walk ramp after Anti-Tank Platoon soldiers had moved forward from those walls and soldiers of Composite Platoon had taken their place. We have previously given reasons for our view that although Sergeant K fired at about the same time as Private L and Private M, he did not hit Kevin McElhinney or anyone else. We do not know whether it was the firing by Private L or by Private M that resulted in this casualty.

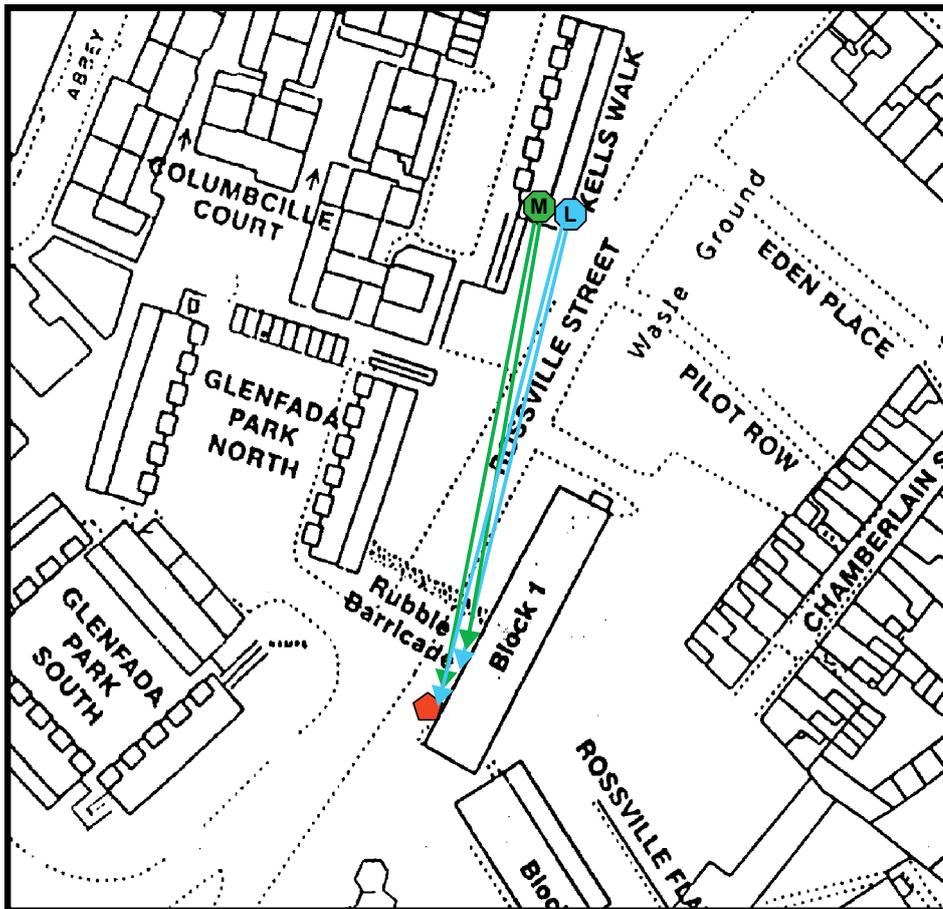
**89.49** We set out below Private L's and Private M's trajectory photographs relating to this shooting and a map showing the line of the shots that they fired and the position in which we believe Kevin McElhinney was when he was shot.

## Private L's trajectory photograph



## Private M's trajectory photograph





Position of Kevin McElhinney at the time at which he was shot



Trajectory of Private L's shots, taken from his trajectory photograph



Trajectory of Private M's shots, taken from his trajectory photograph

## Private L's and Private M's state of mind

**89.50** As can be seen from the accounts of soldiers relating to the firing by Private L and Private M, which we have considered in detail earlier in this report,<sup>1</sup> their evidence was confused and conflicting. However, there is a common thread running through this evidence, which is that there were two men who were crawling away from the rubble barricade towards the entrance to Block 1 of the Rossville Flats. As we have observed earlier,<sup>2</sup> this is consistent with some (but not all) of the evidence given by civilians. In our view, in the light of both the civilian and the military evidence, there were probably two men who were trying to crawl to safety from the rubble barricade, when one of them, Kevin McElhinney, was shot. We are also of the view that it is probable that at this time Sergeant K fired one round, while Private L and Private M fired two each.

<sup>1</sup> Chapter 84

<sup>2</sup> Paragraph 86.464

**89.51** The evidence of the soldiers about what the crawling men were doing varies in material respects. Sergeant K, Sergeant 014 and Private 032 described the man crawling after the other as having a rifle. Colour Sergeant 002 described the leading man as having a rifle and could see no weapon with the following man. Private L and Private M described both men as having a rifle, while Sergeant 035 described both dragging objects that looked like rifles. Corporal 039 described the leading man as having something that looked like a Thompson sub-machine gun and the following man as having some sort of weapon.

**89.52** The evidence relating to the targets at which Private L and Private M fired also varies in material respects between the soldiers. Private L said that he fired two shots at the leading man and thought he had hit him with both shots and that his second shot had also hit the other man. Private M said that he had fired a shot at each of the men and thought that he had hit them both. Sergeant 035 said that both men had been hit. Sergeant K originally described both Private L and Private M shooting at the following man but told the Widgery Inquiry that he did not know which man they were shooting at, though he did not suggest that the leading man had been hit. Sergeant 014 and Private 032 said that only the following man had been hit. Colour Sergeant 002 said that he told Private L and Private M to fire at the leading man, which they did; and that this man was hit. Corporal 039 said that he told Private L and Private M to fire at the gunmen; the leading man flinched as if hit, while the following man appeared to be hit two or three times.

**89.53** We have considered the significance of these inconsistencies in the evidence of the soldiers. As we have explained earlier in this report,<sup>1</sup> soon after the event Sergeant K and Private M reported to Captain 200, the Commander of Composite Platoon, that they had

fired at a gunman. Private L also reported firing two shots, and though it is not clear from Captain 200's list of the soldiers who fired, and of the details of their firing, whether Private L reported to him that he had engaged a gunman, it does appear that he and Private M (and perhaps also Sergeant K) told Major Loden the same evening that this is what they had done. Any joint decision to give a knowingly false account would therefore have had to be made very soon after the firing; and would have had to involve the soldiers who gave accounts of this incident (including three Senior NCOs) agreeing to join the scheme by providing knowingly false supporting evidence. There is the further point that the inconsistencies are such that so far from demonstrating that the soldiers had got together to concoct a story, they point to the conclusion that the accounts were given without any such collaboration.

<sup>1</sup> Paragraphs 84.1–6, 84.16, 84.41–43, 84.71–76 and 84.78

- 89.54** Our examination of the civilian evidence makes us sure that neither Kevin McElhinney, nor anyone near him as he tried to make his escape from the rubble barricade, was carrying a rifle or anything that could be mistaken for a rifle or a Thompson sub-machine gun. The question arises, therefore, how the soldiers could possibly have believed, as they said that they did, that one or both of the crawling figures had firearms with them.
- 89.55** In our view the answer to this question lies in the situation in which the firing in question took place. By this stage there had already been a substantial amount of firing by soldiers. Lieutenant N had fired three shots up the Eden Place alleyway. There had been a lot of further firing in Sector 2. Corporal P had fired two shots at what he said was a nail bomber, from further south along Rossville Street, and then a further four shots at what he said was a man with a pistol. A man with a pistol had fired at Private 017. The firing by Anti-Tank Platoon soldiers from the low walls of the Kells Walk ramp had also taken place shortly before Composite Platoon soldiers had taken their place there.
- 89.56** As we have explained earlier in this report,<sup>1</sup> we are of the view that in a number of cases soldiers had or may have mistakenly assumed that some at least of the firing by soldiers was from paramilitaries. But whether or not they did so is, in the present context, of little relevance. There had been a lot of firing. The soldiers arriving at the low walls of the Kells Walk ramp after Anti-Tank Platoon had moved forward must have heard much of this firing. This to our minds is likely to have led them to believe that there was in progress a large-scale encounter between soldiers and paramilitaries, whether or not they attributed

the firing, in whole or in part, to the latter, for they would have had no reason to suppose that soldiers had fired otherwise than at what they believed were people posing a risk of causing death or serious injury.

<sup>1</sup> Paragraphs 30.127, 72.2 and 82.85

**89.57** In our view, Sergeant K, Private L, Private M and the other soldiers to whose evidence we have referred are likely to have been in this state of mind when they were at the low walls of the Kells Walk ramp. In other words, in view of what had been going on, it is in our view likely that they were expecting to see paramilitary activity at the rubble barricade.

**89.58** We have earlier<sup>1</sup> commented that, particularly when under stress or when events are moving fast, people can often erroneously believe that they are seeing what they were expecting to see. When they were at the low walls of the Kells Walk ramp the soldiers were looking at and beyond the rubble barricade, which was some 80 yards away. Two crawling men appeared, moving south away from the rubble barricade. We can understand that someone (possibly Corporal 039) erroneously jumped to the conclusion that these were or might be gunmen and shouted (as he and Private M said that he had done) something to this effect, leading the others or some of them to believe that this could be so; or that those others or some of them independently jumped to the same or a similar erroneous conclusion, in consequence of which the firing then took place.

<sup>1</sup> Paragraph 89.13

**89.59** To our minds this is a much more likely explanation for the subsequent confused and inconsistent accounts that the soldiers gave than an agreement between them to invent a reason for firing.

**89.60** For these reasons we are of the view that it is unlikely that Private L or Private M (or indeed Sergeant K) fired in the belief that the crawling men would pose no threat of causing death or serious injury even when they had reached cover, or not caring whether or not either of the men would pose such a threat. At the same time we cannot accept that any of these three (or Colour Sergeant 002 or Corporal 039, both of whom said that they had ordered Private L and Private M to fire) could have been certain that he had identified a gunman or gunmen, as opposed to believing or suspecting that such a target might have been identified.

**89.61** Sergeant K gave evidence that he had removed his respirator before firing.<sup>1</sup> Private L told the Widgery Inquiry that he had taken his respirator off before he had fired at the crawling figures.<sup>2</sup> It is not clear whether Private M was wearing his respirator when he fired, though

in his Royal Military Police statements he recorded that he and the soldiers with him were wearing their respirators as they advanced along Rossville Street.<sup>3</sup> It is also not clear whether Colour Sergeant 002, Sergeant 014, Sergeant 035 or Corporal 039 were wearing respirators at the time when they said that they had seen a man or men crawling with rifles. Private 032 told us that he had not worn his respirator after he had disembarked.<sup>4</sup>

<sup>1</sup> WT15.80; WT15.86; B311.006-007

<sup>3</sup> B347; B356

<sup>2</sup> WT16.14

<sup>4</sup> B1616.005

- 89.62** Whether or not the soldiers were wearing respirators, which might have impeded their vision, they were looking at two men crawling south from the rubble barricade and away from the soldiers, probably by that stage some 100 yards away. Even if they were expecting to see paramilitary activity and mistakenly thought that they might have seen one or two men crawling away with rifles, in our view at that distance they could not have been certain that they had done so. We accordingly do not accept the evidence of these soldiers that they had been certain that they had identified a man or men with weapons.
- 89.63** Private L and Private M (and Sergeant K) fired at a man or men who were crawling away. In our view it is probable that they did so after being given an order to that effect by Colour Sergeant 002, Corporal 039, or both. None of the soldiers could have believed that their target or targets, crawling away from them in an obvious attempt to get away from the rubble barricade, were posing at that moment an immediate threat of causing death or serious injury to them or others.
- 89.64** Sergeant K sought to justify his firing on the grounds that there was a “*possible intention*” to use the firearm that he said that he saw and that Rule 13(b) of the Yellow Card permitted firing “*against a person carrying a firearm if you have reason to think he is about to use it for offensive purposes*”.<sup>1</sup> Sergeant 035 told us that while he would not have known that the gunmen he said he saw were about to use their weapons for offensive purposes, he believed that they were going to fire at soldiers when they had reached a position of cover.<sup>2</sup>

<sup>1</sup> Day 364/156-158; ED71.2

<sup>2</sup> Day 361/71-74

89.65 Private L, in his oral evidence to this Inquiry, gave the following answers:<sup>1</sup>

“Q. Why did you shoot at a man who was trying to escape?

A. He has got a rifle, he may escape to the top of the flats and then pick us all off as a sniper. Hey, you cannot allow that to happen. Are you crazy or something?

Q. So were you prepared to shoot at any man that you saw with a weapon, whatever he was doing with that weapon?

A. Exactly, yes.

Q. Even if he was not taking any offensive action against you?

A. That is right, weapons are not allowed to be put in civilian hands in British society, as far as I know and anybody with a weapon is endangering somebody else.

Q. Did you regard yourself as permitted by the Yellow Card to fire at anyone with a weapon whatever he was doing?

A. Yes, because he could come back and use that weapon on us. Nothing worse than getting shot with your own shit, and that would have been a categoric excuse there, or case. Because of our negligence, then some of my mates could have got shot before – after. I would have been blamed for my own mates’ death. That happened enough in Aden.”

<sup>1</sup> [Day 381/90](#)

89.66 We have elsewhere in this report<sup>1</sup> commented that it would be unwise to rely on the evidence Private L gave to this Inquiry. Thus we are not sure whether this was his state of mind at the time he fired at the crawling men. If it was, he appears to have believed wrongly that he was entitled to fire at anyone with a firearm, whether or not he had reason to believe that his target was about to use his weapon for offensive purposes.

<sup>1</sup> [Paragraph 84.71](#)

89.67 Private M told us in his written statement to this Inquiry that he had made the instant decision to fire at the crawling men, and believed that the Yellow Card allowed him to do so, since “*As I was clear that we had already been under fire, I knew that if the two men could reach the sanctuary of this doorway, they would have then found a good sniping position from which they would fire at me or my colleagues*”.<sup>1</sup>

<sup>1</sup> [B372.4](#)

**89.68** Although we are not certain about this, it is our view that in the belief, albeit mistaken, that the soldiers were engaged in a major encounter with paramilitaries, and in the belief that one or both of the two men crawling away might have been armed, those who said that they ordered Private L and Private M to fire probably did so because they thought that there was a risk that one or both of these men would or might use their weapons. Colour Sergeant 002 told us in his written statement to this Inquiry,<sup>1</sup> *“As far as I was concerned there was a very clear risk. The man had a rifle and we thought he was going to use it and in fact he probably had used it. We were going to take his power away.”* Corporal 039 told us in his written statement to this Inquiry,<sup>2</sup> *“There was no doubt in my mind that he was a hostile gunman and that he would fire his weapon at me or another soldier if he was given the opportunity to do so. He was definitely a threat to us.”* In his oral evidence to this Inquiry he said that the single crawling man he now remembered *“would have been trying to get to different cover unseen”*, that he presented a threat to the soldiers and that he (Corporal 039) did not consider the possibility that he might simply have been trying to get away.<sup>3</sup>

<sup>1</sup> B1363.4

<sup>3</sup> Day 362/78-79

<sup>2</sup> B1651.4

**89.69** We are of the view that the soldiers concerned probably believed that the crawling men might pose a threat of causing death or serious injury once they had reached cover, though it is possible that Private L did not care whether or not they would pose such a threat.

## Summary of conclusions

**89.70** For the reasons that we have given we are sure that Lance Corporal F shot Michael Kelly; and that Corporal P shot at least one of William Nash, John Young and Michael McDaid, though Lance Corporal J may have been responsible for one of these casualties and we cannot eliminate the possibility that Corporal E was responsible for another. We are also sure that Private U shot Hugh Gilmour; and that Private L or Private M shot Kevin McElhinney.

**89.71** We have earlier<sup>1</sup> expressed the view that a soldier shot and wounded Alexander Nash. It is possible that it was Corporal P or Lance Corporal J, but we have insufficient evidence to make any finding against either soldier on this matter.

<sup>1</sup> Paragraph 86.606

- 89.72** The soldiers were not justified in shooting any of the casualties in Sector 3. In our view Corporal E, Corporal P, Lance Corporal F, Lance Corporal J and Private U fired either in the belief that no-one in the areas towards which they were firing was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat; and Private L and Private M probably fired in the belief that they might have identified gunmen, but without being certain that this was the case.
- 89.73** After the casualties had been shot in Sector 3, there were other important events in that sector. These occurred after the events of Sectors 4 and 5 and we return<sup>1</sup> to consider them after examining the events of those sectors.

<sup>1</sup> [Chapters 121–124](#)