TSO

Published by TSO (The Stationery Office) and available from:

Online
www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail
TSO
PO Box 29, Norwich NR3 1GN
Telephone orders/General enquiries: 0870 600 5522
Order through the Parliamentary Hotline Lo-Call: 0845 7 023474
Fax orders: 0870 600 5533
E-mail: customer.services@tso.co.uk
Textphone: 0870 240 3701

The Parliamentary Bookshop
12 Bridge Street, Parliament Square,
London SW1A 2JX
Telephone orders/General enquiries: 020 7219 3890
Fax orders: 020 7219 3866
Email: bookshop@parliament.uk
Internet: www.bookshop.parliament.uk

TSO@Blackwell and other Accredited Agents

Customers can also order publications from
TSO Ireland
16 Arthur Street, Belfast BT1 4GD
Telephone: 028 9023 8451 Fax: 028 9023 5401

Report of the **Bloody Sunday Inquiry – Volume II**

TSO

HC29-II

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

Report of the **Bloody Sunday Inquiry**

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

Volume II

The Division into Sectors

Sector 1: Military Dispositions, the Civil Rights March and Events in William Street

£572.00
10 volumes
not sold
separately

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

Report of the **Bloody Sunday Inquiry**

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

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

Volume II

The Division into Sectors

Sector 1: Military Dispositions, the Civil Rights March and Events in William Street

HC29-II

London: The Stationery Office

£572.00
10 volumes
not sold
separately

ISBN: 9780102964608
Printed in the UK for The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office

ID 2354501 06/10

Printed on paper containing 75% recycled fibre content minimum

Report of the **Bloody Sunday Inquiry**

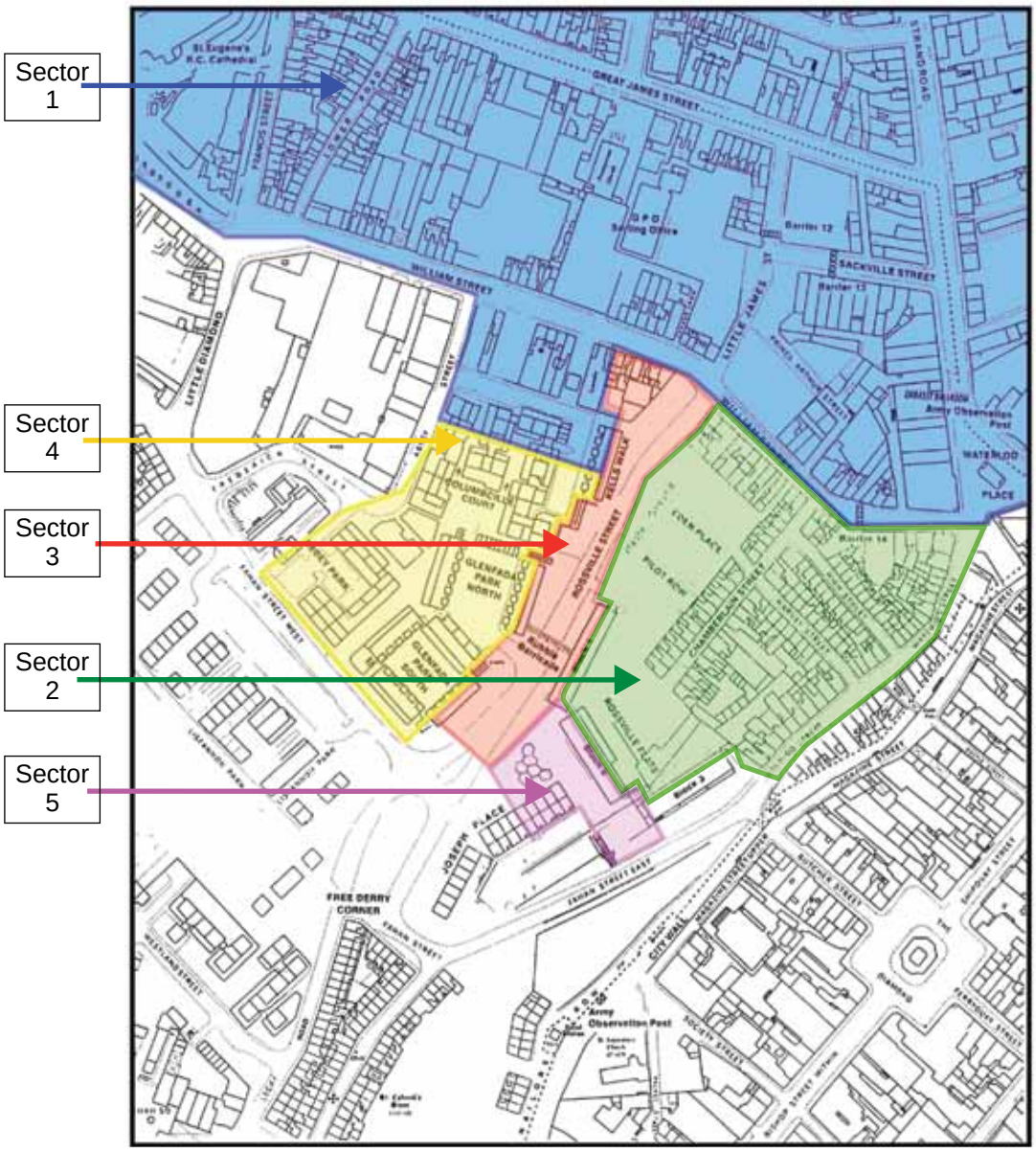
The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

VOLUME II

The Division into Sectors

Chapter 10: The five sectors

10.1 In order to make the fast-moving and complex events of Bloody Sunday more comprehensible, for the purposes of this Inquiry we divided into five sectors the parts of Londonderry with which we were principally concerned. The civil rights march on 30th January 1972 started in the Creggan and made its way to the Bogside. The deaths and injuries with which this Inquiry is principally concerned all took place in, or on the borders of, the Bogside. The sectors were defined both in terms of time and in terms of geography, though as will be seen, there is an overlap in both time and geography between Sectors 2, 3, 4 and 5. For example, significant events took place in Sector 3 after the principal events of Sector 5. Four of the sectors (Sectors 2–5) lie within the Bogside. The sectors are shown on the marked map below.



10.2 At the beginning of our consideration of the events of each sector, we set out a description of the relevant features of that sector.

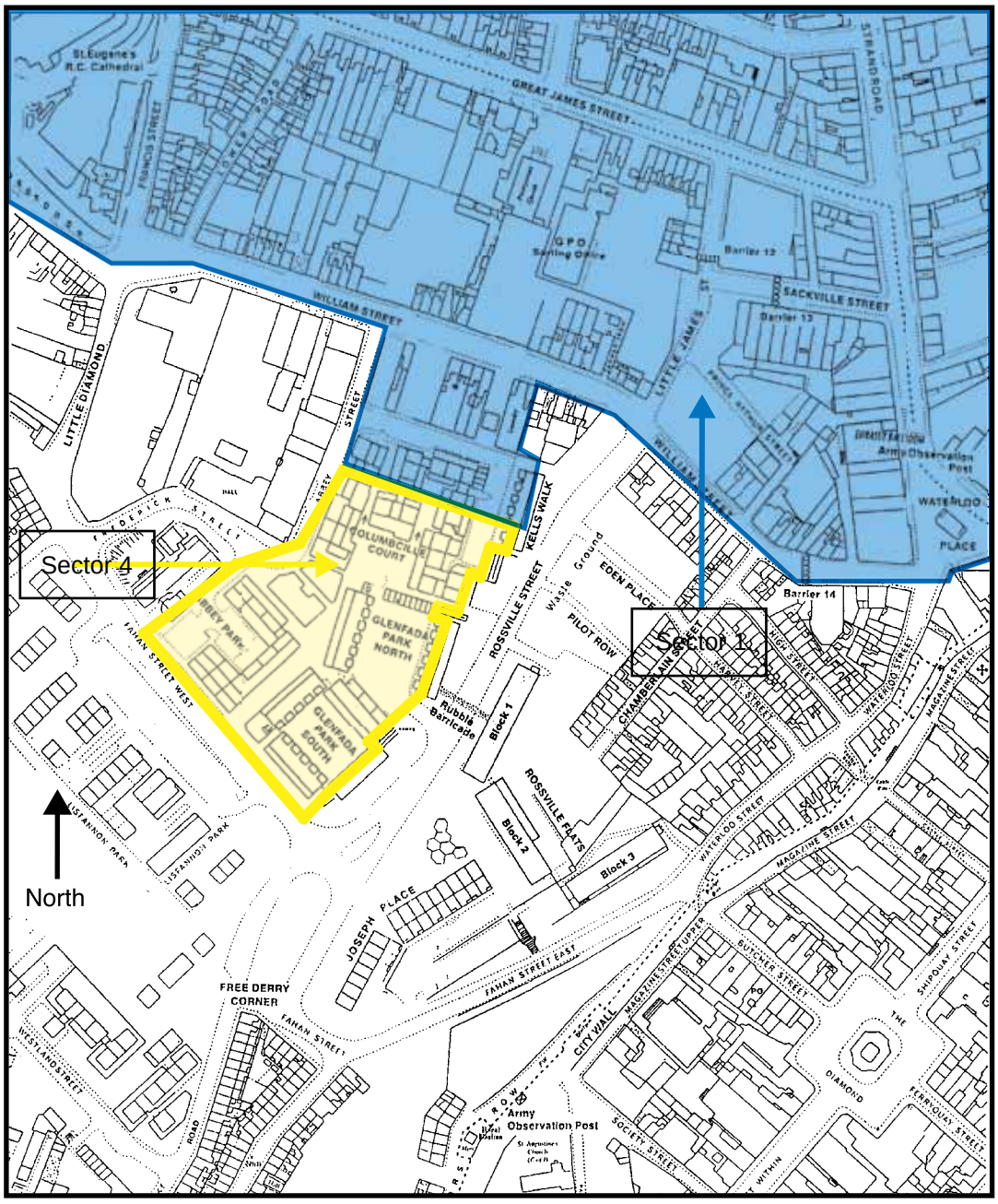
Sector 1: Military Dispositions, the Civil Rights March and Events in William Street

Contents

Chapter 11: The layout of this part of the city

Contents

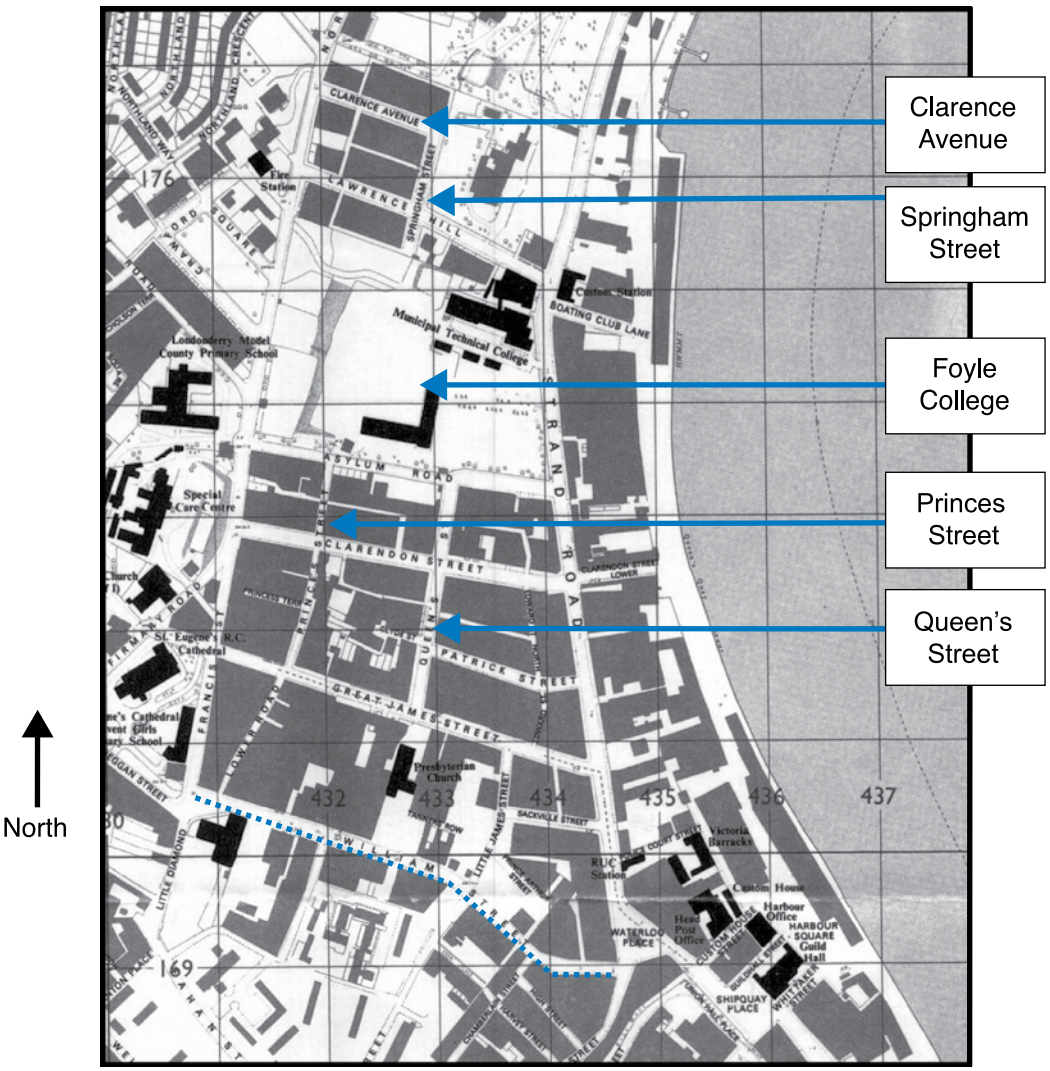
11.1 The map below shows the central area of Sector 1 (although not its entirety). The geographical boundaries are not exact. There was an overlap between sectors in many instances, for example, events relevant both to Sector 1 and to Sector 4 took place in Columbcille Court. William Street, shown running from the west to the south east in the middle of the map, marked the northern boundary of the Bogside and the no-go area. William Street itself was outside the no-go area.



11.2 Sector 1 encompasses what was happening on 30th January 1972 before two companies of 1 PARA entered the Bogside. In terms of geography, Sector 1 lay immediately to the north of the Bogside. Most of the events relevant to Sector 1 occurred in the southern part of the sector, in and around William Street on the border of the Bogside. We make a brief reference to the northern and eastern areas of the sector, some parts of which featured in the evidence that we received. It is also necessary to explain the location of some of the barriers erected on 30th January 1972 by the security forces. These barriers were within the area covered by Sector 1.

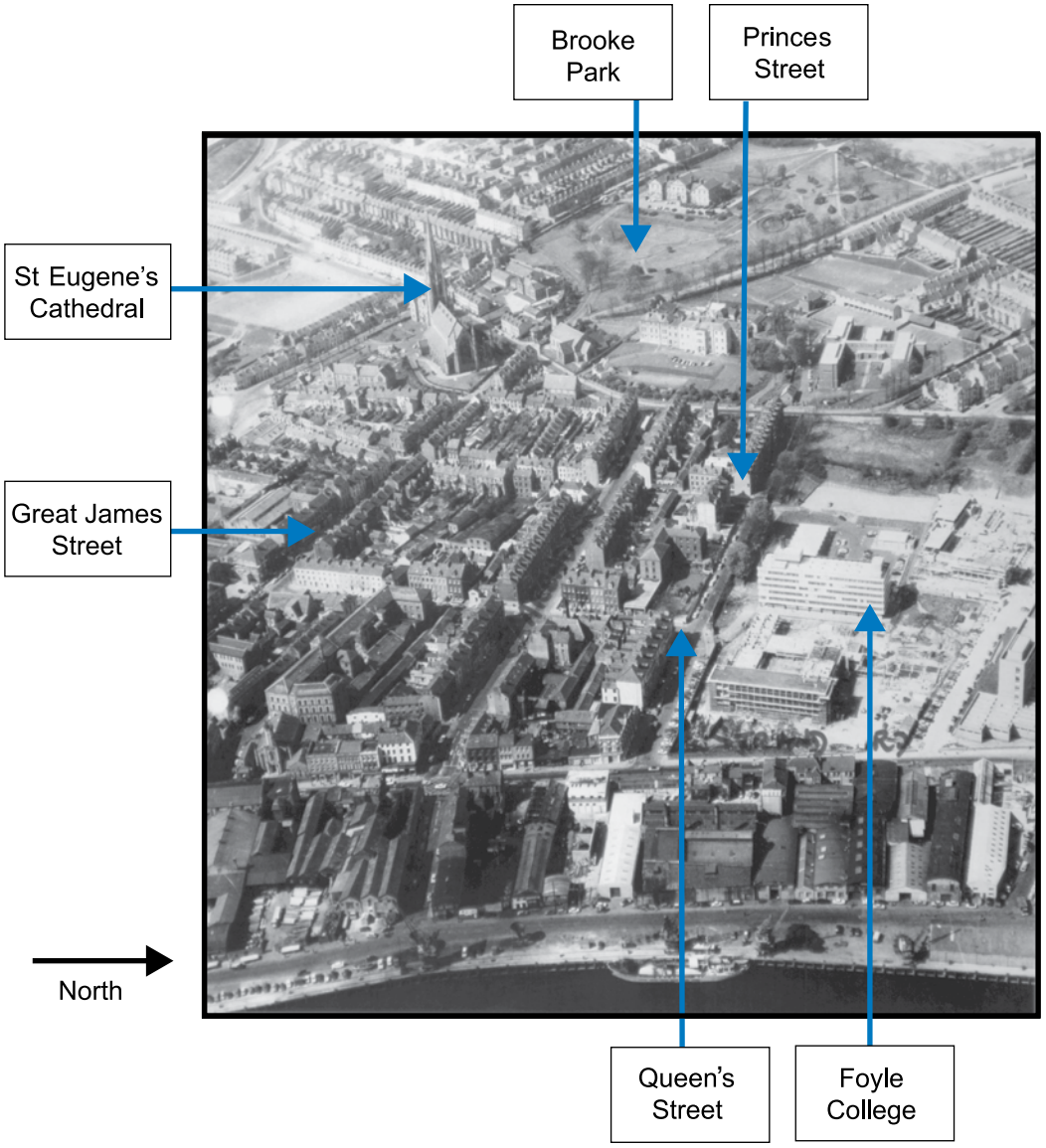
The northern part of Sector 1

11.3 On the map below, the blue dotted line shows the position of William Street. Great James Street ran parallel to, and to the north of, William Street. On the upper half of the map is marked the Municipal Technical College, also known as Foyle College. The Foyle College car park was the first location to which 1 PARA moved on its arrival in the city. As described in more detail later, two companies of 1 PARA then moved to different Forming Up Positions (FUPs): A Company to Springham Street and Support Company to Clarence Avenue. As we describe below, later in the day A and C Company moved to Princes Street and Support Company to Queen's Street.



11.4 Part of the area depicted on the map above is shown on the following photograph.[1] At the top of the photograph is Brooke Park, used by 1st Battalion, The Coldstream Guards (1 CG) as their tactical headquarters on Bloody Sunday.

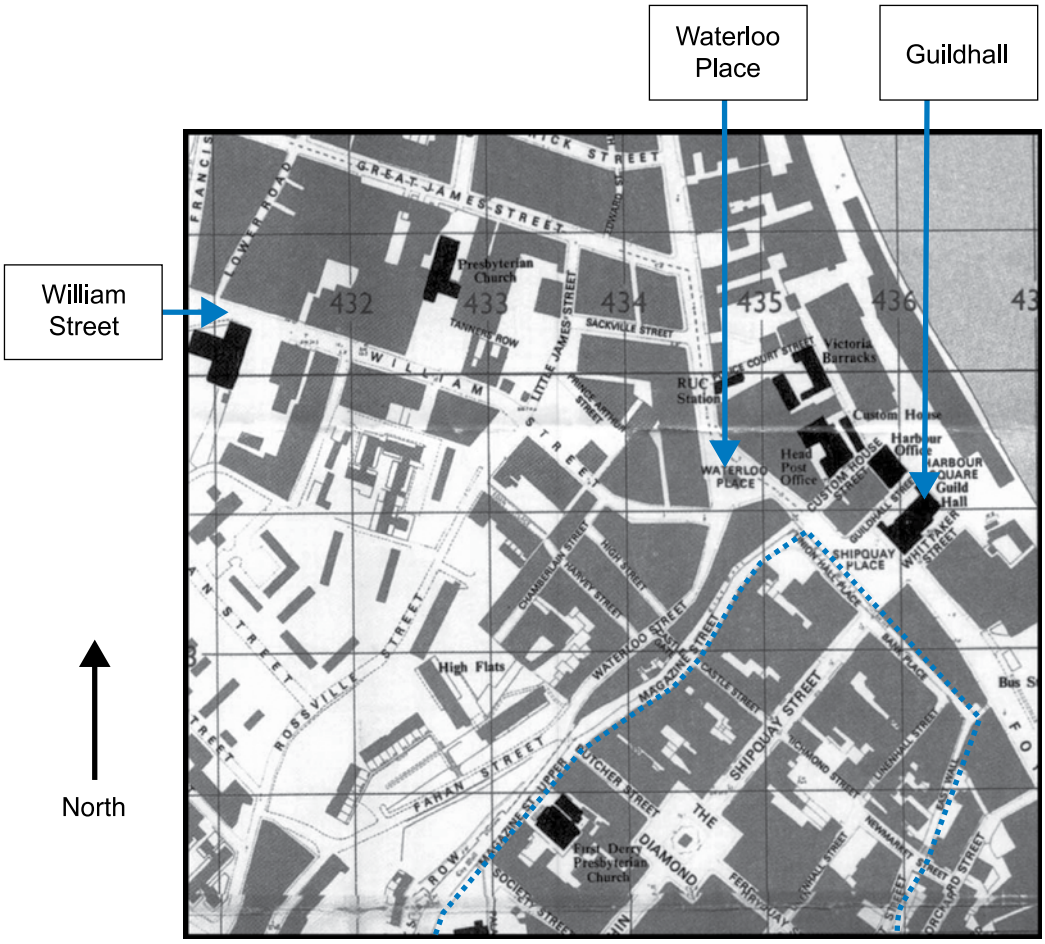
1 Supplied to the Inquiry by Brigadier MacLellan.



The eastern part of Sector 1

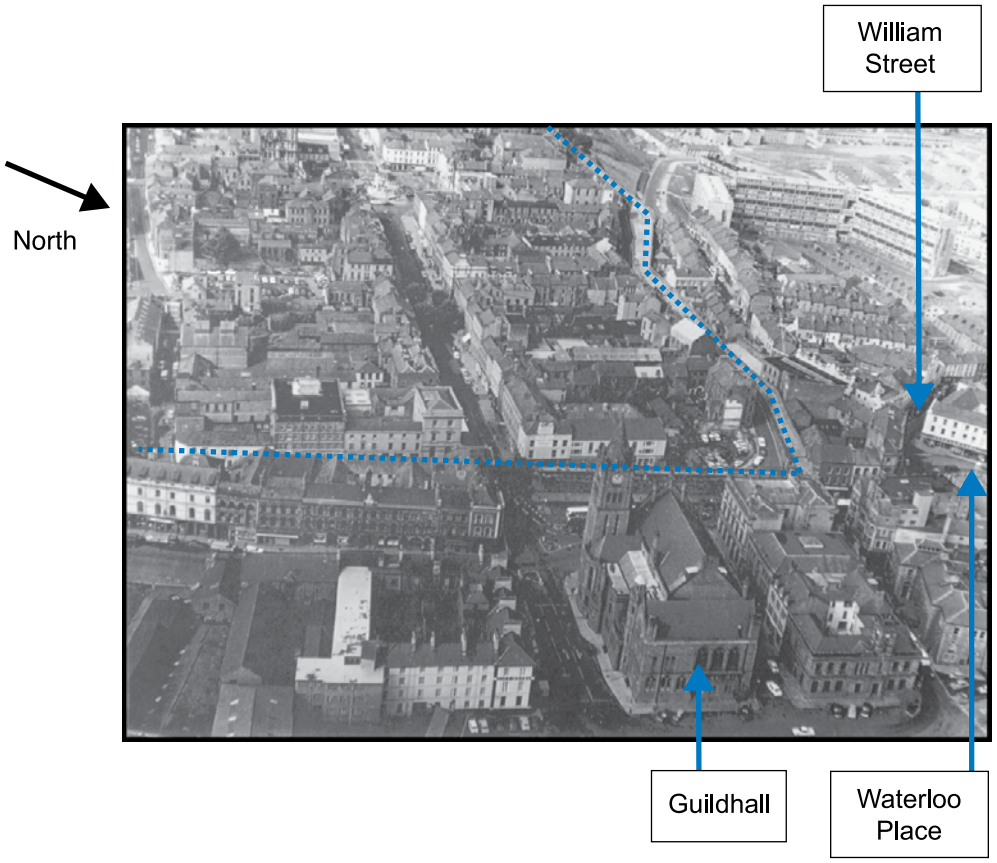
11.5 Waterloo Place lay at the eastern end of William Street. It can be seen near the centre of the map below. Shipquay Place, the marchers' original intended destination, could be reached from Waterloo Place. Shipquay Place was also known as Guildhall Square.

The Guildhall itself was on the north-east side of the square. On the other side of the square, and opposite the Guildhall, was the north-eastern side of the old City Walls. Part of the City Walls is shown on the map, marked by a dotted line.



11.6 The photograph below[1] shows the Guildhall and part of the City Walls. The photographer was looking south-west across the walled city. Some of the Bogside is seen on the right-hand side of the photograph, to the right of the City Walls. The position of the City Walls has been marked with a dotted line.

[1] Supplied by Captain Conder.

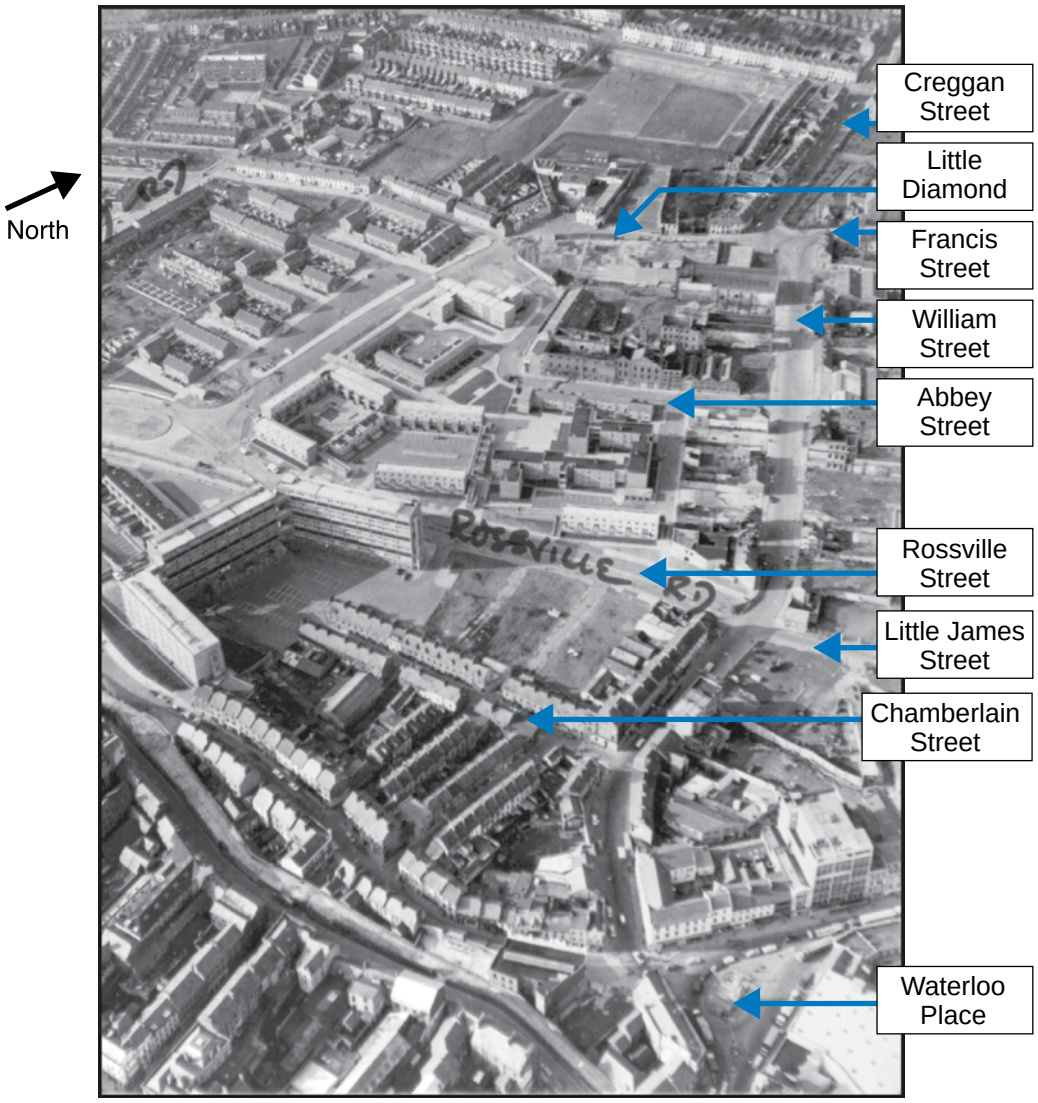


William Street

11.7 At its western end, William Street met Creggan Street, Little Diamond and Francis Street. Approximately 130 yards south-east from this junction, William Street formed a T-junction with Abbey Street, which ran in a south-westerly direction into the Bogside. Abbey Street was within the no-go area. About 150 yards further east, William Street formed a crossroads with Rossville Street (which ran towards the south-west and was within the no-go area) and Little James Street (which ran north-east and was outside the no-go area). In January 1972 some people, particularly members of the security forces, called this junction Aggro Corner. About 95 yards south-east of this junction was the junction of William Street and Chamberlain Street (which ran southwards from William Street and was within the no-go area). William Street then ran for about another 85 yards, still in a south-easterly direction, and came to an end at Waterloo Place.

11.8 The photograph below[1] shows the whole of William Street. The words “Rossville Rd” have been written in ink on the photograph. The correct name of the labelled street is Rossville Street.

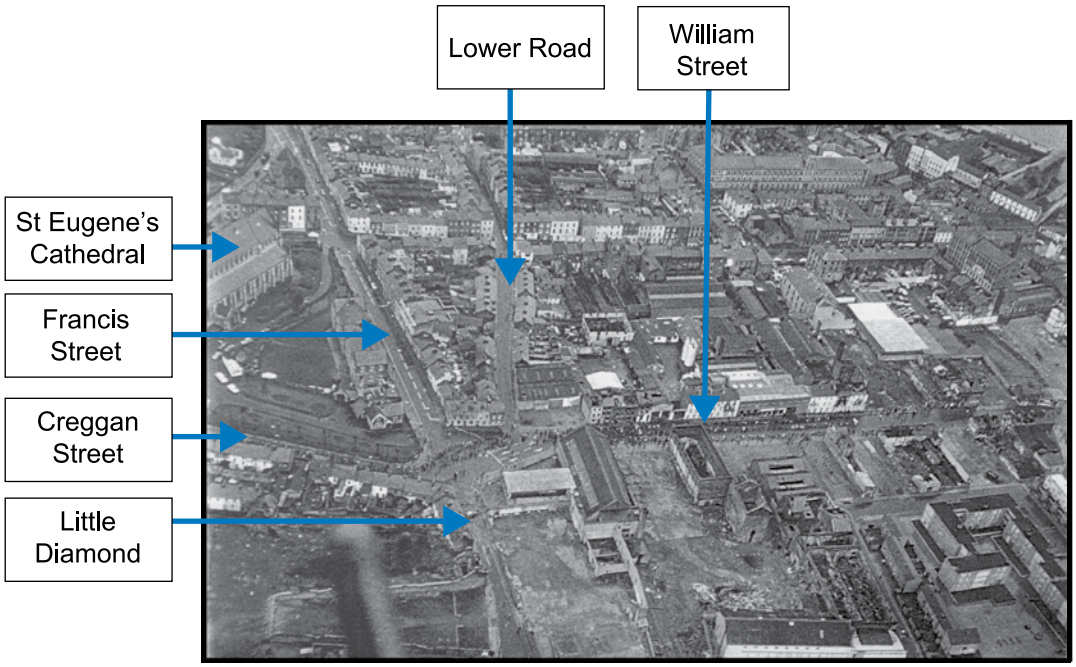
[1] Supplied by Brigadier MacLellan.



The western end of William Street

11.9 The photograph below[1] shows the junction of William Street, Little Diamond, Creggan Street and Francis Street.

1 Supplied by the Imperial War Museum.



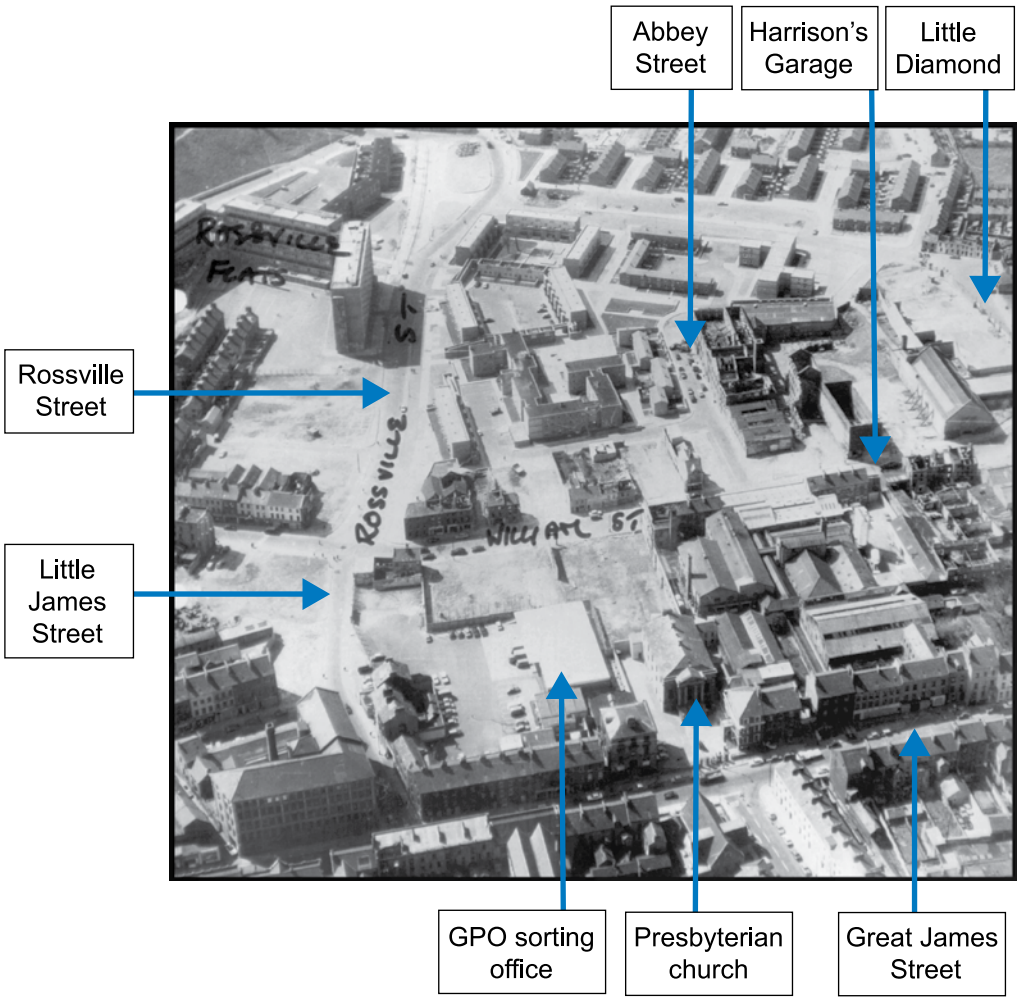
11.10 The photograph below,[1] which was taken on Bloody Sunday, shows the marchers at the western end of William Street, heading downhill towards the junction with Rossville Street and Little James Street. On the right-hand side of the photograph, the fascia of Harrison's Garage has been marked. Soldiers were positioned in this derelict garage during the march.

1 Taken by Jeffrey Morris of the *Daily Mail*.

The central section of William Street

11.11 The photograph below,[1] taken after Bloody Sunday, shows the section of William Street to the west of the junction with Rossville Street. Little Diamond can just be seen on the right of the picture. The fascia of Harrison's Garage, shown this time from the back, can be seen on the north side of William Street. In the foreground, and running parallel to William Street, is Great James Street. On the south side of Great James Street is the Presbyterian church. On the left (east) side of the church a large flat roof can be seen. This formed part of the General Post Office (GPO) sorting office.

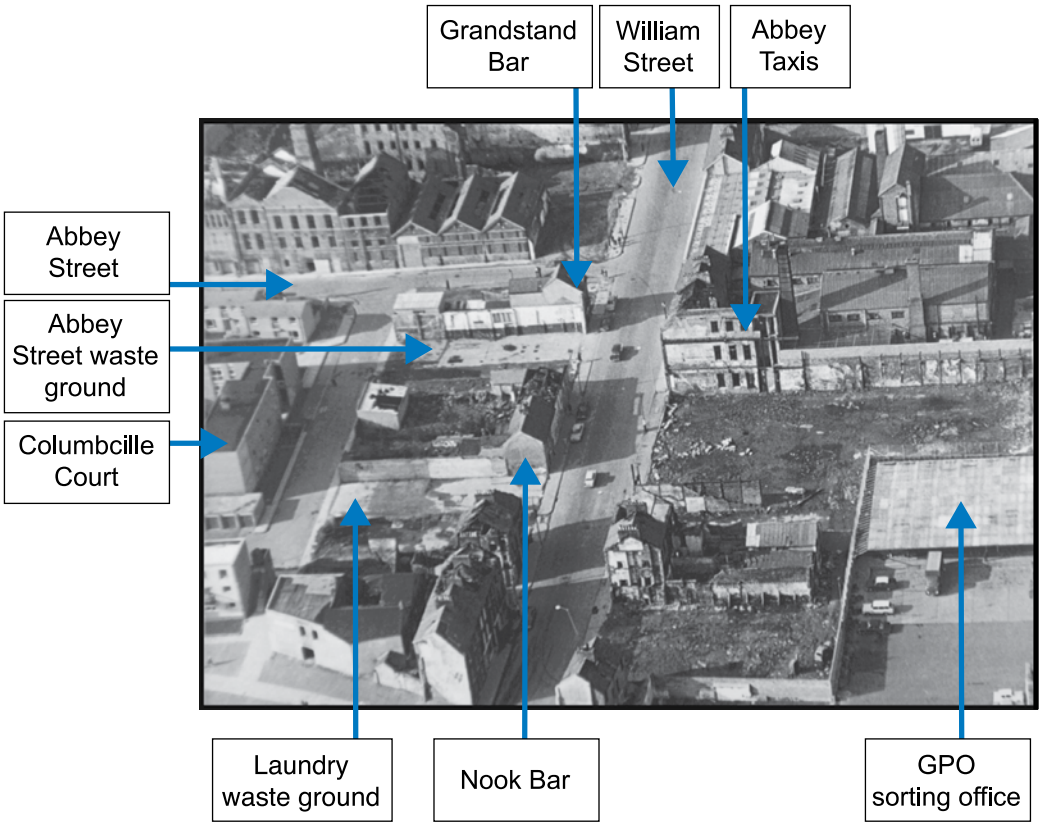
[1] Supplied by Brigadier MacLellan.



11.12 The following photograph[1] was taken looking westwards along William Street and shows the area east of Abbey Street in more detail. On the south side of William Street, two waste grounds can be seen. The first is immediately to the east of Abbey Street and was known for the purposes of the Inquiry as the Abbey Street waste ground. The building on the corner of Abbey Street and William Street is the Grandstand Bar.

[1] Provided to the Widgery Inquiry by the Army.

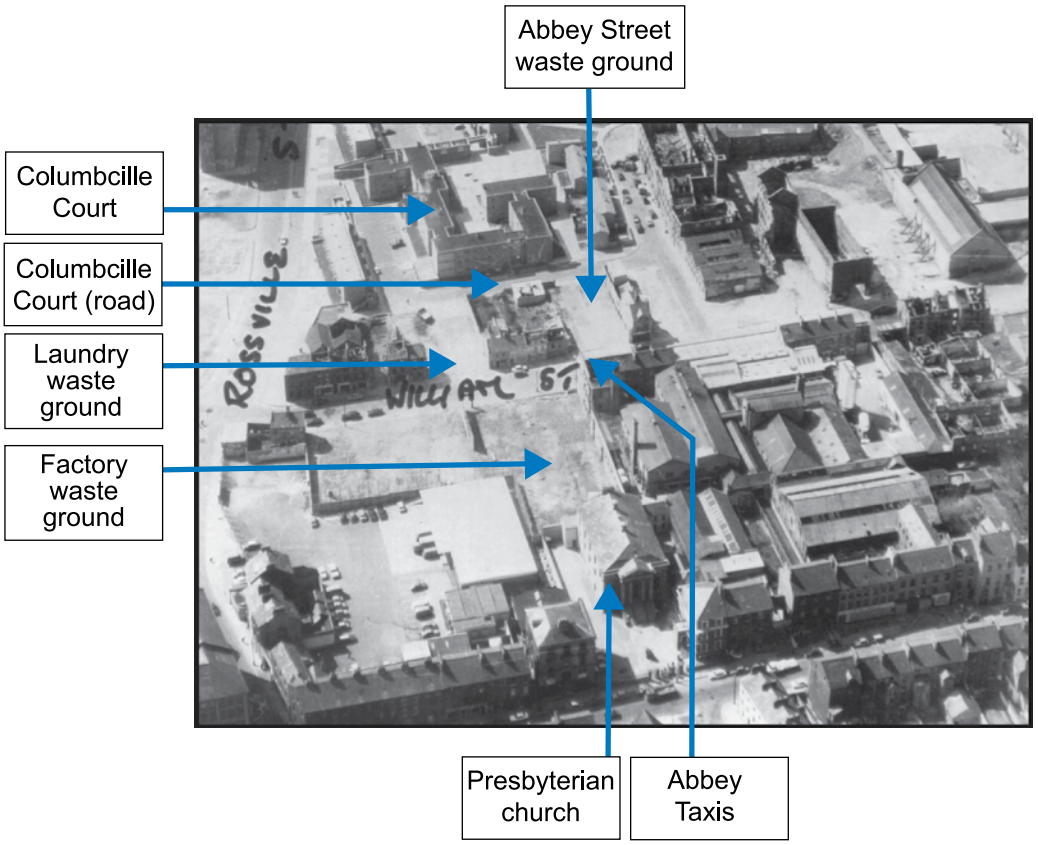
11.13 The second waste ground is further to the east and is seen in the middle of the photograph. It was known as the laundry waste ground, because a laundry used to stand on that ground. The building had disappeared by the time of Bloody Sunday. The laundry is, though, still shown on some of the maps used by the Inquiry. It can be seen, for example, on the map shown at the beginning of this chapter. The building on the north-west corner of the laundry waste ground is the Nook Bar. On the far left of the photograph can be seen the northernmost part of Columbcille Court, a modern residential development.



11.14 The roof of the GPO sorting office can be seen in the bottom-right-hand side of the photograph. Above and to the left of that roof is a derelict building with nine windows on its eastern side. This derelict building was known to the Inquiry as Abbey Taxis, after the name of a business that was at one time run from there.

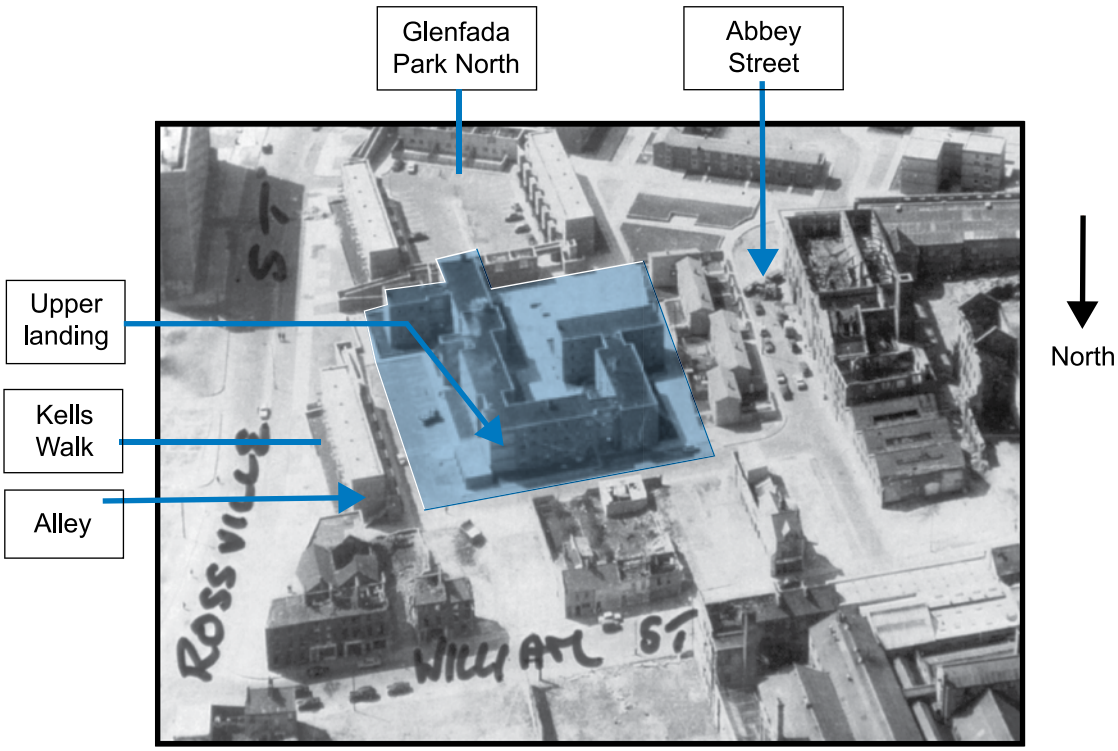
11.15 The photograph below,[1] which is an enlargement of part of the photograph reproduced above, also shows the location of Abbey Taxis, the laundry waste ground, Columbcille Court and the Presbyterian church. On the north side of William Street, to the east of Abbey Taxis, can be seen a further waste ground. This was sometimes described during the course of the Inquiry as the factory waste ground; at one time Richardson's factory (also known as Richies) stood on that land.

1 Supplied by Brigadier MacLellan.



Columbcille Court

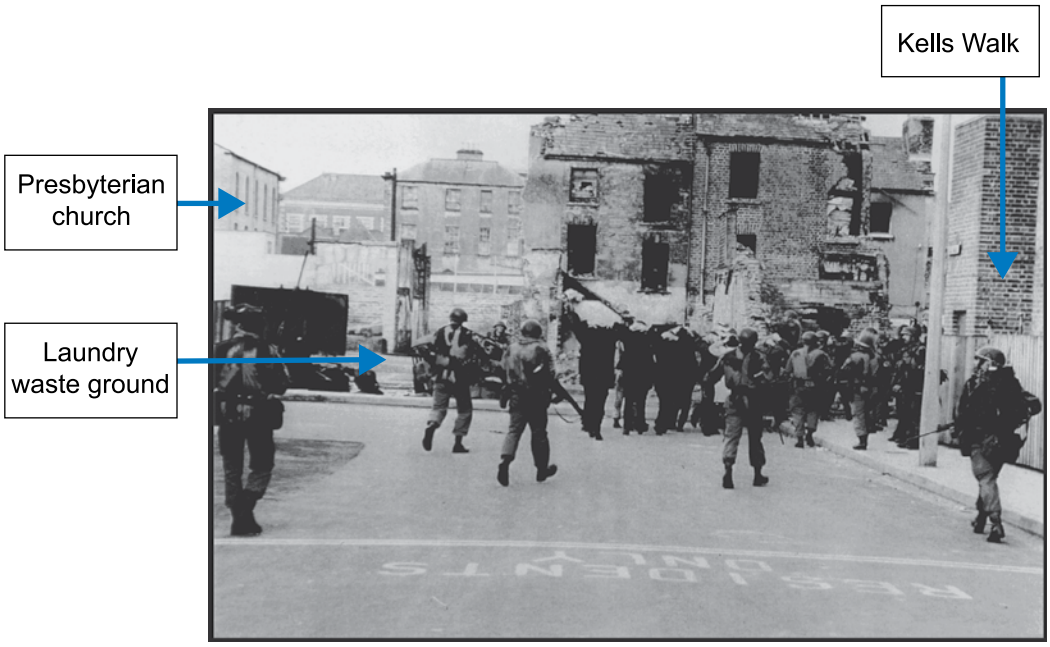
11.16 The Columbcille Court buildings were bordered to the north by an access road, also known as Columbcille Court, to the east by a block of maisonettes known as Kells Walk, to the south by Glenfada Park North (a modern set of low rise flats surrounding a courtyard) and to the west by Abbey Street. A further enlarged segment of the above photograph, reproduced below, shows Columbcille Court highlighted in blue. It consisted of a number of linked, three-storey buildings, with a car park on the eastern side and a courtyard behind the central part of the northern block. Horizontal slats can be seen on the eastern corner of the northernmost building. There was a staircase, with a landing on the first and second floors, behind these slats.



11.17 An external staircase ran up the northern gable end of Kells Walk. The staircase can just be seen in the above photograph. To the north of that staircase was an alley that provided pedestrian access between Rossville Street and Columbcille Court.

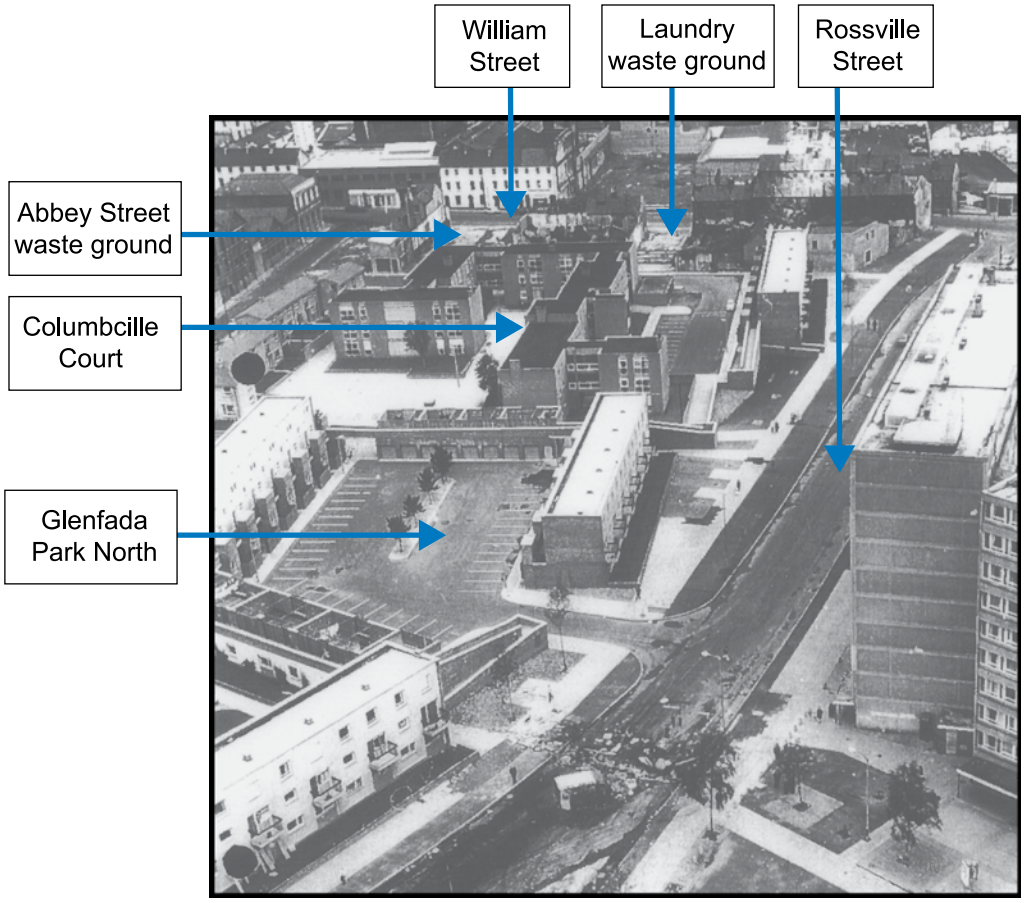
11.18 The photograph below,[1] which was taken on Bloody Sunday, shows the northern end of the car park of Columbcille Court. The photographer was looking north. The garden fence of the northernmost maisonette of Kells Walk can be seen on the right. In the middle distance on the left of the photograph is the laundry waste ground. To the right of the waste ground are the backs of buildings on William Street. The people shown in the photograph were moving towards the alley that gave access to Rossville Street.

[1] Taken by William Rukeyser.



11.19 The following photograph[1] shows Columbcille Court from the south-east and the car park on the eastern side. Visible on the far side of Columbcille Court are the laundry waste ground and the Abbey Street waste ground.

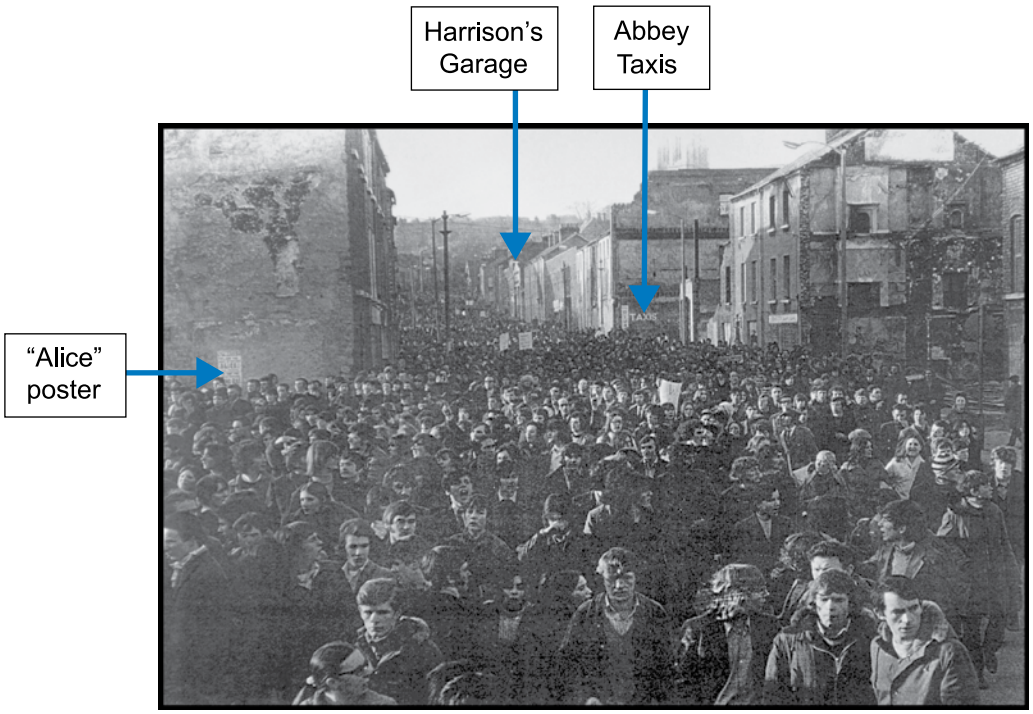
1 Supplied by Captain 021. This photograph was not taken on Bloody Sunday.



The view westwards from the junction of William Street, Rossville Street and Little James Street

11.20 The next photograph[1] was taken on Bloody Sunday and shows the marchers in William Street. The foremost people are at the junction between William Street, Rossville Street and Little James Street. Harrison's Garage is visible in the background. The word "Taxis" can be seen, painted on the Abbey Taxis building. A poster bearing the word "Alice" is visible on a wall on the left-hand side of the picture. This wall was situated at the junction between William Street and Rossville Street. The photograph, though, gives a misleading impression of distance; as the aerial photographs above show, between Abbey Taxis and the next building to the east was an area of waste ground, not seen in this photograph. Abbey Taxis was approximately 75 yards from the corner with Rossville Street. In the photograph, it appears much closer. We give further details of the junction below.

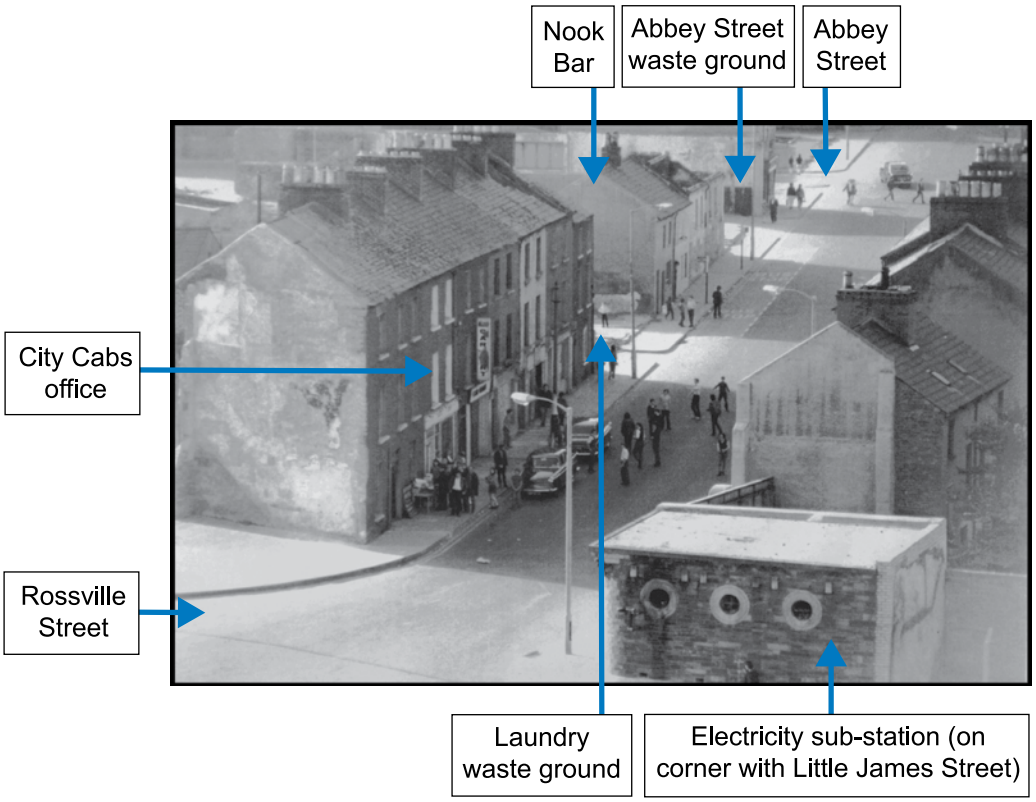
[1] Taken by Larry Doherty on Bloody Sunday.



11.21 The photograph below[1] was taken from the east, looking west up William Street. It shows in more detail the western side of the junction between William Street and Rossville Street. The row of buildings on the left includes the office of another taxi business, City Cabs, to which we refer later in this report.[2]

1 Supplied by the Ministry of Defence (MoD). This photograph was not taken on Bloody Sunday.

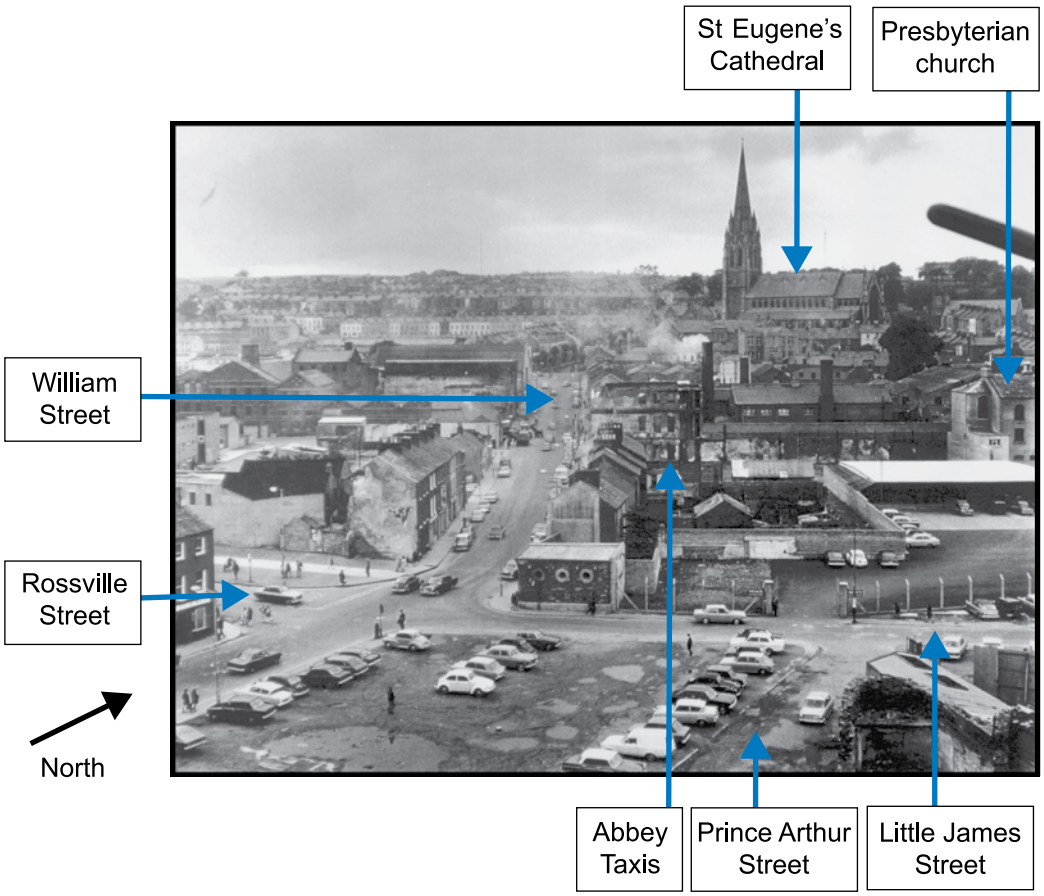
2 Chapter 114



Little James Street, Prince Arthur Street and Sackville Street

11.22 The photograph below,[1] which was not taken on Bloody Sunday, gives a view from the east and looks westwards up William Street. The junction in the foreground is the point at which William Street, Rossville Street and Little James Street meet. The electricity sub-station can be seen near the centre of the photograph.

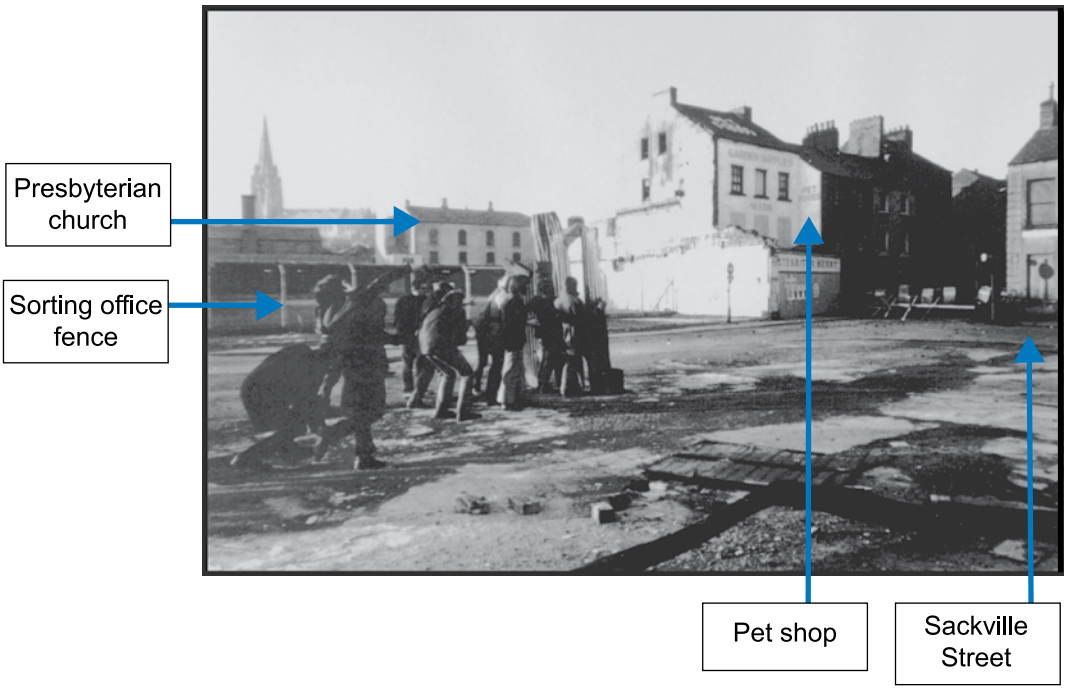
[1] Supplied by the Imperial War Museum.



11.23 A road running parallel to William Street can be seen on the bottom-right-hand side of the photograph. This road was Prince Arthur Street. By the end of January 1972, this road had fallen into disuse and formed part of the waste ground that can be seen in the foreground of the photograph, being used as a car park.

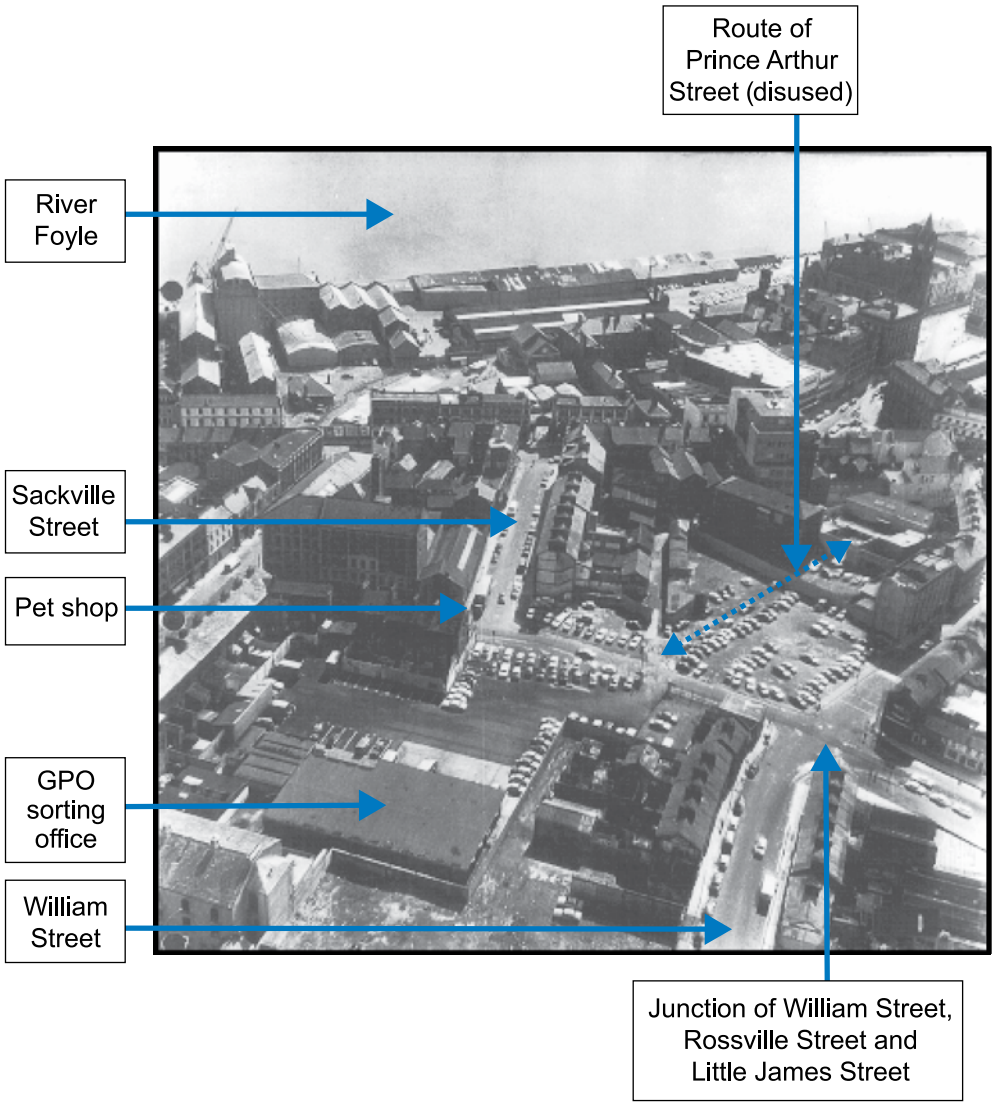
11.24 The photograph below[1] was taken on Bloody Sunday, from that waste ground. It shows Little James Street, running northwards from its junction with William Street. The perimeter fence of the GPO sorting office can be seen behind the group of men on the left of the picture. Behind the fence is the sorting office itself, with the Presbyterian church to the right of the sorting office. The large white building in the middle of the photograph is the Sterritt and Henry pet shop. An Army barrier erected on Bloody Sunday and known as Barrier 12, can be seen immediately to the right of the pet shop blocking the northern exit of the junction between Little James Street and Sackville Street. Sackville Street can be seen leading away from the pet shop, on the right-hand side of the picture.

1 Taken by Gilles Peress.



11.25 Sackville Street can be seen in the aerial photograph below,[1] which was taken from the west side of the William Street and Little James Street junction. The photograph was taken before Bloody Sunday. It shows that the route of the disused Prince Arthur Street was blocked with fencing.

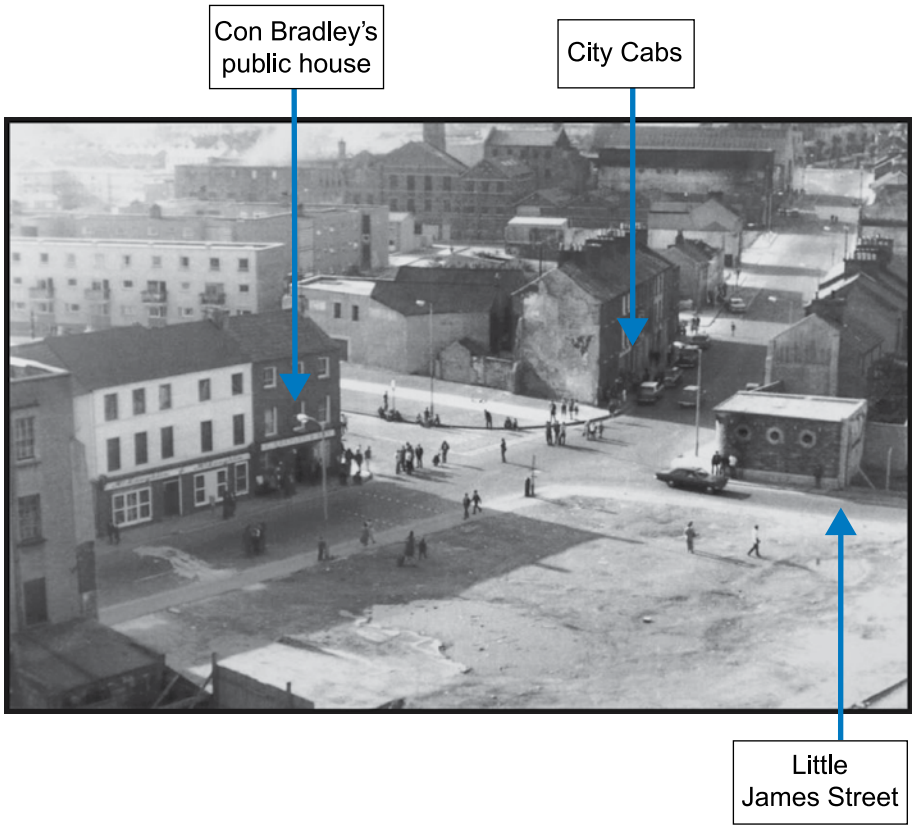
1 Supplied by Captain 021 and taken before Bloody Sunday.



The eastern part of William Street

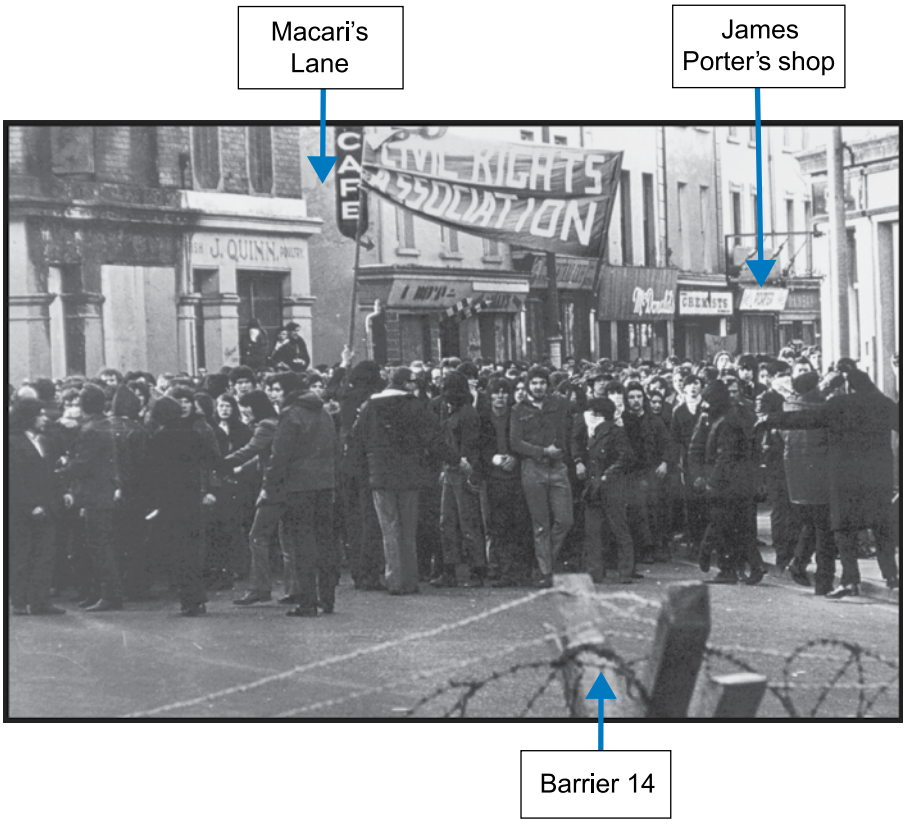
11.26 The following photograph,[1] which was not taken on Bloody Sunday, shows the William Street buildings on the eastern side of the junction of that street with Rossville Street and Little James Street. The building on the corner, marked "C. Bradley and Son", was generally known during the Inquiry as "Con Bradley's pub".

[1] Supplied by the MoD.

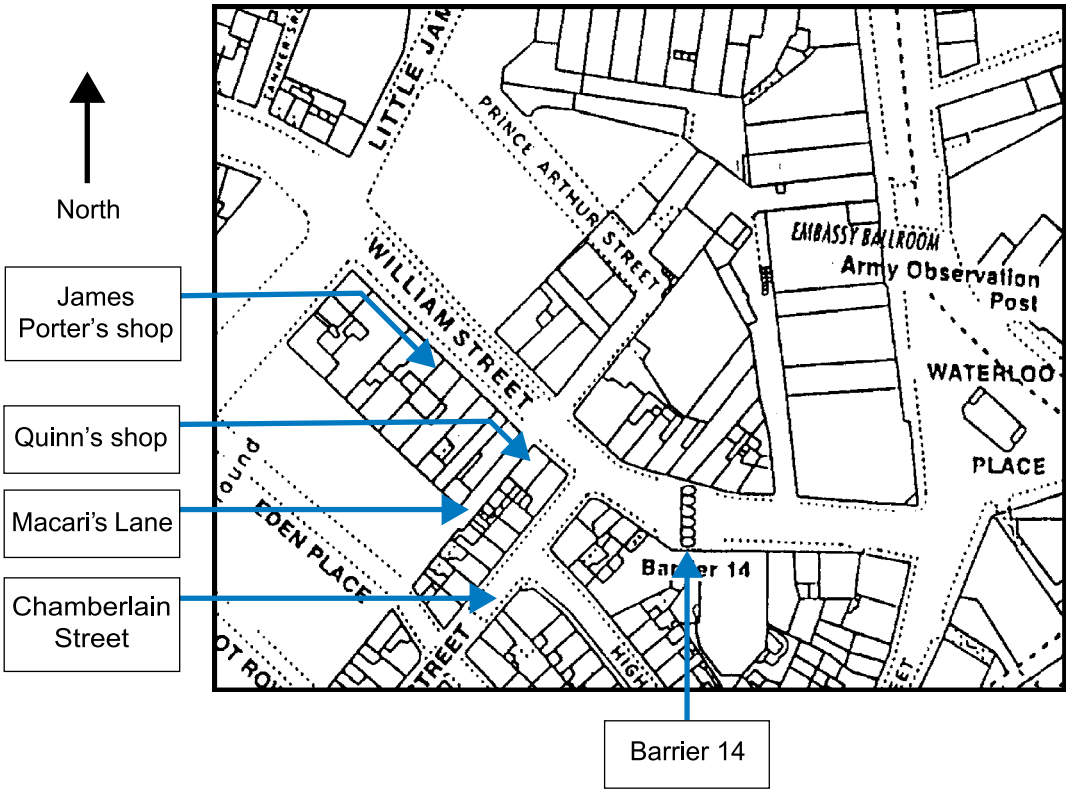


11.27 Shops lined both sides of William Street from its junction with Rossville Street and Little James Street to its junction with Waterloo Place. The photograph below,[1] which was taken on Bloody Sunday, shows some of these shops. The photograph was taken from behind an Army barrier erected on Bloody Sunday in William Street, known as Barrier 14, and the photographer was looking westwards towards the junction with Rossville Street. In the background can be seen the shop of James Porter, a radio enthusiast who recorded some of the Army's radio transmissions on the day. On the left is Quinn's shop. An alleyway can be seen between Quinn's shop and the café next door. This alleyway was known as Macari's Lane; and sometimes as Quinn's Lane. It led southwards from William Street to a waste ground that was known to the Inquiry as the Eden Place waste ground.

[1] Taken by AB Brown.

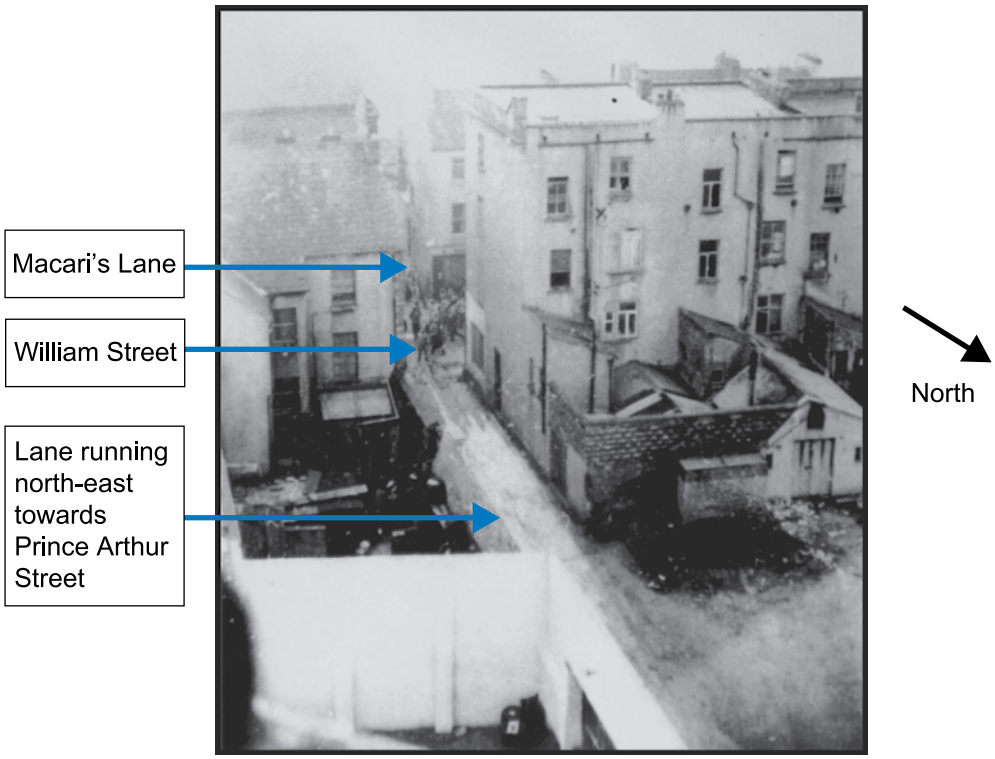


11.28 The location of these shops and of Macari's Lane can be seen in the map below.



11.29 The map shows a lane running in a north-easterly direction from William Street, opposite Macari's Lane. As the map indicates, the lane continued until it met, at right angles, the route once taken by Prince Arthur Street. This lane is shown in more detail in the photograph below.[1] Macari's Lane can be seen in the background of the photograph, on the far side of William Street.

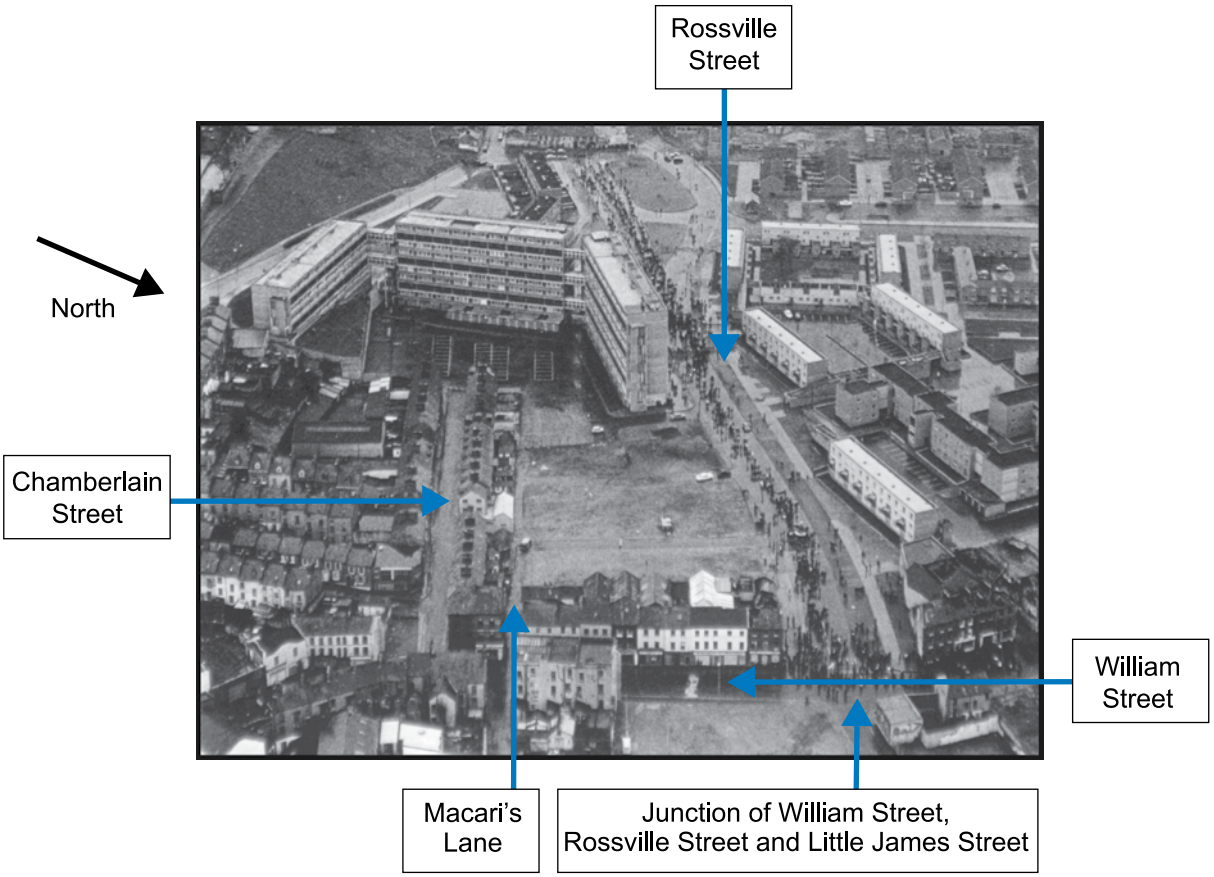
[1] Supplied by Colonel Tugwell.



Chamberlain Street

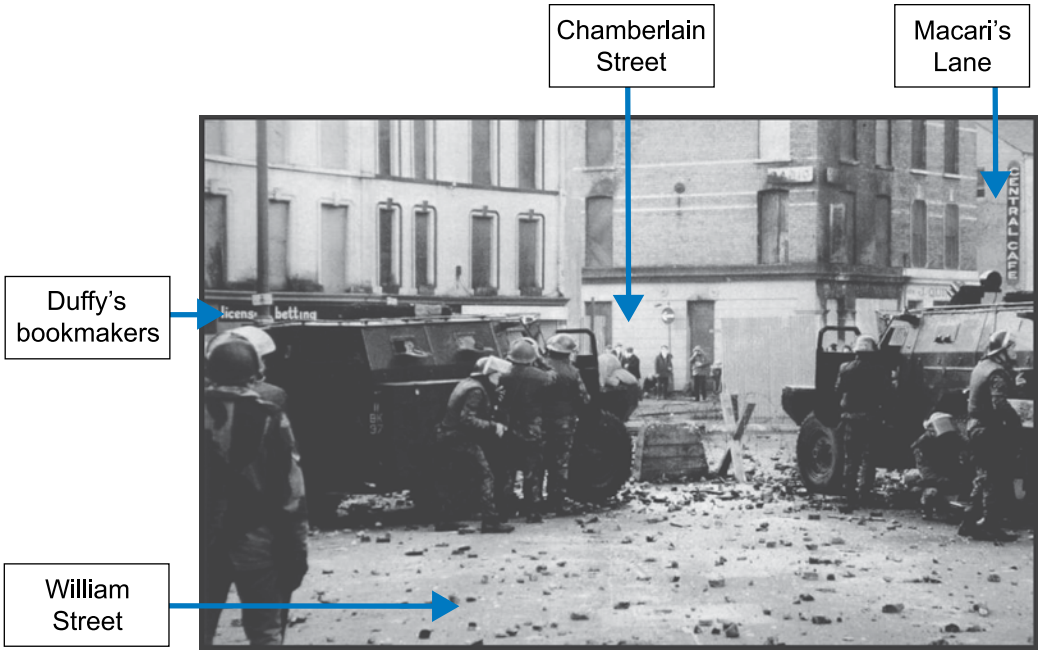
11.30 Macari's Lane can also be seen in the aerial photograph below.[1] In addition, the photograph shows Chamberlain Street, which ran parallel to Macari's Lane southwards from William Street towards the Rossville Flats. Chamberlain Street, unlike Macari's Lane, was wide enough for vehicles to travel along it.

[1] Supplied by the Imperial War Museum.



11.31 The photograph below,[1] taken from behind Barrier 14 on Bloody Sunday and looking west, shows the junction between Chamberlain Street and William Street. Also shown in this photograph is a shop with the words "licensed betting" painted on the shop front. This betting shop was referred to throughout this Inquiry as "Duffy's bookmakers", although this was not its name in January 1972. The photograph also shows the gap between the Central Café and Quinn's shop, through which Macari's Lane ran.

[1] Taken by William Rukeyser.



11.32 There was an area of waste ground on the eastern side of the junction between William Street and Chamberlain Street, seen in the photograph below.[1] This photograph was taken on Bloody Sunday from the northern side of William Street; the photographer was looking southwards towards Chamberlain Street. The houses on the right-hand side of the picture are on the western side of Chamberlain Street.

[1] Taken by Gilles Peress.

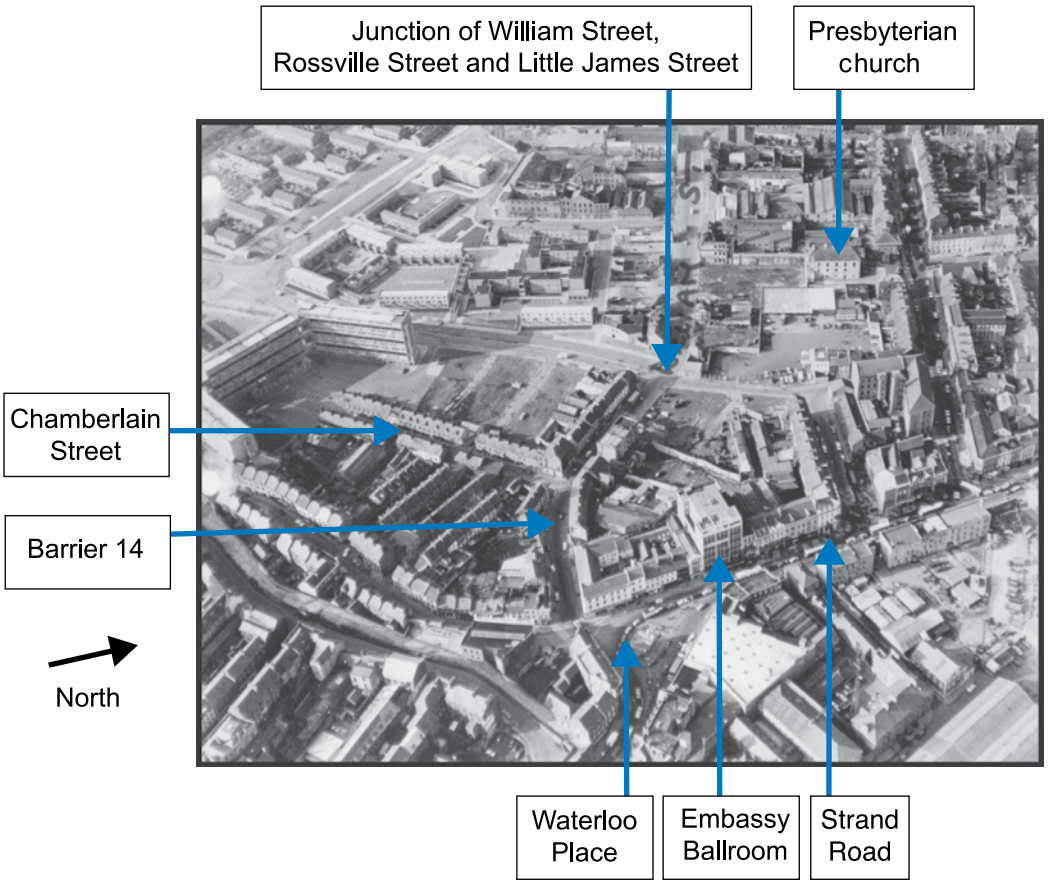
11.33 The following photograph[1] was also taken on Bloody Sunday, and shows the view eastwards down William Street from the junction between Chamberlain Street and William Street. The junction with Chamberlain Street can just be seen in the bottom-right-hand corner of the picture. To the east of the junction is McCool's newsagent's shop. Barrier 14 is in the middle of the photograph and the Guildhall clock tower can be seen in the background. Waterloo Place, at which William Street came to an end, was about 60 yards east of Barrier 14. Waterloo Place is behind the Army vehicles seen in this photograph.

1 Taken by Fulvio Grimaldi.

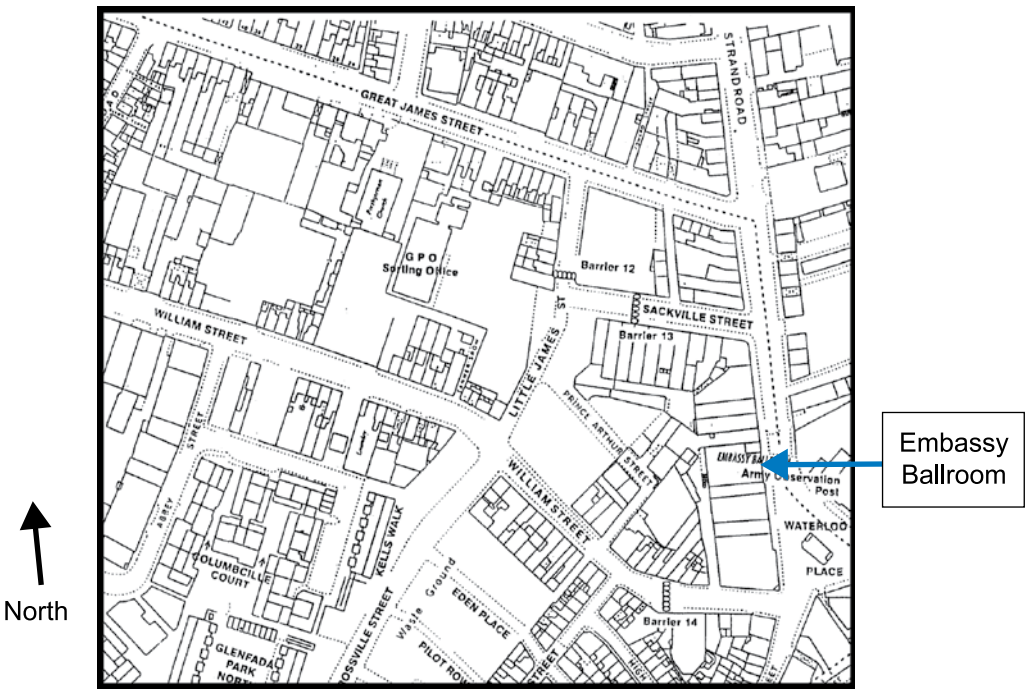
The Embassy Ballroom

11.34 The photograph below[1] shows the Embassy Ballroom in Strand Road. In January 1972 the roof of the Embassy Ballroom was used for observation by the security forces. The roof was well above those of adjoining buildings. There were two Observation Posts (OPs), Echo and Foxtrot, on the top of the Embassy Ballroom. OP Echo was at the back of the ballroom roof and gave a view onto William Street and beyond. OP Foxtrot overlooked Strand Road and Waterloo Place.

1 Supplied by Brigadier MacLellan.



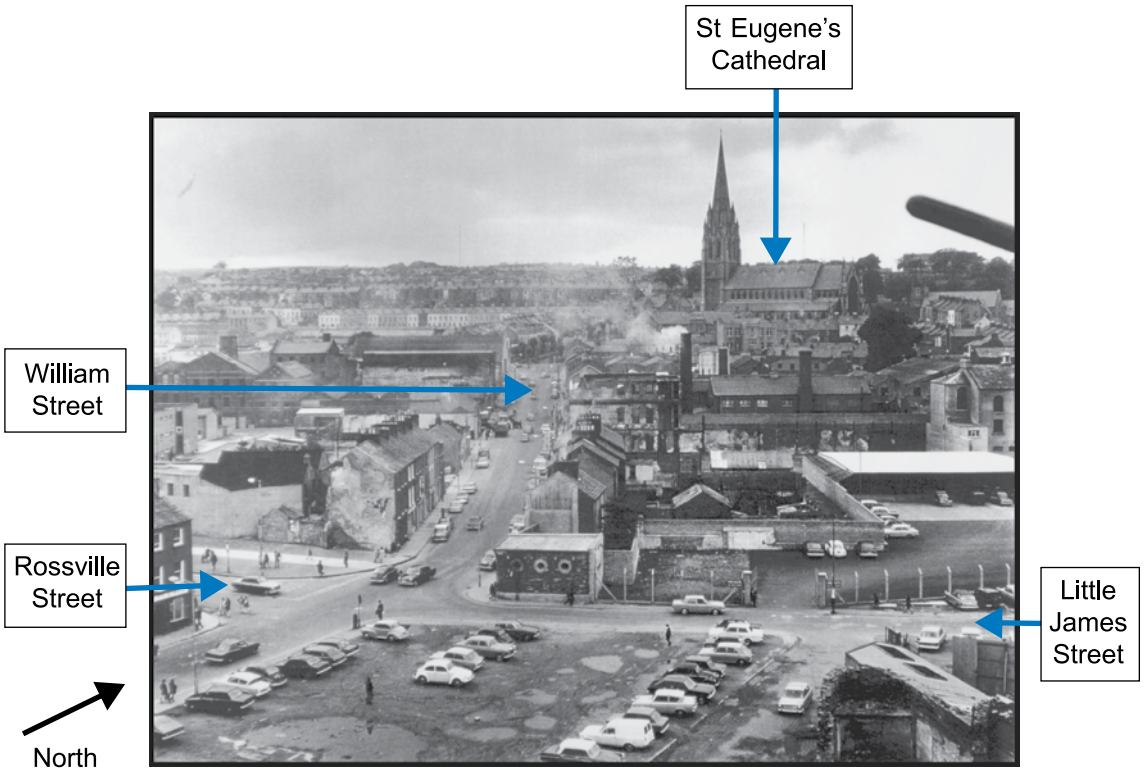
11.35 The location of the Embassy Ballroom is also shown on the map below.



11.36 The Embassy Ballroom gave the security forces a view westwards up William Street and southwards into the Bogside.

The junction of William Street, Rossville Street and Little James Street (Aggro Corner)

11.37 The next two photographs (shown again here for convenience) were taken from the Embassy Ballroom roof and were supplied by the MoD. They show the junction of William Street, Rossville Street and Little James Street. This area was known to the Army, and to some others, as Aggro Corner. In the first photograph, William Street can be seen running westwards towards St Eugene's Cathedral. In the second photograph, more of the buildings on the south-east side of the junction are visible.



The Army barriers

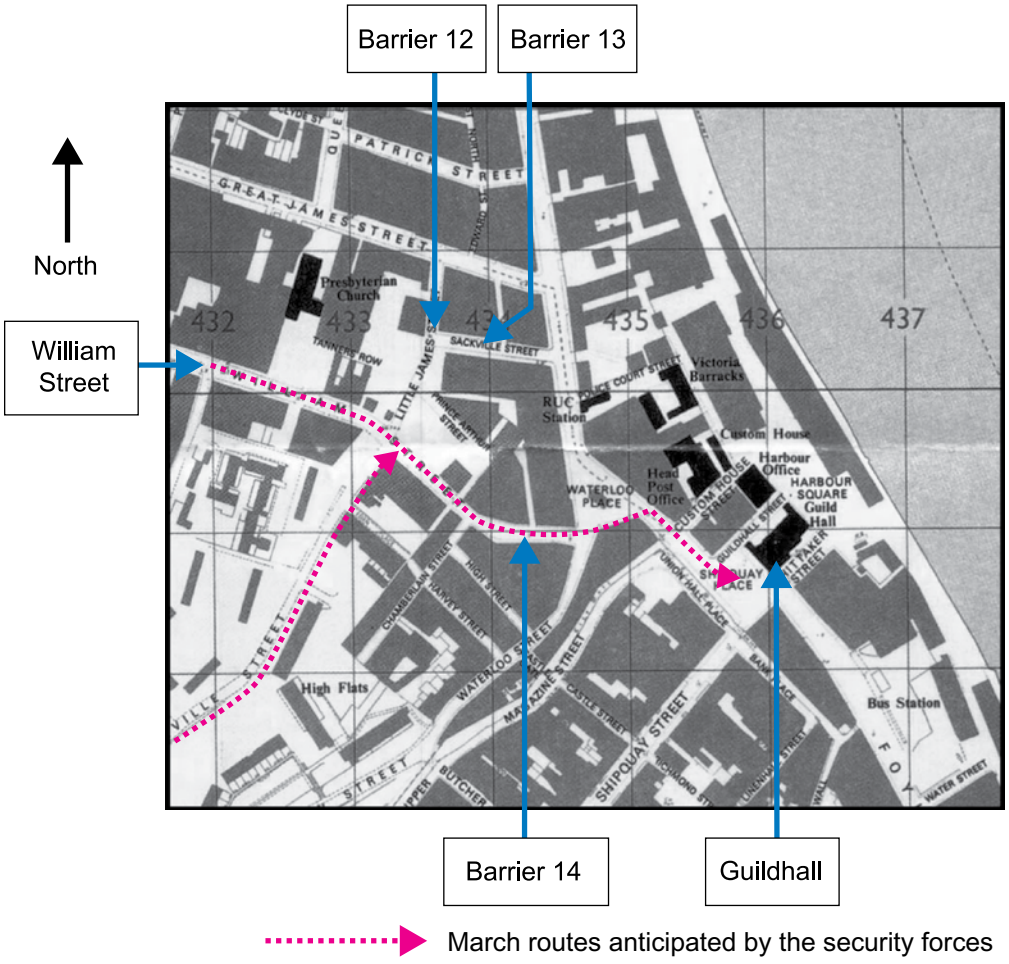
11.38 As more fully discussed elsewhere in this report,[1] before the civil rights march on 30th January 1972 the organisers announced that they intended after the march to hold a meeting in front of the Guildhall at Shipquay Place. The security forces anticipated that the protesters would march either east along William Street or north up Rossville Street in order to try to reach Shipquay Place. On the day, the Army erected barriers in order to prevent the marchers from reaching the meeting place and from penetrating north or east of William Street; in other words, to keep them within the Bogside and the Creggan. Each barrier was given a number as part of the Army plan to deal with the march.

[1] Chapter 9

11.39 We include here a brief description of some of the barriers, though we return to this topic in more detail a little later in this report.[1]

[1] Paragraphs 12.15–23, 12.35 and 12.43

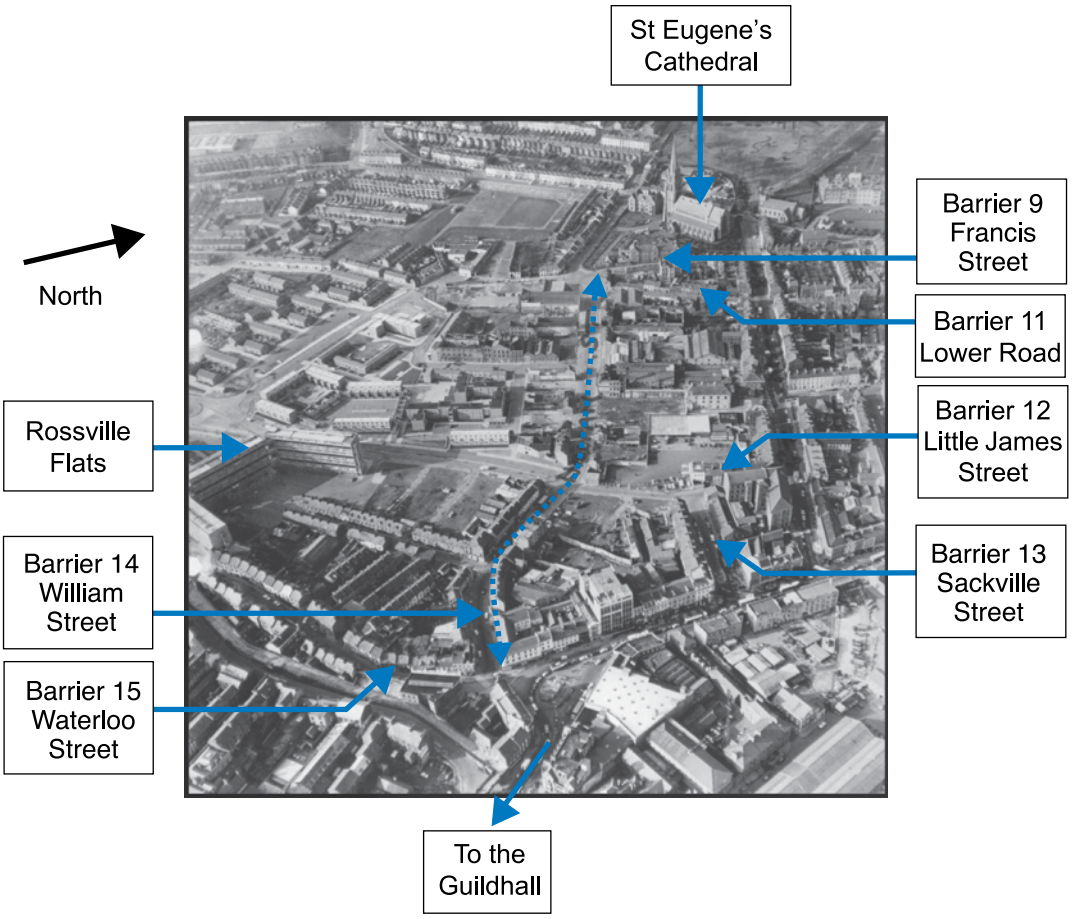
11.40 The locations of the barriers most relevant to this Inquiry are shown on the following map, which also shows the position of the Guildhall.



11.41 Barrier 12 was in Little James Street, Barrier 13 in Sackville Street and Barrier 14 in the eastern part of William Street.

11.42 Much of the area depicted on the map above is shown in the aerial photograph below.[1] The photograph, which was taken before Bloody Sunday, shows a view from the north-east. William Street is marked with a dotted line. St Eugene's Cathedral is also shown. Two Army barriers (Barrier 9 and Barrier 11) were erected on Bloody Sunday in streets on the eastern side of the cathedral. We have marked the locations of these barriers. A further barrier (Barrier 15) was placed towards the northern end of Waterloo Street, which was a road that ran under the City Walls, roughly parallel to Chamberlain Street, and ended at Waterloo Place. This barrier is also marked. The Rossville Flats can be seen on the left-hand side of the photograph.

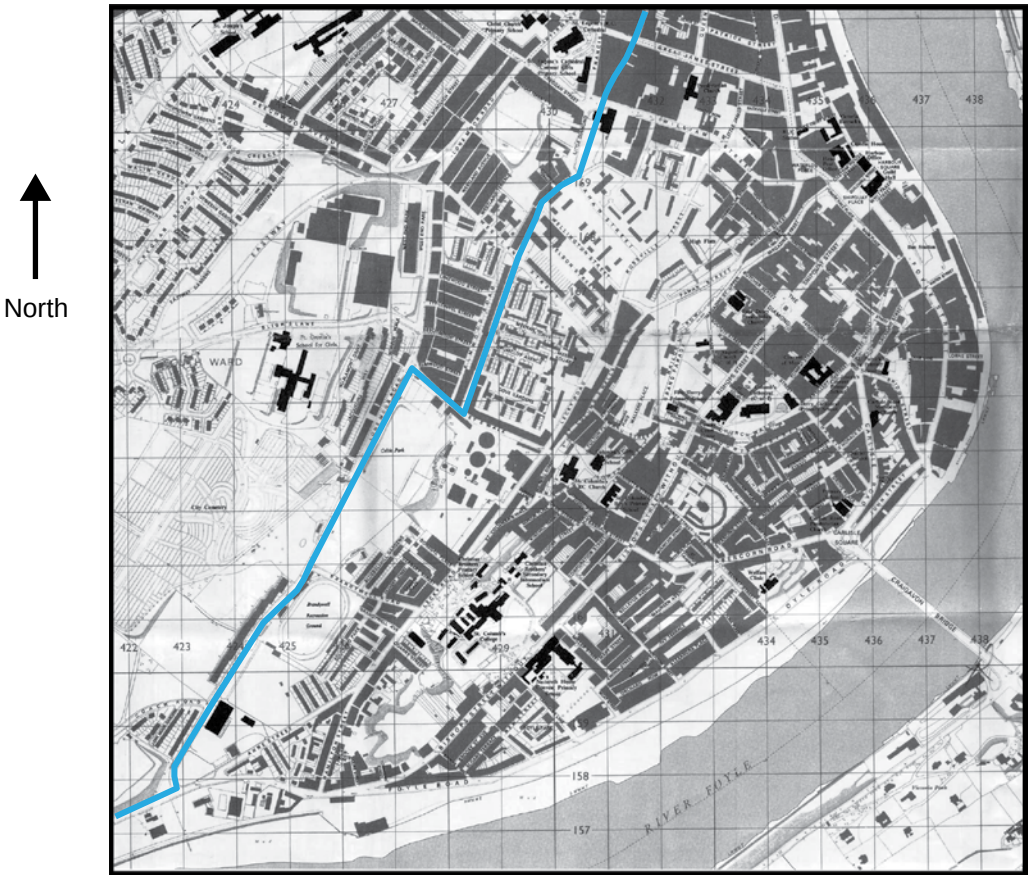
1 Supplied by Brigadier MacLellan.


St Eugene's Cathedral
Barrier 9 Francis Street
Barrier 11 Lower Road
Barrier 12 Little James Street
Barrier 13 Sackville Street
North
Rossville Flats
Barrier 14 William Street
Barrier 15 Waterloo Street
To the Guildhall

Chapter 12: Military dispositions

Contents

12.1 In January 1972 the city of Londonderry on the west side of the River Foyle was usually the responsibility of two regiments or battalions. The area was divided vertically in two, as shown on the map below. The area to the east of the blue dividing line was usually the responsibility of the City battalion; the area to the west was the responsibility of the Creggan battalion.



12.2 On 30th January 1972, 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt) was undertaking the City task, as we have explained earlier in this report.[1] However, for the purposes of Operation Forecast (the 8th Infantry Brigade Operation Order for 30th January 1972), the area for which 22 Lt AD Regt was usually responsible was itself divided in two. 22 Lt AD Regt remained responsible for the northern half of the area. The southern half was given to 1st Battalion, The Royal Anglian Regiment (1 R ANGLIAN), which was a resident battalion and had been in Northern Ireland since July 1970. The division is shown on the map below by the dark blue line that runs roughly west to east across the middle of the sector and then turns south-west.

1 Chapter 9

North

12.3 On 30th January 1972, 1st Battalion, The Coldstream Guards (1 CG) was the Creggan battalion. On that day it remained responsible for its usual area. This area included Fort George, a military base on the north-west side of Londonderry, which was the headquarters of 1 CG. This battalion had been in Northern Ireland since October 1971.

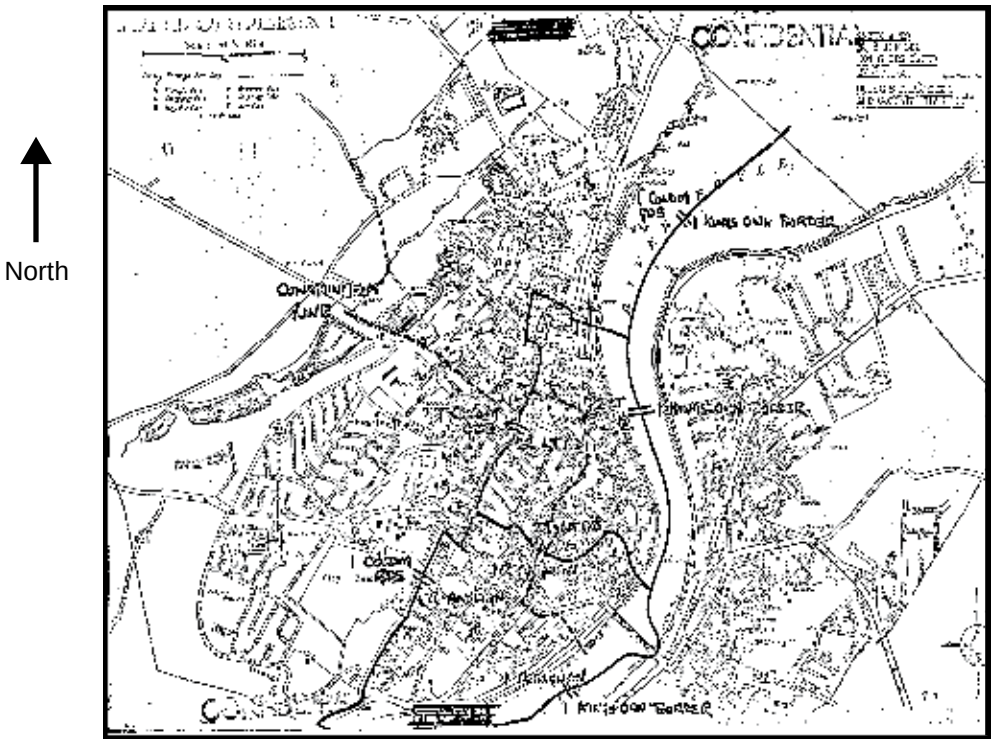
12.4 The Province Reserve, 1st Battalion, The King's Own Royal Border Regiment (1 KOB), was given responsibility for RUC Division N (covering most of the County of Londonderry but excluding the city itself). This area was usually the responsibility of 1 R ANGLIAN. 1 KOB had arrived in Northern Ireland on or about 14th January 1972 and was based in Ballykinler in County Down.[1]

1 C1253.5

12.5 The map below,[1] which was attached to the Brigade Operation Order for 30th January 1972 (discussed earlier in this report[2]), shows the division of responsibility among the Army units.

1 G95.580

2 Paragraphs 9.414–416



12.6 The position, however, was complicated by the fact that the Operation Order required various companies (or, in the case of 22 Lt AD Regt, batteries) to be detached from their own battalion (or regiment) and attached to another.[1]

[1] B1279.098-99

12.7 In accordance with the provisions of the Operation Order, 22 Lt AD Regt retained two of its four batteries under its own command. In addition, 22 Lt AD Regt had under its command one company from 2nd Battalion, The Royal Green Jackets (2 RGJ) and one company from 1st Battalion, The Parachute Regiment (1 PARA).

12.8 The remaining two 22 Lt AD Regt batteries were attached to 1 R ANGLIAN, which also retained under its own command two of its own four companies.

12.9 The other two companies from 1 R ANGLIAN were placed under the command of 1 KOB.

12.10 1 CG retained all three of its companies under its own command.

12.11 Two companies from 3rd Battalion, The Royal Regiment of Fusiliers (3 RRF*)* were brought in to act as the mobile reserve and to deal with any incidents within 8th Infantry Brigade's area other than those arising from the march. This regiment had arrived in Northern Ireland on 26th January 1972 and was based in Dungannon in County Tyrone.[1]

[1] R73

12.12 The table below summarises the areas of deployment and the companies and batteries assigned to each area.

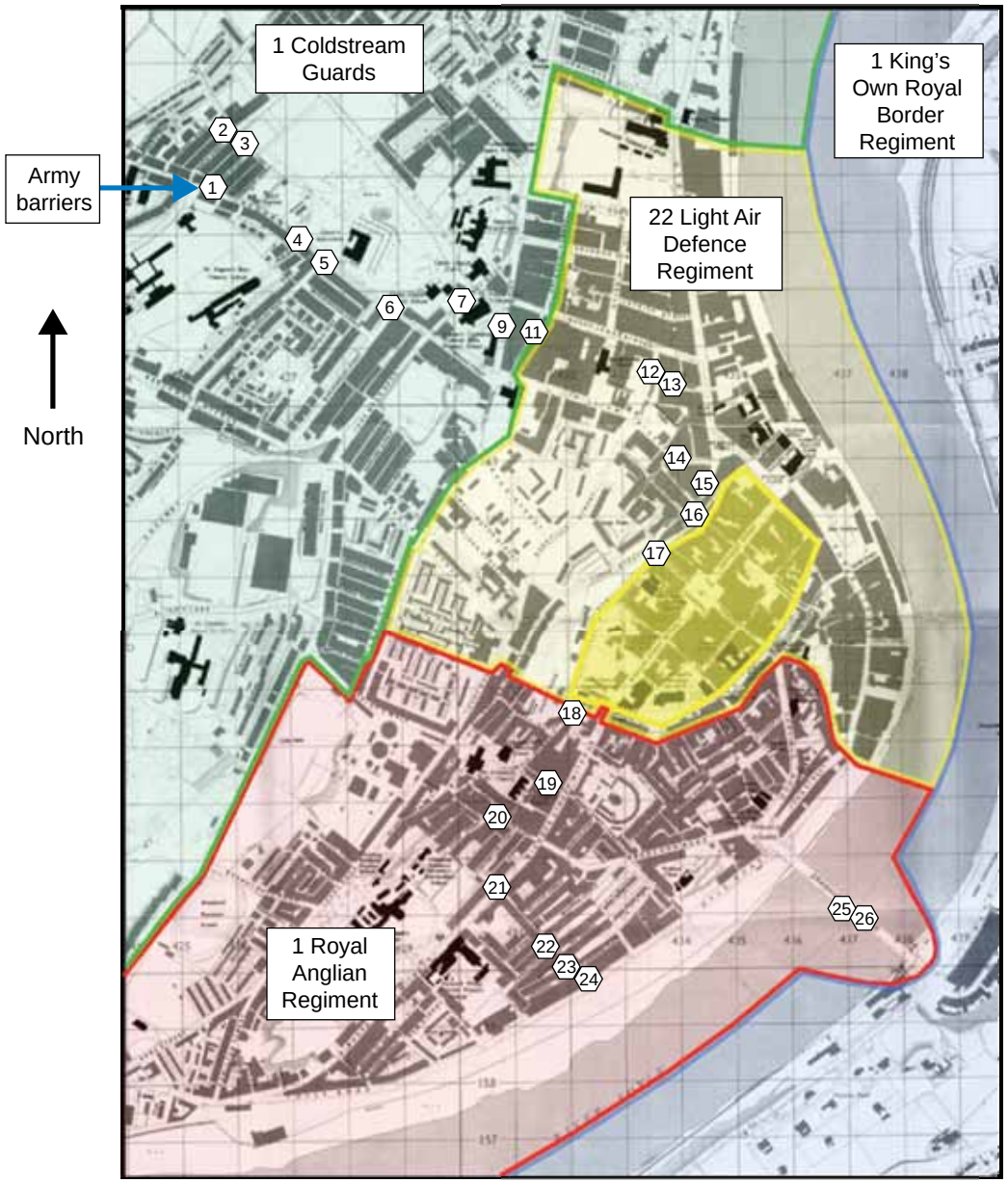
Table 12.1: Areas of deployment and the companies and batteries assigned, 30th January 1972

Area	Soldiers
Northern half of City battalion area	22 Lt AD Regt (in command) 53 Battery 11 Battery One platoon from 42 Battery **Attachments:** A Company, 2 RGJ D Company, 1 PARA
Southern half of City battalion area	1 R ANGLIAN (in command) B Company C Company **Attachments:** 15 Battery, 22 Lt AD Regt 42 Battery, 22 Lt AD Regt
Creggan battalion area	1 CG (in command) Three companies **Attachments:** Three companies from 1 KOB Elements of 5 Ulster Defence Regiment (UDR)
RUC Division N	1 KOB (in command) One company **Attachments:** A Company, 1 R ANGLIAN Support Company, 1 R ANGLIAN Elements of 5 UDR A Company, 6 UDR

Area	Soldiers
RUC Divisions O and P	2 RGJ Three companies **Attachments:** 1 UDR
Mobile reserve	3 RRF Two companies
Arrest force	1 PARA A Company C Company Support Company

12.13 15 and 42 Batteries of 22 Lt AD Regt were deployed in the area for which they were usually responsible, although for the purposes of Operation Forecast they were under the command of 1 R ANGLIAN. The two companies of 1 R ANGLIAN who were left in RUC Division N were also responsible for the area in which they usually worked, but for this operation were under the command of 1 KOB.

12.14 The map below shows in yellow the area for which 22 Lt AD Regt was responsible. The map does not show the entire areas of responsibility of 1 R ANGLIAN and 1 CG but shows the central areas most relevant to the events of 30th January 1972. 1 KOB was responsible for the area on the east of the River Foyle, most of which is not shown. The western boundary of 1 KOB's area was an imaginary line running down the middle of the River Foyle. The area shaded in blue is a small part of the area for which 1 KOB was responsible.



12.15 The numbered hexagons on the map represent Army barriers, erected in order to contain the march within the Creggan and the Bogside. The City Walls are highlighted in yellow within the area for which 22 Lt AD Regt was responsible. It will be seen that the City Walls themselves formed a barrier between Army Barriers 17 and 18.

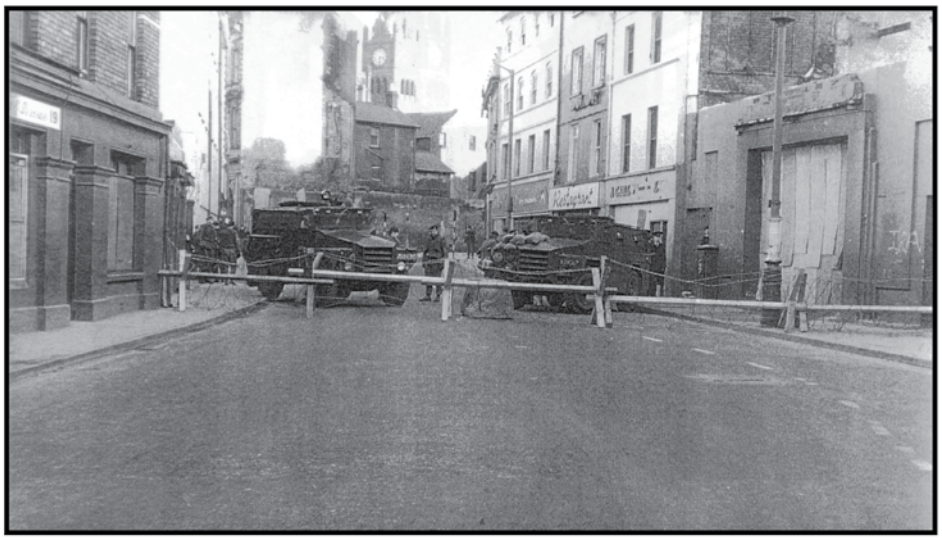
12.16 It should be noted that Barriers 8 and 10 were not erected and that there were no significant incidents at Barriers 1 to 6. It should also be noted that there was some discussion at the hearing about the exact position of Barrier 11, but we are satisfied that it was probably in about the position shown on this map.

12.17 The barriers of particular relevance to this Inquiry are Barriers 11 (in Lower Road), 12 (in Little James Street), 13 (in Sackville Street), 14 (at the east end of William Street), 15 (in Waterloo Street), 16 (at Castle Gate), 17 (at Butcher Gate) and 20 (at Barrack Street).

12.18 Barriers 1 and 3 were permanent structures.[1] The remaining, temporary barriers were generally of the type contemplated by the Brigade Operation Order and were constructed of wooden "knife rests" and barbed wire; some at least had a central concrete block.[2] These temporary barriers were brought into position at about midday on 30th January 1972, but were not fully closed until later in the afternoon. The following photograph shows Barrier 14 in William Street soon after it had been closed. The Guildhall clock shows 3.30pm.

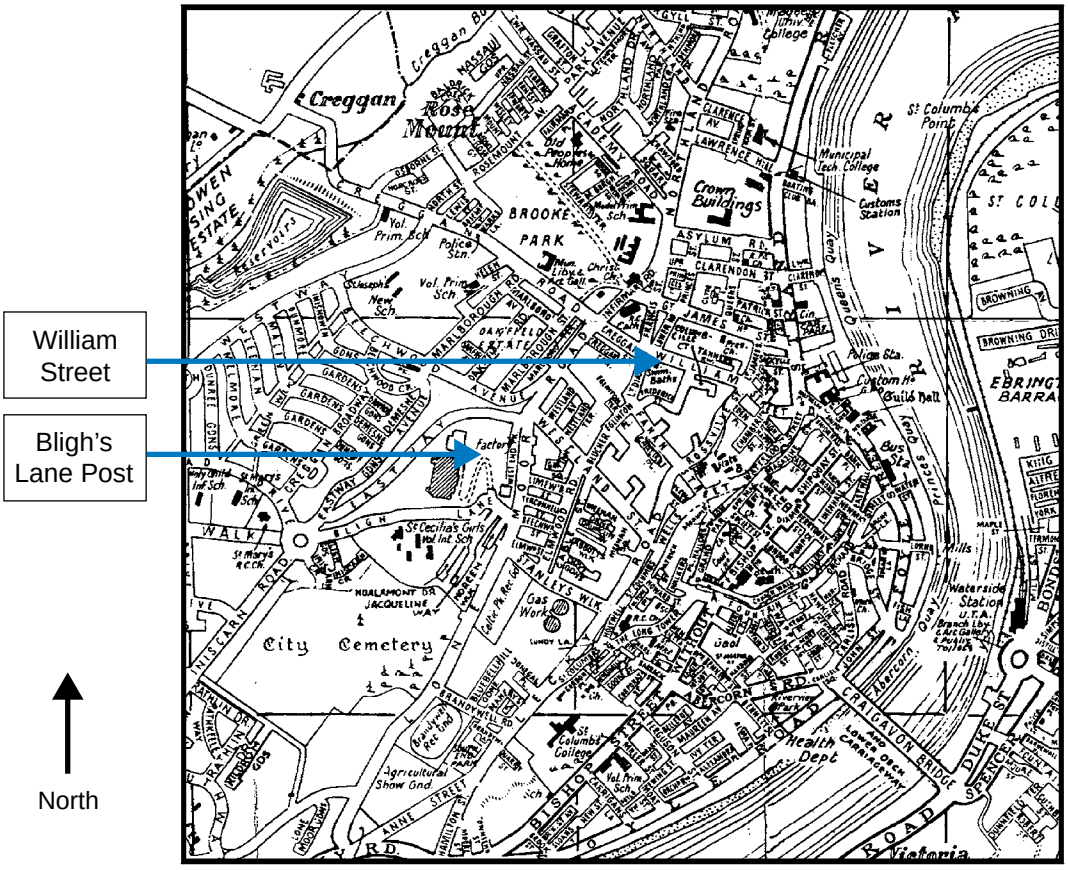
1 B1279.101

2 C1324.2; G95.572



12.19 As the map above shows, the Army plan divided responsibility for the Creggan and the Bogside between two Army units, with 22 Lt AD Regt responsible for the Bogside and 1 CG for the Creggan. However, these soldiers were not expected on 30th January 1972 to enter the no-go areas; their task was to maintain the containment line formed by the barriers and to prevent the marchers from penetrating north or east of the line. There was a static police and Army post at Bligh's Lane in the Creggan (shown on the map below); police and Army personnel did not patrol outside its perimeter while on duty there. This post was manned on 30th January by members of 1 CG. No other soldiers were stationed within the no-go areas on that day.

12.20 The Army post at Bligh's Lane is shown on the following map.

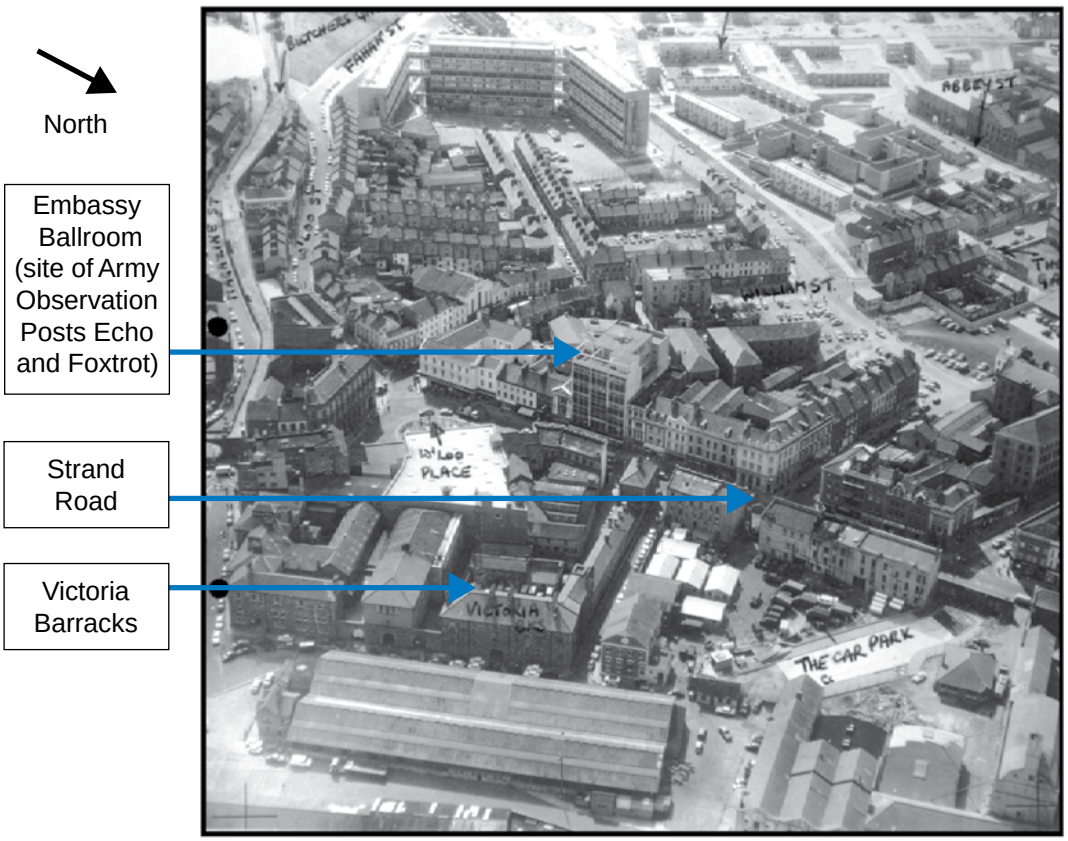


The roles of each battalion and regiment

22nd Light Air Defence Regiment, Royal Artillery

12.21 22 Lt AD Regt was based at Drumahoe, a village some two miles to the east of Londonderry. The Tactical Headquarters (Tac HQ) of 22 Lt AD Regt in Londonderry was Victoria Barracks, within Victoria RUC Station in Strand Road. These barracks are shown on the photograph below.[1]

[1] This photograph, supplied by Captain Condor, was taken well before Bloody Sunday, as can be seen from the fact that it shows houses on the Eden Place waste ground.



12.22 Soldiers under the command of 22 Lt AD Regt were responsible for manning Barriers 12 to 17. The table below, which is based on the orders given to 22 Lt AD Regt,[1] identifies each of these barriers and the companies or batteries that manned them.

[1] G89.547

Table 12.2: Barriers 12 to 17 and the Army Units that manned them

Barrier	Location	Company or Battery
12	Little James Street	11 Battery, 22 Lt AD Regt
13	Sackville Street	11 Battery, 22 Lt AD Regt
14	William Street	A Company, 2 RGJ
15	Waterloo Street	A Company, 2 RGJ
16	Castle Gate	A Company, 2 RGJ
17	Butcher Gate	53 Battery, 22 Lt AD Regt

12.23 In the 22 Lt AD Regt Operation Order,[1] these barriers were given what were described as "*nicknames*", which explains the use of the words "*House Martin*" in a radio transmission later in the day:

Barrier 12	Garden Bird
Barrier 13	Little Tern
Barrier 14	House Martin
Barrier 15	Wood Pigeon
Barrier 16	Wild Fowl
Barrier 17	Water Hen

1 G89.547

12.24 53 Battery 22 Lt AD Regt was made up of three troops, each consisting of about 30 men. On 30th January 1972, one troop was stationed at Butcher Gate. The other two were based at the Masonic Hall car park, within the walled city and in the west side of it. The location of the car park is shown in the photograph below.[1]

1 Supplied by Brigadier MacLellan.

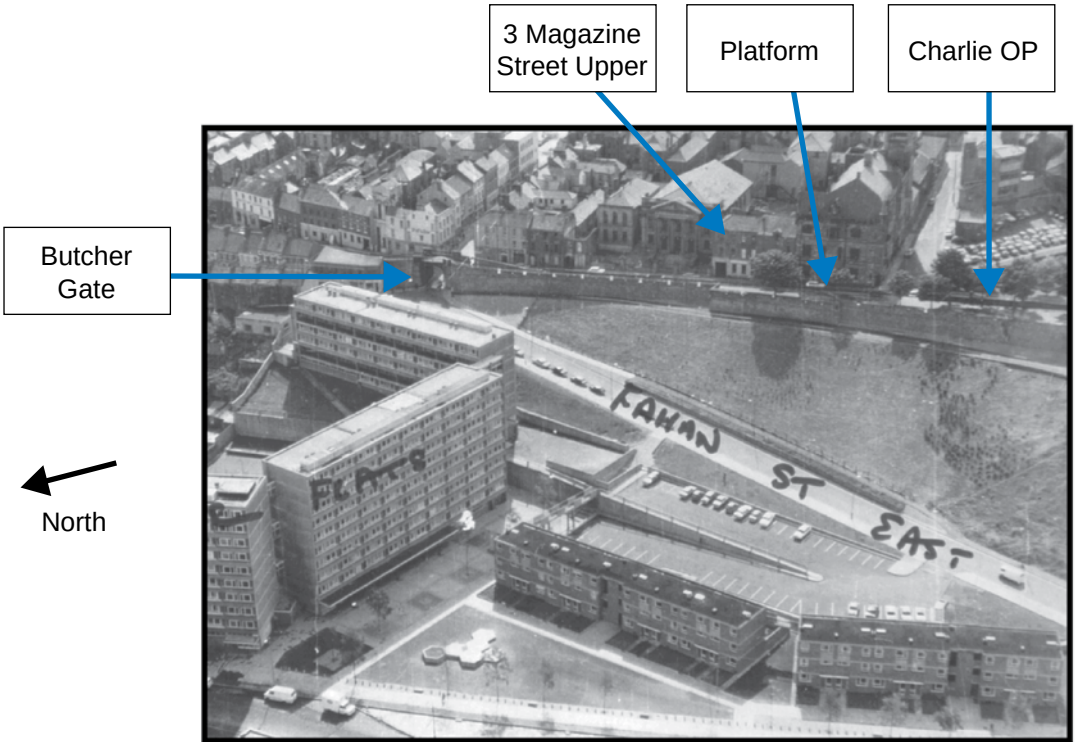
12.25 One of the troops based in the car park patrolled the City Walls. The remaining troop was divided: soldiers from it were deployed in the Observation Posts (OPs) at 3 Magazine Street Upper, Charlie OP and the Double Bastion. One man was deployed at the Walker Monument as a sniper.[1] Two members of this troop were deployed as observers on the Platform, a section of wall overlooking the Bogside, which jutted out from the line of the Walls.[2]

1 B1953.005; Day 349/110

2 B1344

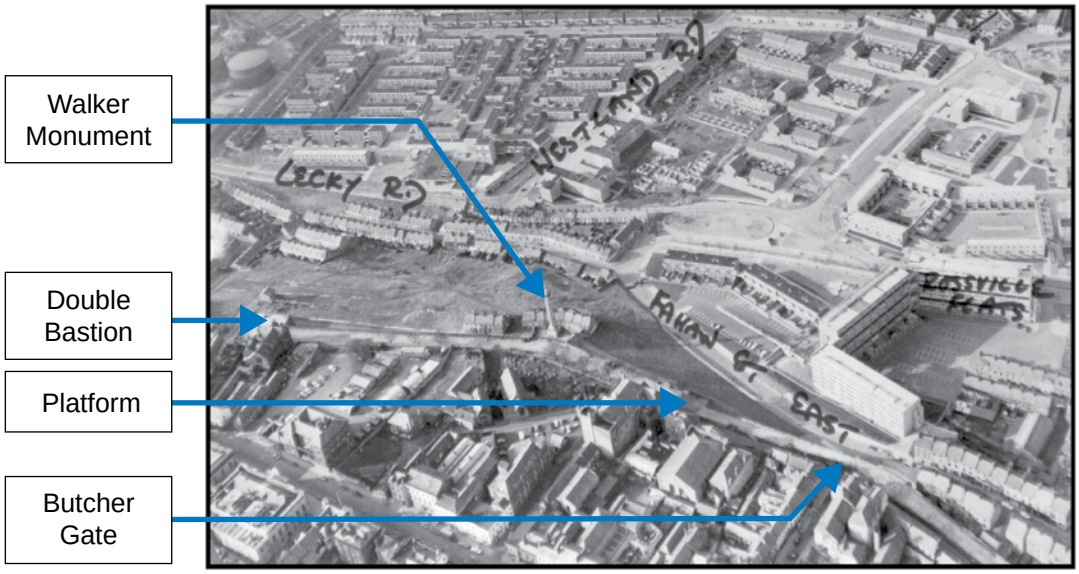
12.26 The photograph below[1] shows the location of 3 Magazine Street, the Platform and Charlie OP. It also shows Butcher Gate, the location of Barrier 17.

1 Supplied by Brigadier MacLellan.



12.27 The following photograph[1] shows the Walker Monument and Double Bastion.

1 Supplied by Brigadier MacLellan.



12.28 The area for which 22 Lt AD Regt was responsible included the OPs Echo and Foxtrot on the top of the Embassy Ballroom, to which we have already referred. OP Echo was at the back of the Ballroom and gave a view onto William Street and beyond. OP Foxtrot overlooked Strand Road and Waterloo Place.[1] Members of 11 Battery 22 Lt AD Regt were stationed at the Embassy Ballroom as observers on the afternoon of 30th January 1972.[2]

1 B1940 2 C1164.1

12.29 Other members of 22 Lt AD Regt were stationed as snipers and observers elsewhere in the city. Members of 11 Battery 22 Lt AD Regt were deployed in Little James Street and Sackville Street. A platoon or troop from 42 Battery was attached to 11 Battery for the operation; members of this platoon were deployed in Harrison's Garage on the north-west side of William Street.

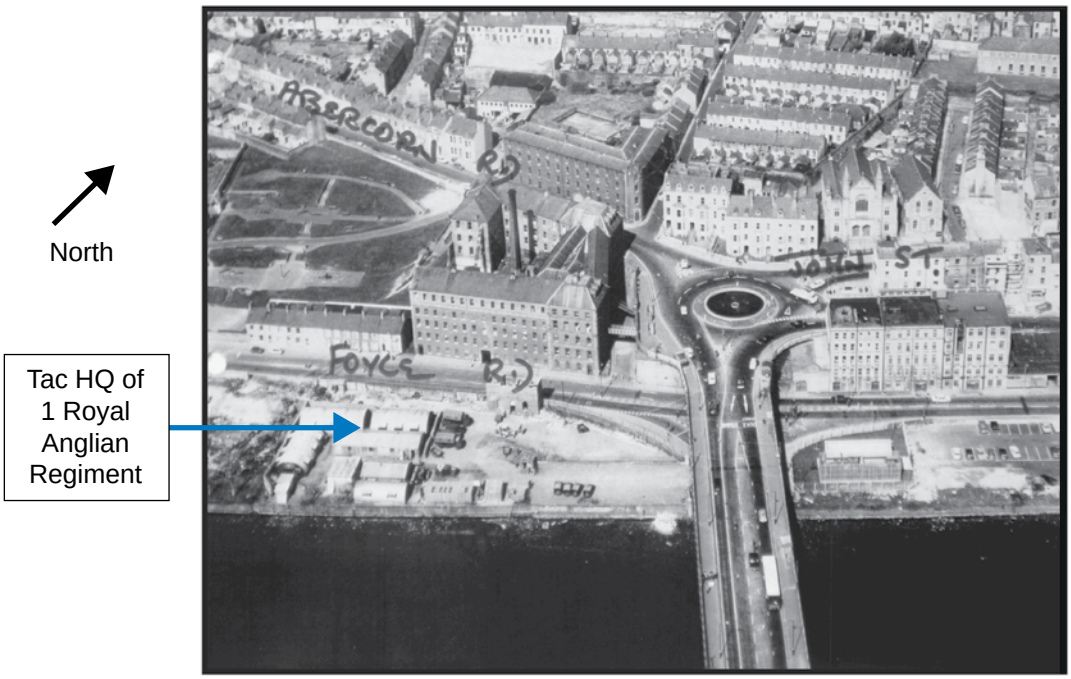
12.30 One platoon of D Company 1 PARA, which was attached to 22 Lt AD Regt, was placed under the command of A Company 2 RGJ. D Company 1 PARA was ordered to prepare to act as an arrest force or to reinforce the barriers.[1]

1 G89.542

1st Battalion, The Royal Anglian Regiment

12.31 The Tac HQ for 1 R ANGLIAN was at Craigavon Bridge. The Army position at Craigavon Bridge, known as the "Bridge location" or the "Bridge Camp", is shown in the photograph below.[1]

1 Supplied by Brigadier MacLellan.



12.32 The road marked as John Street in the above photograph has been incorrectly identified. This street is Carlisle Road. John Street is the street immediately below it in the photograph. The junction of John Street with the roundabout can just be seen.

12.33 B Company 1 R ANGLIAN held Army Barriers 18 to 20. Members of B Company also acted as observers and snipers in the area for which their company was responsible.

12.34 C Company 1 R ANGLIAN held Army Barriers 21 to 24. In addition, members of C Company acted as observers and snipers and manned vehicle checkpoints.

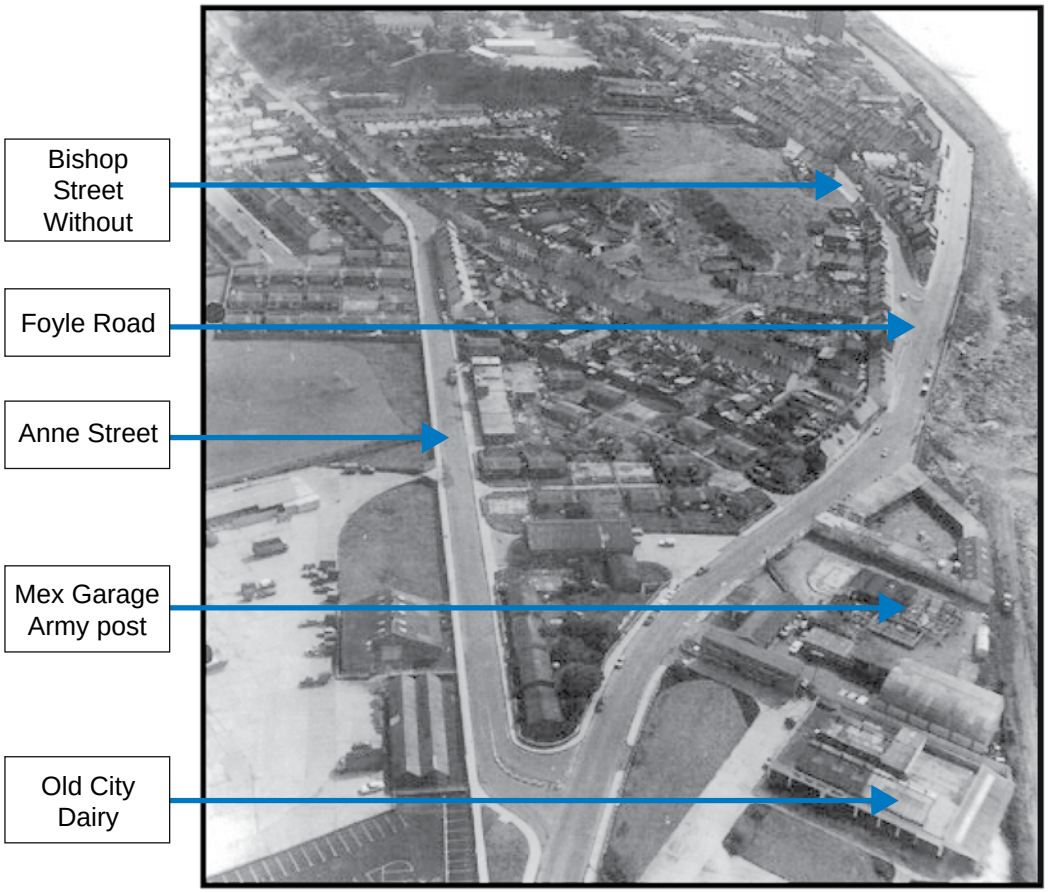
12.35 The table below[1] identifies the 1 R ANGLIAN company and platoon that manned each barrier.

[1] Based on the 1 R ANGLIAN report made after the events of the day (CJ2.16).

Table 12.3: Barriers 18 to 24 and the Army units that manned them

Barrier	Location	Company and Platoon
18	Long Tower Street	B Company, 5 Platoon
19	Henrietta Street	B Company, 6 Platoon
20	Barrack Street	B Company, 7 Platoon
21	Bishop Street Without	C Company, 9 Platoon
22	Ewing Street	C Company, 10 Platoon
23	Orchard Row	C Company, 10 Platoon
24	Foyle Road	C Company, 11 Platoon

12.36 15 Battery 22 Lt AD Regt, under the command of 1 R ANGLIAN, was positioned in the Mex Garage, a military post in the south of the Brandywell. The map and photograph below show the location of this post.



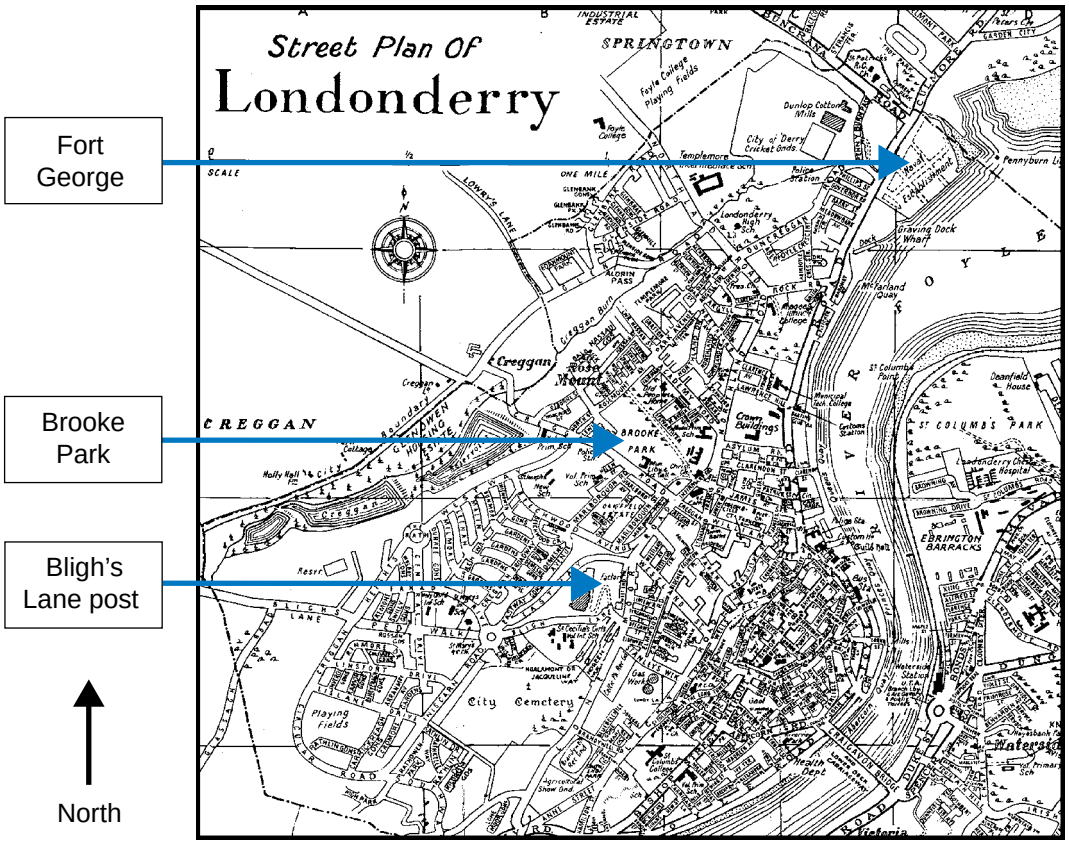
12.37 It will be seen from the above photograph that the Mex Garage was next to buildings belonging to the Old City Dairy. Some people referred to the Mex Garage post as the Old City Dairy.

12.38 Members of 42 Battery 22 Lt AD Regt, under the command of 1 R ANGLIAN, were stationed at the Craigavon Bridge with the task of manning vehicle checkpoints at Barriers 25 and 26 (one on the upper and one on the lower deck of the bridge). One company from 3 RRF, the mobile reserve, was also stationed at the bridge.

1st Battalion, The Coldstream Guards

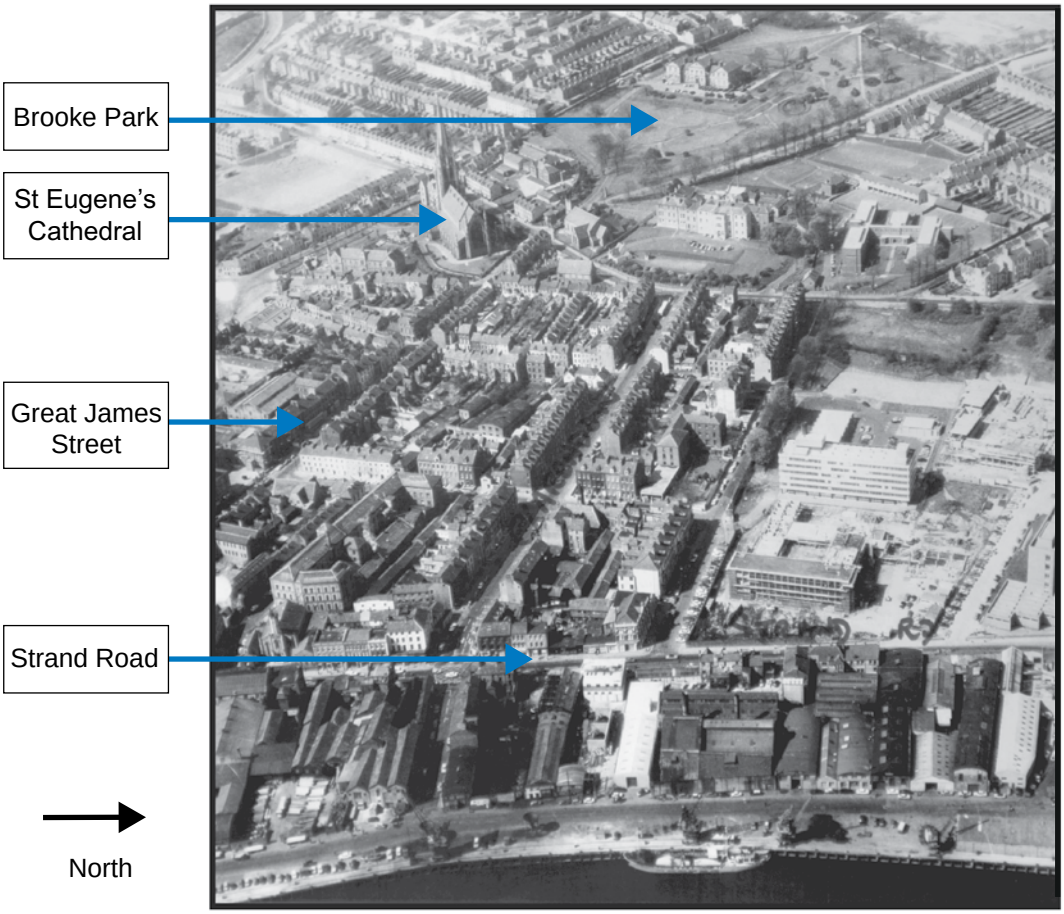
12.39 1 CG was based at Fort George. The battalion's Tac HQ for the purposes of Operation Forecast (the Brigade Order for dealing with the march) was in Brooke Park in Rosemount, north-west of William Street. On 30th January 1972, members of 1 CG were stationed at Fort George, Brooke Park and at the military post at Bligh's Lane in the Creggan. This post was on the site of a disused factory.

12.40 The map below shows the location of these three bases. The map was out of date by January 1972. It describes Fort George as a naval establishment, which it was before it was taken over by the Army.



12.41 The following photograph,[1] taken from the east, shows Brooke Park.

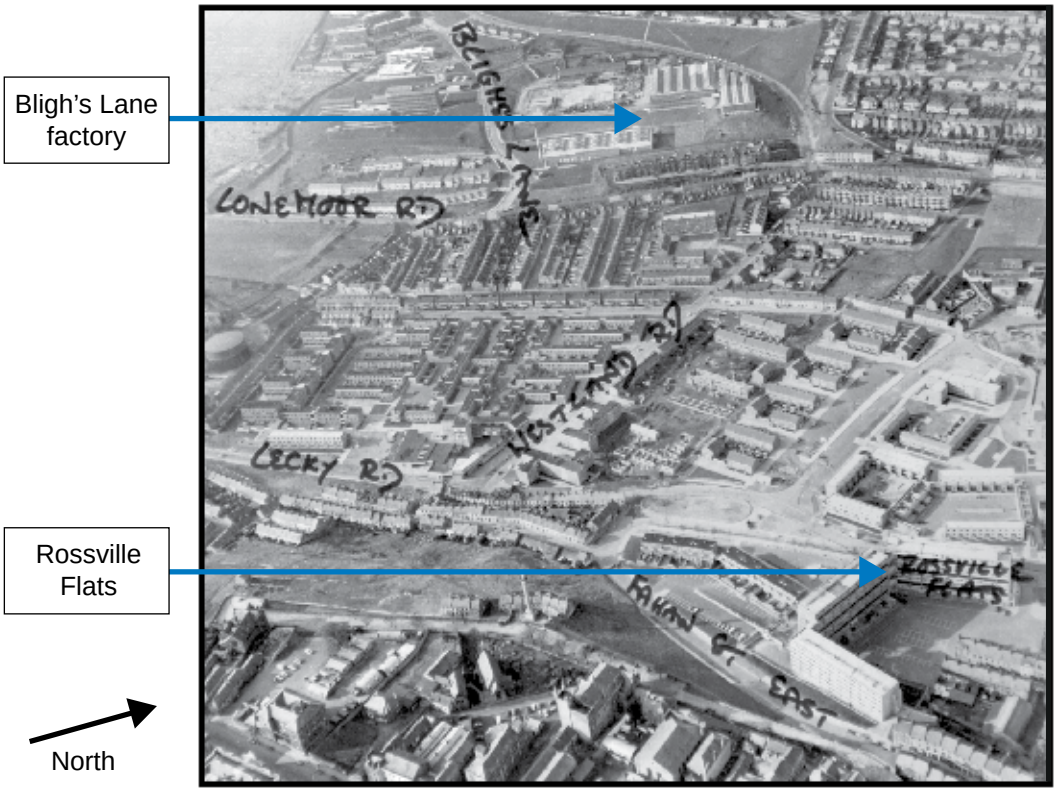
1 Supplied by Brigadier MacLellan.



12.42 The photograph below[1] shows the Bligh's Lane factory. The Tribunal received evidence that there were four or five Observation Posts around the perimeter of the land on which the factory stood.[2]

1 Supplied by Brigadier MacLellan.

2 Eg C747.4; C1221.1

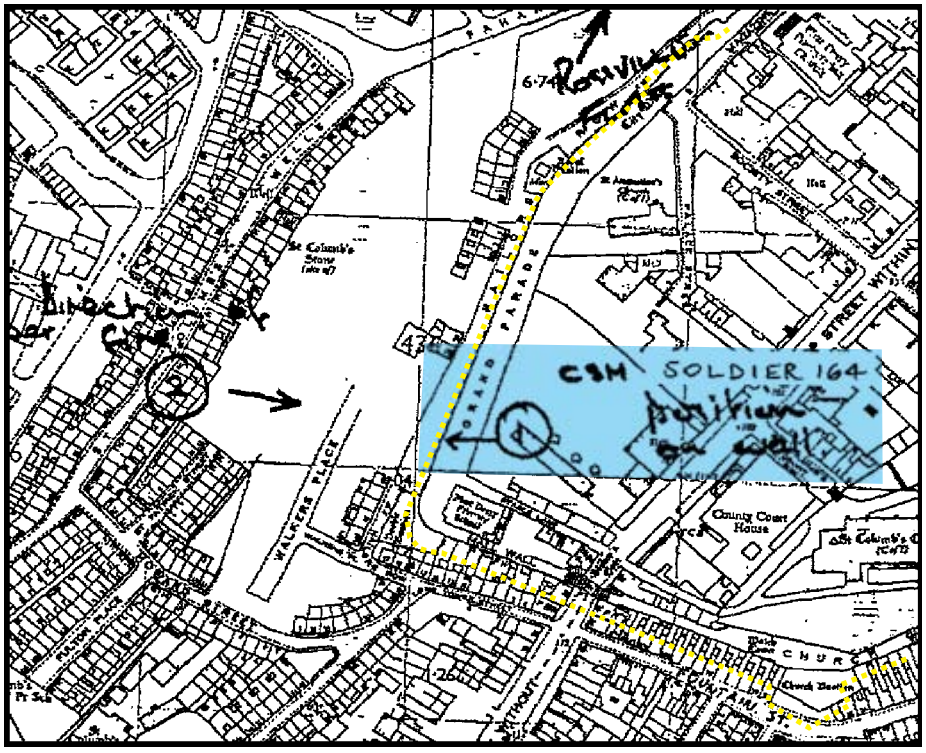


12.43 1 CG manned Barriers 7, 9 and 11. (As we have observed above, there were no barriers numbered 8 or 10.) In addition, members of 1 CG acted as snipers to protect the area in which the battalion was deployed. The Company Sergeant Major of 1 CG's Signal Platoon, Warrant Officer Class I 164, was stationed with a small group of men on the City Walls. Their task was to act as observers, watching events in the Bogside and informing the Commanding Officer of developments.[1] They were stationed just north of the Double Bastion, on the south-west corner of the Walls. In February 1972, Warrant Officer Class I 164 made a statement to the Royal Military Police (RMP) and marked a map, showing his location on 30th January. The relevant part of his map is reproduced below.[2] The City Walls have been marked with a yellow dotted line.

1 C598.4; B1968

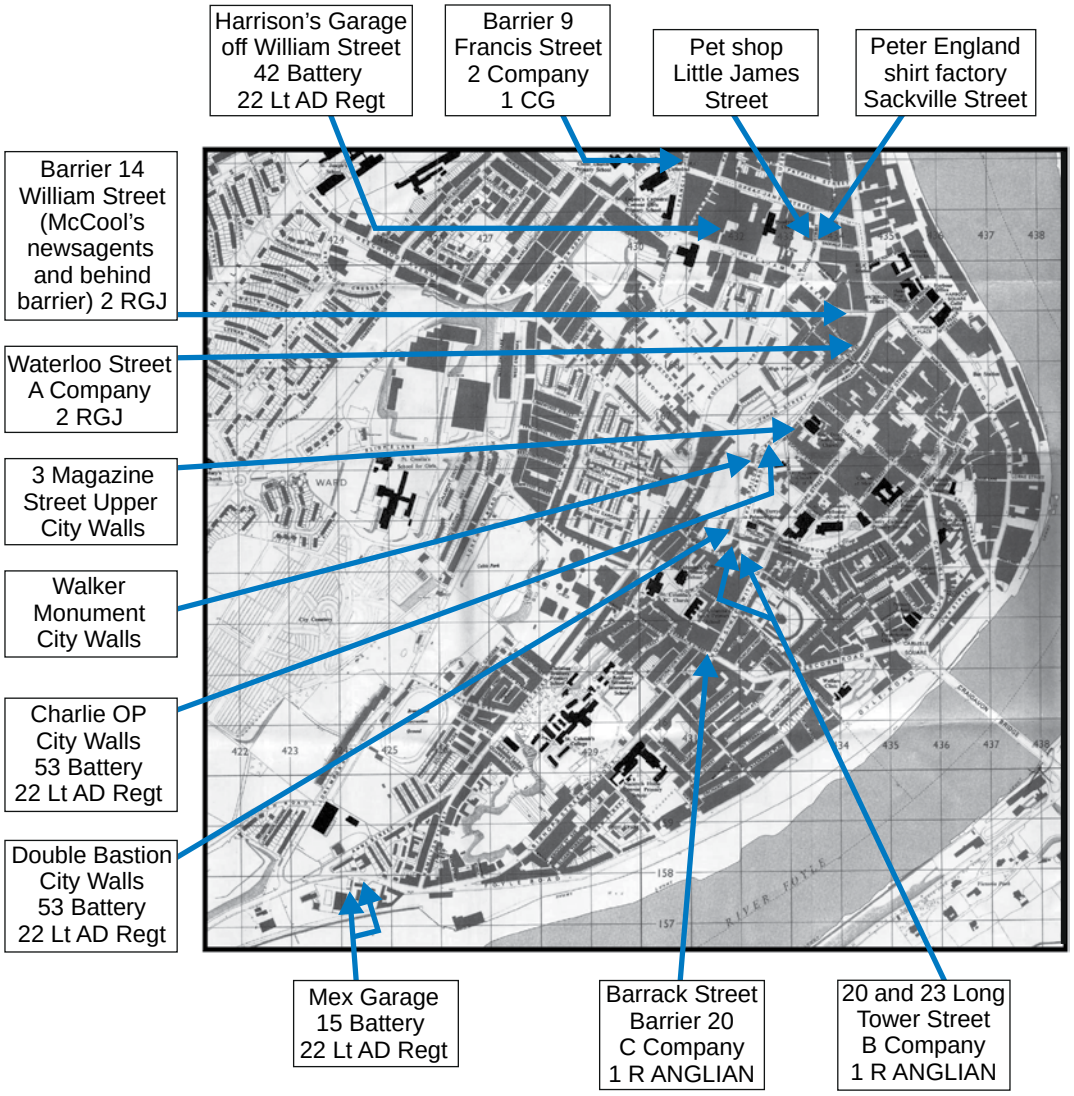
2 B1969.1

North


CSM
SOLDIER 164
PARADE
WALKERS PLACE
County Court House
CHURCH

The deployment of snipers and observers

12.44 The map below shows the deployment of Army snipers on 30th January 1972.



The initial deployment of 1st Battalion, The Parachute Regiment

12.45 1 PARA travelled by road from its Holywood barracks, just outside Belfast, during the morning of 30th January 1972, stopping initially at the BSR factory at Drumahoe, the base for 22 Lt AD Regt. The battalion moved into the city, taking up position in the Foyle College car park, between 1200 hours and about 1250 hours.

12.46 The battalion's companies then took up their Forming Up Positions (FUPs). The companies with which this Inquiry is principally concerned were A Company, which moved to Springham Street (which leads from Lawrence Hill into Clarence Avenue); C Company, which remained in the Foyle College car park; and Support Company, which moved in vehicles to Clarence Avenue.

12.47 D Company was under command of 22 Lt AD Regt and was positioned as a reserve at Victoria Barracks until it was returned to the command of 1 PARA later in the day.

12.48 1 PARA also had B Company, which was sometimes described as a (or the) Command Company, composed in part of drivers and signallers, some of whom travelled to Londonderry and were deployed as part of Support and other companies. There was also a company called variously Administrative Company or HQ Company, responsible for the management and administration of the battalion. This company was composed of trained soldiers, some of whom were on the day attached to Support Company.[1]

1 Day 342/3-5; B1978; B1984; B2022.1

12.49 1 PARA had a mobile Tac HQ, in the form of a converted Commer van known as the Gin Palace.[1] This contained the means of communicating by radio with both 8th Infantry Brigade (on the Ulsternet and through the secure BID 150 encryption unit) and the battalion companies. Elsewhere in this report[2] we provide a detailed description of the radio communications available to the Army.

1 C2006.4

2 Chapters 180–191

12.50 The Gin Palace initially took up position with the rest of the battalion in the Foyle College car park. Although neither the battalion Signals Officer (Captain INQ 2033) present on the day nor one of the watchkeepers in the Gin Palace (Captain INQ 1853) had any recollection of the vehicle moving from this position,[1] it seems likely from other evidence that, at some stage before shooting broke out, it did move to Great James Street.[2]

1 Day 352/138; Day 255/109

2 Day 312/70; Day 318/25; Day 321/147; W141 serial 581

12.51 Two officers who acted as watchkeepers, together with two signals sergeants, two lance corporals and the driver, manned the Gin Palace.[1] Recollections differed as to the exact layout of the Gin Palace. It would seem, however, that the van was divided into two areas, one containing a map pinned to the wall and a table at which the watchkeepers sat with log sheets and pencils listening to the Brigade and battalion nets through handsets and headsets (and possibly through loudspeakers), while the other area contained the radios and the other personnel. The BID 150 secure net radio had a special headset and

microphone to prevent the overhearing of transmissions, and for this reason did not broadcast on loudspeakers.

1 Captain INQ 2033, Captain INQ 1853, Sergeant INQ 2006, Sergeant INQ 270, Lance Corporal UNK 1086, Lance Corporal INQ 2576 and Private INQ 1930 (driver).

12.52 According to Colonel Wilford, A and C Companies each had a strength of 73 men, and D Company had a strength of 74.[1] Major Loden, who had become the Commander of Support Company on 6th December 1971, put the total strength of Support Company at 103, of whom 97 eventually went into the Bogside.[2] We have no reason to doubt the accuracy of these figures.

1 B954

2 WT12.4; WT12.20; B2217

12.53 Support Company operated on the day with four platoons. These were Mortar Platoon, Machine Gun Platoon, Anti-Tank Platoon and Composite Platoon. The last of these was sometimes referred to as "Administrative Platoon". This platoon was composed of various members of Administration (HQ) Company, augmented (as were the other platoons) by members of B Company. When Composite Platoon was deployed on operations, it was often known as "Guinness Force".

12.54 Despite the names of these platoons, most of the soldiers in Support Company on the day were armed with standard issue self-loading rifles (SLRs) that delivered high velocity bullets of the standard NATO calibre of 7.62mm, with a range of over two miles. The typical allotment of ammunition was 50 rounds, of which 20 were in the magazine, 20 in a spare magazine carried in a webbing pouch, and ten in a bandolier in a pocket. Three of the soldiers in Composite Platoon (Guinness Force) had sub-machine guns instead of SLRs because there were not enough of the latter to go round.[1]

1 WT12.45; B2217

12.55 These three also carried riot guns, as did 12 of the other soldiers in Support Company armed with SLRs.[1] Riot guns, also known as baton guns, rubber bullet guns or RUC guns, fired baton rounds and were designed for use in dispersing rioters. They were significantly shorter weapons than SLRs, as can be seen from the following photographs taken on Bloody Sunday.

1 WT12.4

Soldiers holding baton guns at Barrier 14 in William Street

Soldier with SLR in Sackville Street

12.56 The soldiers of 1 PARA were issued with gas masks, but did not carry riot shields or, with the exception of Composite Platoon, use visors, because visors tended to become scratched or steamed up and thus difficult to see through.[1]

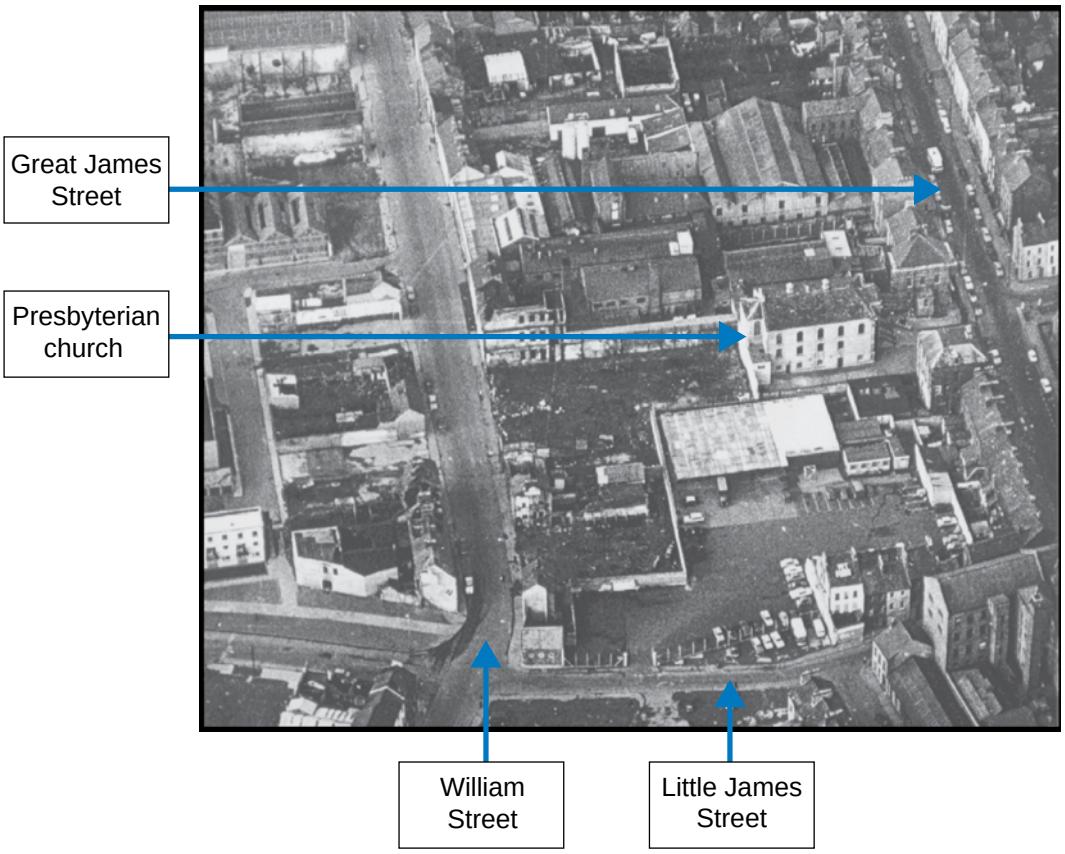
1 WT12.2-3; WT12.19

Reconnaissance

12.57 On arrival at the Foyle College car park, Colonel Wilford ordered his Company Commanders to reconnoitre Barriers 7 and 9 and 11–17, and he and the 1 PARA Intelligence Officer, Captain INQ 7, did the same. Major Loden, the Officer Commanding Support Company, began his reconnaissance at about 1220 hours.[1] He worked his way, he thought, from Barriers 15, 14, 13 and 12 until he reached the Presbyterian church in Great James Street.[2] The following photograph and map show the position of the Presbyterian church.

1 B2212

2 B2248



The plan for Support Company

12.58 In his written statement for the Widgery Inquiry,[1] Major Loden recorded that he looked in particular at the wall to the east of the Presbyterian church, as Colonel Wilford had warned him that Support Company might have to deploy over this wall. Major Loden explained that, although this was the pre-arranged route for his company to get into William Street, he had also been warned that his soldiers might have to enter the area through any of the Army barriers.[2] According to Major Loden, the wall route seemed attractive for a number of reasons. First, it might enable soldiers to surprise rioters. Second, there was a substantial gap between Barriers 12 and 11, and hence the wall, which lay between the two barriers, could provide a useful additional way to move into William Street in the event of disturbances there. Finally, it provided a means of outflanking rioters at Aggro Corner, the junction of William Street and Rossville Street.[3]

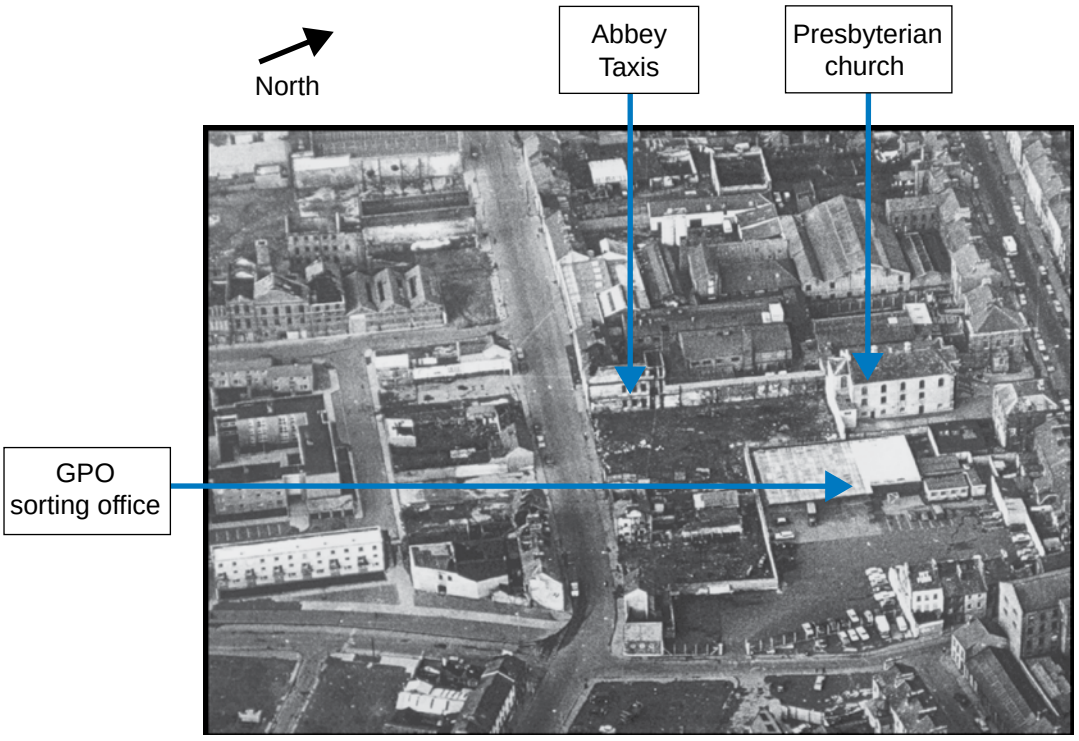
1 B2217
2 B2218
3 B2218; WT12.6

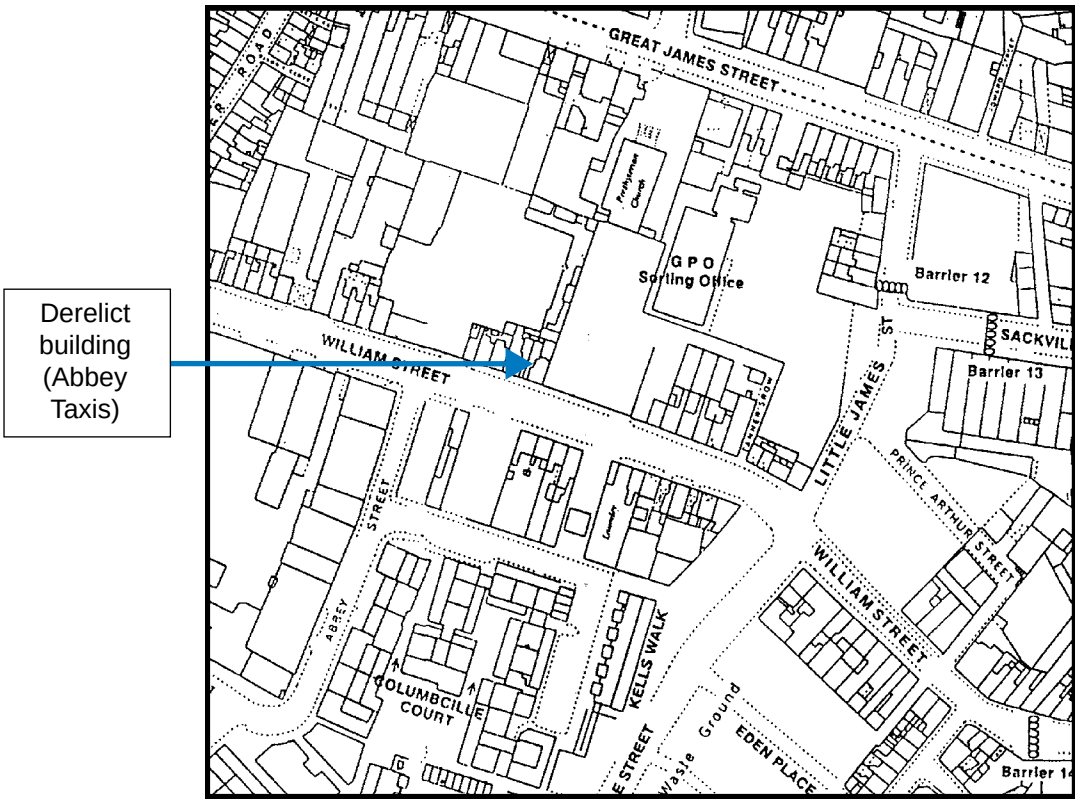
12.59 Major Loden met Colonel Wilford at the Presbyterian church during his reconnaissance. Major Loden's Diary of Operations and his evidence to the Widgery Inquiry recorded that this meeting occurred between 1220 hours and 1245 hours; Colonel Wilford's written evidence in 1972 was that it happened at "*about 1300 hours*".[1] By this stage it had become apparent to Major Loden that the initial plan to go over the wall next to the Presbyterian church had drawbacks. There was wire on the top of the wall that would need cutting, and the route was narrow and exposed.[2] Other soldiers noticed that there was a large drop on the far (southern) side of the wall, while an oil tank on the northern side rendered impossible the use of a vehicle to breach the structure.[3] It is unclear whether either of these factors was in Major Loden's mind at the time, but when he met Colonel Wilford he told him that it would be a difficult place to get soldiers through quickly.[4]

1 B2218; B972
2 B2218
3 C1318.2; B1377.3; Day 334/3-5
4 WT12.6

12.60 Colonel Wilford agreed with this assessment and asked Major Loden to reconnoitre a route over the wall to the west of the church with a view to getting a platoon forward to a derelict building on William Street.[1] This building, which is shown in the photograph and map below, was, as we have noted earlier, generally known as Abbey Taxis, since a firm of that name had been based on the premises. The nine east-facing windows looked out onto an area of waste ground, formerly the site of Richardson's factory (or Richies), which extended to William Street to the south, the Presbyterian church to the north, and the GPO sorting office to the east.

1 B947


North
Abbey Taxis
Presbyterian church
GPO sorting office


Derelict building (Abbey Taxis)
GREAT JAMES STREET
G P O Sorting Office
Barrier 12
Barrier 13
WILLIAM STREET
LITTLE JAMES ST
PRINCE ARTHUR STREET
KELLS WALK
COLUMBCILLE COURT
EDEN PLACE

12.61 Major Loden then met his Platoon Commanders at about 1245 hours (on his timing) at the junction of Queen Street and Great James Street. He warned the acting Commander of Machine Gun Platoon, Sergeant INQ 441, that his platoon might be required to deploy forward to Abbey Taxis.[1] In his written statement to the Widgery Inquiry, Major Loden recorded that he had by then decided "*that the disused building would provide a second route into William Street, in addition to the one over the wall on the East side of the church*", so that he would be able to deploy two platoons simultaneously in an arrest operation.[2]

1 B2212; B2218

2 B2218

12.62 If this evidence is an accurate reflection of Major Loden's thinking at the time, it is clear that at this stage he continued to envisage using the wall to the east of the Presbyterian church as a deployment point for at least some of his company. However, when the arrest operation was subsequently launched, Support Company (with the exception of Machine Gun Platoon, which could not extricate itself from the positions that it had taken up in Abbey Taxis) moved along Little James Street and through Barrier 12. There is conflicting evidence as to when the decision was taken to abandon the (eastern) wall route in favour of the use of the Little James Street barrier, and when this decision was communicated to Major Loden.

12.63 Colonel Wilford gave two written statements to the Widgery Inquiry. In the first he stated:[1]

> "Major Loden Commanding Support Company met me at the Presbyterian Church and informed me that he thought it too difficult to pass a large number of troops through the wire. I agreed with him but asked him to recce a route forward over the wall to the West of the Church. This he did and found it was possible with difficulty to get forward to the derelict house … I told him to be prepared to filter up one platoon this way and made up my mind that I would have to use the Little James Street approach if I was to get any number through in time to catch the rioters.
>
> All reconnaissance was now complete and we settled down to wait."

1 B947

12.64 This statement refers to Major Loden making a reconnaissance of the west wall route before Colonel Wilford decided that he would have to use the Little James Street route. Major Loden's evidence is that a reconnaissance of this area was conducted at about

1515 hours,[1] but it is not entirely clear whether this is the reconnaissance to which Colonel Wilford was referring.

1 B2218

12.65 Colonel Wilford sought to clarify his evidence on the change of plan in a supplemental written statement for the Widgery Inquiry:[1]

> "The wire referred to was a wire fence across the wall at the side of the Presbyterian Church. This happened about 13.00. I told OC Support Company that if we were ordered to move to effect arrests we should probably have to use the Little James Street route. After making our reconnaissance of the barriers in the morning we had discussed the use of vehicles by that route."

1 B972

12.66 The two statements do not expressly record when Colonel Wilford came to these conclusions about the deployment of Support Company, nor when he informed Major Loden of his thinking in this regard. However, they can be read as suggesting that his preferences were established at 1300 hours, and it might be that Colonel Wilford came to give his oral evidence to this Inquiry on the basis of such a reading. His final oral evidence was to this effect,[1] although he had earlier stressed that he could not recall the precise timings involved.[2]

1 Day 314/34-35; Day 314/63-75

2 Day 312/49-56

12.67 Despite Colonel Wilford's evidence on this point, there is a substantial body of material to suggest that it was not until much later in the day that Major Loden learnt that Support Company would be ordered to move through Barrier 12, with the Presbyterian church wall route being abandoned. If correct, this would mean either that Colonel Wilford did not change the preferred plan as early as he thought, or that he failed to communicate this change to Support Company.

12.68 First, there seems little doubt that, until about 1600 hours at the earliest, so far as Major Loden was concerned, the working plan remained to put Support Company soldiers into William Street through the Presbyterian church routes, the only change being to use the wall to the west of the church as well as the wall to the east. Major Loden said that he had explained this to his Platoon Commanders at about 1245 hours, after talking to Colonel Wilford.[1] According to his evidence to the Widgery Inquiry, at 1516 hours Major Loden sent platoon reconnaissance parties to "*look at the obstacles over which they might have to assault*".[2] It is clear from Major Loden's written evidence for the Widgery Inquiry[3] that

the obstacles included the wall to the east of the Presbyterian church. Then, at about 1540 hours, he moved Machine Gun Platoon to the derelict building, ordered Mortar Platoon to cut the wire on top of the wall to the east of the church, and gave Composite Platoon a Warning Order to deploy forward to the open ground to the south of the church.[4] There is no mention, either in Major Loden's Diary of Operations (a record compiled on 31st January 1972)[5] or in his evidence to the Widgery Inquiry,[6] of any alternative plan to move (in whole or in part) via Barrier 12 until 1600 hours. At that time he received a Warning Order from battalion headquarters to be prepared to assault the rioters in William Street through the barrier (Barrier 12) in Little James Street.[7] He told us that this was when he was first informed that the Presbyterian church route was being abandoned in favour of deployment through Barrier 12.[8]

1 B2218
2 B2218
3 B2218
4 B2212; B2218-2219
5 B2212
6 B2218-2220
7 B2212; B2220
8 Day 344/50

12.69 Second, on receiving the order, Major Loden sought to recall Machine Gun Platoon from Abbey Taxis.[1] This was a further change to the earlier plan – as discussed with Colonel Wilford during the reconnaissance – which envisaged one platoon entering William Street from the west of the Presbyterian church. Major Loden clearly interpreted his new orders as being to deploy his whole company through Barrier 12.[2] In fact, Machine Gun Platoon was unable to comply because high walls blocked their route back from Abbey Taxis, as we describe later in this report.[3]

1 B2220
2 B947; B2212; B2218
3 Paragraph 18.154

12.70 Third, there is evidence from a number of Support Company soldiers (including Lieutenant N, the Commander of Mortar Platoon, and Sergeant O, his Platoon Sergeant) that the order to be prepared to deploy over or through the wall was changed only after an incoming shot had struck a drainpipe on the east side of the church. This event, which is discussed later in this report,[1] occurred only a few minutes before 1600 hours.[2]

1 Chapter 19
2 Day 322/118-119; B397-398; WT12.61-63; WT13.10; B801; B466; WT13.24; WT13.35

12.71 For these reasons, we are satisfied that, although Major Loden was aware from the outset that the pre-arranged plan to use the Presbyterian church route might be changed to going through one of the Army barriers, he was not informed by Colonel Wilford until the Warning Order, at about 1600 hours, that he had to be prepared to carry out the arrest operation through Barrier 12.

12.72 Colonel Wilford suggested, during his oral evidence to this Inquiry, that the actions of Major Loden and Support Company at and around the Presbyterian church were examples of contingency planning;[1] in other words, although Major Loden knew that he would probably deploy through Barrier 12, he was ensuring that he had properly prepared other routes. The weight of the evidence set out above is such that we are not persuaded by this suggestion. If Major Loden had been aware from an early stage that he would probably deploy through Barrier 12, then he would have put his company's primary efforts into that objective, rather than seemingly ignoring it until 1600 hours while exposing his men to considerable risk – such as cutting wire on a high wall in view of the Bogside, or asking a platoon to deploy forward over difficult ground – in an effort to examine possible alternatives. Colonel Wilford and those representing him were correct to stress that it was important for commanders to retain flexibility in the execution of the arrest operation,[2] but the point at issue is not the nature and efficacy of the different tactics contemplated by Colonel Wilford in order to meet shifting circumstances, but when the change in the preferred plan regarding the deployment of Support Company was made, and when this was communicated to Major Loden.

1 Day 314/72-75

2 FS7.847

12.73 In this respect, we are satisfied that, though Colonel Wilford had never closed his mind to sending Support Company through a different route from the Presbyterian church, it was probably not until about 1530 hours at the earliest that he started seriously to consider Barrier 12 as his principal option. As described hereafter, it was at this time that 1 PARA sent a message to 22 Lt AD Regt to be prepared to open Barrier 12 (and Barrier 14) "*should we require to push through them to disperse these crowds*".[1] Had Colonel Wilford come to this conclusion earlier, he would surely have informed Major Loden, as he easily could have done either in person or via the battalion radio net.

1 W123 serial 286

12.74 The question of when Colonel Wilford chose to deploy Support Company in vehicles rather than on foot is relevant in this connection. In his evidence to this Inquiry, Colonel Wilford stated that even after he had decided that Support Company would probably move through Barrier 12, he still envisaged that it would do so on foot. It was only later in the day, although he could not remember precisely when, that he changed his mind, believing that vehicles would be required to ensure that Support Company got behind the rioters.[1] Colonel Wilford agreed that Major Loden might not have known until just before 1600 hours that he would be ordered to deploy through the barrier in Armoured Personnel Carriers (APCs).[2] Although he felt that Major Loden had been informed earlier that Little James Street would be used whatever the means of deployment, in our view the time at

which Colonel Wilford decided to use vehicles might well also have been the time at which he chose to alter the planned route.

1 Day 314/58-67 2 Day 314/65

12.75 It follows that, in our view, Colonel Wilford was mistaken in his evidence to us on the question of when the Presbyterian church route was abandoned in favour of going through Barrier 12 and when that change of plan was communicated to Major Loden.

The move to Assault Positions

12.76 At about 1516 hours, Colonel Wilford ordered A, C and Support Companies to move from their Forming Up Positions (FUPs) into Assault Positions in 15 minutes.[1] A and C Company were to move from Springham Street and the Foyle College car park respectively to Princes Street; and Support Company from Clarence Avenue to Queen's Street. As shown on the following map, Princes Street and Queen's Street led into Great James Street.

1 B2212; W90 serial 23

12.77 These companies duly started to move at 1530 hours, and at this time Colonel Wilford ordered C Company to be prepared to move through Barrier 14 (the barrier in William Street) on the left (east) flank of Support Company.[1] In consequence, at 1545 hours, C Company was concentrated (in vehicles) at Waterloo Place, close to the eastern end of William Street.[2]

1 ED49.9

2 ED49.9

Chapter 13: The organisation of the civil rights march

13.1 Although the civil rights march was held under the auspices of the Northern Ireland Civil Rights Association (NICRA), the Derry Civil Rights Association was principally responsible for organising the march.[1] However, Kevin McCorry, who told us that he was in effect the chief executive officer of NICRA at the time,[2] was in Londonderry during the week before the march, oversaw the arrangements for stewarding the march and was made Chief Steward. As we have already mentioned, he told us that recruitment of stewards for the day was left entirely in the hands of Gerry "the Bird" Doherty, a local man from Londonderry and a well-known local Official Republican. Kevin McCorry also told us that he thought between about 200 and 250 stewards were recruited and supplied with white armbands, though he agreed that he had not "*in specific terms*" put his mind to the question of how many stewards would be needed for the size of crowd that was anticipated. Asked about the instructions that were given to the stewards, Kevin McCorry said:[3]

> "A. Well, the instructions were that they were to maintain – first of all – that the demonstration was led by the lorry and we laid great stress on the fact that the people who were taking part in the demonstration would be marched behind the lorry, that we would ensure that they marched in a sort of disciplined fashion. For example, we would line them up in, you know, six abreast or whatever; those sort of considerations and those sort of things were what we all understood were necessary for the march.
>
> Q. What about blocking off roads along the route?
>
> A. What they did was, if you like, it was sort of like a rolling operation. Some of the stewards would have ran forward and blocked off a road to ensure that the march – until the march went past and then gone to another, another location and did the same.
>
> Q. Is that something you discussed with them before the march, or just something that happened?
>
> A. That would have been really, I think would have been Gerry's sort of thing. I mean, I do not recall specifically remembering that discussed as something that had to be done. I just remember that that was the way it was working, but certainly the emphasis – I mean, we all understood the necessity for a peaceful demonstration and a non-confrontational demonstration and we were doing all we could to ensure that that was

> the case, and in the circumstances the stewards acquitted themselves, I am convinced, extremely well and, you know, and very, very creditably."

1 KB2.13
2 Day 129/128
3 Day 129/51-54

13.2 Kevin McCorry agreed that he had reported to the NICRA executive before the march that, in broad terms, the organisation and arrangements were satisfactory.[1] Jimmy Doris, another member of the NICRA executive, told us that the executive was "*fairly satisfied*" with the stewarding arrangements.[2]

1 Day 129/54-55
2 Day 124/22

13.3 The 1972 interview notes of the *Sunday Times* journalist John Barry paint a somewhat different picture. According to these, Kevin McCorry described himself as being "*fairly appalled at the state of unpreparedness*" when he arrived in Londonderry on 27th January; and that he had to rely, among others, upon the Official IRA to provide stewards.[1] Kevin McCorry told us that these notes were inaccurate and that John Barry had put words into his mouth,[2] but in our view they do represent a reasonably accurate record of what he told John Barry.[3]

1 KM2.3
2 KM2.21; Day 129/97; Day 129/102-103
3 Day 129/182-185

13.4 It was submitted on behalf of some of the soldiers that: "*The Tribunal will need to consider whether it was appropriate that known members of terrorist organisations should have been asked or permitted to act as stewards on what was intended to be a peaceful civil rights march.*"[1]

1 FS8.918

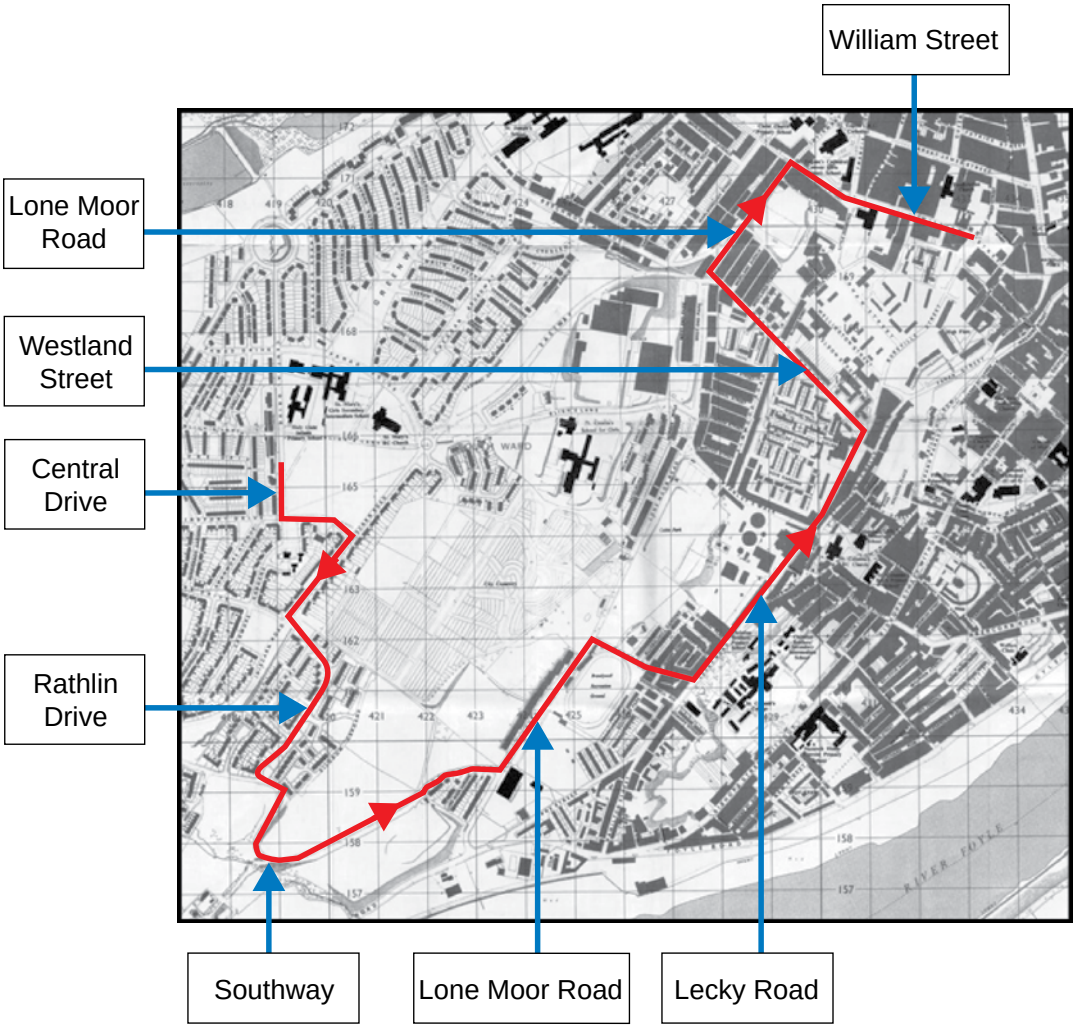
13.5 It is clear that NICRA executive member Jimmy Doris would not have been happy for anyone who was involved with violence to take part in stewarding the march.[1] However, to our minds the relevant question in the context of this Inquiry is not the general appropriateness of employing such people as stewards, but whether any of them with paramilitary connections used – or sought to use – their position to frustrate NICRA's intention to hold a peaceful civil rights march. As we have previously observed, we have found no evidence to suggest that this was, or might have been, the case.

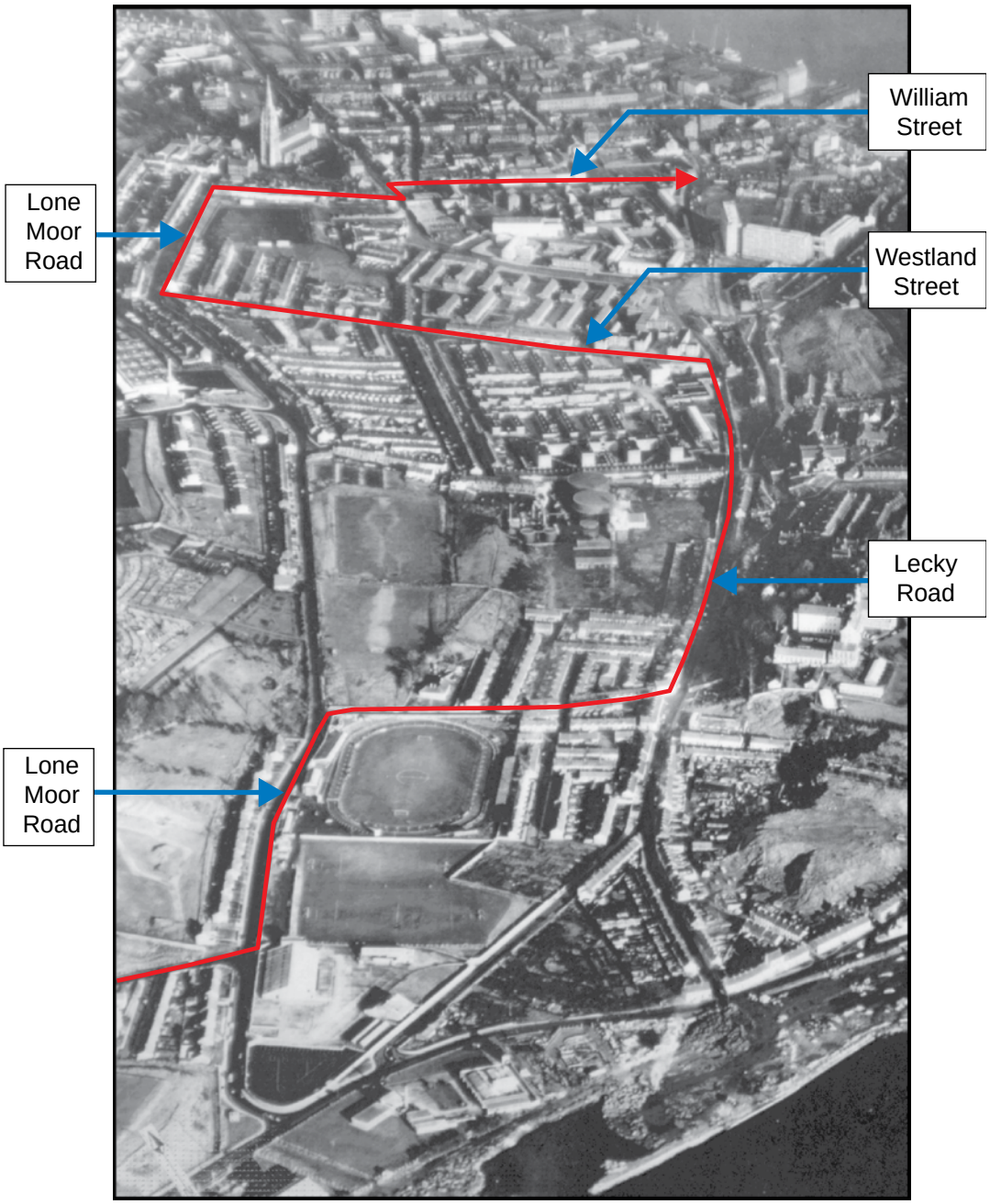
1 Day 124/63

Chapter 14: The beginning of the march

14.1 The civil rights march began at Bishop's Field, where people began to gather from about 2.00pm onwards.

14.2 The march set off at about 2.45pm, taking a roundabout route through the Creggan, down Central Drive, to the east along Linsfort Drive, into Iniscarn Road and Rathlin Drive, then into Southway and along into Lone Moor Road. The march turned at the Brandywell Recreation Ground into Brandywell Road and then up Lecky Road, turning left up Westland Street, into Lone Moor Road and then past St Eugene's Cathedral and down William Street to the junction with Rossville Street. The route of the march to this point is depicted on the following map and photograph.


William Street
Lone Moor Road
Westland Street
Central Drive
Rathlin Drive
Southway
Lone Moor Road
Lecky Road



14.3 The day was cold but bright and sunny. Many witnesses described the march as having a carnival atmosphere, though some were apprehensive and many regarded it as a serious matter because of the importance of its political message.[1] A lot of people were well dressed (many having previously been to church) and there was singing of "We shall overcome" and the like. Several witnesses said that they had no qualms about participating despite the risk of a mandatory sentence of imprisonment for doing so, believing, as they did, that the Government had no right to ban them from marching in their own city, and sensing that this would be an historic day in which popular protest

against perceived injustice could make its point by sheer weight of numbers. Many of those who attended were seasoned marchers; others attended for the first time because they saw it as important to stand up and be counted. In some cases their willingness to take part was strengthened by the fact that respected community figures were going on the march and that Lord Brockway, a life peer and civil rights campaigner, was to speak. The majority of people on the march were intent on making a peaceful protest. They came from all walks of life, including people with no political persuasion and those accompanied by their children. As well as Londonderry residents, marchers came from Belfast and elsewhere. Kevin McCorry, the chief organiser, came from Belfast.

1 In his first written statement to this Inquiry, Charles McDaid said that an anonymous female caller had telephoned his wife on the morning of 30th January 1972, leaving a warning that he should not attend the march because "*the paras are coming in and coming in shooting*" (AM161.1). In his oral evidence, he said that he knew the identity of the caller; she was Jean Manning who, he said, was in January 1972 a telephonist employed by the RUC at Strand Road Barracks (Day 60/126-128). Subsequently, the Inquiry obtained evidence that indicated that Jean Manning (who is now deceased) had not commenced employment as a police telephonist until March 1973. Jean Manning's sister confirmed that Ms Manning had not been in any form of employment in January 1972 (AS47.1; Day 422/75). We are accordingly of the view that there was no such conversation and consider that Charles McDaid's memory must have been playing tricks on him. We are sure that Jean Manning made no such telephone call.

14.4 At the same time there were a substantial number of people on the fringes of the march who saw it not as a means of protesting for civil rights, but as an opportunity to engage in rioting against the troops. As one witness put it:[1] "*My attitude to the march was 'fuck civil rights, fuck the British army we are going to the Guildhall'*." Others said that they had "*no intention of poncing about on a march*",[2] for example, and were intent on rioting because they wanted revenge for what had happened at Magilligan Strand the previous weekend. So they marched with clubs and similar weapons, concealed under coats, because had the weapons been seen by other people on the march "*we would have been lynched*".[3] According to a note in the *Sunday Times* newspaper archive,[4] Bernadette Devlin (now Bernadette McAliskey) expressed the view that it was obvious from the word go at Bishop's Field that half the people on the march were aiming on violence. In her evidence to us, Bernadette McAliskey denied that she had said any such thing, but in our view she may well have done so.[5]

1 AM97.1
2 AM37.6
3 AM421.1
4 KD4.5
5 Day 112/41-43

14.5 A flatbed coal lorry initially led the march. This was driven by Thomas McGlinchey, from a well-known republican family and at the time also a member of the Provisional IRA.[1] It seems that the lorry had originally belonged to his brother, who had been interned in August 1971; the lorry had then been acquired or used by Thomas McGlinchey for the family coal business.[2] There were several people on the lorry, some holding up a Civil

Rights Association banner. The marchers increased in number as the march proceeded, particularly when it got to the Brandywell area of the city, where it met with a large crowd. There is no doubt that those organising the march wanted the lorry to continue to lead, but despite efforts by stewards to achieve this, at about this stage many joined the march in front of the lorry, as can be seen in the following photograph.[3]

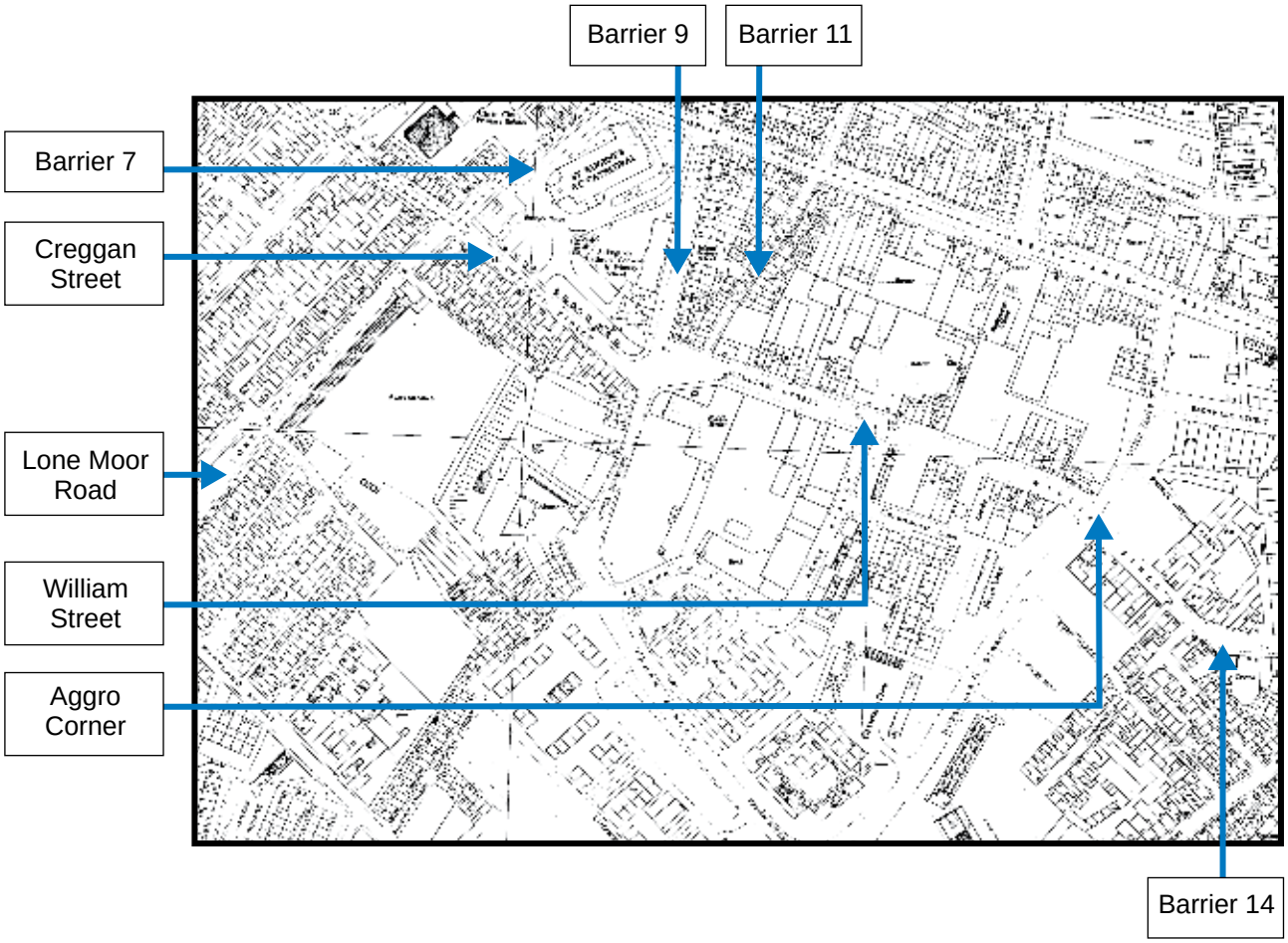
1 AM249.1
2 AM247.1; AM250.1; X4.21.1-2
3 KM2.5; KM2.24; Day 129/111

14.6 Many witnesses were surprised by the size of the turnout, though the estimates of the numbers who marched varied. Daniel McGuinness, who was on the march, told us[1] that he had made an estimate based on the fact that when he reached the bottom of Westland Street, the banner at the head of the march was turning right along Lone Moor Road, and that when he got to the top of Westland Street and looked back, the end of the column of people was just entering the bottom of Westland Street. Judging the distance from the bottom to the top of Westland Street to be about 500 yards, and taking the marchers to be about 15 across the street, and at intervals of a yard, he reached a figure of about 15,000 marchers. Others gave a similar figure, and the RUC put the number at 10,000,[2] though a report from Colonel Welsh in the helicopter at 1542 hours described the crowd as very spread out and in his view numbering only in the region of 2,000.[3] In the light of all the evidence, we are satisfied that well over 10,000, and possibly as many as 15,000, marched in Londonderry on that day, many joining the march along its route.

1 Day 96/36
2 W124 serials 302 and 305
3 W124 serial 326

14.7 As the march reached the end of Lone Moor Road, turned right into Creggan Street and approached William Street, it got close to Army Barriers 7, 9 and 11. Here stewards lined up along the side of William Street to prevent the crowd from approaching these barriers, and though the soldiers there were subjected to jeers and insults from the crowd, there were no reported incidents of violence.[1]

[1] Day 298/64; W121 serial 251; W122 serials 257-259 and 262



14.8 The following photograph, taken from William Street, shows the marchers passing the end of Francis Street. Barrier 9 can be seen in the background.

14.9 The march entered William Street from Creggan Street at about 3.15pm. Among the famous photographs of the march coming down William Street is the following.

14.10 The soldiers closed the barriers as the march approached. Barriers 7, 9 and 11 were closed at about 1526 hours and Barriers 12 and 13 at about 1531 hours.[1] Barriers 14, 15, 16 and 17 seem to have been closed a short time earlier.[2]

1 W121 serials 248 and 253

2 W120 serial 229

Chapter 15: Rioting at Barrier 14

Contents

The change of route

15.1 As already noted,[1] the organisers had advertised the march as going to Guildhall Square (Shipquay Place), where speakers would address the marchers. However, on the morning of the day (and probably not until about noon) the organisers took the final decision not to seek to go to Guildhall Square, as this would inevitably lead to a confrontation with the security forces.[2] Instead, they decided that the marchers would be turned right at the junction of William Street and Rossville Street and would go along Rossville Street to Free Derry Corner to hear the speakers there. However, there was some evidence that it was also planned that two of the Northern Ireland Civil Rights Association (NICRA) Executive members should go on down William Street to make a formal protest to the security forces barring the way to Guildhall Square.

1 Paragraphs 9.730–733

2 Day 125/27; Day 125/30

15.2 Kevin McCorry told this Inquiry that the organisers decided not to make a public announcement of the change of route because "*we were not prepared for the authorities to define what we could do*", but that they did pass the message about the change to the stewards "*by word of mouth*".[1] In his oral evidence Kevin McCorry agreed that this meant that it was "*on the cards*" that some of the crowd would think that the march was still going to its advertised destination.[2]

1 KM2.17

2 Day 129/72

15.3 It was submitted to this Inquiry on behalf of NICRA that in addition to the political reason for not announcing the change of route at the outset, there was a safety reason, namely "*the danger that elements of the crowd would leave the field and proceed in an unorganised manner in the direction of Guildhall Square*".[1] However, we have found nothing in the evidence that indicates to us that this was or might have been a reason for the decision not to announce the change of route at the outset.

[1] FS10.102; FR10.48

15.4 In the course of Kevin McCorry's oral evidence, there was this exchange:[1]

> "Q. I take it from all that you have been telling us so far that you realised, by 'you' I mean you and other members of the Executive Committee, that the route of the march might be blocked so that you would not be able to reach the Guildhall?
>
> A. Yes, that is correct.
>
> Q. Did you also appreciate, given that Derry was somewhere where there was pretty regular rioting and this was likely to be a huge march, that there was a risk that there would be a violent confrontation between some of the marchers and the army at whatever place the march was stopped at?
>
> A. Certainly there was always that, that was always in the – a factor taken into consideration, yes.
>
> Q. Did you have any plans to prevent that confrontation?
>
> A. Yeah, well the plans involved the, what we hoped – the way that the stewards would control the situation at that particular time, yes.
>
> Q. What are you referring to?
>
> A. Well, specifically, as it worked out, it was the question of the role of the stewards (a) at the William Street/Rossville Street junction, and then, if necessary, what did subsequently happen in terms of the stewards going down and interposing themselves between the youths and the barrier and try and push them back to the main demonstration.
>
> Q. Can I understand it: if you were barred from going to the Guildhall, the lorry would turn to its right down Rossville Street at the junction with William Street; is that right?
>
> A. That is correct, yeah.

Q. And what about the east end of William Street, that is to say from the junction with Rossville Street towards the Guildhall, were people to be allowed to go down that end?

A. No, the object of the exercise would be to ensure that the body of the march followed the lorry to the destination – to the Free Derry Corner, where the meeting was to be held.

Q. How were people to be stopped from going down the east end of William Street?

A. By placing the stewards there, would be the – probably the – yes.

Q. That was something that was thought about, was it, before?

A. No, I am not, I mean I am speculating on that, I mean, but that would have been – what would have been – we would have wanted to do was to make sure that the vast bulk, obviously the optimum scenario would be that the entire march followed the lorry to the meeting at Free Derry Corner and that the stewards would ensure this.

Q. Forgive me, you were the chief steward; I do not quite know why you need to speculate. Was it or was it not the plan that stewards would prevent people from going down to the east end of William Street from the junction?

A. It would have been it, yes, it would have.

Q. We have heard from Edwina Stewart that there may have been a plan for two people, herself and Jimmy Doris, who in the event did not make it to the march, to go and make a formal protest at the barrier if the march was stopped from going to the Guildhall; were you aware of that?

A. I have seen that in the sort of the references to it, but I do not recall that, but certainly that would have – that would be the sort of thing to take the heat out of the situation, that would have made sense."

[1] Day 129/48-51

15.5 Thomas McGlinchey (the lorry driver) told us in his evidence that he believed that he had been told to go to Free Derry Corner from the outset.[1] This may well be so, but it is clear that many, if not most, marchers (and a number of the stewards) were unaware of the change of plan. There was no public announcement of the change when the march began, though the word was passed to some stewards. Even when the march got to

William Street, there were stewards who remained unaware that the route had been changed.[2]

1 AM249.1

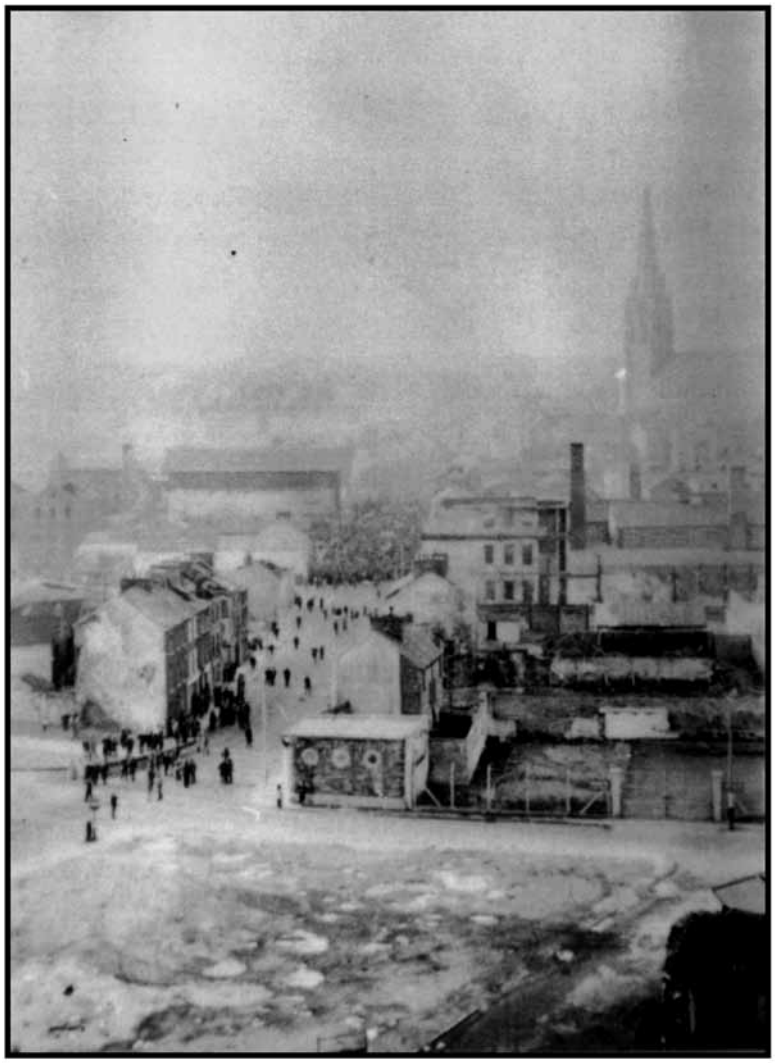
2 Day 153/122; Day 176/53-54; Day 176/58

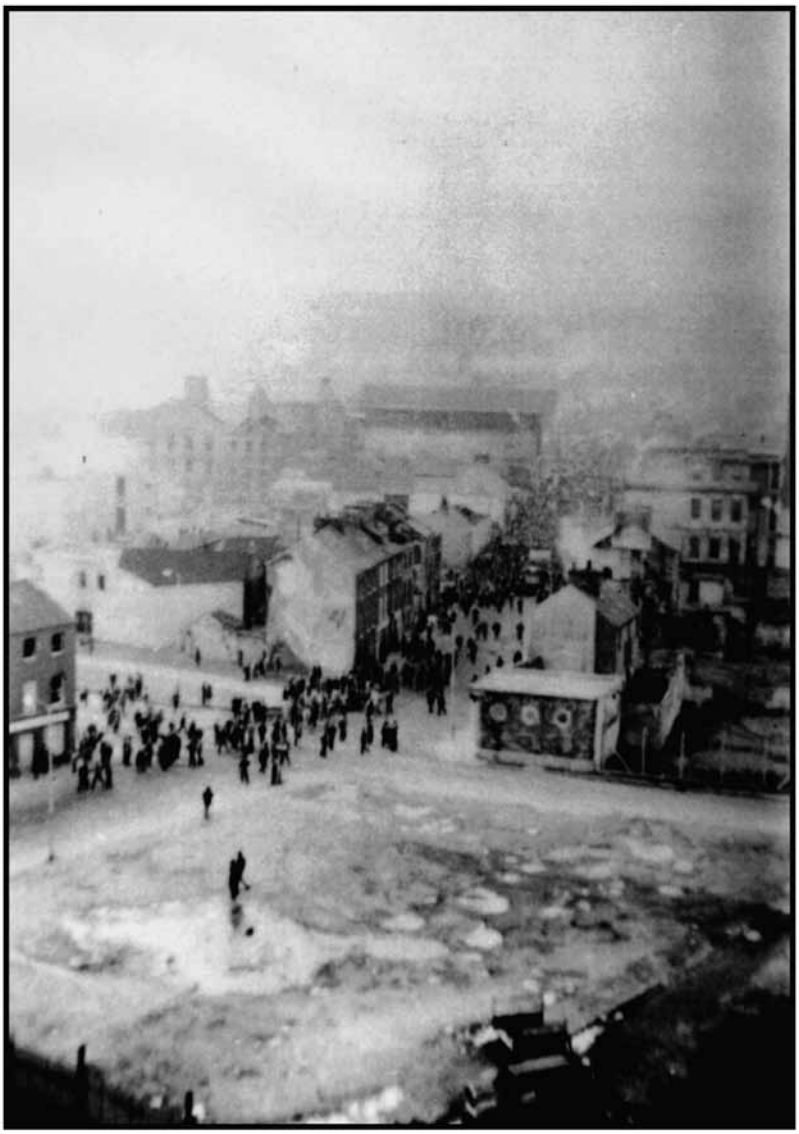
The junction of William Street and Rossville Street

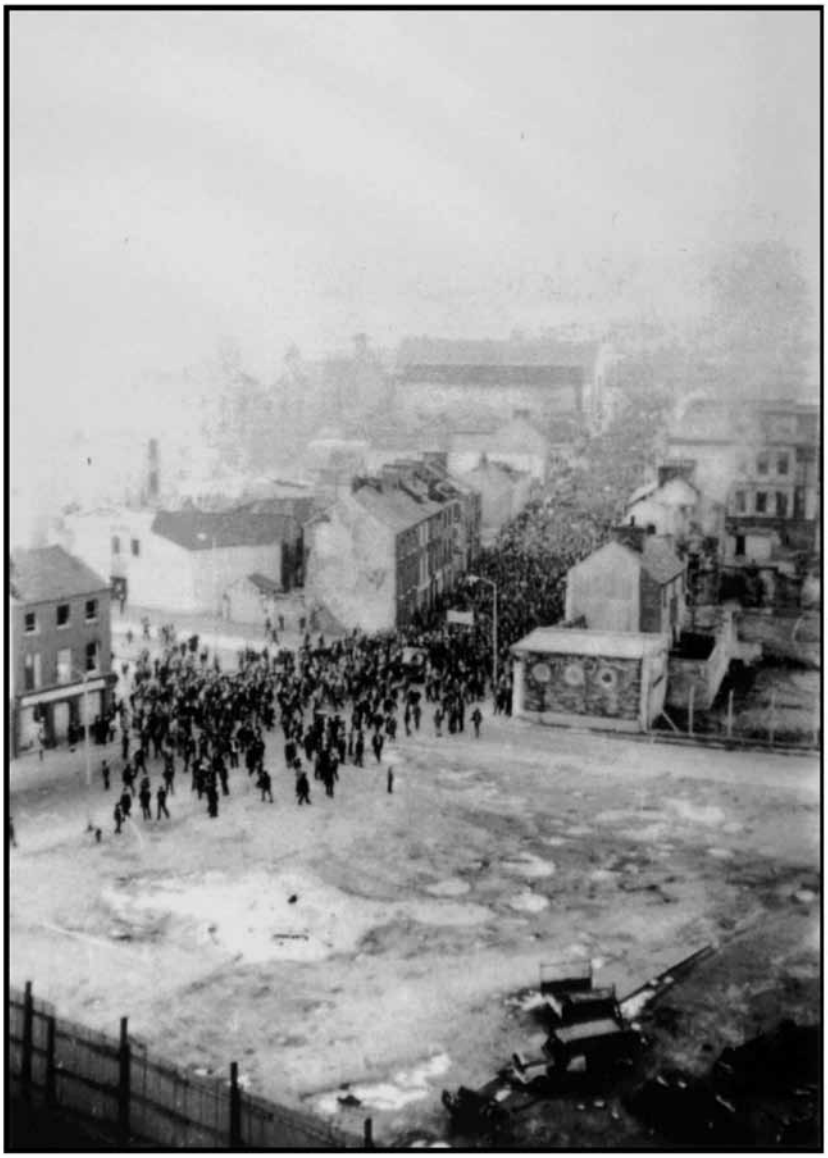
15.6 As the march approached Abbey Taxis in William Street (ie the derelict building to which Machine Gun Platoon of Support Company was sent a few minutes later), the photographs below show that there was a line of stewards (identifiable by their white armbands) facing the marchers.

15.7 The march reached the junction of William Street and Rossville Street at or shortly before 3.35pm.[1] By this time, the line of stewards seems to have dispersed or been outflanked, for the following photographs taken by Colonel Tugwell from the Embassy Ballroom OP show no body, line or cordon of stewards awaiting the arrival of the marchers.

[1] W158; W169







15.8 Patrick McCallion, who was on the march, told us that he saw about five stewards at the junction who were linked arm-in-arm trying to stop people going to Barrier 14, but that there were not enough of them to hold back all the marchers trying to get past them. However, Patrick McCallion also told us that he was about 100–200 yards behind the lorry as it went along William Street, and that by the time he got to the junction the lorry had already turned into Rossville Street.[1] It seems therefore that he was not describing the scene at the time the lorry arrived at the junction. We can see no stewards in Colonel Tugwell's photographs standing arm-in-arm or otherwise. Even if there were some stewards there at this time, they clearly had had little success in diverting people into Rossville Street. The organisers intended the marchers to follow the lorry, which did turn

into Rossville Street despite shouts and screams from some marchers for it to continue down William Street, but the youths who had been in front of the lorry lost no time in running on towards Barrier 14, which was some 120 yards further along William Street. Many marchers followed them, as can be seen in the following photographs.

[1] AM74.1; Day 71/140

15.9 Those running on towards Barrier 14 included seasoned rioters who were holding sticks and stones and were clearly intent on engaging the soldiers at Barrier 14. Someone shouted "*charge!*" at this time.[1]

1 AM97.1; AM146.1-2; AP18.1-2; M79.1

15.10 In our view what happened was that by the time the lorry had reached the junction of William Street and Rossville Street many people were in front of the lorry. Despite appeals through the loudspeaker on the lorry for people to turn right and go along Rossville Street to Free Derry Corner, a sizeable body of people, marchers as well as those intent on rioting, continued down William Street. The result was that soon afterwards that part of William Street between the junction with Rossville Street and Barrier 14 became full of people. Kevin McCorry, who was on the lorry, told us that this happened because the lorry did not stop at the junction, but turned right before stopping in Rossville Street. However, though this may have been a contributory cause, it seems to us that the failure to inform the marchers that the destination had been changed to Free Derry Corner, and the absence of any, or any sufficient number, of stewards at the junction or in William Street, were at least equal causes of marchers (as opposed to those intent on rioting) continuing along William Street. Kevin McCorry told John Barry of the *Sunday Times* that "*the problem was that no stewards had been taken and given the specific responsibility of being on that corner*".[1] Kevin McCorry acknowledged to us that there was a "*momentary*" loss of control of the march at that point.[2]

1 KM2.6; Day 129/117-118

2 Day 129/61-62

15.11 As to those intent on rioting, it was submitted on behalf of some of the soldiers that if it had been the intention of the march organisers to prevent the occurrence of rioting at the Army barriers, it was self-evident from the rioting at Barrier 14 (which we discuss in detail below) that either the number of stewards was inadequate, or the available stewards were inappropriately positioned.[1]

1 FS8.919

15.12 In our view there is no doubt that the organisers of the march wanted to have a large and peaceful procession. It also appears from the evidence given by Kevin McCorry that it was appreciated that if the march were stopped from going to Guildhall Square, the occasion was likely to lead to rioters accompanying the march and seeking to attack soldiers at the barriers. Kevin McCorry's evidence was to the effect that the plan was to have stewards at the junction of William Street and Rossville Street to prevent people going further along William Street; but, assuming this to be so, it seems that none of the stewards was given specific instructions in advance to this effect, with the result that

when the front of the march reached the junction there were few if any stewards there and no means of seeking to prevent people from continuing along William Street.

15.13 We consider, therefore, that there were shortcomings in the organisation of the march. However, it seems to us that even if stewards had been stationed at the junction, in view of the wide-open spaces there it would have been difficult if not impossible for them to have stopped all those intent on confronting the soldiers who were blocking access to Guildhall Square. The organisers of the march wanted to make a peaceful protest, but must have known that whatever they did there was likely to be trouble from elements intent on rioting.

Barrier 14

15.14 The people who led the way along William Street stopped short of Barrier 14 at the junction with Chamberlain Street, as can be seen from the following photographs.

15.15 There was at this time some stone-throwing from this group, aimed at the soldiers and police behind Barrier 14, but soon some stewards managed to get in front and tried to prevent the people moving further forward towards Barrier 14, as shown in the photograph below.

15.16 Meanwhile many marchers had either stopped at the junction of William Street and Rossville Street, or continued down William Street, rather than turning right into Rossville Street, as can be seen from the photograph below.

15.17 Some of these marchers brought with them the NICRA civil rights banner that had previously been on the lorry. This can be seen in the following photograph.

15.18 There was a loudspeaker on the lorry. Kevin McCorry told this Inquiry that the plan had been for the lorry to stop briefly at the corner of William Street and Rossville Street and for an announcement to be made from the lorry that the march was going to Free Derry Corner, but this did not happen.[1] Thomas McGlinchey (the driver) told this Inquiry that he had received no such instructions.[2] The lorry (according to what Kevin McCorry told John Barry of the *Sunday Times*) went round the corner "*much too fast*"[3] and it may be that no announcement was made from it until it had gone some way down Rossville Street. Although Thomas McGlinchey told us that he turned and then went on down to Free Derry Corner without stopping,[4] we believe his recollection on this point is likely to be incorrect. There is other 1972 evidence that the lorry, having started down Rossville Street, reversed back towards the junction between William Street and Rossville Street and later went backwards and forwards on Rossville Street with the loudspeaker continuing to be used to appeal to the crowd to go to Free Derry Corner.[5]

1 Day 129/59-60
2 Day 53/17
3 KM2.6
4 AM249.5; Day 53/18
5 KM2.6; JC4.4-6; WT3.35; JM19.4-5; JH10.2

15.19 Despite these efforts William Street rapidly became blocked with people. This had the effect of pushing the crowd up to Barrier 14, notwithstanding attempts by stewards to hold it back, while further back the marchers coming down William Street towards the junction with Rossville Street came to a halt. There was thus at this stage very considerable confusion and a loss of control of the march, though stewards at the junction continued to try to turn the marchers down Rossville Street by telling people that the meeting was at Free Derry Corner.[1] The fact that the organisers had chosen not to announce publicly that the march would be going to Free Derry Corner and not Guildhall Square undoubtedly contributed significantly to the confusion at the junction.

1 H1.3; KM2.6

15.20 It was now some time between 3.35pm and 3.40pm. The stewards in front of the crowd at Barrier 14 continued to try to keep control. Some were facing the crowd, but others were insisting to the security forces that the Derry people had the right to march to the Guildhall.[1] There was a lull in the stone-throwing but the crowd was hostile. People were shouting abuse at the security forces and spitting across the barrier. One person made an attempt to dismantle the barrier. There were chants of "*IRA, IRA*".[2] There are photographs (reproduced below) and film footage that show the scene at this time.[3]

1 Day 67/61-62
2 M66.1
3 Vid 3 01.33


FRUIT M. QUIGLEY FISH


CAFE


AGENCY

15.21 Barrier 14 was manned by soldiers of A Company 2 RGJ, who, as we have described above, were on the day under the command of 22 Lt AD Regt. In all there were some 40 soldiers at or in the immediate vicinity of this barrier. About 35 Royal Ulster Constabulary (RUC) officers were also near the barrier or at the junction of William Street and Waterloo Place.[1] Shortly before 3.40pm Inspector Junkin, an RUC officer from Castlereagh, Belfast, who had been detached to Londonderry for the march, used a loudhailer to give two warnings to the crowd to disperse.[2] He was standing alongside Major INQ 2079, the Company Commander of A Company 2 RGJ, behind Barrier 14.[3] The first warning was

met with jeering and abuse and a renewal of stoning, which caused him and the Company Commander to retire behind one of the Army vehicles close to the barrier. After the Inspector had come forward to give the second warning a stone nearly hit him in the face and knocked his cap off. This latter incident can be seen on film.[4]

1 FS8.951-953
2 JJ8.1; JJ8.2; W123 serial 288; G114A.743.1
3 C2079.4
4 Vid 1 02.00

The rioting

15.22 At this stage, as a result of continuing efforts by the stewards, some people started to move back from Barrier 14.[1] Some went back up William Street and then either down Rossville Street or further west, some went down Chamberlain Street or through an alleyway (Macari's Lane) that led off William Street to the Eden Place waste ground in front of the Rossville Flats. However, the rioting continued with the soldiers subjected to further substantial stoning.[2] After a few minutes of this bombardment the soldiers responded with a volley of some six baton rounds.[3] This caused the rioting youths to retire but they soon returned and continued.[4] At this stage the soldiers brought up a water cannon that had been held at Waterloo Place (at the end of William Street) and, at or shortly before 3.45pm, began to hose the crowd. As will be seen from the following

photographs, there were at this stage substantial numbers of people still in this part of William Street.

1 M4.1; Day 67/34; AM77.9
2 W169-170 serials 93, 99 and 109; W123 serial 284
3 JS10.1; M4.1
4 M4.1

15.23 A BBC cameraman (the late Peter Beggin) gave an account of what he then saw from the Army side of Barrier 14, in his written statement for the Widgery Inquiry:[1]

> "Immediately the water cannon opened fire two canisters of CS gas were thrown from the crowd. One landed underneath the water cannon making it untenable for a short time. We all retreated from that immediate area. Very quickly however the crew got back into the water cannon, backed it round the corner and opened it up to air it. The stoning was resumed and several further volleys of baton rounds were fired by the troops."

1 M4.1

15.24 As can be seen from film footage and the photographs below the water cannon, which used coloured dye (usually described as purple but sometimes as red) with the object of marking rioters, was initially successful in pushing the rioters back, aided by the CS gas that drifted towards the crowd and affected many people.[1]

1 Vid 1 02.22; Vid 3 01.51; Vid 1 02.24; Vid 3 02.03; Vid 1 02.46; Vid 1 02.27

15.25 Three photographs taken from the Army side of Barrier 14, reproduced below, show the effect on the soldiers and journalists behind the barrier of the CS gas which had been thrown from the crowd.


Restaurant

15.26 Some witnesses said that the soldiers at Barrier 14 used CS gas. However, for the following reasons, we are satisfied that this did not happen.

15.27 In his written statement for the Widgery Inquiry[1] Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt, stated, "*No CS gas was used by Security Forces at Barrier 14. As the water cannon came forward to the barrier, and commenced to hose the rioters, CS canisters were thrown by the marchers.*"

1 B1114

15.28 The Historical Report of 22 Lt AD Regt records the CS gas thrown from the crowd at Barrier 14 and the use of CS gas by the soldiers at Barriers 12 and 13 (which we consider below), but makes no mention of the soldiers using CS gas at Barrier 14.[1]

1 G133.887

15.29 A record of events compiled by 2 RGJ, dated 3rd February 1972, sets out the use of the water cannon and baton rounds at Barrier 14 and again refers only to CS gas thrown by the marchers.[1]

1 G114A.743.1

15.30 The Porter tapes include a message from 22 Lt AD Regt to Brigade (at about 1548 hours), after the water cannon had been used at Barrier 14, that "*Some CS [gas] has been used, but this was by them. I repeat: used by them*".[1]

1 W125 serial 320

15.31 The 22 Lt AD Regt radio log records that 2 RGJ fired between 200 and 250 baton rounds, but makes no mention of their use of CS gas.[1] There is other evidence, from journalists, soldiers and RUC officers, that to our minds shows that the soldiers at Barrier 14 did not use CS gas.[2]

1 W97 serial 61

2 M1.1; M4.1; M5.2; B1744-B1745; B1746.4; C573.3; JJ8.2

15.32 In our view the evidence to the opposite effect either is explicable on the basis that the witness wrongly assumed that the gas thrown from the crowd had come from the soldiers, or (especially in the case of three soldiers who, in their evidence to this Inquiry, recollected the use of gas) resulted from confusing this riot with another occasion altogether, not surprisingly bearing in mind the passage of years.[1] One witness in his NICRA statement did describe witnessing the confrontation with the Army at Barrier 14 and "*some minor stone and bottle throwing. The army replied with a hail of C.S. and rubber bullets.*"[2] This statement (made at a time when emotions were running very high) plays down the severity of the riot and exaggerates the response of the soldiers and is one on which we are unable to place any reliance. Some civilians claimed that they were the ones to throw the CS gas at the soldiers, but their accounts failed to convince us that any of them was in fact responsible.[3]

1 C58.1; B1743.3; B1925.2

2 AO28.6

3 AD160.1; Day 80/128; Day 80/164; AR28.1; Day 174/95; AO65.1; Day 80/4; APIRA18.3; Day 408/39

15.33 The use of the water cannon and the presence of CS gas caused both the temporary withdrawal of the rioters, and the dispersal of many of the other civilians who had remained near Barrier 14. However, it was not long before rioters and bystanders returned to William Street and disturbances recommenced. The soldiers manning the barrier responded with baton rounds, causing the crowd to seek cover at the entrance of Chamberlain Street before re-emerging. Over the next 20 minutes this pattern continued and the rioting ebbed and flowed as people joined in, watched or drifted away towards the meeting at Free Derry Corner. It is not possible to establish the numbers involved with precision, but it seems likely from estimates made in 1972 reports and statements, as well as the extant photographic and film evidence, that for most of this period there could

have been as many as 200 civilians present in this area and up to about 50 or 60 of them actively rioting. Both these numbers declined as time went on.[1,2,3]

1 M11.3; M5.1-2; M44.1; B1800; JH13.1-2; JB13.1; JC10.1; JF1.2; JJ1.1; JM18.6; JM33.1; JS11.10

2 W126-128 serials 332, 334, 353-359 and 365

3 W96; W158-159 serials 48-49 and 52

15.34 There is film footage of this period as well as photographs.[1]

1 Vid 1 02.50; Vid 1 03.04; Vid 3 03.31

15.35 It was suggested to us by Rifleman 160, a member of A Company 2 RGJ who was present at Barrier 14, that he and other members of his company fired baton rounds in a wild and indiscriminate fashion during the disturbances considered above.[1] We are not persuaded that this was the case, as it is not supported by the photographic, film and eyewitness evidence considered above, or indeed by Rifleman 160's 1972 evidence.[2]

1 B1956.006; Day 350/124

2 B1955

15.36 At about 4.00pm, rioters removed a piece of corrugated iron from the front of a nearby building and used it as a shield against the baton rounds being fired at them.[1] This corrugated iron can be seen in the following photograph and in a film clip.[2]

1 JH13.1-2; B1800; AB77.1; M66.2; M4.2; M15.1; WT2.13

2 Vid 3 03.51

15.37 The soldiers deployed the water cannon for a second time, at about 1605 hours, which again had a temporary effect in driving back the rioters, many of whom took shelter at the north end of Chamberlain Street before re-emerging to continue attacking the soldiers.[1]

1 JH13.1; AK12.10; WT2.13; Vid 3 04.10; Vid 1 03.48; Vid 1 03.33

The duration and nature of the riot at Barrier 14

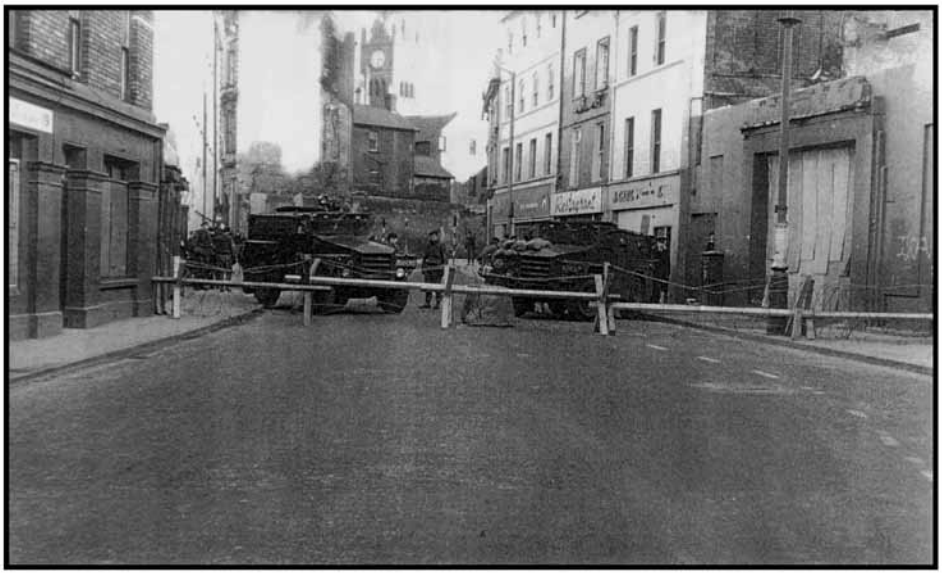
15.38 The riot at Barrier 14 lasted for some 30 minutes, starting at about 3.35pm. The situation at the end of this period, immediately before and at the time when C Company of 1 PARA went through this barrier, is considered later in this report.[1] The riot amounted to a sustained assault on those manning the barrier, the rioters hurling stones and whatever else they could lay their hands on at the soldiers with the object of causing injury, some hoping the more serious the better.[2] There was a bombardment of stones, bottles, bricks, iron bars, gratings, angle irons, scaffolding poles, a nail-studded stave, lengths of timber and other missiles, though no nail or petrol bombs.[3] Some witnesses expressed the view that this rioting was no worse, or perhaps even less violent, than the almost daily rioting of the previous months.[4] Whatever comparison may be drawn with previous confrontations between rioters and soldiers in Londonderry, the evidence as a whole demonstrates to us that this was a serious and violent riot. Compared with the absence of debris at Barrier 14 at about 3.30pm, the number of objects lying on the ground at a later stage demonstrates the severity of the incident.

1 Paragraphs 20.209–232

2 Day 67/25; Day 400/130

3 JH13.1; AD80.2; AV2.2; AM77.3; AM173.9; AG35.2; M66.1; JC10.1; M4.1; JP7.1; JP7.5; Vid 1 02.55

4 AM416.3; Day 90/134; Day 100/77




CENTRAL CAFE

The conduct of the soldiers at Barrier 14

15.39 It was submitted that the soldiers at Barrier 14 overreacted to events in their use of baton rounds and the water cannon. In particular, it was suggested by those acting on behalf of NICRA that serious stoning began only after the first use of the water cannon, that the use of this device was precipitate and unwarranted and that the soldiers had failed to

appreciate that the stewards had the situation under control and were successfully keeping the crowd back from the barrier.[1]

[1] FS10.264-268

15.40 We reject these submissions, which ignore the overwhelming and convincing evidence that events developed as we have set out above. In part at least, the submissions were based on an erroneous assumption that until the water cannon was used stewards were holding the crowd back as far as the entrance to Chamberlain Street. The truth is that the photographic evidence relied upon when seeking to establish this in fact depicts the scene right at the outset, when the group running from the junction of William Street and Rossville Street first arrived and before they and the crowd behind them pushed forward to Barrier 14.

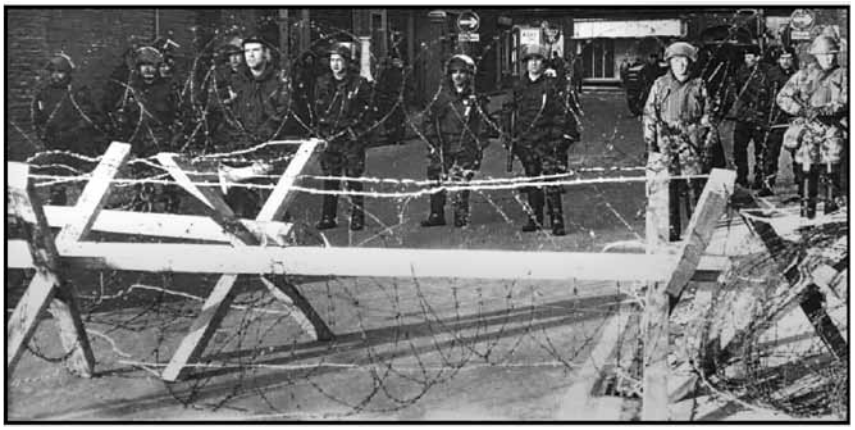
15.41 We are satisfied that the soldiers of 2 RGJ manning Barrier 14 on this day acted with restraint in the face of the rioting at this barrier and deployed no more than properly proportionate force in seeking to deal with it.

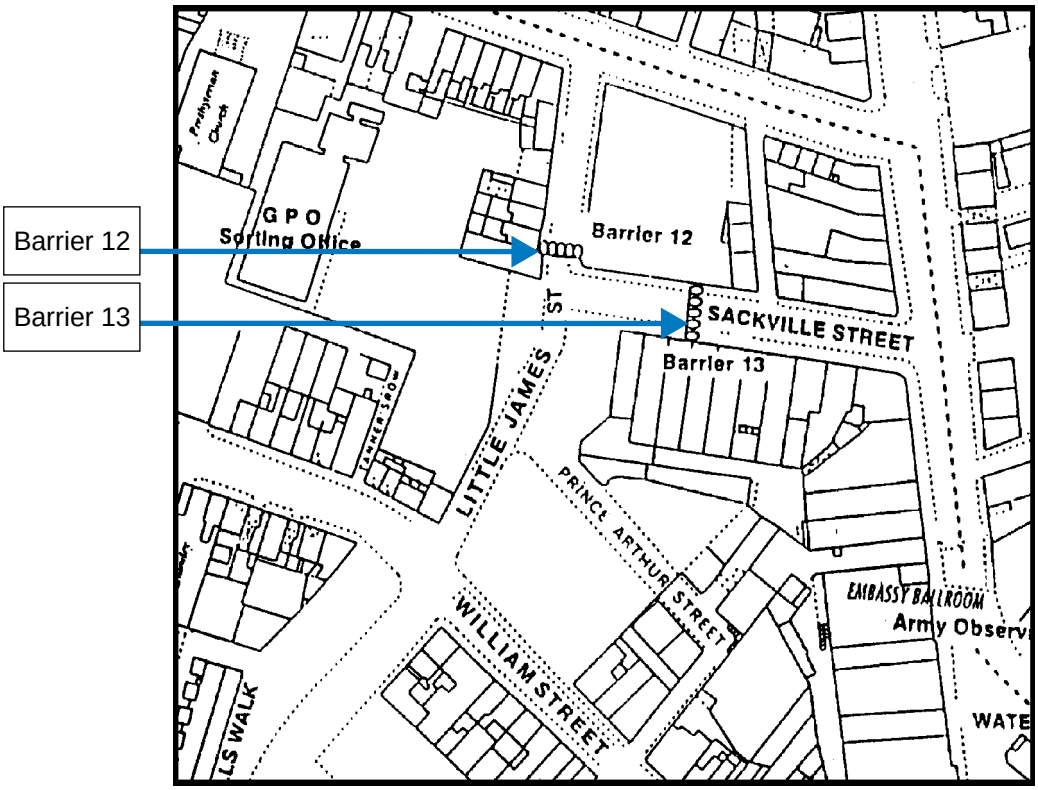
Chapter 16: Rioting at other locations

Contents

Barriers 12 and 13

16.1 Soldiers of 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt) manned Barrier 12. This barrier (shown in the photographs below) was placed across Little James Street at the corner with Sackville Street, which was on the north side of the area known as Aggro Corner. As can be seen, immediately in front of the barrier was an area of open ground that extended southwards to the corner itself.





16.2 Barrier 13 was placed a short distance along Sackville Street. As already noted, Barriers 12 and 13 were closed shortly after 1530 hours, as the march was beginning to come down William Street.

16.3 Although most of the youths at the front of the march charged on down William Street towards Barrier 14, some rioters approached Barriers 12 and 13 and started to throw stones and rubble at the soldiers.[1]

1 B1772; Day 108/18-19; AM74.3; AK12.2

16.4 The deployment of the water cannon at Barrier 14 and the effects of the CS gas thrown there from the crowd caused a number of the marchers who had gone down William Street to go back up to Aggro Corner. Many of those returning then turned south to go down Rossville Street (or dispersed elsewhere), but some of the rioters who had come back from Barrier 14 now turned their attention to Barrier 12 and (to a lesser extent) Barrier 13, collecting stones and other debris from nearby waste ground. A significant number of marchers stayed at Aggro Corner to watch this rioting, which, by about 1550 hours, had become substantial, with many rioters stoning the troops at the barriers. There was evidence, which we accept, that some rioters moved between the rioting at Barriers 12, 13 and 14.[1]

1 AD148.6; Day 179/37; Day 60/86-87; KC4.3-4; Day 76/112-113

16.5 The soldiers at the barriers initially responded with baton rounds, but at approximately 1550 hours the soldiers at Barrier 12 also discharged a volley of CS gas and smoke grenades at the rioters in front of them.[1] The canisters appear to have fallen relatively close to the barrier, and there is some evidence to suggest that the gas drifted back towards the soldiers there and those close to the Presbyterian church.[2] The CS gas and baton rounds pushed the crowd back temporarily, leading to a short lull in the rioting. It was probably during this time that the NICRA banner, which had been brought back from William Street, was paraded for a short time in front of Barrier 12.

1 W126 serial 326; G133.887; B1721; B1389-1390

2 WT5.2; WT5.12; B2219; Vid 3 03.08

16.6 However, rioting soon resumed at Barrier 12, this time with a hard core of rioters, some 20–30 strong, using sheets of corrugated iron as shields for protection.

16.7 The soldiers at Barrier 12 deployed a further volley of CS gas about five minutes after its first use.[1] This landed further south than the first volley and affected many people, including a number of marchers who had been observing the riot from the south side of

Aggro Corner and who then moved away south down Rossville Street or otherwise away from the area.[2]

[1] W126 serial 338; W159; W175 serial 199

[2] WT5.2-3; WT5.13; AD54.2; AD173.4

16.8 The following photographs show the CS gas and its effects, though it is not clear whether these were taken after the first or the second volley.

16.9 The second volley of CS gas again pushed back many of the rioters, but a few remained or returned, in the main using corrugated iron as shields. The following photographs were probably taken at this stage.

16.10 It seems that, in addition to the two volleys, there may also have been intermittent use of CS gas by the soldiers.[1] During the course of the riot, one or more gas or smoke canisters were picked up by youths and thrown back towards the soldiers.[2]

1 B1721

2 C785.2; C863.3; AM277.8; AO19.9; M75.1; JM21.10; JS5.3; JR3.1

16.11 One of the canisters fired at this time struck Hugh Hegarty, who was then standing at the junction of William Street and Rossville Street assisting the stewards in directing the crowd towards Free Derry Corner.[1] Hugh Hegarty, who lost a number of teeth as a result of the incident and suffered lacerations to his face and burns to his ankle,[2] was assisted to the Rossville Flats by several civilians and members of the Order of Malta Ambulance Corps, and was seen there by a doctor.[3] Hugh Hegarty refused to go to Altnagelvin Hospital, as he feared that he would be arrested; and so, on 1st February 1972, he was driven across the border to Letterkenny Hospital in Donegal for treatment.[4]

1 AH67.1-2
2 AH67.4-5; Day 68/38
3 Day 68/18; KL2.12; AF8.10; AM359.2
4 D1109; AH67.4-5; Day 68/17-18; Day 68/35-42

16.12 The situation at Barrier 12 at the time Support Company of 1 PARA went through this barrier at about 16.10 hours (and immediately before) is considered below.

CS gas at Barriers 12 and 13

16.13 The Army reportedly used 65 CS cartridges and 15 CS grenades on the day.[1] According to the Royal Military Police (RMP) statement of Lieutenant 109, the Troop Commander at Barrier 12, 44 gas cartridges, four smoke grenades and four gas grenades were used at this barrier while he was there.[2] It is thus the case (if both sets of figures were accurate) that CS gas was used elsewhere.

1 G98.593
2 B1722

16.14 The Brigade order for Operation Forecast[1] forbade the use of CS gas except "*as a last resort only if troops are about to be over-run and the rioters can no longer be held off with baton rounds and water cannon*". This order placed a greater restriction on the use of CS gas than the Brigade Standing Orders dated 10th November 1971.[2]

1 G95.572
2 G27.217

16.15 According to their evidence, neither Major INQ 1326, the Battery Commander who ordered its use,[1] nor Lieutenant 109, the Troop Commander, seems to have been aware of this provision of the Brigade order.[2] However, in the confirmatory note of the Regimental Orders Group made by the Commanding Officer of 22 Lt AD Regt, Colonel James Ferguson, which recorded the orders he gave his senior officers on 28th January 1972, following his attendance at the Brigade Orders Group of the same day, appear the words "*CS Gas NOT to be used except as last resort*", under the heading "*Use of Force*".[3]

1 Day 301/105/19
2 B1720-1723; Day 360/91/1
3 B1122.58

16.16 The Historical Report of 22 Lt AD Regt[1] records the use of CS gas at Barrier 13 as well as Barrier 12, and that gas was used at these locations "*because baton rounds were not holding off the rioters*". However, in his written evidence to this Inquiry, Major INQ 1326, who had positioned himself behind Barrier 12 (as he considered it was that barrier that was likely to attract trouble), stated that he had ordered his men to fire CS gas in the direction of the rioters "*to discourage others from joining their group*".[2]

1 G133.887

2 C1326.2-3

16.17 Although Gunner 034 told us that he did not remember any CS gas being used at Barrier 13, and Warrant Officer Class I 041 stated that it was not used at that barrier,[1] in our view it probably was deployed at this barrier as well as at Barrier 12, which would account for the different figures given for its use on the day, to which we have previously referred. In addition to the 22 Lt AD Regt Historical Report, the Porter tapes record a message from 22 Lt AD Regt to Brigade at about 1550 hours that "*serials 12 and 13 have had to disperse the hooligans with rubber bullets and gas*".[2] Detective Chief Inspector Donnelly of the RUC recorded in his 1972 statement[3] that he was behind Barrier 13 and that CS gas was used at both Barriers 12 and 13.

1 B1664.002; B1624.002

2 W126 serial 326

3 JD7.1

16.18 In their oral evidence to this Inquiry, both Major INQ 1326 and Lieutenant 109 accepted that the troops at Barriers 12 and 13 were not about to be overrun when CS gas was used;[1] nor is there any other evidence to suggest that this was or could reasonably have been supposed to have been the case at any stage. There would thus seem to have been either a failure to communicate the Brigade order on the use of CS gas or a failure to carry it out. It may be that the soldiers, learning that CS gas had been discharged at Barrier 14 and perhaps mistakenly believing that this had been done by the soldiers there, thought that this somehow justified its use at Barrier 12, though they would have been wrong to have done so. In these circumstances, we consider that there is force in the submission made by NICRA that CS gas was used "*recklessly and precipitately*" at Barrier 12,[2] in view of the fact that it was deployed contrary to the Brigade order and otherwise than as a last resort. Though serious, with photographs (reproduced below) showing that a considerable number of stones and other objects were thrown at the soldiers, in our view the rioting at Barriers 12 and 13 was not as severe as that at Barrier 14.

1 Day 301/105/19; Day 360/91/1

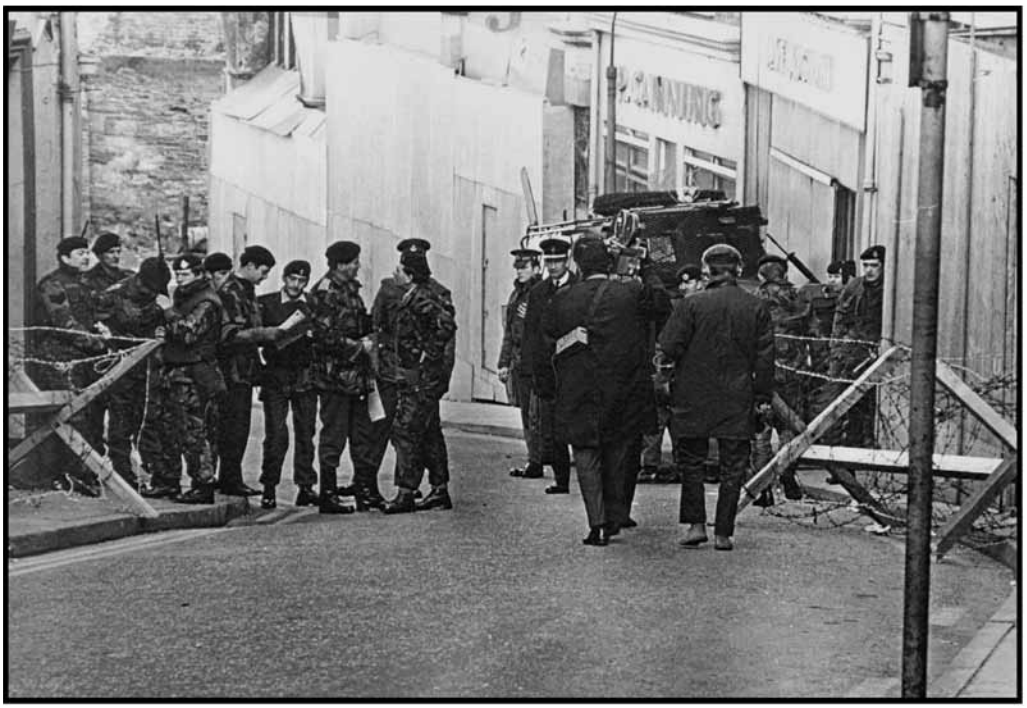
2 FS10.263. Although NICRA did not mention Barrier 13, we consider that the same criticism applies to the probable use of CS gas at that barrier.

Rioting at Barriers 15 and 16

16.19 Barrier 15 was located in Waterloo Street. It was probably the barrier shown in the following photograph, though its precise position in Waterloo Street is not entirely clear.[1] Barrier 16 was at Castle Gate.[2]

[1] Day 113/80; Day 178/22; Day 103/169

[2] B1947.1; B1837.1




Barrier 14
William Street
Barrier 15
Waterloo Street
Barrier 16
Castle Gate
WATERLOO
PLACE
HIGH STREET
HARVEY STREET
WATERLOO STREET
MAGAZINE STREET
CASTLE STREET
BUTCHER STREET
THE
SHIPQUAY

16.20 Both barriers came within the geographical area controlled by 22 Lt AD Regt on 30th January 1972, but, as we have pointed out, they were manned by members of A Company, 2nd Battalion, The Royal Green Jackets (2 RGJ).[1]

1 G95.568; G95.577; G89.542; G89.547

Barrier 15

16.21 This barrier was manned by 21 members of 2 Platoon, 2 RGJ (and three members of the Royal Engineers) under the command of Sergeant 158.[1] His RMP statement records that the platoon took up position in Waterloo Street at about 1200 hours on 30th January 1972.[2] A communication recorded on the 22 Lt AD Regt log from the Commander of A Company, 2 RGJ (identifiable by the call sign N19) indicates that Barriers 14, 15 and 16 were being put in position at 1240 hours and Barriers 15 and 16 were in place by 1259 hours.[3] Waterloo Street was closed to traffic at about 1325 hours.[4]

1 B1946; B1949.001
2 B1946
3 W94 serial 17 and 19
4 B1946

16.22 It appears from the 1972 evidence of other members of 2 Platoon that they were transported to Waterloo Street in two Armoured Personnel Carriers (APCs). As the Royal Engineers erected the barrier, two members of the platoon were deployed into a nearby building in an anti-sniper role. When the barrier was closed off, one of the APCs was brought up and parked behind it.[1]

1 B1736; B1753

The rioting at Barrier 15

16.23 According to the RMP statement of Sergeant 158, stones were thrown at the barrier at about 1540 hours, by a group of about 30 to 40 people. A gas grenade was also thrown, which landed short of the barricade – the wind dispersed the gas in the direction of the demonstrators. The crowd left the area of Barrier 15 about ten minutes later. Sergeant 158's current recollection was that the group that threw stones numbered 10 or 15 people.[1]

1 B1946

16.24 Corporal 131 commanded a section of the men present at Barrier 15. His RMP statement records that the rioting involved stones and bottles and lasted about 20 minutes. A gas grenade was thrown from the crowd.[1] The current recollection of Corporal 131 accords

generally with his 1972 account, with the added detail that the rioting crowd numbered about 20 or 30. He described the confrontation as short-lived.[2]

1 B1809
2 B1814; Day 296/70

16.25 That description of the confrontation can be contrasted with the 1972 evidence of Sergeant 114 (second in command of the platoon), who recalled a crowd of 150–200 appearing at the High Street/Waterloo Street junction after a "youth" had run out of High Street and thrown a brick which hit Sergeant 114 on the arm.[1] Older people in the crowd tried to calm the youths who "*were shouting and screaming abuse at us*". Sergeant 114 described the stoning that followed as "*intense*".[2] The gas grenade, thrown by a youth "*coming from High Street,*" landed "*just before the barrier on the left hand side of the road*." The rioting lasted for about 15 minutes.[3] The current recollection of Sergeant 114, as set out in his written statement to this Inquiry, is in broad agreement with his 1972 account, save that he described the rioting he witnessed as lasting for two hours.[4]

1 B1736
2 B1737
3 B1736; B1737; B1738.1
4 B1739.003

16.26 Rifleman 148 was deployed as a sniper and took up position in a house in Waterloo Street.[1] He told the RMP that the crowd that gathered at the junction of High Street and Waterloo Street numbered about 200 and included an older element "*trying to subdue the youths*". He estimated that the rioting at Barrier 15 (including the throwing of a gas grenade, which had little effect on the soldiers at the barrier) lasted about two hours.[2] In his written statement to this Inquiry, Rifleman 148 said that the crowd at the barrier numbered between 20 and 40 people.[3] Another rifleman, Rifleman 120, also told the RMP that the crowd numbered 200 and stoned the barrier for two hours.[4] His written statement to this Inquiry describes the rioting, but gives no detail as to numbers or time.[5] Rifleman 141 told the RMP that the rioting lasted for about 20 minutes.[6]

1 B1892
2 B1892
3 B1894.002
4 B1753
5 B1756
6 B1866

16.27 In our view, it is most unlikely that the rioting at Barrier 15 lasted for nearly as long as two hours.

16.28 In his RMP statement, Sergeant 158 recorded that his men did not fire any live rounds, baton rounds or gas projectiles on the day.[1] In his written statement to this Inquiry, he told us that there had been "*a very, very low level of activity at my barrier*".[2]

1 B1947
2 B1949.003

16.29 There is limited evidence from RUC officers deployed in the area, which adds little further detail to the evidence available from military witnesses.[1]

1 JI2.1; JL3.1; JM18.5; JM33.1

16.30 The Inquiry heard oral evidence from Patrick McGlinchey, who was 15 years old at the time of Bloody Sunday. He said that he was part of a group of about six to eight youths who, having been prevented from reaching the front of the crowd at Barrier 14, ran up High Street and into Waterloo Street. There, they threw stones at the soldiers at Barrier 15.[1] In his evidence to this Inquiry, Brian Baker described watching a mini-riot at Barrier 15, which involved about 10 or 20 people.[2]

1 AM247.2; Day 388/85 2 AB1.18

16.31 William Anderson said that he was part of a group that threw a CS gas canister at Barrier 14.[1] We are of the view that he might have been responsible for the CS gas thrown towards Barrier 15, though he denied that this was the case.

1 APIRA18.3; Day 408/39

16.32 The 1972 statements of two journalists record that a CS gas canister was thrown at Barrier 15. John Cooke of the Press Association did not see the reaction of the troops at the barrier.[1] In his written statement for the Widgery Inquiry, Brian Cashinella of the *Times* described both the stoning of Barrier 15 and the throwing of a gas canister that surprised the soldiers at that barrier.[2] Both journalists appear to put the incident of a gas canister being thrown at Barrier 15 as occurring after a gas canister had been thrown at Barrier 14.

1 M16.1; M16.2 2 M11.2; Day 110/5-8

16.33 Major INQ 2079 (the Commander of A Company 2 RGJ) prepared a memorandum dated 3rd February 1972. That memorandum was sent to 22 Lt AD Regt. So far as Barrier 15 is concerned, it recorded that at 1540 hours, "*Lightly stoned by 40–60 youths. No action taken*" and at 1545 hours, "*1 x C/S Gren is thrown among SF behind barricade by rioters*". The memorandum also recorded that CS gas was thrown at Barrier 14 at "*1545 (Approx)*".[1]

1 G114A.743.1

16.34 On this evidence, it appears to us that CS gas was thrown at Barrier 15 shortly after it had been thrown at Barrier 14.

16.35 On the evidence as a whole, we have concluded that there was rioting at Barrier 15, that it did not last for more than about 20 minutes, and that it was not as serious as the rioting at Barriers 12, 13 and 14.

Barrier 16

16.36 Twenty-two men of 3 Platoon, A Company 2 RGJ, under the command of Lieutenant 136, manned Barrier 16. Two men were deployed in a sniper position in a nearby building and the barrier was set up at the Waterloo Street end of Castle Gate.[1] Accompanying the platoon were a team of four men from the Royal Engineers. They established the barrier at about 1200 hours.[2]

1 B1836; Day 345/92

2 B1677


Barrier 16
Castle Gate
WATERLOO PLACE
MAGAZINE STREET
WATERLOO STREET
HIGH STREET
HARVEY STREET
BUTCHER STREET
SHIPQUAY
THE

The rioting at Barrier 16

16.37 According to the RMP statement of Lieutenant 136,[1] at approximately 1500 hours a 30-strong crowd approached the barrier and began to stone it. The soldiers at the barrier made no response. Some of the crowd took photographs of the soldiers at Barrier 16. Some time later, the crowd ran off down Waterloo Street "*towards the Rossville Flats*".[2] The written statement of Lieutenant 136 to this Inquiry records that the crowd was made up of about 30 youths, who threw stones and bottles.[3]

1 B1836
2 B1836
3 B1838.003

16.38 In his statement to the RMP, the second in command of the platoon, Sergeant 137, recorded that the crowd that appeared at the junction of Castle Gate and Waterloo Street threw stones, bottles and metal objects. He continued, "*They lasted for about 20 minutes and the crowd moved off in the direction of 2 Platoon 'A' Coy of my unit*".[1] Corporal 103 of the Royal Engineers told the RMP that the barrier was stoned by a group of 20 youths, who then took "*ammunition in the form of paveing stones back in the direction of the flats*".[2]

1 B1839
2 B1677

16.39 Lance Corporal 107 made no mention in his RMP statement of any rioting at Barrier 16.[1] That statement does record "*minor rioting by about 30 youths who threw missiles at 2 Pl [Platoon] location on the far side of gate in Waterloo Street. The youths threw a gas grenade at the troops, deployed in Waterloo Street. They fired rubber bullets at the youths, they later dispersed*".[2] This is the fullest 1972 description of the rioting at Barrier 15 given by any soldier at Barrier 16. However, the suggestion that soldiers at Barrier 15 fired rubber bullets is at odds with a substantial body of 1972 evidence, and in our view is inaccurate. The written statement to this Inquiry of this witness does not add anything further on this point.[3] Rifleman 153 was the only other soldier deployed at Barrier 16 who gave a statement to the RMP. That statement makes no reference to rioting at Barrier 16.[4] In his written statement to this Inquiry, Lance Corporal INQ 614 identified himself as a member of 3 Platoon. He stated that his platoon's position had to be defended against rioters, who pelted it with bricks and bottles.[5]

1 B1714
2 B1714
3 B1716.001
4 B1926
5 C614.2

16.40 A section of six police officers under the command of Sergeant H Johnston was deployed to Castle Gate. The RUC statement of Sergeant Johnston records that "*During the afternoon groups of youths, some with cloths over their faces, passed up and down the street below us. Stones and bottles were thrown at intervals at us and we had to take cover. We had a very restricted view of these youths. The army took no action against these youths.*"[1] Similar descriptions appear in the 1972 accounts provided by the other police officers, namely Constable TN Blair;[2] Constable AT Campbell;[3] Constable W Hunter;[4] Constable AT Moore;[5] and Constable SN Whiteman.[6]

1 JJ2.1
2 JB8.1
3 JC3.1
4 JH12.1
5 JM50.1
6 JW7.1

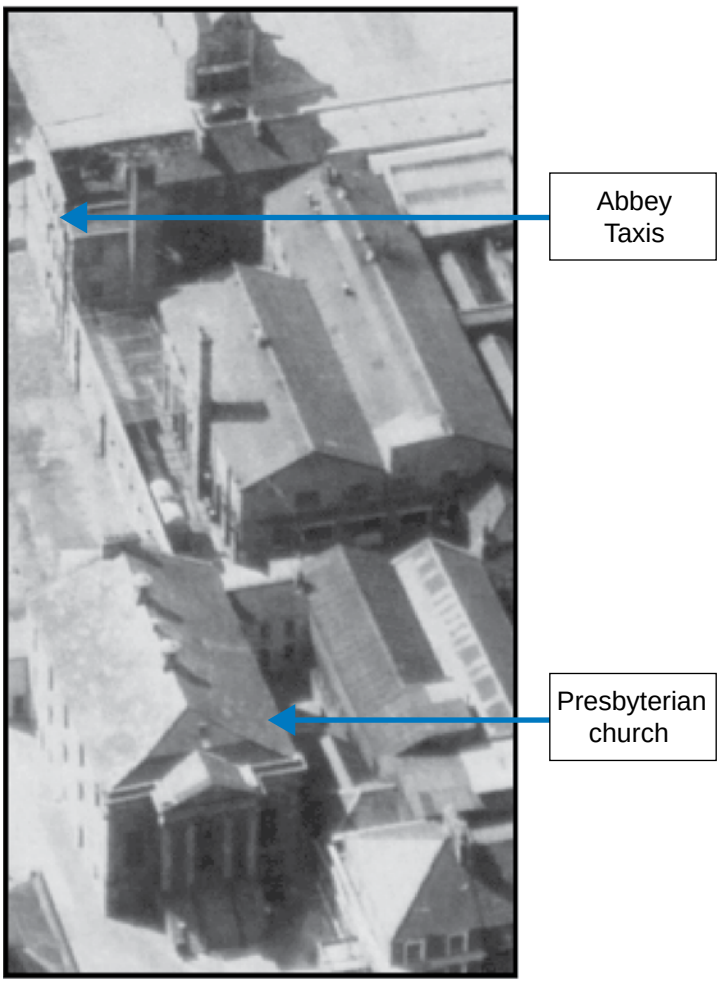
16.41 While the Historical Record of 22 Lt AD Regt refers to rioting at Barriers 12 to 15, it makes no mention of any rioting at Barrier 16.[1]

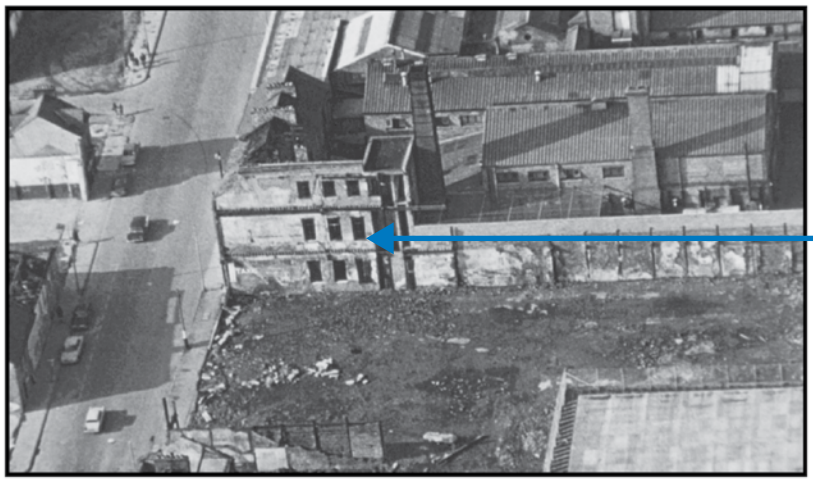
1 G133.887

16.42 In our view, though some missiles may have been directed at the soldiers at Barrier 16, there was no serious rioting at that barrier.

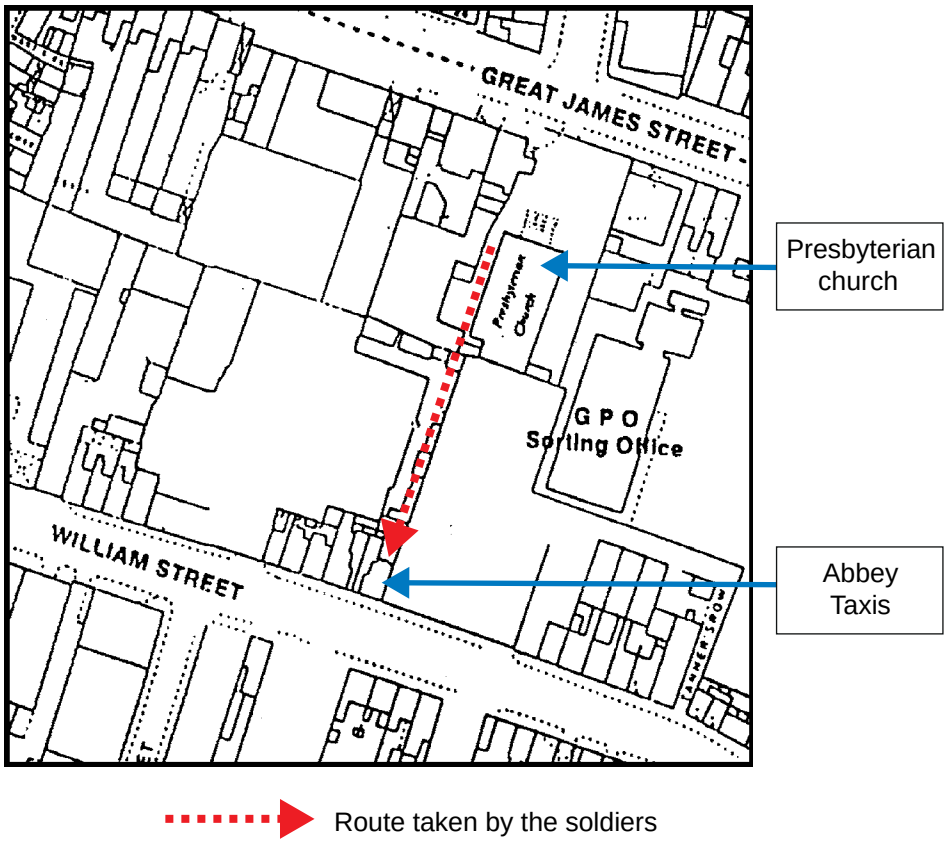
Chapter 17: Machine Gun Platoon and Abbey Taxis

17.1 As we have already observed, at about 1540 hours Major Loden (the Commander of Support Company, 1 PARA), ordered Machine Gun Platoon of this company forward from its Assault Position in Queen's Street to the derelict building Abbey Taxis. This was the building with nine windows facing east onto the waste land where Richardson's shirt factory used to be.





17.2 The exact route that Machine Gun Platoon used to get to Abbey Taxis is in some doubt, as the evidence is conflicting and it is difficult to tie in the verbal accounts with such photographs as exist of the area. However, we are reasonably confident that the route started on the western side of the Presbyterian church, and involved using an alleyway that ran behind the wall to the west of the waste ground, climbing one or two walls, and getting into Abbey Taxis through a window at the level of the first floor, ie the level above the ground floor. The route is indicated by the red dotted line on the map below.



17.3 It is unlikely that the soldiers went along the top of the wall to the west of the waste ground, as this could hardly be described (as Major Loden described it in his Diary of Operations) as a "*concealed route*".[1] Furthermore, at the time when Machine Gun Platoon was moving, there would have been many people in William Street who would have had a clear view of soldiers on this wall, but there is no persuasive evidence that the soldiers were seen by anyone on the march at this time. Private INQ 1553 (in a draft statement to this Inquiry that he approved but never signed) recorded, "*As we were climbing over the roof, the rioting crowd in the street below saw us*".[2] However, this soldier did not give oral evidence for medical reasons, and we are of the view that his recollection is probably inaccurate.

1 B2218

2 C1553.3

17.4 One of the photographs of the area shows Abbey Taxis from the west. This photograph was taken before 30th January 1972, as it shows houses to the north of the Rossville Flats that had been demolished by that day.

17.5 If that part of the photograph showing Abbey Taxis is enlarged, it can be seen that the building has no roof or wall to the west.

17.6 It is difficult to see from this enlargement whether there had been or remained any flooring or rafters at the first floor level, but the photograph is consistent with other aspects of the description of the building given to the Inquiry by Corporal A (a member of Machine Gun Platoon), who told us in his written evidence to this Inquiry that it was:[1]

> "… like a shell of a house. There were some walls or parts of walls and some windows but with no glass. The roof was missing … Some of the interior walls had been knocked down. If you imagine a bombed out building with just a shell left standing around it or something that had been only partly demolished, then this is the type of building we were in … Although the building was derelict, I think the floor on which I stood was secure and made of brick."

1 B20.002

17.7 Corporal A (in his oral evidence to this Inquiry),[1] recalled that there was some sort of brick or concrete floor at the first floor level, but in his written statement for the Widgery Inquiry[2] he recorded that, when he got into the building, he was standing on one of the broken-down interior walls, which in our view was more likely to be the case. Private B (another member of Machine Gun Platoon) in his written statement for the Widgery Inquiry[3] recorded that there were no floors as such. What is clear is that, having entered the building at the first floor level, the soldiers had to climb or jump down to get to the ground floor, as there were no stairs.

1 Day 297/22-23
2 B8
3 B25

17.8 Sergeant INQ 441, the Commander of Machine Gun Platoon, told this Inquiry[1] that he sent one of his men, he believed Corporal A, to what he described as a window on the second floor level looking south over William Street, in order to give cover for the remainder of the soldiers who had climbed or jumped down to the ground floor. However, the contemporary evidence shows that Corporal A was positioned at the first floor level,

at or near the most southerly of the three windows that faced westwards towards the waste ground, which did give a view southwards across William Street. There appear to have been no windows in the side of Abbey Taxis facing directly south.

1 C441.4

17.9 At some stage, Private INQ 455, the Machine Gun Platoon signaller, fell off a wall and badly bruised his back. This might have been either immediately before entering Abbey Taxis or as he attempted to get down to ground level inside the building.[1]

1 C455.1; C441.4; Day 297/19-20; B20.009

17.10 Some members of Machine Gun Platoon thought that fewer than a dozen members of the platoon were sent to Abbey Taxis.[1] However, it seems more likely that, with the exception of the drivers and a sentry for the APCs, Major Loden sent forward the whole platoon.[2] Private 005[3] and Private INQ 439[4] told us that they were the drivers and Private INQ 1544[5] that he was a sentry. The nominal roll[6] records the strength of Machine Gun Platoon deployed on Operation Forecast (the Brigade order for 30th January 1972) as 21. Corporal INQ 513 was on the strength but did not recall being in Abbey Taxis.[7] If he was right about this, the number deployed forward to this position would have been 17, though it might be that not all of them went inside the building.

1 Day 296/12; C1805.2; B37
2 B2219; WT12.8
3 B1373
4 C439.1
5 C1544.2
6 GEN 8.3
7 C513.1-6

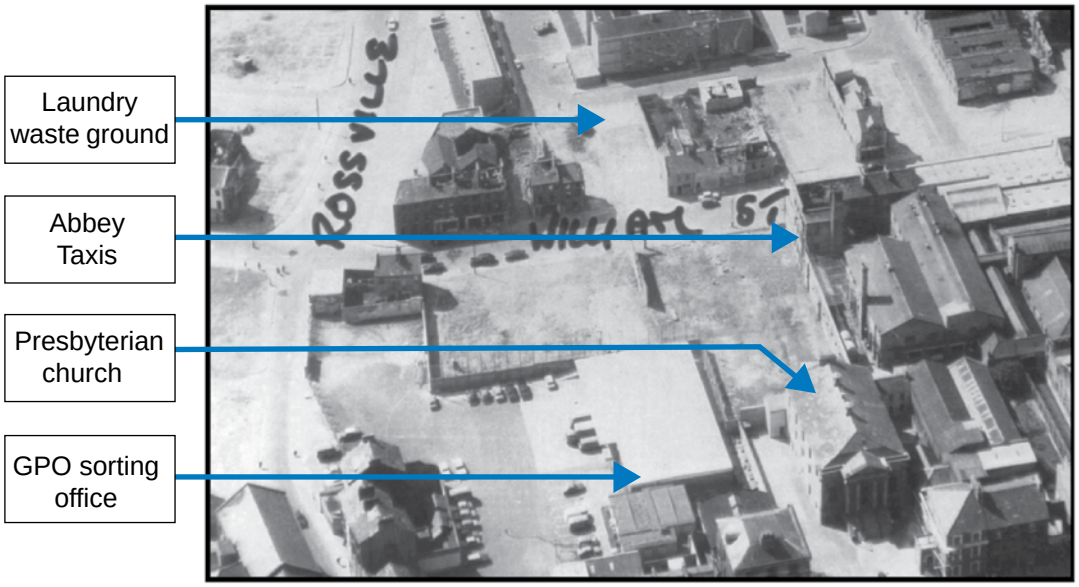
Rioting near Abbey Taxis

17.11 There is some evidence that, as the main body of the march was coming down William Street and past the waste ground in front of the Presbyterian church at or shortly after 3.30pm, a few youths saw members of Mortar Platoon reconnoitring the wall to the east of the church and began shouting and jeering at them. They might have thrown a few stones at this time, but, if so, this was a short-lived and minor incident and provoked no response from the soldiers.[1]

1 AO56.13-14; AF26.8; AF26.2-3; AB68.1

17.12 At the same time as Major Loden had ordered Machine Gun Platoon forward to Abbey Taxis (at about 1540 hours) he deployed members of Mortar Platoon forward to cut the wire on the top of the wall to the east side of the Presbyterian church. The Mortar Platoon Commander (Lieutenant N) in turn deployed men (he said two but it might have been

four) onto the flat roof of the GPO sorting office on the eastern side of the waste ground to cover the wire-cutting party. The GPO sorting office can be seen in the following photograph, taken after Bloody Sunday.



17.13 This photograph also shows that on the south side of William Street, more or less opposite the waste ground to the side of Abbey Taxis, there was another area of waste ground that, as we have noted earlier, has been called the "laundry waste ground", as it was once the site of Castle Laundry.

17.14 It was in the area of the waste ground next to Abbey Taxis, the laundry waste ground and that part of William Street dividing these two areas that there was rioting.

17.15 A large number of individuals gave evidence about the duration and severity of the rioting in this area, much of it conflicting. What must be borne in mind is that the situation on William Street at the time of this disorder was continuously changing; that the witnesses were widely dispersed and moving and looking in different directions; and that there is no relevant photographic or film evidence of the rioting with which witnesses' memories could be jogged and tested. In these circumstances, it is unsurprising that accounts and recollections vary considerably.

17.16 Our consideration of the evidence as a whole leads us to conclude that it was not until shortly after 3.40pm, when the tail end of the march was passing the area, that any significant rioting took place. By this time, the main body of the march had more or less come to a stop at Aggro Corner, causing a bottleneck further west up William Street. The rioting at Barriers 12, 13 and 14 and the counter-measures employed by the soldiers at

these barriers caused marchers and rioters to move back up William Street, where those at the tail end of the march were still standing or walking. Some people turned into the laundry waste ground toward Columbcille Court and Rossville Street to avoid the bottleneck and the trouble further down William Street. Others joined in or stopped to observe the rioting in the area of Abbey Taxis. The result was a fluid and confused situation, changing minute by minute, in which rioters and marchers intermingled and moved between various locations.

17.17 The first targets of the rioters on William Street were the soldiers on the GPO roof and beside the Presbyterian church.[1] In response to the throwing of stones and similar objects, Private 112, who was positioned next to the church, fired baton rounds, and the soldiers on the GPO roof were ordered to draw back in order to move out of range of the rioters.[2] Some civilians gave evidence in 1972 and to this Inquiry that one of these soldiers gesticulated at the crowd with his weapon as he moved.[3,4] It was probably not until shortly after this outbreak of rioting that the soldiers in Abbey Taxis were spotted, since it would have taken those soldiers time to get to this position and (as observed above) there is no persuasive evidence that they were seen while getting there. Once they were seen, there were jeers and shouts from people present, such as "*There are Brits in there. Get the bastards out!*" followed by rioters directing missiles at these soldiers.[5]

1 AH80.1; AH80.2; Day 71/142-145; AM431.8; AL3.1; AC4.2; Day 59/130-132; AD146.07

2 B1732.2; B766; B2219; B635; AC132.2; AM372.1; H11.2-3; H11.13; AC150.1

3 AD106.1; H3.2; H3.8; H3.12; H11.2-3

4 One witness, Professor McCormack, thought that the soldier fired a live round in the direction of the rioters (AM136.14; Day 113/98-102). There is no military or other evidence to this effect and in our view this did not happen. Professor McCormack agreed in his oral evidence to this Inquiry that he could have been wrong about this (Day 113/102 and 126-127).

5 B20.3; AD80.2-3; AK17.9; AK17.25; Day 70/4-10; AD120.25; AC105.1; Day 152/57-58; AM37.1; AM87.2; AM87.9; AM452.15; Day 63/69-70

17.18 Although there is some evidence that there were about 50 youths involved in rioting, others gave a smaller number, in some cases only very few.[1] It is, of course, likely that the numbers actually stoning fluctuated from time to time. Weighing the whole of the voluminous and conflicting evidence on this matter, we conclude that, at its height, there were probably (at most) about 30 rioters in this area (and often many fewer actually stoning), though there were undoubtedly numbers of onlookers in the immediate area, as well as stragglers at the tail end of the march. The rioters collected stones, bricks, bottles and other debris from the area of the laundry waste ground, and then advanced onto William Street or even into the waste ground next to Abbey Taxis to throw what they had

collected at the soldiers, before returning for more missiles. Some of those involved had previously been rioting at Barriers 12 and 14.

1 CS3.260-268; CS3.391-400; FS7.1038-1088; FS1.951-979; FR1.441-443

17.19 Support Company did not employ CS gas. There is evidence of CS gas in the area, but this had been used at Barrier 12 (and probably Barrier 13) and many witnesses (both civilians and soldiers) recalled that some of this had drifted westwards towards the waste ground area.

17.20 According to Major Loden's Diary of Operations[1] (and his written statement for the Widgery Inquiry[2]), his soldiers responded with rubber bullets, four fired by Machine Gun Platoon and two by Mortar Platoon. Major Loden told this Inquiry that he obtained this figure from an ammunition count at the end of the day.[3] Corporal A told the Royal Military Police (RMP) and the Widgery Inquiry that he heard baton guns being fired by a member or members of his platoon while they were in Abbey Taxis, but even in 1972 he could not recall how many rounds were fired.[4] Private B told the same sources that two soldiers were armed with baton guns inside Abbey Taxis, and his evidence was that both these soldiers fired; but he too provided no assistance on the number of rounds discharged.[5]

1 B2212
2 B2219
3 Day 342/33
4 B1; B8; B13
5 B21; B25; B31

17.21 According to Lance Corporal INQ 588's written evidence to this Inquiry, he fired 20–30 baton rounds while he was in Abbey Taxis.[1] According to Private 112's evidence to this Inquiry, he fired 8–10 baton rounds from his position on a roof next to the Presbyterian church.[2]

1 C588.4
2 B1732.2

17.22 In our view, it is highly unlikely that Lance Corporal INQ 588 fired as many baton rounds as he now recalls. Even if he fired as quickly as he could, this number would have taken some time to discharge, it is doubtful that he would have been able to carry so many, and other members of Machine Gun Platoon make no reference to such a level of firing. We are also not persuaded, in view of Major Loden's Diary of Operations,[1] and the civilian evidence discussed below, that Private 112's recollection of firing as many as 8–10 rounds is correct.

1 B2212

17.23 A number of civilians gave estimates as to how many baton rounds they recalled being fired in this area at this time. In assessing this evidence, it must be borne in mind, as noted above, that the march was in some disarray and the situation very fluid, with marchers and rioters moving between locations, some affected by the CS gas being discharged at Barrier 12 and possibly Barrier 13. In addition, differing levels of violence were directed at three different locations (namely the GPO roof, the side of the Presbyterian church and Abbey Taxis) at different times, while baton rounds were also being fired at about the same time from Barriers 12, 14 and possibly 13.

17.24 In such circumstances, it is not surprising that estimates vary, with some given long after the event. However, the overall impression that we gained from this evidence, was that only a few baton rounds were fired in the area under discussion. For example, in his NICRA statement, Padraig O'Mianain recorded that he was aware of three rubber bullets being fired.[1] Patricia McGowan told this Inquiry that she was aware of "*just a couple*" being fired.[2] Michael McGuinness told the *Sunday Times* that "*a few*" were fired, at least one from Abbey Taxis.[3] James Wilson told NICRA that he heard one being fired, but in his evidence to us recalled that four or five had been fired.[4] Patrick McCourt told this Inquiry that the soldiers in Abbey Taxis fired "*one or two*" rubber bullets at rioters.[5] To our minds this evidence tends to support the number given by Major Loden in his 1972 evidence.

1 AO56.1
2 Day 61/163
3 AM283.11
4 AW17.1; Day 109/93-94
5 AM146.2

17.25 We are satisfied from the civilian evidence that it was very shortly after soldiers had fired the last of these baton rounds that Damien Donaghey and John Johnston were shot and wounded by Army gunfire.

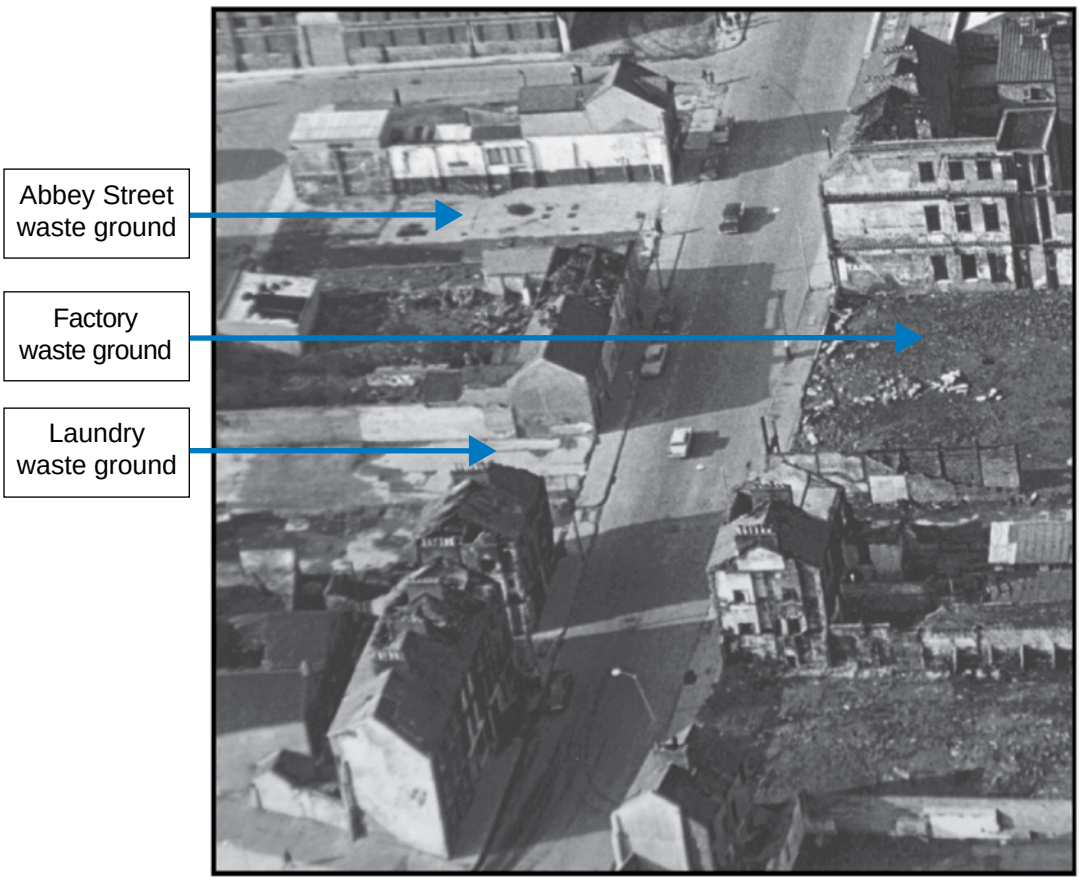
Chapter 18: The shooting of Damien Donaghey and John Johnston

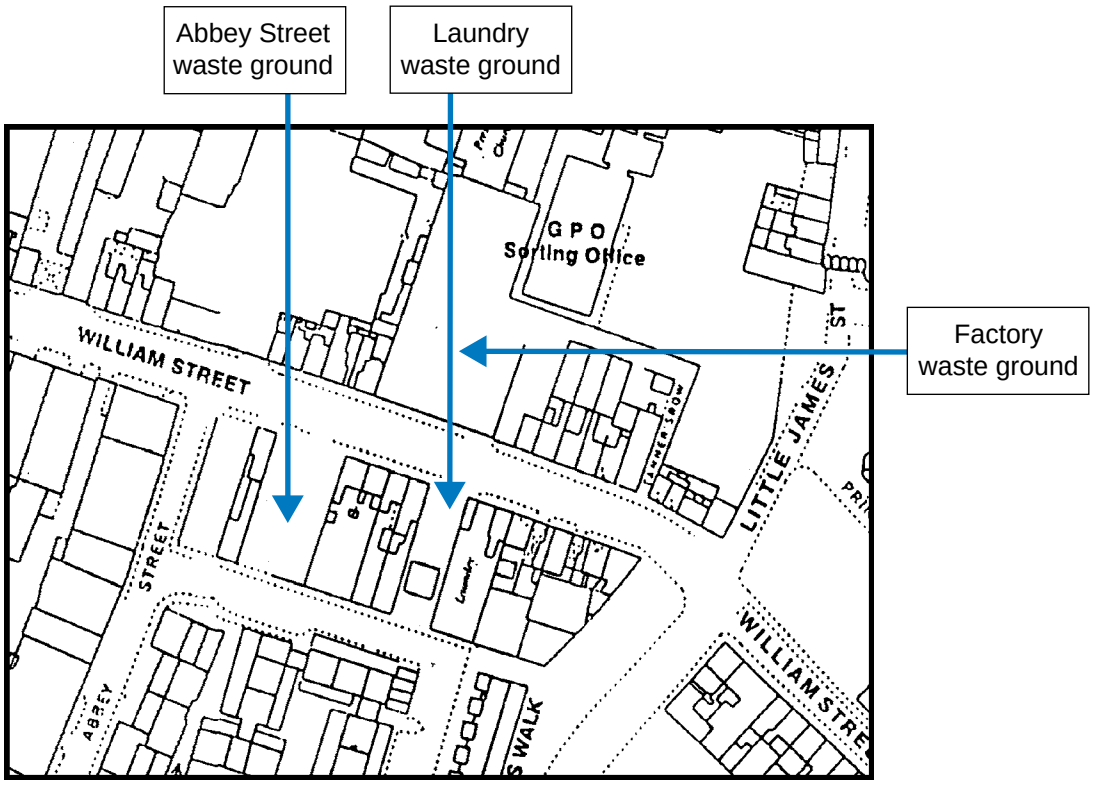
Contents

Introduction

18.1 Damien Donaghey[1] and John Johnston were shot and wounded when they were in the area known as the "laundry waste ground", which is to the south of William Street and roughly opposite the waste ground to the south of the Presbyterian church. The latter waste ground was sometimes known as the "factory waste ground". On the photograph and map below we have marked these two waste grounds. We have also marked the "Abbey Street waste ground" which lay further west along William Street. Some witnesses confused the laundry waste ground with the Abbey Street waste ground.

[1] In some documents Damien Donaghey's name appears as Damien Donaghy.





18.2 There is no doubt that these two civilians were hit by Army gunfire.

Biographical details

18.3 Damien Donaghey was 15 years old at the time of Bloody Sunday. He was known as "Bubbles" by reason of his short, black, curly hair. He was an apprentice engineer, attending the local Government Training Centre. In the past he had rioted in William Street, and on this occasion he was taking part in the rioting near Abbey Taxis.

18.4 John Johnston was 59 years old at the time of Bloody Sunday. He was the manager of a local drapery store. He had been taking part in the march[1] but on his way down William Street he saw clouds of CS gas ahead and decided to cut south across the laundry waste ground in order to visit an old man in the area of Glenfada Park. At no stage was he engaged in any form of disorderly activity.

1 AJ5.1

Medical evidence

18.5 Damien Donaghey suffered a gunshot wound in the front of his right thigh. The bullet passed through the thigh from front to back,[1] causing comminuted fractures and leaving a three-inch exit wound on the posterolateral aspect of the thigh. No metal fragments were recovered from the wound. It should be noted that a contemporary medical report that states that the injury was to the *left* thigh was clearly in error.[2]

1 D767; E10.4

2 D742

18.6 John Johnston suffered "*through and through*" gunshot wounds to his right leg and his left shoulder and a graze to his right hand. A letter from Mr Bennett, the Consultant Surgeon at Altnagelvin Hospital, dated 7th February 1972, erroneously states that it was the right shoulder that was injured.[1] Fragments of metal were found or observed in these wounds.[2] Two fragments were removed.[3] Dr Martin of the Department of Industrial Forensic Science recorded that one was a piece of a lead core, and the other of a copper jacket. Dr Martin concluded that the latter was consistent with the base of a 7.62mm calibre bullet that had been fired from a British Army SLR.[4] The nature of his injuries suggests that John Johnston was injured by a bullet or bullets that had fragmented before hitting him.[5]

1 ED32.4; D808

2 E10.5; ED32.4

3 ED32.3; D803; D804; ED32.4

4 D804; E10.5

5 E10.5; D808; AM105.5

18.7 John Johnston died in hospital on 16th June 1972 from an inoperable cerebral tumour. It was suggested that his death was caused or contributed to by a head injury sustained when he fell after being shot. However, the weight of the evidence (and John Johnston's own account to the *Sunday Times*) is to the effect that although he stumbled, he did not in fact fall when he was hit. He was discharged from Altnagelvin Hospital on 10th February 1972 having made, according to the surgeon Mr Bennett, an "*excellent recovery*" from "*comparatively minor*" injuries.[1] We are satisfied that John Johnston's death was not the result of any of the wounds he sustained on Bloody Sunday.

1 D0790

When Damien Donaghey and John Johnston were shot

18.8 Although some civilian witnesses put the shooting of Damien Donaghey and John Johnston as early as 3.40pm, and some as late as well after 4.00pm, we are satisfied that this incident in fact occurred at, or shortly after, 3.55pm. A number of civilian witnesses spoke of the presence of CS gas in the area, which drifted up William Street after its deployment at Barrier 12 (and possibly Barrier 13) at about 3.50pm. Some recalled having gone back to the laundry waste ground from further east after the first deployment of the water cannon at Barrier 14 at about 3.45pm. John Johnston himself, as already noted, had observed the presence of gas down William Street. Many civilian witnesses thought that 15 or 20 minutes passed after this shooting and before the soldiers went into the Bogside (which was about 4.10pm). Major Loden told the Widgery Inquiry that the shots from Abbey Taxis took place after he had seen CS gas used by soldiers at Barrier 12; the gas blew in his direction as he observed proceedings from the wall on the west side of the Presbyterian church and caused some soldiers at ground level in his vicinity to put on their gas masks. His Diary of Operations[1] timed the shooting at a little after 1555 hours. Private INQ 1919 of Machine Gun Platoon told this Inquiry that he heard CS gas canisters being fired as he made his way to Abbey Taxis and that after they got there "*we all received a good dose of [gas] before we were able to get our gas masks on*".[2]

1 B2218

2 C1919.3; CS3.252-253; CS3.374-384; FS7.1145-1152; FS7.1089-1100

Where Damien Donaghey was shot

18.9 There is no doubt that Damien Donaghey was shot when he was in the laundry waste ground, but there is a conflict of evidence as to precisely where he was on this ground.

18.10 During the course of his oral evidence to this Inquiry Damien Donaghey insisted that he was positive that he had been shot when he was in the vicinity of the north-east corner of the laundry waste ground and that witnesses who had placed him at the north-west corner (where the Nook Bar was situated and some 25 yards from the north-east corner) were mistaken.[1]

1 Day 70/12; Day 70/24; Day 70/31; Day 70/32-34

18.11 We are satisfied that it is Damien Donaghey and not these witnesses[1] whose recollection is mistaken; and that Damien Donaghey was at, or very close to, the Nook Bar corner when he was shot. This was also where John Johnston (in 1972 accounts considered below) recalled seeing him fall or seeing him on the ground. Some witnesses in their oral evidence to this Inquiry put him further to the east but in our view their recollections on this point were mistaken.

1 Billy McCartney AM87.10, Day 54/173; Padraig O'Mianain AO56.19, AO56.4; Gerry Duddy AD146.7, Day 59/133; Patrick O'Carolan AO6.6, Day 60/7; Michael McGuinness AM283.11, AM283.14, Day 64/154, Day 64/146; Thomas McDaid AM177.1; Anthony J Feeney AF7.6, Day 67/89; Charles James McGill AM230.7 position "7"; James Wilson AW17.15, Day 109/95-96; Peter Mullan AM450.12, AM450.6, Day 152/188; Eugene Lafferty Day 64/82; Tony McCourt Day 54/127, AM148.13.

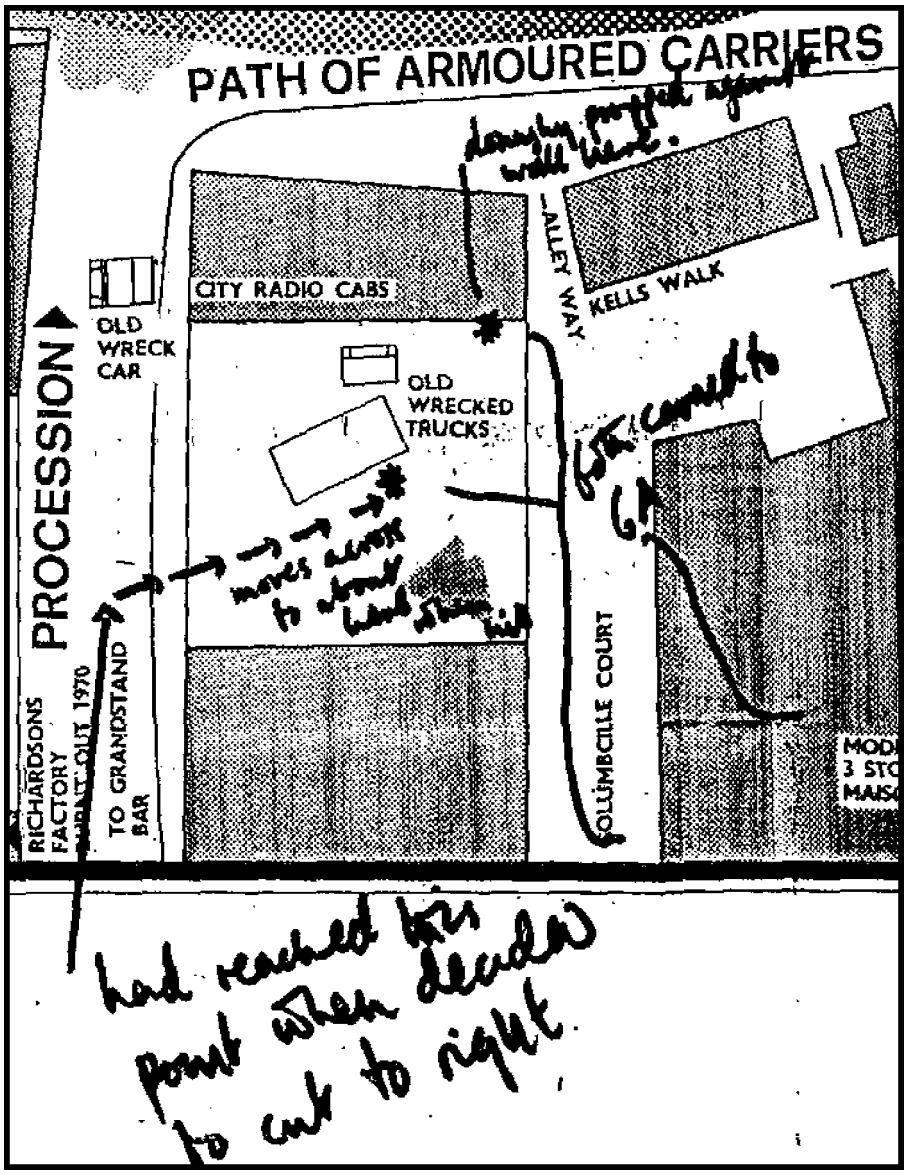
Where John Johnston was shot

18.12 According to a statement he gave to the RUC on 2nd February 1972 at Altnagelvin Hospital, John Johnston heard the sound of rubber bullets coming from "*where the burned-out factory is*" as he turned off William Street to go across the laundry waste ground.[1] "*I was walking diagonally towards the entrance to Columbcille Court when I felt a blow to my right leg and left shoulder. At this stage I thought I had been hit by a rubber bullet.*" The "*burned-out factory*" is in our view a reference to Abbey Taxis.

1 ED32.5

18.13 According to an interview John Johnston gave to the *Sunday Times* on 22nd February 1972,[1] he had walked about two-thirds of the way across the laundry waste ground when "*there was a big thump on the back of my right leg. I thought, my god, i've been whacked by a rubber bullet and went to hobble on, though I couldn't move well. then a man shouted to me 'Christ Mr Johnson [sic], you're shot, your trousers are s[oa]king in blood'*." John Johnston may well have felt a thump on the back of his right leg, though the medical evidence shows that the entry wound was at the front. The following map (prepared by the interviewer and possibly not seen by John Johnston) accompanied the notes of his interview with the *Sunday Times*.

1 AJ5.1



18.14 In the same interview John Johnston said "*i can tell you with all truth, i never heard a shot nor any bomb before i was hit, not a solitary thing did I hear except th[e] rubber bullets and the stones…*".

18.15 In his written statement for the Widgery Inquiry,[1] John Johnston recorded:

> "I saw soldiers, in firing positions, in a burnt out house almost opposite to this waste ground and north of William Street. As I was crossing this waste ground I turned and looked at the soldiers. I heard a crack of a shot. I was hit in the right leg near the hip and then another shot hit me in the left shoulder. At first I thought I was hit by rubber bullets. Another shot, which I believe was a ricochet, grazed my hand but I have no idea when this happened. Just before I was hit I saw a boy fall near the corner of the waste ground and William Street."

1 AJ5.3

18.16 John Johnston gave a similar account in his oral evidence to the Widgery Inquiry, except that on this occasion he referred to seeing the boy lying on the ground rather than seeing him fall.[1] We should note in passing that during this evidence John Johnston denied that he had been on the march. This was untrue, but understandable in view of the mandatory minimum sentence of six months' imprisonment that he faced for such an activity.

1 WT7.76

18.17 We are satisfied that John Johnston was shot when he was approximately in the position shown on the *Sunday Times* map, having turned towards the soldiers in Abbey Taxis. It should be noted, however, that this map also shows Damien Donaghey propped against a wall at the southern end of the eastern side of the laundry waste ground. According to the notes of the interview with the *Sunday Times*,[1] John Johnston recalled that "*… as i was helped away i could see a young lad lying propped up against the wall to my left (this was dogerty [sic], he had been moved I think)*". If John Johnston was facing north when he saw this figure, rather than south as the journalist seems to have assumed, it was probably Damien Donaghey that he saw in the north-west corner. We are not persuaded that Damien Donaghey was ever propped up on a wall on the eastern side of the laundry waste ground and we are satisfied, for the reasons we have given, that when shot he was in fact at the north-west corner of the laundry waste ground, "*the corner of the waste ground and William Street*" as John Johnston put it in his written statement for the Widgery Inquiry when describing what he had seen after he had turned to look at the soldiers in Abbey Taxis.[2]

1 AJ5.1 2 AJ5.3

18.18 There were a number of civilian witnesses who gave evidence about where John Johnston was when he was shot. Some put him in the same or much the same position as John Johnston did himself, while others give a variety of other positions. We did not

find the latter evidence convincing or enough to undermine the account given by John Johnston. In many cases we doubt whether the witness actually saw John Johnston when or immediately after he was hit; and it must be borne in mind that after he was shot, John Johnston hobbled on or staggered about before people saw that he was hurt or came to his assistance.

18.19 A number of witnesses said that John Johnston was shot as he came to the assistance of the injured Damien Donaghey. Indeed Damien Donaghey himself in a Praxis Films Ltd interview in 1991 said that "*Johnston went to lift me*"[1] and in an interview in 1998 that "*One of the men that came to lift me was John Johnston. He was shot, but I didn't know till the day after*."[2] In his written statement to this Inquiry,[3] he said that he had been told by someone else "*some time afterwards … that John Johnston was bending down to lift me up when he too was shot*" and in his oral evidence to us,[4] he agreed that he had no personal recollection of this, or indeed of anyone who had lifted him or had been shot. We are satisfied that John Johnston did not attempt to assist Damien Donaghey and that this story of him being shot as he did so must be regarded as one of the civilian myths that sprang up after Bloody Sunday, just as other myths did among the soldiers. Our reasons for reaching our view in this instance are the accounts John Johnston himself gave and in particular his answers when asked about this during the course of his oral evidence to the Widgery Inquiry:[5]

> "Q. Had you gone to assist the boy?
>
> A. No.
>
> Q. You did not turn round to him at all?
>
> A. No."

1 AD120.25
2 AD120.59
3 AD120.10
4 Day 70/17
5 WT7/80

18.20 The second of these answers, read in the context of the totality of John Johnston's evidence, is clearly a continued response to the first question. It should not be taken to mean that John Johnston denied looking back across William Street at all, which he agreed elsewhere that he had done shortly before he was shot.

18.21 We are satisfied that John Johnston was hit as or immediately after Damien Donaghey was shot. As will have been seen from the foregoing, the latter was John Johnston's own recollection and in this he is supported by a number of civilian witnesses. Although there

is disagreement among the civilian witnesses as to how many rounds they heard being fired, some recalling only one shot while others recalled up to three or possibly more, the most compelling evidence in our view was that all of the gunfire occurred in a brief or a very brief period of time. We do not find reliable the evidence of a few witnesses who suggested that tens of seconds, or even minutes, elapsed between the shooting of the two casualties on the waste ground.

What John Johnston and Damien Donaghey were doing when they were shot

18.22 As described above, we are satisfied that John Johnston was shot when he was approximately in the middle of the laundry waste ground, having turned towards the soldiers in Abbey Taxis. Although one witness said that John Johnston was hit as he was remonstrating with the soldiers for shooting Damien Donaghey, we do not believe that this was the case. Instead we are sure that John Johnston was merely observing what was going on.

18.23 What Damien Donaghey was doing is more difficult to determine.

18.24 Damien Donaghey himself has given a number of differing accounts of what he was doing when he was shot.

18.25 On 8th February 1972, and while in Altnagelvin Hospital, he was asked by Detective Sergeant Cudmore of the RUC (in the presence of Fr Joseph Carolan) how he received his injuries and answered "*I heard a bang and I fell. There was no trouble at the time*." DS Cudmore then asked him what he was doing in the area at the time and he said "*I was taking a short cut to go to my cousins in Garvan Place, Rossville Flats*". He told the officer that he did not want to make a statement at the time but that he would make a statement to his solicitor.[1]

[1] AD120.17

18.26 On 28th February 1972 Damien Donaghey did give a statement to his solicitor,[1] which was put before the Widgery Inquiry. In this he recorded that he had come down William Street at about 4.00pm and noticed a cloud of gas around the junction of William Street and Rossville Street, that as he reached the Nook Bar in William Street he saw three soldiers lying on a ledge at the rear of the Great James Street Presbyterian church and

that he also noticed two soldiers inside the former premises of Abbey Taxis in William Street. He said the soldiers on the ledge had their rifles aimed towards the direction of Columbcille Court. His statement continued:

> "I went round the corner of the 'Nook Bar' and into the waste ground beside it. I was walking towards Columbcille Court then. I heard the sound of a rubber bullet being fired and I saw it bounce off the wall on my right and I then ran to pick it up. As I was bending down to pick it up I heard a shot ring out and I felt a twinge in my right hip. I fell to the ground and I saw the blood coming from a hole in my trousers just above my right knee. I then realised that I was shot. Some men came and I shouted to them that I was shot. Just as these men were coming to pick me up I heard two more shots and they were not rubber bullet shots … At no stage did I have a gun or a nail bomb in my possession."

[1] AD120.18

18.27 On 1st March 1972 Philip Jacobson and Peter Pringle of the *Sunday Times* Insight Team interviewed Damien Donaghey, who was still in hospital. In his evidence to us, Damien Donaghey denied giving an interview to these journalists,[1] but we are satisfied that in fact he did so. According to their notes, which we consider contain an accurate account of the interview:[2]

> "Donaghey says he missed the march because he went to a dance on the Saturday night and didn't get up till late. He was on his way to see his cousin, a Mrs Shields, (No. 15, 1st floor of the Rossville block on Rossville St.). He was in William St behind the main body of the march when he saw the gas at the end of the street. He decided to cut across through Columbcille Court to the Rossville flats. There were a few youths throwing stones at about three soldiers on the low roof next to the Presbyterian Church. He heard a rubber bullet being fired, turned round to see where the bullet was coming and as he turned he was hit in the right thigh.
>
> At first he thought it was a rubber bullet but then saw the blood on his leg and he cried out that he had been hit. The person nearest to him was an oldish man he now knows to be Mr Johnston and he came towards him. Donaghey was lying on the ground and he heard two more rifle shots and saw that Mr Johnston had been hit…
>
> He says that although he is a regular William Street stone thrower he was NOT throwing stones on that day…

> While he has been in Altnagelvin he has had tow [sic] calls from the Special Branch. They asked him to place on a map where he was wounded and also asked him to make a statement which he refused to do."

[1] Day 70/27 [2] AD120.2-4

18.28 In a Praxis interview in 1991[1] Damien Donaghey is recorded as having told the interviewer:

> "On waste ground in William Street, opposite Presbyterian Church. With 2/3 friends (John McGhee [sic] was one of them), threw handful of stones at soldiers who were on church roof, beside bakery, on that roof and inside.
>
> Roaring, shouting crowd of perhaps 20. NO BOMBS AND NO GUNS.
>
> Turned and walking away, not behind corner but near it.
>
> Shot in right leg, went in front and out the back. Shot straight on as he turned to walk back."

[1] AD120.25

18.29 In the subsequent Praxis Channel 4 television Secret History documentary *Bloody Sunday* broadcast on 22nd January 1992 Damien Donaghey said:[1]

> "There was a bit of rioting, because the army were in the bakery over there and they were on the rooftops and there were soldiers on the roof over there too and then we kind of dropped our stones and were walking away again. Then I just turned and the next thing I was shot and was lying on my back you know."

[1] X1.7.12

18.30 A little later in the interview Damien Donaghey was asked whether he was doing anything at that time that the soldiers could have thought was aggressive. His answer was, "*No nothing at all, wasn't doing nothing at that time*".[1]

[1] X1.7.12

18.31 By the words "*the bakery*" we consider that Damien Donaghey was intending to refer to Abbey Taxis, which was once a bakery.

18.32 In the course of preparing for the BBC television Inside Story documentary *Remember Bloody Sunday* (first broadcast on 29th January 1992) Peter Taylor interviewed Damien Donaghey. In this interview (which was taped and transcribed but not used in the final programme) Damien Donaghey told Peter Taylor:[1]

> "… after the march, was kinda breaking up, there were a little bit of rioting, where they – they were stoning the soldiers in the bakery, but at that time I was walking through the wasteground and when I turned aro [sic] – I happened to just turn around to talk to another fella and I turned around and the next thing I knew I was lying on my back, I was shot, I didn't know I was shot, and er, I cannae remember (INAUDIBLE) … there were people all around me, the next thing I knew I was lifted and was took into a house over in Glen Fadda [sic] Park.
>
> PETER: Do you remember being shot?
>
> DAMIAN [sic]: Not really, to be truthful you know, the next thing I was – I'd just had me turn and the next thing I was lying on me back, you know, and I felt my leg you know, and then a man says er – a boy had been shot and the next thing there were three or four – maybe half a dozen people all around me, and a man Johnson [sic] as I didn't know him then but I knew later, he tried to lift me and he was shot too, and then I was carried into a house in Glen Fadda Park.
>
> PETER: Had you been rioting?
>
> DAMIAN: No not – not rioting no.
>
> PETER: Had you thrown any stones at the soldiers?
>
> DAMIAN: Nothing at all, no."

1 I73-82

18.33 It is possible that Peter Taylor did not accept Damien Donaghey's denial that he had been throwing stones, as in the programme as shown Peter Taylor said, "*Donaghy had been throwing stones*".[1]

1 X1.9.20

18.34 On 23rd August 1998 (after the institution of the present Inquiry), Damien Donaghey was interviewed by Don Mullan. In the course of this interview (which was taped and transcribed)[1] he was asked "*What do you remember about the incident then – you were on the march?*" The reply was:

> "On the march, coming down William Street. We were coming down past the bakery, I noticed there were soldiers up on top of what would have been the Protestant Church on Great James Street…
>
> There were a wee bit of rioting down at the bottom of William Street and that was it, and there were soldiers in the bakery – it was the old Ormeau bakery on William Street. They were left, but he was hiding in behind an old broken window, you know, that was it – you never think, then I just turned round and the next thing I was lying on my back and there were a couple of people came to lift me. One of the men that came to lift me was John Johnston. He was shot, but I didn't know till the day after…"

[1] AD120.58-59

18.35 The reference to the "*old Ormeau bakery*" is again in our view a reference to Abbey Taxis.

18.36 In his written statement to this Inquiry, Damien Donaghey gave a longer account of his movements and activities up to the time when he was shot:[1]

> "I was born on 21 May 1956. At the time of the march which took place in Derry on 30 January 1972 I was 15 years old.
>
> Bloody Sunday was the first time that I had been on a march. At that time I was not particularly interested in civil rights. I went on the march with some friends of about my own age, as everyone else seemed to be going. Amongst the small group of friends who went with me were Alex McGuinness, Sean O'Neill and Liam Doherty. They were friends who lived near me at […]. We were all at school together. We met at the Creggan shops and went from there to join the beginning of the march. People of all ages and all walks of life had gathered to take part in the march.

I was about a half to three quarters of the way back in the crowd of marchers as we set off. I walked with the crowd along the whole of the route of the march as far as William Street. The first sight that I had of any soldiers were those which were positioned at the junction of Francis Street and Great James Street. They were about 150 yards away. There was some catcalling from the crowd when they were noticed, but it was nothing venomous. There was no reaction from the soldiers. I saw another group of soldiers as the crowd moved further along William Street. These were positioned at the junction of Lower Road and Great James Street. There was some further catcalling from the crowd.

I continued to walk along William Street with the rest of the crowd. Shortly afterwards, I noticed a number of soldiers on a flat roof at the back of the Presbyterian Church, to the north of William Street. I have marked the approximate position of the soldiers at A on the map (grid reference K05). I also noticed some other soldiers on the roof of the GPO Sorting Office close to the Presbyterian Church. The sorting office is marked B on the map (grid reference L06). The soldiers in both positions were approximately 150 to 200 yards away from me. Whilst I noticed that the soldiers were there, I remember very little about them. I think there were about three soldiers in each position, but there may have been a few more. They were aiming rifles. I could not really see what they were wearing.

The next thing that I remember is that a group of young fellows near me noticed some other soldiers moving around in a derelict building next to the old bakery on the north side of William Street. The building was formerly used as an office by Abbey Taxis. I have marked the position of the building at C on the map (grid reference J07). The same building can be seen clearly on the attached photograph. I saw some of the soldiers moving between windows on the ground level which I have marked on the photographs. When I saw the soldiers, I was standing on the opposite side of William Street (the south side) near the Nook Bar. I have marked my approximate position at D on the map (K08) and on the attached photograph.

I watched as about five or six lads shouted abuse at the soldiers. The young lads then began to throw stones and bottles towards the derelict building where the soldiers were. This only lasted for about two minutes. I find it very difficult to say how many soldiers were in the building. They were moving back and forth between the windows. I would say there were three or so, but there may have been one or two more. I could see that they were armed with rifles and I think they were wearing tin helmets. I cannot remember anything else about them.

People involved at the tail end of the march – approximately a couple of hundred – passed by as this was going on. Other people were cutting across to Free Derry Corner. I did not get involved with the lads throwing stones and I did not throw any stones myself. It was not a serious disturbance. I would not even describe it as a riot.

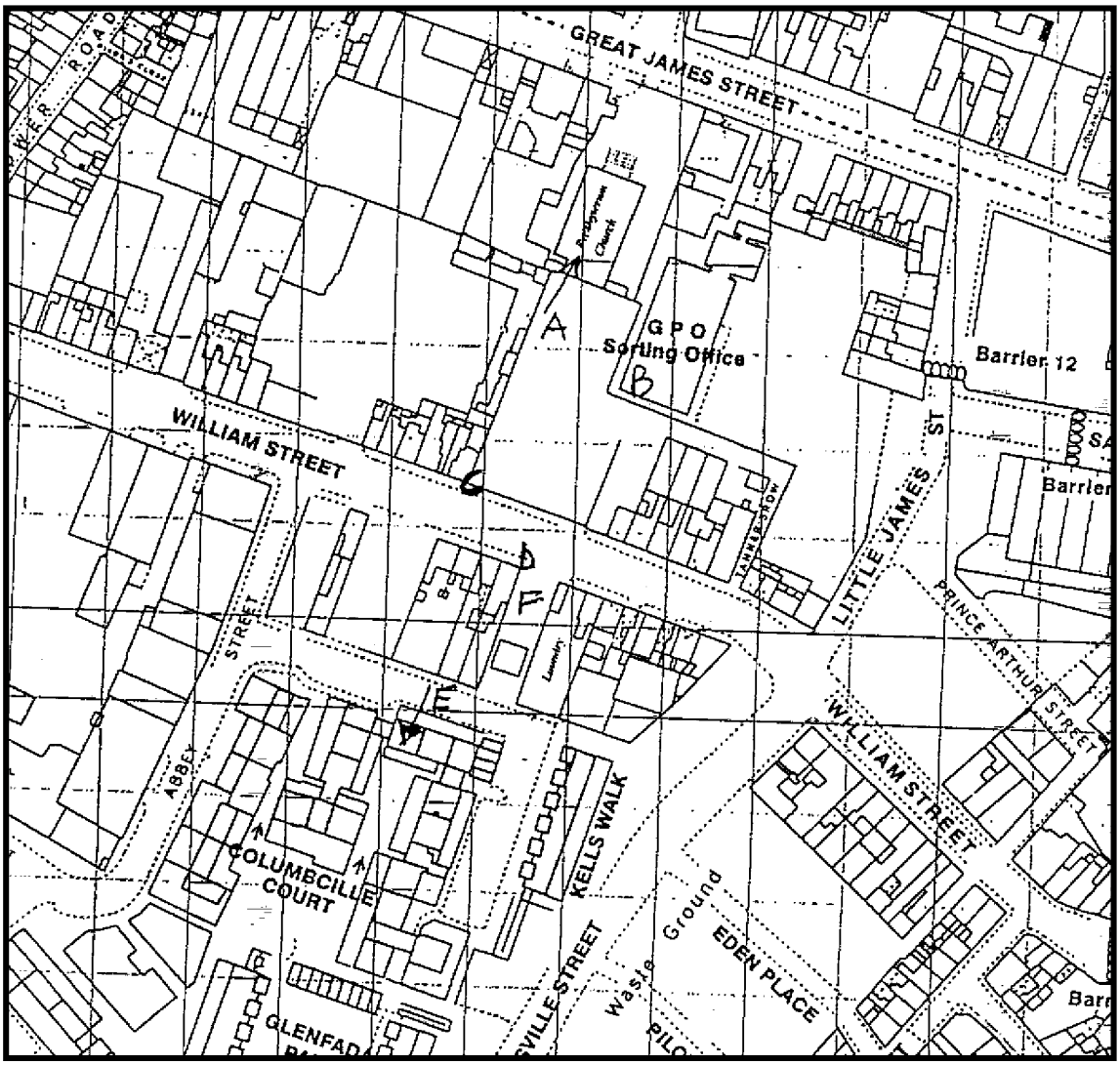
I watched the young lads throwing stones for no more than a couple of minutes. The soldiers were taunting the young fellas. I am sure that during this period no petrol bombs or nail bombs were thrown, and I did not see anybody around me with any sort of weapon. I then recall that I heard two rubber bullets being fired from across the road from the direction of the derelict building next to the old bakery, the same building where I had seen the soldiers. There were two loud bangs, and one of the rubber bullets ricocheted off a wall not far from where I was standing. I do not recall exactly which wall the rubber bullet hit, or whether the bullet hit the top, middle or bottom of the wall. The rubber bullet fell onto the waste ground on my side (the south side) of William Street. I saw it and decided to go and pick it up, as everybody collected them at the time and it was possible to sell them as a souvenir.

I took about three steps towards the rubber bullet. I hadn't got within 20 feet of the rubber bullet when I felt a jab in my right leg. Initially, there was no strong sensation of pain, but I fell immediately onto my back. My approximate position when this happened is marked F on the Plan (grid reference K08). I was not aware of any people being around me when I was hit, nor can I remember hearing a shot being fired beforehand. I did not realise that I had been shot until I put my hand to my trousers. I looked at my hand and it was covered in blood. The bullet had hit me on the right side of my knee at a slight downward angle. It broke my femur and came out at the back of my thigh."

[1] AD120.5

18.37 The map or plan to which Damien Donaghey referred in this statement is shown below.[1]

[1] AD120.24


GREAT JAMES STREET
G P O
Sorting Office
Barrier 12
WILLIAM STREET
LITTLE JAMES ST
PRINCE ARTHUR STREET
WILLIAM STREET
KELLS WALK
COLUMBCILLE COURT
EDEN PLACE
Waste Ground
A
B
C
D
E
F

18.38 Shortly after he was interviewed by this Inquiry, Damien Donaghey gave a further account to the writer Jimmy McGovern, and his producer Stephen Gargan, who were working on a dramatisation of the events of 30th January 1972 that was later screened under the title *Sunday*:[1]

> "… I got down to where the Nook Bar was, where I was shot … the march was coming down William Street at the bakery corner round from Abbey Taxis there was soldiers in there, in the derelict building at the side you know. And there were a few stones threw at them but that was it and the plastic bullet was fired and it came off the wall and I went to go for it and next thing I was lying shot.
>
> J. McG … Did you handle the plastic bullet?
>
> D.D … I never even got my hand on it to tell you the truth and then that … it happened that quick do you know what I mean and I was lying on me back …"

1 AD120.28-29

18.39 Damien Donaghey gave oral evidence to this Inquiry on 25th January 2001.[1] At the outset of his evidence he read out the following prepared statement:

> "'After discussions with my legal representatives and because the main reason we are here is for the truth to be told, I may wish to admit that I threw stones. I also would like to add that when I was shot, I did not have a nail bomb or anything else in my hands.'"

1 Day 70/001

18.40 In the course of his oral evidence to this Inquiry Damien Donaghey was asked why he had previously stated that he had not thrown any stones at all. He agreed that he had done this and when asked why, he said this:[1]

> "At that time I was a bit afraid in a way in case I would be charged with rioting, but another way I was afraid – I thought it might give the soldiers credibility for shooting me, because I threw stones."

1 Day 70/020

18.41 It is understandable that in 1972 Damien Donaghey should have denied that he was throwing stones, and indeed that he should have made up a story about not being on the march, since he risked being sent to a remand home for six months or a training school for three years for such activities. However, since (as we are sure he knew) there was no risk at all of being charged with riotous behaviour or any other offence decades after the event, this does not explain how he came to deny to Peter Taylor in the early 1990s that

he had been stone throwing or (and more importantly) how he made the same denial in his written evidence to this Inquiry. Leaving aside what he said in 1972, and accepting the reasons that he gave for not telling the truth, the later denials appear to us to have been made because of his concern that by admitting to rioting he might give credibility to the evidence of the soldiers who shot him.

18.42 To our minds this amounted to an attempt deliberately to distort and conceal the truth from this Inquiry for the purpose of trying to remove any possible justification for the shooting. The explanation in his prepared statement for his belated admission that he had in fact been throwing stones was "*because the main reason we are here is for the truth to be told*", but we find this difficult to accept, since he must have been well aware that this was the purpose of this Inquiry when he denied stone throwing in his written statement.

18.43 As well as the question of stone throwing, there are other matters that cast doubt on the reliability of Damien Donaghey's testimony as to what he was doing when shot. For example in his various accounts over the years, he said he had been shot as he was picking up a rubber bullet, as he was turning round to see where a rubber bullet was coming from, as he turned round to talk to someone, and (in his written and oral evidence to this Inquiry) as he was going towards a rubber bullet but had not got within 20 feet of it. As already observed, he was mistaken in insisting in his oral evidence that he was at the north-east rather than the north-west corner of the laundry waste ground and that he had not talked to the press when he was in hospital.

18.44 It was suggested that these matters, and other discrepancies and inconsistencies in the accounts Damien Donaghey has given over the years and to this Inquiry, demonstrate that he has persistently lied.[1] We are not persuaded that this is necessarily the case, though he clearly lied at one stage about not throwing stones. What must be borne in mind is that on Bloody Sunday Damien Donaghey, then a boy of 15, was grievously wounded by gunfire, which put him in hospital for many months and has adversely affected him ever since. In the emotions created by this and the other events of the day, he may have come to believe and say things that did not in fact happen.

1 FS7.1112

18.45 In these circumstances, we do not feel able to place any reliance on the accounts given by Damien Donaghey as to what he was doing when he was shot, unless other convincing evidence supports what he has said. It is thus necessary to consider the other material that we have gathered on this topic.

18.46 In her written evidence to this Inquiry Monica McDaid said that she heard what she thought was the sound of a rubber bullet gun, and that:[1]

> "After the shot was fired, the young fellow who had been on the waste ground, turned to retrieve the rubber bullet which had been fired, and then ran away from William Street along the gable of the building on the waste ground. A few seconds later I heard a second shot. I mentioned to my husband that it was another rubber bullet but he said no it was a lead shot. I saw the young lad stumble as his legs buckled underneath him. I cannot remember if he fell to the ground … I found out the day after that the young lad was Damien Donaghy…"

1 AM170.2

18.47 In her oral evidence to this Inquiry Monica McDaid gave a slightly different account, which was that "*… there was a shot and I seen the young fella going to retrieve the rubber bullet … but then, I think immediately, there was another shot and he stumbled*".[1]

1 Day 65/124-125

18.48 There are difficulties with Monica McDaid's evidence. She said that the only young person there was Damien Donaghey,[1] that John Johnston was shot about three minutes after Damien Donaghey[2] (though she modified this in her oral evidence[3]), that there was no rioting on the waste ground while she was there,[4] and that she saw soldiers in the derelict building looking out south directly onto William Street, and not onto the waste ground north of that street.[5]

1 Day 65/123-24
2 AM170.3
3 Day 65/127/5-25
4 Day 65/123/14-17
5 Day 65/125

18.49 We are satisfied that there were a number of young persons in the immediate area, some of whom were engaged in stone throwing (though there were also a number of older people merely watching the rioting from the laundry waste ground), that John Johnston was shot at the same time as, or immediately after, Damien Donaghey and that soldiers were looking onto the waste ground and not directly south onto William Street. In our view it is not possible to place reliance on Monica McDaid's evidence with regard to the matters under discussion, for many of her recollections after so many years (she apparently made no statement in 1972) are clearly erroneous, though we have no reason to suppose that she was doing other than her best to help the Tribunal. We should note that she was with her

husband, Thomas McDaid, who gave written and oral evidence to this Inquiry and who had made a NICRA statement on 1st February 1972.[1] There was nothing in that statement to suggest that Damien Donaghey was trying to retrieve a rubber bullet when he was shot.

1 AM177.4

18.50 There were many people in the area of the laundry waste ground, numbering well over 50. There were probably only very few marchers still going down William Street and past Abbey Taxis and the laundry waste ground. John Johnston described himself as being at the tail of the march when he decided to go across the laundry waste ground. A substantial number of people had come back up William Street to avoid the CS gas at Aggro Corner, many of whom had turned into the laundry waste ground and were making their way south. Others were standing in that ground, mostly at the southern end, some watching youths throwing stones and bottles at the soldiers in and on the buildings to the north. At this stage in the rioting, it seems to us that probably only about a dozen or so people at the most were engaged in throwing stones and bottles.

18.51 Many civilian witnesses gave evidence about the shooting of Damien Donaghey. As already noted, it is to be expected that in any situation where a number of people seek to describe the same event, there are differences in these accounts, some very marked. In many cases it seemed to us more likely than not that the person in question had not actually been watching Damien Donaghey at the moment he was shot and had only observed him before or afterwards, sometimes immediately afterwards. In other cases it seems to us likely that the witnesses really saw little or nothing, but have come to believe otherwise over the years. All this makes it difficult to be certain about some matters, though on others we have been able to form a firm view.

18.52 We are satisfied, from the evidence of civilians, the nature of his wounds, and the position of the soldiers who fired, that Damien Donaghey was at or close to the north-west corner of the laundry waste ground and was facing north or north-west when he was shot. We are not persuaded that he was seeking to retrieve a rubber bullet, although very shortly before he was shot soldiers had fired rubber bullets from Abbey Taxis and possibly also from the roof immediately to the east of the Presbyterian church.[1] He had been engaged with others (probably at most a dozen) in throwing stones at the soldiers in Abbey Taxis, on occasion going forward as far as the north side of William Street to do so.[2]

1 AM78.3; AO56.1; Day 61/163; AM452.16; AM431.5

2 AQ1.4; AD80.1; Day 92/57-58; Day 62/8; Day 70/22; AM37.1

18.53 Damien Donaghey was probably the furthest north of a group (some or all of whom had been rioting) who had taken shelter by the wall on the western side of the laundry waste ground when soldiers fired rubber bullets.[1]

[1] Day 66/39-40; Day 152/189-190; AC132.2

18.54 He might have been dodging in and out of that cover or peering round the wall when he was shot,[1] but there is nothing in the civilian evidence to suggest that he might have been about to throw a stone or similar object at the soldiers to the north of William Street at this moment, though he probably had thrown a stone shortly before.

[1] Day 69/87-90; Day 109/94-95; Day 65/7

18.55 There is no civilian evidence whatever from anyone in the area of Abbey Taxis that suggests that either Damien Donaghey or indeed anyone else had either thrown or was preparing to throw a nail bomb or similar lethal device. On the contrary there was a substantial body of civilian evidence from people in the area to the effect that this was not the case.[1]

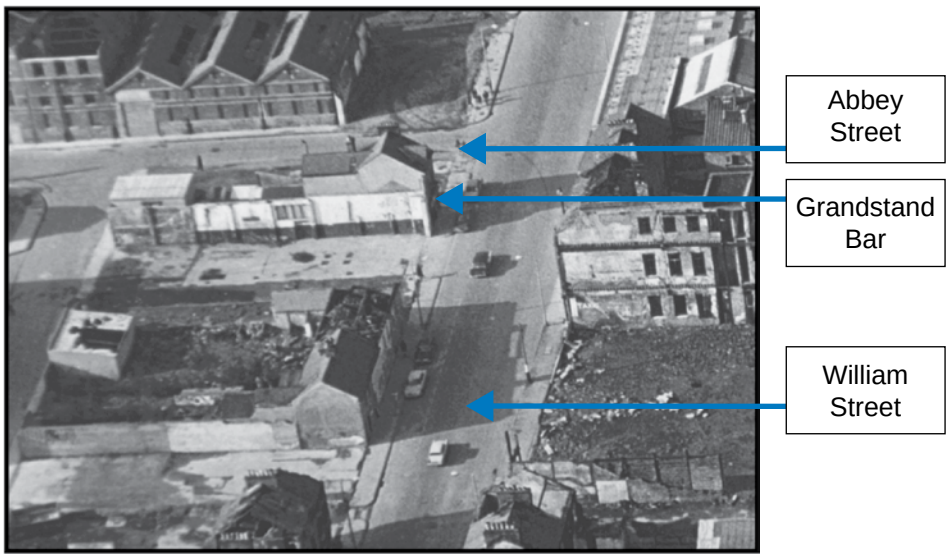
[1] Day 64/50-51; AM450.6; AM452.2; AO6.3; AM253.1; AM253.7; Day 59/46; Day 71/151

18.56 However, there were three witnesses whose evidence, it was suggested, indicated the possibility that a nail bomb or bombs exploded in this area.[1]

[1] FS7.1070-1075

18.57 Frank Lawton, who was observing the march from an open window in the living room of his mother-in-law's maisonette on the fifth floor of Block 1 of the Rossville Flats recorded, in a contemporaneous NICRA statement,[1] that he heard one nail bomb explode at a time when the man on the coal lorry in Rossville Street was calling for people to meet at Free Derry Corner. This explosion, he said "*appeared to be at the Grandstand Bar in William Street*". The Grandstand Bar was the first building still standing to the east of Abbey Street on the south side of William Street and is marked on the following photograph.

[1] AL6.19



18.58 In his written evidence to this Inquiry, Frank Lawton put the time when he heard this explosion as about five to ten minutes before the Army moved into the Bogside,[1] which, if correct, would mean he heard it at or about 4.00pm. However, as appears below, there were soldiers very close to the Grandstand Bar, in Harrison's Garage on the other side of William Street, none of whom reported or recalled hearing a bomb at or near this location. Frank Lawton was in a flat some 200 yards distant from the Grandstand Bar. At the time he recalls, gas canisters were exploding and baton guns firing. We are not persuaded that his evidence undermines that of those who were much nearer Abbey Taxis.

1 AL6.1

18.59 In a 1972 statement to Philip Jacobson of the *Sunday Times* Insight Team, William McCormack (who was then a lecturer at Magee College in Londonderry) denied hearing nail or petrol bombs at any time,[1] though he gave an account of seeing a soldier on the roof of the GPO sorting office who fired at and missed a boy who had been throwing stones, something of which no other witness has spoken and, as we have already observed, something which in our view did not happen. In his oral evidence to us, Professor McCormack agreed that it was possible that he had not actually observed the soldier shooting as opposed to pointing his gun towards the stone throwers, something that several others did see.[2]

1 AM136.15; AM136.17

2 Day 113/102

18.60 In an article published in 1998 Professor McCormack (under the name Hugh Maxton) referred to "*sounds of explosions in William Street, but distant and insignificant*".[1] It is not clear where Professor McCormack might have been when he heard these explosions. In view of his 1972 denial, this recollection does not in our view undermine the evidence of those close to Abbey Taxis that no nail bombs were thrown in that area.

1 AM136.8

18.61 Brian Callan gave a NICRA statement[1] in which he described being halfway up William Street and hearing rubber bullets and gas being fired from the roofs. His statement continues, "*At this particular time there was a big bang and smoke rose from the central office of the GPO. The talk in the crowd was that something had gone wrong with the store of CS gas. This cloud of gas drifted in our general direction.*"

1 AC4.5

18.62 Brian Callan gave a written statement to this Inquiry in which he gave a similar description.[1]

1 AC4.2

18.63 We are sure no CS gas was fired from the GPO building. In our view what Brian Callan heard and saw was the deployment of gas at Barrier 12, to which we have referred above. His evidence does not support the proposition that nail bombs may have been thrown in the area of Abbey Taxis.

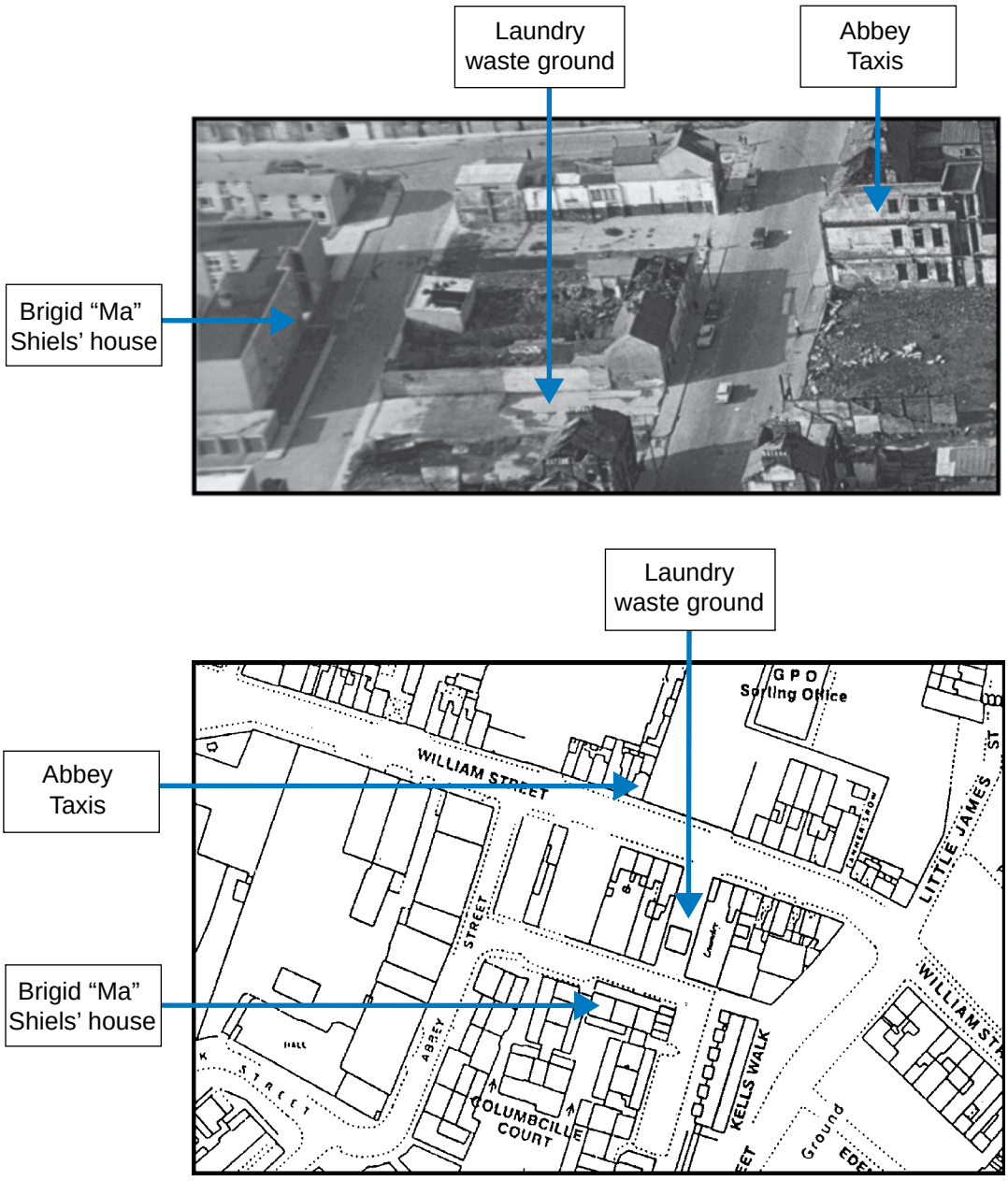
18.64 In the light of the evidence discussed above, we are sure that no nail bombs exploded in the area where Damien Donaghey and John Johnston were shot.

18.65 We should add at this point that there is no civilian evidence that suggests to us that anyone apart from John Johnston and Damien Donaghey was injured by gunfire in this area of the city at this time.

Where Damien Donaghey and John Johnston were taken

18.66 After he was shot Damien Donaghey was dragged behind the cover of the wall to the west of the laundry waste ground and then carried by a number of people to Brigid "Ma" Shiels' house at 8 (or 8A) Columbcille Court, as shown on the photograph and map below.[1]

1 AB69.1; AB69.3; AM217.7; AM217.2; AD80.3; AD80.5; H3.8; H3.2; AC132.2



18.67 Shortly afterwards people assisted John Johnston to the same house.[1] There they were treated by Dr Raymond McClean, Dr Kevin Swords and a number of volunteer members of the Order of Malta Ambulance Corps, a voluntary organisation of civilians who were trained in first aid and who attended public events to provide medical assistance.[2]

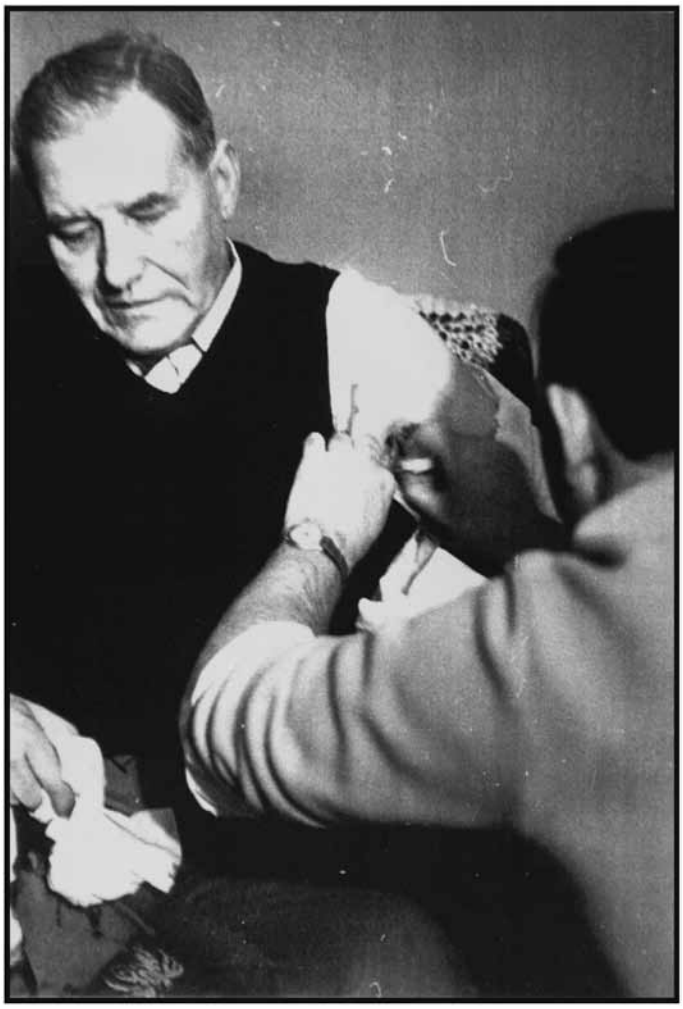
1 H3.8; H3.2; AM283.11; AM283.15; AM283.3; AM230.8; AM230.3; AO56.1; AF26.4; AF26.6; AM450.2; AM450.7

2 AM105.82; AM105.65-67; AM105.5; AS42.1-2; AL2.2-3; AD13.1-2; AM166.3; AM17.9; AD50.28; AD50.31-32; AD50.36-37; AG21.3

18.68 Fr Carolan then took John Johnston to Altnagelvin Hospital by car, returning to do the same for Damien Donaghey.[1]

[1] H3.8-9; H3.3-H3.4; H3.13-H3.16

18.69 Larry Doherty of the *Derry Journal* (a local newspaper) took photographs of the two injured individuals while they were in Ma Shiels' house. The first two of the following photographs are of Damien Donaghey and the last two of John Johnston.



18.70 As can be seen from his *Sunday Times* interview[1] and one of the photographs taken in Ma Shiels' house John Johnston had been wearing an overcoat, a jacket, a woolly cardigan, white shirt and a tie and grey trousers.

1 AJ5.1

18.71 Damien Donaghey said that he had been wearing Wrangler jeans and a creamy coloured Wrangler jerkin, with a shirt and round-necked jumper. The photos taken of him in Ma Shiels' house show that he was wearing jeans, and it is reasonably clear that he had on a light-coloured jacket of some kind and a dark-coloured jumper. One of the civilian witnesses in a NICRA statement[1] described him as wearing a white jerkin and motorbike goggles (Damien Donaghey denying the latter), while others (in statements made to this Inquiry[2]) described him as wearing a jumper, a darkish bomber jacket, and possibly a zipped-up coat. In view of the photograph it seems that the latter were mistaken in their

recollection. Whether Damien Donaghey had been wearing motorbike goggles seems doubtful, for as will be seen, neither of the soldiers who targeted him mentioned seeing these.

1 AB70.9

2 AM217.2; AM230.3; AF26.4; AC132.2

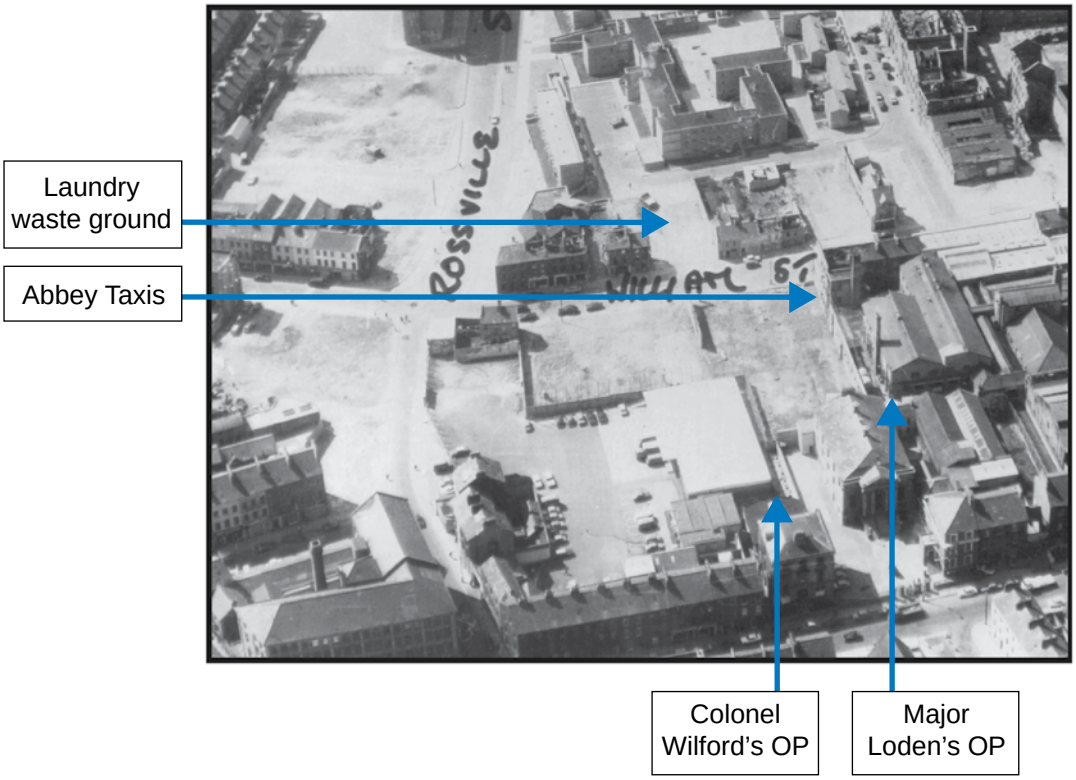
The actions of the soldiers

18.72 As described above, at about 1540 hours Major Loden had ordered Machine Gun Platoon forward to Abbey Taxis, members of Mortar Platoon forward to cut the wire on the east side of the Presbyterian church, and Composite Platoon to be prepared to deploy forward to the open ground south of the Presbyterian church to arrest rioters. At this stage Major Loden was at his Observation Post (OP), which was on the roof of a building on the south-west corner of the church. He had a signaller in the courtyard below him to the north, as that was the only position from which he could communicate with the 1 PARA Tac HQ (the Gin Palace) on the battalion net. Major Loden also had a radio and possibly another signaller (Lance Corporal INQ 627[1]) with him on the roof, for the purpose of communicating with the platoons of his company on the company net.[2]

1 C627.3

2 B2219-20

18.73 Colonel Wilford had also set up an OP. There was a little confusion in the evidence as to where exactly this was, but it is probable that it was on the south side of the top floor of the three-storey building to the north-east of the Presbyterian church, which can be seen from the following photograph. On this is also marked the likely position of Major Loden's OP.



18.74 From Colonel Wilford's OP there was a view of some of William Street, though because of the bend in the road, it was not possible to see as far down as Barrier 14. It was also not possible to see much of Little James Street or Barrier 12. It should be borne in mind that the photograph shown above is not a reliable guide to what could be seen, as it was taken after Bloody Sunday and after buildings to the south-east of the Presbyterian church had been destroyed.

18.75 It is not clear when Colonel Wilford got to this OP, though we are satisfied that he was there for all or most of the time from at latest about 1515 hours until about 1610 hours. Captain Jackson, his adjutant, was with him together with a bodyguard. It is possible that his second in command (Major Norman Nichols) was with him, or with him for some of the time, since in his evidence to the Widgery Inquiry, Colonel Wilford referred to Major Nichols's presence when a shot hit the Presbyterian church (a matter to which we return below). However, in his oral evidence to us Captain (now General) Jackson thought that Major Nichols was almost certainly not there,[1] and Major Nichols himself in his written evidence to this Inquiry,[2] while having little detailed recollection of the day, thought that he was on his own elsewhere. In addition there is an entry in the 1 PARA log,[3] timed at

1530 hours, recording an order from Major Nichols to send "*watchdog team*" (the Military Police) to "*2IC location*", which seems to indicate that at least at that time, Major Nichols was not with Colonel Wilford.

1 Day 318/22
2 C1876.2
3 W90 serial 26

18.76 Because he was in this building, Colonel Wilford was not in direct radio contact with Brigade HQ or other battalions on the Ulsternet, though it may be that he had a lead from the Land Rover so that he could listen to Brigade radio traffic.[1] His Land Rover did have an Ulsternet radio, but when he was away from this vehicle, communications with Brigade HQ or other battalions would go through a signaller with an A41 radio on the battalion net to his Tac HQ in the Gin Palace who would send and receive Ulsternet messages.[2] Elsewhere in this report[3] we describe in detail the radio communications in use on Bloody Sunday.

1 B948; C1876.2
2 C2033.4; C366.1; W291
3 Chapters 180–192

18.77 A memorandum,[1] drafted in 1972 for Captain 200 by Sergeant INQ 2006, a signaller who was on duty in the Gin Palace on Bloody Sunday, recorded Colonel Wilford's signallers as being Corporal INQ 1027, Corporal INQ 1171 and Corporal INQ 691. However, Lance Corporal INQ 1152 gave oral evidence to this Inquiry that he was the battalion net radio operator for Colonel Wilford on the day,[2] and Corporal INQ 1027 in his written statement to this Inquiry,[3] stated that he operated the Brigade Net (ie the Ulsternet radio in the Land Rover) and that Lance Corporal INQ 1152 operated the battalion net radio. In view of the fact that none of these soldiers gave an account in 1972 and thus were endeavouring to recall what precise function they performed decades ago on one particular day, it remains unclear who the various signallers were and what function they were performing, though there is nothing to suggest that any soldiers other than these could have been Colonel Wilford's signallers on Bloody Sunday.

1 C2006.26
2 Day 334/94
3 C1027.1

Machine Gun Platoon

18.78 As noted above, as or soon after Machine Gun Platoon reached Abbey Taxis, rioters noticed soldiers in that building and started directing stones and bottles at them. There might have been some who continued to throw stones and bottles at the Mortar Platoon soldiers to the east of the Presbyterian church and on the GPO building.

18.79 As also noted above, the soldiers responded by firing rubber bullets. It was shortly after this that Corporal A and Private B opened fire with their SLRs, the former claiming to have fired two shots and the latter three.

18.80 Corporal A and Private B gave statements to the Royal Military Police (RMP) in the early hours of the following morning.[1] Corporal A's statement was signed at 0100 hours and Private B's ten minutes later. Both statements were taken by Warrant Officer Class I Wood.

1 B20.014-015; B43.009-010

18.81 Corporal A gave a second statement to Colonel Overbury at Lisburn on 17th February 1972. Colonel Overbury was a member of the Army Tribunal Team assembled for the Widgery Inquiry.[1]

1 B20.019-024

18.82 Both soldiers also gave written statements for the Widgery Inquiry and gave oral evidence to that Inquiry.[1]

1 B8-9; WT12.40-WT12.48; B25-27; WT12.48-WT12.60

18.83 Both soldiers have maintained throughout that they fired their shots at, and believed that they hit, someone at the Nook Bar corner who was preparing to throw a nail bomb, shortly after two nail or gelignite bombs had been thrown and exploded near to where they were. It is alleged against them that this is untrue to their knowledge and that they neither had nor believed that they had any justification for opening fire.

Corporal A

18.84 As described above, Corporal A was on the first floor (middle) level of Abbey Taxis.

18.85 According to the oral evidence given to the Widgery Inquiry by Corporal A, the soldiers on the bottom floor of Abbey Taxis were spotted by some youths who were hanging around after the main body of marchers had passed. They started throwing bottles, stones and rubbish at the building.The men on the ground floor fired rubber bullets at them in return.[1]

1 WT12.42

18.86 Corporal A said that he then noticed two smoking objects, each about the size of a bean can, thrown across his line of sight after which he heard two explosions, which he took to be nail or gelignite bombs, on the waste ground to the side of the building. The troops below him were still firing rubber bullets and he said that the two explosions were

definitely louder than rubber bullets. As he saw the smoking objects go past he shouted out, "*Nail bombs*", to warn the men on the floor below. He said he was then ordered by the Platoon Commander (Sergeant INQ 441), who was on the ground floor, to fire if he saw any nail bombers.[1]

1 WT12.42D; WT12.44

18.87 According to Corporal A he then looked out of the window and, about 50m away on the other side of the road by an open space, he saw a man look round a building and then dart back again. The man came round and exposed his full body and brought his right hand from behind his back. He had an object in his hand. The man struck a fuse-type match against a wall, with his left hand. He then brought his two hands together. Corporal A said he assumed that the man was about to ignite a nail bomb, so he fired one round from a sort of kneeling position from the window, which missed his target. Corporal A said he then fired a second round aiming at the centre of the man's body. That hit the man, who was pushed back and down. The man fell onto the corner. Other people then came out from the side of the building and dragged the man away.[1]

1 WT12.42G-WT12.43E; WT12.83

18.88 Corporal A said that he shot to kill.[1] He said that the man was the only man in his sights (rear and fore) when he shot.[2] He also said that at the same time as he fired, Private B fired three shots from the ground floor. It is not clear from his evidence to the Widgery Inquiry whether Corporal A heard Private B's shots at the time, but he did tell Lord Widgery that when he fired he did not know that another soldier was firing at the same target.[3] He said he saw no-one near the nail bomber at the time he shot, or anyone in the open ground.[4]

1 WT12.45
2 WT12.45
3 WT12.45
4 WT12.45

18.89 Corporal A told the Widgery Inquiry that he did not see what had happened to the object he had seen in his target's hands and that he did not see anything lying in the road. He disagreed with the proposition that the device (if there was such) must have been left in the road, pointing out that the men who dragged the body away could have taken the nail bomb with them. He said that he did not seek to recover the bomb himself nor ordered anyone else to do so.[1]

1 WT12.47-WT12.48; B20.8

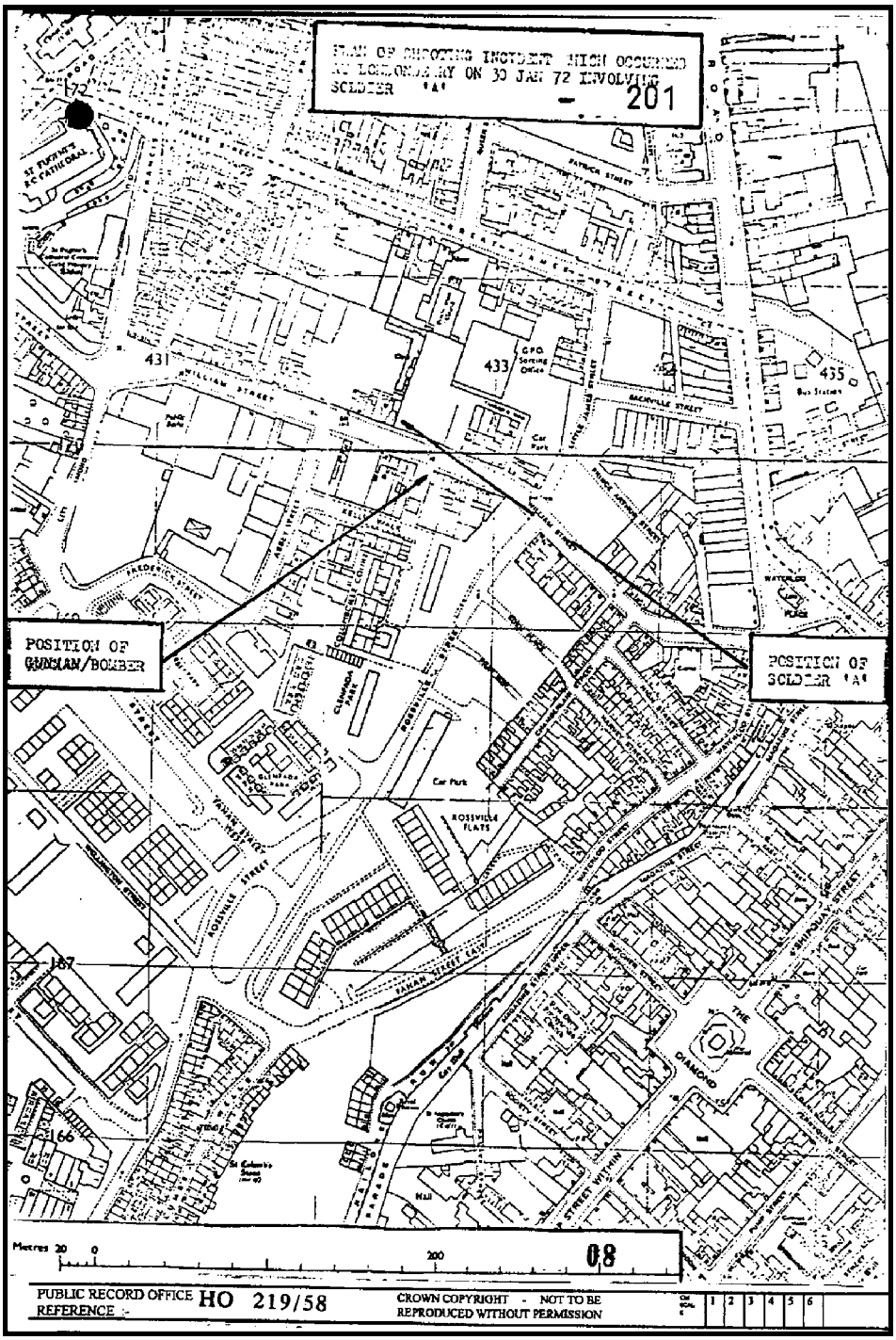
18.90 At an early stage in this Inquiry, Counsel to the Tribunal examined the 1972 statements and oral evidence given by the 21 members of 1 PARA who told the Widgery Inquiry and the RMP that they fired live rounds on Bloody Sunday. One of the resulting reports, Counsel's Report No 2, outlined and analysed any discrepancies in the various accounts given by each of these soldiers in 1972.

18.91 Although the 1972 accounts given by Corporal A were largely consistent with each other, counsel identified three possible discrepancies.

18.92 The first of these related to where Corporal A was when he fired. In his RMP statement[1] he had said "*we moved unobserved onto waste ground to the SW of Tanner's Row*", and the map attached to this statement[2] appears to put him on the waste ground outside Abbey Taxis.

1 B1

2 B3



18.93 Corporal A did not himself annotate this map, which is typed and does not bear his signature or initials.[1] It was prepared from what he had said in his RMP interview at which a map was available to him.[2] We have no doubt that Corporal A was not on this waste ground and we accept his oral evidence to us that the relevant part of his RMP statement contained a mistake, which he might not have picked up because he was tired when he completed the interview at 1.00am on the morning following Bloody Sunday.[3] It was a

mistake that he corrected in the statement taken by Colonel Overbury[4] where he said that his exact location at the time he fired was "*a Courtyard behind the derelict building*". This was itself later suggested to be a discrepancy, but we are not persuaded that this is so, as Abbey Taxis had no roof and little if any flooring and thus could in our view be considered as a sort of courtyard.

1 We examine in Chapter 173 how the RMP maps came to be prepared.
2 B9; CW1.9; Day 383/160-161
3 Day 297/62-63
4 B5

18.94 The second discrepancy relates to the position of his target, as the RMP map shows this to be more in the middle of the laundry waste ground than Corporal A later put it in his trajectory photograph for the Widgery Inquiry (reproduced below).[1]

1 We examine in Chapter 174 how the trajectory photographs came to be prepared.

18.95 The RMP map[1] is very small scale and is misleading, because it shows a building on the laundry waste ground that did not exist in 1972. The absence of this building at the time is demonstrated in the following photograph, taken on Bloody Sunday.

1 B3

18.96 We are satisfied that the position shown for the target was a mistake, as Corporal A said in his RMP statement that his target was close to a wall and, as he explained in his written statement for the Widgery Inquiry, the scale of the map he was shown meant that he could not locate the position of his target exactly.[1] In the light of these matters and bearing in mind that Corporal A did not himself annotate the map attached to his RMP statement, we regard this discrepancy as of no significance.

1 B9

18.97 The third discrepancy concerns the manner in which Corporal A described his target lighting a match. The typed version of his RMP statement recorded that: "*I saw [the man] bring his right arm from behind his back. In his hand was some object which was about the size of his fist. I saw the man brush it against the wall where he was standing. The object in his hand caught fire as if it were a match.*"[1] In his later testimony, Corporal A referred to his target lighting the nail bomb from a match struck against the wall by his left hand.[2]

1 B1-2 2 B9

18.98 This apparent discrepancy in fact arose from a transcription error, as is revealed by an examination of the original, handwritten record of Corporal A's initial RMP interview.[1] The full text of the relevant section reads: "*I saw [the man] bring his right arm from behind his back. In his hand was some object which was about the size of his fist.* **I saw the man had something in his left hand and, as I watched,** *I saw the man brush it against the wall where he was standing. The object in his hand caught fire as if it were a match.*" The words shown in bold were omitted from the typed version of his statement.[2] It is thus that

in this account, as in his later evidence, Corporal A was describing his target as lighting a match with his left hand. Corporal A himself pointed out this mistake in his written statement for the Widgery Inquiry.[3]

1 B3.3
2 B1-2
3 B20.26

18.99 In his RMP statement,[1] Corporal A described the person he shot as a man wearing a blue cardigan or windcheater who was about 5'7" tall and had fair hair. He was not asked for and did not give a description in his evidence to the Widgery Inquiry.

1 B1

18.100 Corporal A gave written and oral evidence to this Inquiry, on the lines of his previous testimony.[1] He put the number of people engaged in throwing things at them as roughly 20 or 30;[2] though he said that he could not recall how many he could see at the time when he saw objects being thrown and heard two explosions.[3] He described the objects *as* "*black and about the size of a bean can*",[4] but said he could not now remember them smoking or fizzing. His statement given to Colonel Overbury had referred to "*objects with lighted fuses*",[5] and according to his Widgery Inquiry statement they were "*shaped like cans of beans and there was smoke coming out of one end*".[6] He characterised the sound of a nail bomb, which he said he had heard three or four times before in Belfast, as "*a dull thump type of explosion. But there is no sort of uniform sound*."[7] He described the sound of a rubber bullet *as* "*more of a sharp crack*" and said that he did not believe he had mistaken one for the other.[8] He also said that he shouted "*Bombers*" or "*Nailbombers*" in order to alert the platoon; and that he did not now recall hearing a response, though that did not mean that there was none.[9]

1 B20.1; Day 297/1
2 Day 297/26
3 Day 297/29
4 B20.003
5 B5
6 B8
7 Day 297/27
8 Day 297/27-29
9 Day 297/29-30

18.101 At that point, he said, a man emerged and then darted back from the corner of the Nook Bar, the building at the north-west corner of the laundry waste ground.[1] Corporal A saw the man strike a match, which he described as being long and with a large flame, similar to the type used to light fireworks, against the wall of this bar.[2] The match was in the man's left hand, and he moved this closer to his other hand, which contained a dark object.[3] Corporal A said that he then fired one shot, when on one knee, as the man, who

was the only person he could see through his sight, brought his hands together.[4] The man remained standing, and so Corporal A immediately fired again.[5] He said he believed that he hit his target with this second shot, causing the man to fall.[6]

1 Day 297/30-31; B20.4
2 Day 297/30-32
3 Day 297/31-32; B20.4
4 Day 297/32-33; Day 297/38; B20.4
5 Day 297/32-33; B20.4
6 Day 297/33; B20.4

18.102 Corporal A was asked the following questions:[1]

"Q. Do you have still a recollection of what you describe in these paragraphs? [ie the paragraphs in his written statement to this Inquiry describing what he had seen and done][2]

A. Yes, sir.

Q. Do you recall, did you see where the first of your shots landed?

A. No, sir.

Q. Did you see where the second shot, if it was your shot, hit the man in question?

A. I did not see where it hit him, but I saw him go down as if he had been hit.

Q. How satisfied are you that the man whom you believe you shot was the man who lit the match and brought his hands together?

A. I am positive, sir.

Q. Were you wearing any gas mask at the time?

A. Not that I recall, sir. I cannot remember.

Q. As I understand it, you were not aware, at the time when you fired, that somebody else in the platoon had fired?

A. No, sir.

Q. You say in paragraph 35 that you learnt afterwards that Private B had fired shots at the same target, but you do not recall hearing him or anyone else shooting.

Do you recall now when you first learnt that the Private whom we know as B had also fired shots?

A. I cannot remember exactly, sir, no.

Q. Was it the same day?

A. Yes, sir."

1 Day 297/33
2 B20.4-5

18.103 Corporal A said that after the man had fallen he saw people, he thought two, approach the casualty from the south-west and drag him away.[1]

1 Day 297/34

18.104 Corporal A's evidence as to the reporting of the incident was varied. He said that he thought, although he could not be sure, that he did not tell anyone else about his shots until he was back in his Armoured Personnel Carrier (APC), where he also learnt for the first time that Private B had fired.[1] When asked further about this, Corporal A accepted that he should have reported the matter earlier, and said that he did not think that anyone else in his platoon had observed him firing or his casualty falling.[2] However, this was inconsistent with an earlier explanation that he had given to this Inquiry as to why he did not inform anyone about his shots, namely that he might have assumed that the Platoon Commander knew that he had fired and had reported it.[3] Corporal A's 1972 evidence does not deal with this point. In these circumstances, we consider that it would be unwise to rely on his evidence to this Inquiry as to when and where he reported his shooting.

1 Day 297/35; Day 297/76
2 Day 297/158-9
3 Day 297/79-80

18.105 Corporal A's position when he fired was addressed in the statement of 17th February 1972 taken by Colonel Overbury:[1]

> "Further to my previous statement dated 31 January 1972. My exact location at the time I fired 2 rounds on 30 January 1972 was a Courtyard behind the derelict building at [grid reference] 43241703. This area was surrounded by the walls of buildings to the north, south and west, and on the east side there was a wall about 18 inches high facing the open space to the southwest of the GPO Sorting Office. This courtyard was visible from William Street.
>
> When I first saw objects with lighted fuses being thrown in our direction, I was standing on a derelict wall about 15 feet above the rest observing the crowd. I shouted 'Nail bombs!'."

1 B20.19

18.106 The grid reference is to Abbey Taxis. It is not entirely clear which are (i) "*the courtyard … visible from William Street*", (ii) "*the walls of buildings*" and (iii) "*the wall about 18 inches high*". However, as indicated above, we consider that he was endeavouring to describe Abbey Taxis, which has what could be thought of as a courtyard behind, bounded by four

walls with not much else left standing, the low wall being that part of the west face of the derelict building below the ground floor windows which looks out onto the waste ground to the south west of the GPO.

18.107 In his oral evidence to this Inquiry, Corporal A thought that the reference to "*standing on a derelict wall*" may have referred to standing on a room-dividing wall of the floor below,[1] but this is not easy to square with the fact that he was at or near the window closest to William Street, on the first floor, and, according to his recollection, able to move from left to right.[2]

[1] Day 297/102 [2] Day 297/108-110

18.108 Counsel to the Inquiry put a number of possibilities to Corporal A relating to the injury to Damien Donaghey:[1]

> "Q. One logical possibility was that there was a nailbomber, as you describe, but in fact you missed him and hit Damien Donaghy instead. As I understand your evidence, you think that is highly unlikely?
>
> A. Yes, sir.
>
> Q. The second possibility is that there was indeed a nailbomber, as you describe, and that you hit him with your second shot. Is that what you believe happened?
>
> A. Yes, sir.
>
> Q. The third possibility is that the person who you hit was someone who you mistakenly thought was a nailbomber, but who in fact was not. Is that possible?
>
> A. No, sir, because he struck a match and I am sure he was going to light a bomb.
>
> Q. The fourth possibility is that there never was anyone who either was or could be mistaken for a nailbomber, and you gave a false account of seeing a nailbomber in order to excuse the shooting that you had done. Is that possible?
>
> A. No, sir.
>
> Q. When you were in this building and saw the events that you have described, you were apprehensive, as I understand it, that the person that you saw might throw a nail bomb towards the building where you were; is that right?
>
> A. Yes, sir.

> Q. Did you think that it was possible for such a bomb to land in the building itself?
>
> A. It would have been possible, yes sir, through one of the open windows.
>
> Q. I wonder whether there is one last possibility that I ought to ask you about, which is this: is it possible that you were panicked into firing at someone who had what might have been a stone and what might have been a nail bomb, but you could not tell?
>
> A. No, sir, because I can see no reason why someone was striking a match and bringing it towards another object unless it was a nail bomb."

[1] Day 297/37-38

18.109 Corporal A said that he did not see John Johnston shot.[1] Indeed when giving oral evidence to the Widgery Inquiry he said that the questioner (counsel for the families) was the first person to suggest to him that a second person had been shot.[2] He also said that the firing he described was the only time he had fired in Northern Ireland other than on the range.[3] He was not aware of any subsequent firing towards either Columbcille Court or Kells Walk. He said initially that he had a recollection of rejoining his APC and then being driven down Rossville Street at some stage,[4] but he later indicated that he could have gone on foot.[5]

[1] Day 297/37-38
[2] WT12.46
[3] Day 297/39-40
[4] Day 297/42
[5] Day 297/44

18.110 In the course of Corporal A's oral evidence to this Inquiry, counsel representing, among others, Damien Donaghey and the family of John Johnston, put this suggestion to him:[1]

> "Q. I suggest to you what happened here is: you were denied the opportunity for either speed or aggression and that you simply shot Damien Donaghy and Mr Johnston, either you or Corporal [sic] B in combination, quite literally because you refused to allow yourself to be categorised as an Aunt Sally or a crap-hat?
>
> A. I shot a man who was preparing to throw a nail bomb."

[1] Day 297/145

18.111 A little later counsel asked Corporal A this:[1]

> "Q. What I suggest to you is, quite simply: that there was no justification for firing on this day?
>
> A. I fired at a man I saw trying to ignite a nail bomb.
>
> Q. And I suggest to you there was [sic] absolutely no nail bombs that exploded in and about the vicinity of where you have described?
>
> A. Then you would be wrong.
>
> Q. What I also suggest to you, Corporal A, is that you knew, having discharged shots in these circumstances, that to have done so without providing an explanation which gave you justification, you would be in deep trouble?
>
> A. No, you are wrong again.
>
> Q. Whatever happened here, you did shoot two innocent men between you, Corporal A and B; do you accept that?
>
> A. I accept the fact that I shot at one man who was attempting to light a nail bomb.
>
> Q. Do you accept that you also shot two innocent people who do not fit the description of the person whom you described as a nail-bomber?
>
> A. No, because I fired at one man."

1 Day 297/148

Private B

18.112 Private B, according to his oral evidence to the Widgery Inquiry, got to the ground floor of Abbey Taxis with about three other men.[1] His Platoon Commander, Sergeant INQ 441, was with him. He said that he took up position at the window closest to William Street[2] and that he saw about 50 youths throwing bottles and stones, some of which came into the house.[3] He cocked his rifle when the stoning started. At this stage there were about five soldiers on the ground floor, two with baton guns.[4] These they fired at the youths, who nevertheless still kept throwing things. He heard two nail bombs explode to his left in

the waste ground beside the house. At this time he was alone at the window.[5] He did not see the nail bombs in flight because he was putting his gas mask on at the time. He said that he had previously heard nail bombs explode seven or eight times when in Belfast.[6]

1 WT12.49
2 WT12.49
3 WT12.50
4 WT12.49
5 WT12.57
6 WT12.50

18.113 Then, according to Private B, his attention was drawn to a group of people on the waste ground (by which he clearly meant the laundry waste ground) opposite his position. These people came out from the waste ground and threw stones and bottles. He noticed one particular man right at the edge of the house on William Street: of medium height and wearing a light-coloured windcheater. The man was looking in the direction of the soldiers and was in front of a group of about eight. He kept looking back at them. In his right hand he had a cylindrical black object, which looked like a nail bomb. With his left hand he struck the wall with a match. Then he brought both his hands together. He was looking down at the time.[1]

1 WT12.50-52; WT12.55

18.114 Private B said that he did not alert his Platoon Commander, who was about ten yards away, or anyone else, to the man's behaviour.[1] He told the Widgery Inquiry that his Platoon Commander was "*busy at the time*",[2] and when asked why he did not alert other soldiers he replied that there was "*a lot of noise going on*".[3] He also pointed out that "*By the time I had mentioned it to the Sergeant he would have thrown the nail bomb*".[4] As a result, Private B said he had no orders to fire from his Platoon Commander.[5]

1 WT12.54-55
2 WT12.54
3 WT12.55
4 WT12.55
5 WT12.55

18.115 Private B said that he thought that the man was going to light the nail bomb and eventually throw it, so he took aim at the man's chest and fired one shot. He said that he was wearing his gas mask, which impeded his aim, and that his initial shot had no effect. He fired two more rounds and the man, who was about 50m away, fell back. Private B did not see what happened to the object that had been in his target's hands, but there was no explosion, and so he presumed that it either rolled away or was picked up by one of the fallen man's "*comrades*", two of whom dragged the casualty away. Private B saw the group of eight who had been with the alleged nail bomber move away "*in a body*" while other people further to the east gave him abuse as they dispersed.[1]

1 WT12.52; WT12.55

18.116 Private B told the Widgery Inquiry that he informed the Platoon Commander of the possibility that there was a nail bomb in the area where he had shot his target, but neither he nor any other soldier made or was ordered to make any attempt to recover it. He said that it "*wasn't practical for us to go*" as they did not have enough men at the time, though his evidence that there were only eight in the building is probably wrong, as we explain elsewhere.[1]

1 WT12.56

18.117 Private B said that he did not see anyone else fall and did not know that another person had been injured in the laundry waste ground.[1] He told the Widgery Inquiry that when he fired there were eight soldiers in the building.[2] He said that he found out that another soldier had shot twice from the window above him, but only when they were in the APC after the incident.[3]

1 WT12.60
2 WT12.56
3 WT12.56-57

18.118 Private B told the Widgery Inquiry that about five to ten minutes after he had fired he was ordered to move away across the other side of the road with another soldier and did so and took up position in another derelict house. He could see Guinness Force rounding up people in Kells Walk. The rest of the platoon eventually came out of the house and regrouped where he was, and then they moved to where the APCs were at the junction of Rossville Street and William Street after which they went in the APCs down to the Rossville Flats and stopped there.[1]

1 WT12.52-WT12.53

18.119 Private B said he reported to the Platoon Commander that he had fired "*at this nail bomber on the corner*"; and the Commander tried via a signaller to get through on the radio to the Company Commander but Private B did not know whether he succeeded.[1] It is not clear from the transcript of the oral evidence to the Widgery Inquiry whether Private B's affirmative answer to the question, "*Did you, afterwards, make a report to your Platoon Commander?*"[2] was intended to mean soon after his shooting, or only after he had got to the armoured vehicle, but evidence from Major Loden (which we consider below) indicates that it was the former.

1 WT12.57
2 WT12.57

18.120 Counsel's Report Number 2[1] identifies three possible discrepancies in the contemporary evidence of Private B.

1 RPT2.1B.1-2

18.121 The first of these concerned the colour of the windcheater worn by his target. In his RMP statement Private B described his target as "*a man … of medium height ... wearing a dark coloured windcheater*".[1] The same description is given in his written statement for the Widgery Inquiry.[2] In his oral evidence to the Widgery Inquiry, he was asked, "*What was he wearing, so far as you can remember?*" His answer *was* "*A windcheater, a light coloured windcheater*".[3] He was not asked about this discrepancy when he gave oral evidence to the Widgery Inquiry. We consider its significance below.

1 B21
2 B26
3 WT12.51

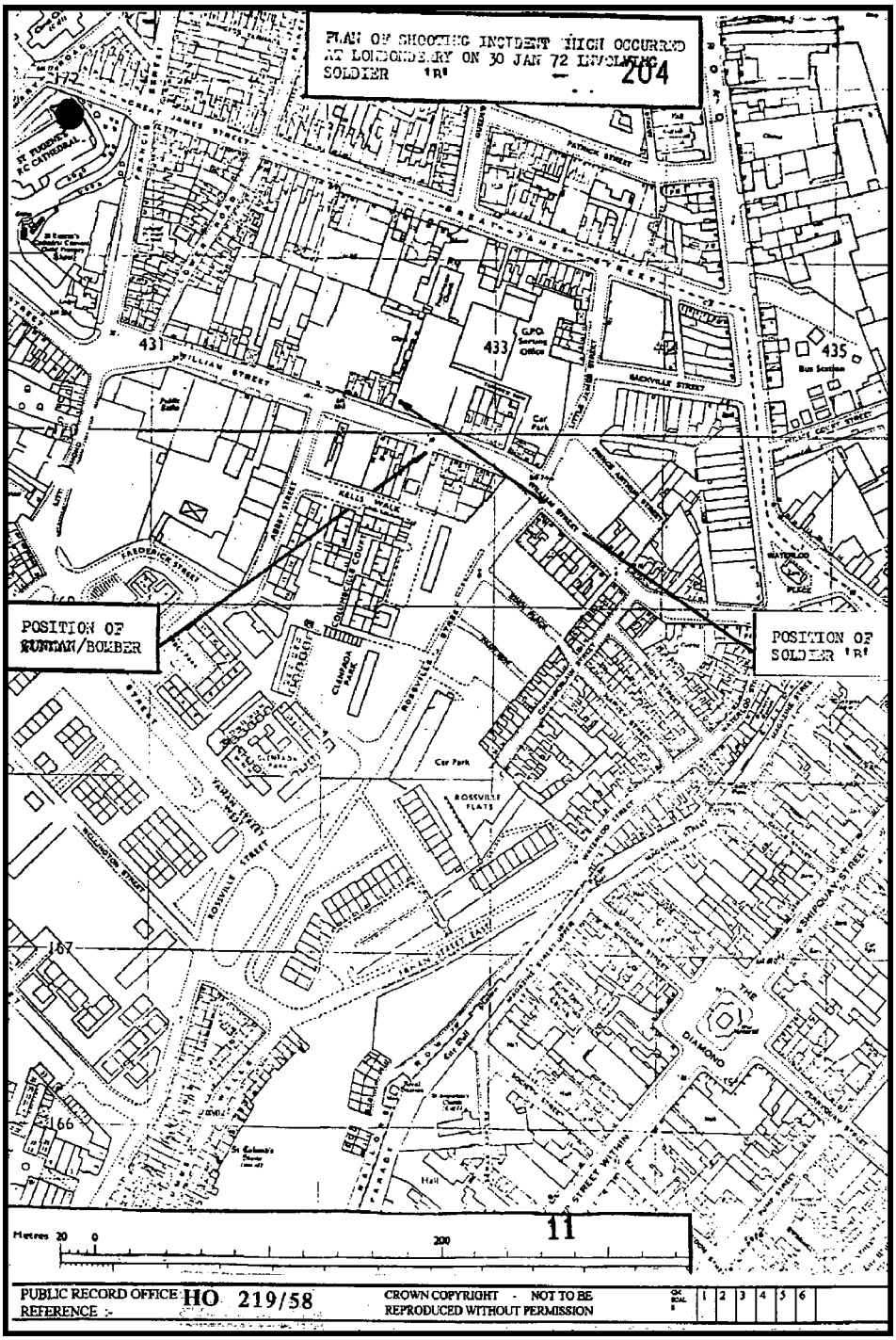
18.122 In our view the second possible discrepancy is not really a discrepancy at all. In his RMP statement[1] Private B recorded that "*Another soldier fired at the same time as I did*", while in his written statement for the Widgery Inquiry[2] he recorded that he had been told "*after the body had been carried away*" that Corporal A "*had also fired at the man at the same time as I had from his position on the first floor*". The two statements are not in our view inconsistent with each other.

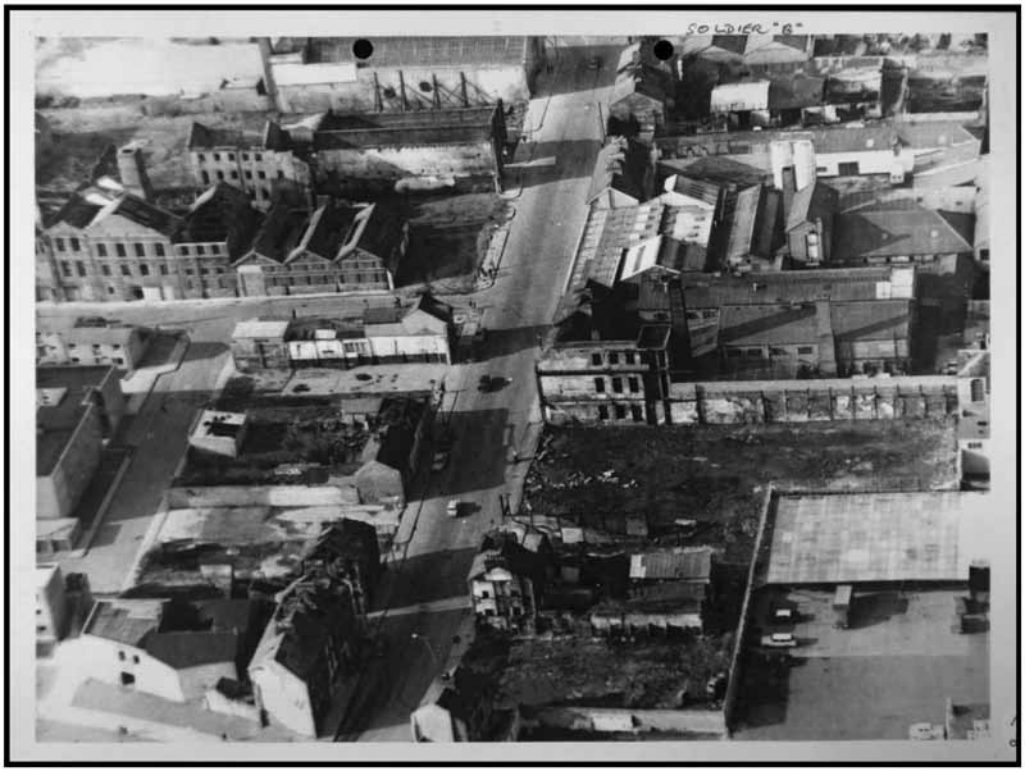
1 B22
2 B26

18.123 The third possible discrepancy was that in his Widgery Inquiry statement Private B recorded that before Machine Gun Platoon left the derelict building they had heard the sound of firing from an easterly direction,[1] while in his oral testimony to the Widgery Inquiry he said that he had heard firing from at least three directions.[2] In our view this inconsistency is of no significance.

1 B27
2 WT12.53

18.124 The map attached to Private B's RMP statement shows the same position of firer and target as that of Corporal A and again is to be contrasted with the trajectory photograph prepared for the Widgery Inquiry. Both are reproduced below.


PLAN OF SHOOTING INCIDENT WHICH OCCURRED AT LONDONDERRY ON 30 JAN 72 INVOLVING SOLDIER 'R'
204
POSITION OF GUNMAN/BOMBER
POSITION OF SOLDIER 'R'
431
433
435
167
166
Metres 20 0 200
11
PUBLIC RECORD OFFICE REFERENCE :- HO 219/58
CROWN COPYRIGHT - NOT TO BE REPRODUCED WITHOUT PERMISSION



18.125 As in the case of Corporal A, Private B did not himself annotate the RMP map attached to his statement. In his RMP statement he recorded that, "*We took up position close to William St on ground where derelict houses have been broken down*".[1] We are satisfied that this is a reference to Abbey Taxis, which is consistent with the evidence that he gave to the Widgery Inquiry.[2] As to the position of his target, it seems to us that throughout his 1972 evidence Private B sought to describe his target as being at the north-west corner of the laundry waste ground.[3] In these circumstances the fact that the small-scale RMP map (marked by someone else) seems to show a different position for Private B and his target is in our view of no significance.

1 B21
2 W12.49
3 B21; B26; WT12.51

18.126 Private B gave an extensive written statement for the Widgery Inquiry.[1] His oral evidence to the Widgery Inquiry was consistent with that statement, but the latter included some evidence not picked up in his oral testimony, including that when Private B had reached the ground floor, the soldiers were engaged in cutting barbed wire, and that Corporal A (who had climbed down to help the others enter the building) took up a position on what Private B described as the "second" floor. We are sure that this is a reference to the middle storey of Abbey Taxis.

1 B25-7

18.127 Private B gave written[1] and oral evidence[2] to this Inquiry. He had, he said, practically no useful memory of the events of the day, and he could not recall firing, nor hearing nail bombs exploding.[3] Private B had previously undergone surgery, and although he felt that he had made a full recovery he could not rule out the possibility that the surgery had affected his recollection of events in 1972.[4] No useful purpose would be served by enumerating the many things that he said that he did not remember. That of which he did say he did have some recollection included the following.

1 B43.001
2 Day 311/1
3 B43.3; B43.3; Day 311/28-44
4 Day 311/1-2

18.128 He understood that Machine Gun Platoon would be close to the no-go area and he thought that the IRA might take pot shots at them.[1] He recalled looking towards the Creggan and talk among the privates that it was there that the IRA was based, knowing that the soldiers could not go up there, but wishing that they could, because they would probably recover a lot of IRA ammunition and weapons and stop the no-go areas.[2] He rejected the suggestion put to him[3] that he opened fire to see whether he could flush the IRA out.

1 Day 311/4
2 Day 311/10-1
3 Day 311/93

18.129 He said he could recall Private INQ 455 (the platoon signaller) on the ground behind him, having fallen "*on the wall, we were making our way into the – where we ended up at, you know, the ground floor*".[1]

1 Day 311/21

18.130 Private B recalled seeing people in William Street shouting and throwing objects at his position inside Abbey Taxis.[1] He also remembered his eyes watering from the effects of CS gas, causing him to put his respirator on in a hurry.[2]

1 B43.3; Day 311/28-32
2 B43.3; Day 311/42-43

18.131 He did not think that he could have mistaken a nail bomb for a baton gun or an exploding gas canister, although he was not familiar with the latter sound.[1] He did not recall having any anxieties afterwards that he might have got it wrong and that there was no nail bomb,[2] and he pointed out that he had not fired a live round in Northern Ireland before 30th January 1972.[3]

1 Day 311/35-36
2 Day 311/52
3 Day 311/10

18.132 Private B told us that he remembered Sergeant INQ 441 saying "*Ceasefire*".[1]

[1] Day 311/38

18.133 Private B said that with no present recollection of firing he could not help further on the question whether the person he fired at was a nail bomber, or whether he fired at a nail bomber but hit Damien Donaghey instead, or whether he honestly but mistakenly thought his target was a nail bomber.[1] He was then asked this by Counsel to the Inquiry:[2]

> "Q. The fourth possibility is that there was no nail bomber; you knew there was no nail bomber; you fired without justification; and you later gave a false story in order to explain what you had done.
>
> A. Well, I explained that before. We had not done that in the previous situations in Belfast. It was exactly the same. Londonderry or Derry – whatever you want to call it – is the same as Belfast. A street is a street; a derelict building is a derelict building; a rioting crowd is the same, no matter where you are in the United Kingdom. If you are called there to uphold the law, and you think your life is at threat, then obviously you will take appropriate action. At first, the minimum force, you use a baton gun – round. But if that does not work, and then you are still under threat, you would obviously take out the target who is actually threatening you. And you will take him out. Because at the end of the day we are soldiers, not policemen – or were, I should say.
>
> Q. I would like you to look at two paragraphs to your statement to this Inquiry,[3] paragraphs 9 and 10, please.
>
> You are talking in these paragraphs of the building in which you found yourself. You are talking about a solid wall facing south towards the crowd on William Street, and you say:
>
> 'I remember feeling that the solid wall was a blind spot where someone could have easily planted a bomb. I can remember thinking 'For Christ's sake hang on a minute. We could get slaughtered here'. It was not a good situation.'
>
> Did you think it was possible that, as you were in that building, someone might run up and place a bomb along that blind wall?
>
> A. Yes, I probably did.

Q. Were you also afraid that a petrol bomb or a nail bomb could come through the window?

A. Yes.

Q. Do you remember that?

A. I do not remember it; I am saying that that would have been the case. I do not remember me actually being frightened at that particular occasion you are saying, but I would imagine I would be.

Q. You said in 1972 that stones had come in through the windows, although you do not remember that now. Presumably if a stone could come in a nail bomb could come in?

A. That is correct.

Q. And within that area a nail bomb could have caused horrendous injuries to anyone close to it on explosion?

A. Yes, probably injury and death.

Q. Is there any chance that, with that fear in your mind, you saw the rioters, saw them throwing things, and panicked and fired at them to keep them back?

A. No, because it had happened before in Belfast.

Q. Is there any possibility that – either your eyes were watering, or because of the respirator, or both – you could not see clearly what was going on, but felt under threat and so fired?

A. No."

1 Day 311/50
2 Day 311/53
3 B43.002

Major Loden's List of Engagements

18.134 As is discussed in detail elsewhere in this report,[1] Major Loden compiled a list of engagements after interviewing a number of the firing soldiers in the immediate aftermath of Support Company's withdrawal from the Bogside.[2] This consisted of 15 entries, each containing a brief description of the target or targets at whom a soldier or soldiers fired, and grid references giving their respective positions. This list is incomplete and there are further problems with some of the information it contains. The list did not name or otherwise identify the soldiers, but nonetheless it is possible in many cases to ascertain

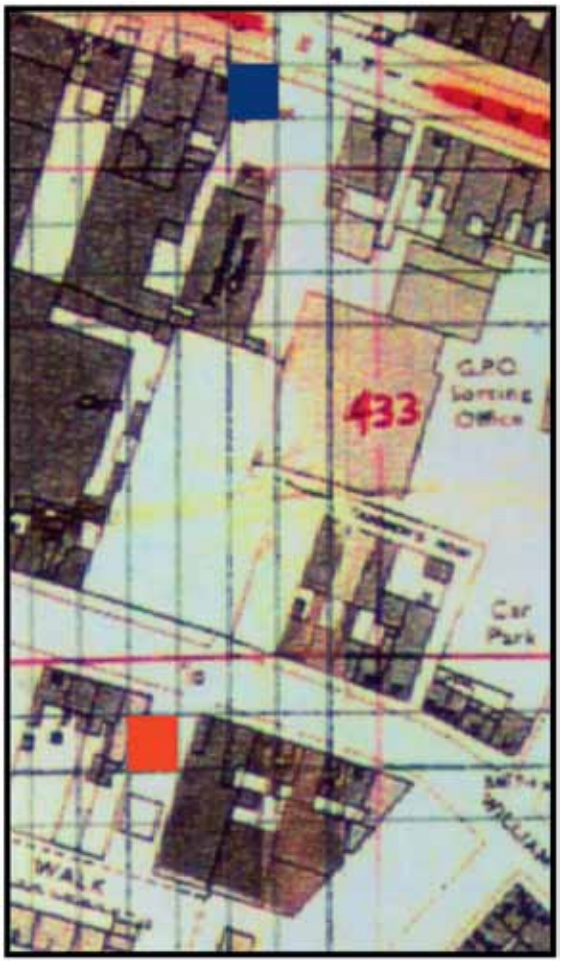
to which of the soldiers particular entries seem to refer. These entries represent the first recorded accounts given by the soldiers as to their firing, though as will be seen when discussing the events of Sector 3, Captain 200, the Commander of Composite Platoon (Guinness Force), had a little earlier made notes of firing reported to him by his soldiers, which he later incorporated into a statement.

[1] Chapter 165 [2] ED49.12

18.135 In relation to the shots fired by soldiers A and B, the relevant entry is the eighth:

> "1 nail bomber at GR 43251698 (William St) shot from GR 43271711. Hit."

18.136 When plotted, as is done below, the grid references show that the firing soldier or soldiers were to the north of the Presbyterian church (marked in blue), while the target was to the south of William Street, seemingly in the laundry waste ground (marked in red).



18.137 The positions shown for the firing soldiers cannot be accurate, for it would have been impossible for the soldiers to see, let alone fire at, their claimed target. However, in our view there is no significance in this point. As is considered elsewhere, Major Loden compiled his list in difficult circumstances: the physical conditions were cramped and dimly lit;[1] the soldiers were not familiar with Londonderry; and the map contained only three grid reference numbers, leaving Major Loden and the relevant soldiers to estimate the fourth. We are of the view that several of the grid reference numbers recorded on the list are unintentionally inaccurate, and did not convey the positions that the soldiers intended.

1 Day 344/13-14

18.138 In the case of the eighth entry on the Loden List of Engagements, we are satisfied that the information came from either Corporal A or Private B, or from both men. In our view the soldier or soldiers meant to locate themselves in Abbey Taxis and their target on the laundry waste ground. No possible purpose could have been served by a deliberate suggestion that they managed to see and shoot a nail bomber who was behind an intervening building. It follows that the first account given by one or both of Corporal A and Private B to explain their firing was consistent with their later evidence: namely that they fired at a single nail bomber to the south of William Street, and that the nail bomber was apparently hit.

The other members of Machine Gun Platoon

18.139 The only other formal statement made by a soldier of Machine Gun Platoon in 1972 was one by Private 005; this does not deal with the situation in Abbey Taxis, but with events after the platoon had moved away from that area.[1]

1 B1370

18.140 The members of the Machine Gun Platoon present in Londonderry on the day were the following:

Sergeant	INQ 441	Acting Commander
Corporals	INQ 1686	Acting Platoon Sergeant
	A	
	INQ 513	
Lance Corporals	INQ 275	
	INQ 588	
	INQ 624	

Privates	B	
	005	Driver
	INQ 439	Driver
	INQ 153	
	INQ 455	Signaller
	INQ 896	
	INQ 1354	
	INQ 1523	
	INQ 1544	Vehicle guard
	INQ 1553	
	INQ 1805	
	INQ 1874	
	INQ 1919	
	INQ 1917	

18.141 The Inquiry has obtained evidence from all of the above, save Corporal 1686, who has died, and Private INQ 1523, whom the Inquiry was unable to interview. Although some of these soldiers only recalled a few of the platoon being in Abbey Taxis, it seems to us that all or virtually all were there with the exception of the two drivers and the vehicle guard, Private INQ 1544:[1] "*a complete platoon*" as Major Loden told the Widgery Inquiry.[2]

[1] C1544.2 [2] WT12.8

18.142 Sergeant INQ 441 appeared on the Thames Television production *This Week,* shown a few days after Bloody Sunday, when he said this:[1]

> "Sgt 4: They're on about the shooting, but nobody has spoken about the nail bombs. My platoon had nail bombs thrown at them and one of my men shot a man in the process of the throwing a nail bomb, this was in the William Street area before the actual main onslaught that they are talk[ing] about started when they're all talking about us firing indiscriminately, where does they say come in what they can do? As far as I'm concerned If a man throws a nail bomb at my platoon or at me he deserves the only thing that can happen back to him and a rubber bullet will not stop a nail-bomber so the only thing you can stop him is with is with a bullet as far as I'm concerned."

[1] X1.17.15

18.143 We are satisfied that Sergeant INQ 441 was not giving a first-hand account of what he had observed, but rather what he had been told by Corporal A and Private B.

18.144 Although we formed the view that Sergeant INQ 441 was doing his honest best to help us, we also considered that his recollections concerning Abbey Taxis had faded or become distorted with the passage of time; and that accordingly it would be unwise to rely upon his written or oral evidence to this Inquiry, save where there is other reliable material that supports his recollection. In many instances he told us he could not remember specific matters, such as whether or not he gave any order to fire, whether or not he heard Corporal A or Private B firing, and whether or not he reported the firing on the radio.[1] His account was an attempt to reconstruct events that had taken place decades ago, and was clearly erroneous in a number of respects. He said he had been interviewed by the RMP at the time, but we have not been able to trace any statement from him and it may be that this too is a false memory. It was submitted on behalf of the majority of the families that in his evidence to us Sergeant INQ 441 was attempting to distance himself from his responsibility as Platoon Commander for the shots fired by Corporal A and Private B,[2] but we have found nothing that to our minds supports this submission, which accordingly we reject.

1 Day 303/83; Day 303/86; Day 303/109-110

2 FS1.1020

18.145 Much of the evidence provided by the other members of Machine Gun Platoon has also proved of little assistance to us, again in our view due to their understandable difficulty in remembering and disentangling the details of one operation among many others in which they took part so long ago. For example Lance Corporal INQ 624, who did not give oral evidence for medical reasons, described his own recollections as "*seriously flawed*" and "*dangerously unsafe*" for this reason.[1] He gave an account in a draft statement of giving his rifle to another soldier (he seems to be referring to Corporal A) who then used it to fire one or two shots.[2] In view of Lance Corporal INQ 624's assessment of his own memory of Bloody Sunday and the fact that in his oral evidence Corporal A was positive he fired his own weapon,[3] it is highly unlikely that Corporal A used INQ 624's rifle rather than his own.

1 C624.14; C624.9

2 C624.2

3 Day 297/136

18.146 Some soldiers from this platoon recalled hearing noises that they thought, with varying degrees of certainty, could have been the sound of nail bombs detonating. These were Private INQ 1919;[1] Private INQ 1874;[2] Lance Corporal INQ 624;[3] and Private INQ 1917.[4] One thought that he heard a nail bomb strike the outside of Abbey Taxis after the final

shots had been fired from there.[5] Other members of the platoon did not recall hearing any such explosions. These were Corporal INQ 275;[6] Lance Corporal INQ 588;[7] Private INQ 1805;[8] and Corporal INQ 513.[9] None of these soldiers gave evidence of seeing a nail bomb or nail bomber. Again, while some soldiers recalled hearing a shouted warning or exchange about a nail bomb or bomber, others had no such recollection. These were Private INQ 1919;[10] Private INQ 1553;[11] Lance Corporal INQ 624;[12] Lance Corporal INQ 275;[13] Lance Corporal INQ 588;[14] Private INQ 1874;[15] and Private INQ 1917.[16] Details from the evidence of these witnesses are often vague, and some recollections are clearly inaccurate: for example, some soldiers remembered substantial incoming gunfire,[17] something that we are sure did not occur, since otherwise it would have been mentioned in the contemporary accounts of Corporal A and Private B.

1 Day 296/9-11; Day 296/16-19
2 Day 298/28-31; Day 298/35-37; Day 298/43
3 C624.3
4 C1917.2; Day 288/65-67; Day 288/95-97
5 C1553.4
6 C275.3; Day 340/181-182
7 C588.4
8 C1805.3
9 C513.4
10 C1919.4
11 C1553.3-4
12 C624.3
13 Day 340/182
14 C588.5
15 Day 298/40-41
16 Day 288/102
17 C1874.2; Day 298/37-40; Day 298/50-53; Day 341/11-16

18.147 There are some matters, for example the presence of CS gas,[1] Lance Corporal INQ 588 being hit by a rock thrown into the building,[2] and the signaller, Private INQ 455, falling from a wall,[3] which are likely to be true memories. However, in the end we concluded that there was little in this evidence which was of material assistance in either supporting or undermining the accounts given by Corporal A and Private B of the circumstances in which they came to fire.

1 C1919.3
2 C588.3
3 C455.1; C1919.3; C275.2; C1553.3

18.148 We are of the view that none of these soldiers sought, either individually or collectively, to give false evidence or otherwise to conceal from this Inquiry anything that might have indicated that Corporal A and Private B had shot without any justification.

The evidence of other soldiers

18.149 There were a number of soldiers in the area of Abbey Taxis.

18.150 Major Loden was in his OP on the western side of the Presbyterian church. His Diary of Operations[1] recorded that "*… a member of the MG Pl observed a man preparing to ignite a nail-bomb at the corner of the building GR 43251699 [this grid reference corresponds with the position of the Nook Bar] on the South side of William St. The Pl Comd then gave orders to a Cpl and a soldier to open fire as the bomber prepared to throw. These two soldiers did so and the man was seen to fall and was dragged away by his comrades.*"

1 B2212

18.151 Except possibly for the last sentence, this account must have emanated from members of Machine Gun Platoon in Abbey Taxis. As to the last sentence, in his written statement for the Widgery Inquiry Major Loden recorded that he had heard several shots from Machine Gun Platoon in the disused building. He stated that he turned and saw one man fall at the corner of a building on the south side of William Street. That man was dragged away by his comrades.[1] His oral evidence to the Widgery Inquiry was to much the same effect.[2]

1 B2219 2 WT12.8

18.152 Neither in his Diary of Operations nor in his evidence to the Widgery Inquiry did Major Loden record that either he or anyone else had heard nail bombs exploding in the area of the waste ground adjacent to Abbey Taxis and the Presbyterian church. In his oral evidence to this Inquiry Major Loden said that he had not heard a nail bomb, but pointed out that from his personal experience it was possible not to hear an explosion if one was very close to it.[1]

1 Day 345/48-51

18.153 We are satisfied that Major Loden was in radio contact with Machine Gun Platoon, whose Commander Sergeant INQ 441, while still in Abbey Taxis, reported the shooting of a nail bomber.[1] It also seems to be the case that Private B had reported the shooting soon after the event to Sergeant INQ 441, while they were still in Abbey Taxis.[2] It is possible that Corporal A also reported his shooting at the same time, though this is not certain.

1 B2220 2 WT12.57

18.154 We are also satisfied that after he had received the Warning Order to deploy Support Company through Barrier 12 at about 1600 hours, Major Loden learned from Machine Gun Platoon, through the radio link, that they could not extricate themselves from Abbey

Taxis because the high walls prevented them from returning, and accordingly ordered them by radio to remain where they were and told them that he would send their vehicles to them.[1]

1 B2220; B2222

18.155 It was submitted, however, that the evidence of Major Loden's communications with Machine Gun Platoon was false and given in an attempt to give the impression that he and the Platoon Commander (Sergeant INQ 441) were in control of the situation.[1] Three grounds were put forward in support of this submission.

1 FS1.1005

18.156 The first is that there was no radio log of these communications between Machine Gun Platoon and Major Loden.[1] In fact there was no radio log for any radio communications within Support Company (or indeed within any other company) so that the premise upon which this suggestion is made is false.

1 FS1.1006

18.157 The second ground for the suggestion was that Major Loden was wrong in his recollection that he ordered Private 017 to take two empty APCs to extricate Machine Gun Platoon.[1] This suggestion is made because it is said that this soldier told us in his written statement to this Inquiry[2] that he did not do this and thought it was more likely that "*Major Loden indicated to me that he wanted to get the Machine Gun Platoon extricated using two empty Pigs and that I then found soldiers to carry out this order*".

1 FS1.1006 2 B2111.017

18.158 In fact the soldier in question was not Private 017, but Warrant Officer Class II 202, Company Sergeant Major Lewis. In our view the Company Sergeant Major's evidence does not begin to suggest that Major Loden made any false assertion in this regard. When an officer gives an order of the kind in question to a Company Sergeant Major, it would be natural for the latter to instruct others to carry out the task on his behalf.

18.159 The third ground is based upon the fact that Major Loden appears to have made no report of the shooting of a nail bomber to battalion HQ at the time.[1] There is no entry in the 1 PARA log recording any such report, nor any such report from the Gin Palace to Brigade HQ. However, Corporal INQ 1094 recalled that he was the radio operator for Major Nichols, second in command of 1 PARA, and was in a Land Rover in front of the Presbyterian church. He told us that he heard a shot hit a drainpipe on the side of the church and reported this on either the battalion or the company net.[2] Corporal INQ 1094's

recollection may be at fault, but if he is right, this is another case where no record of a shot appears in the 1 PARA log, nor did the Gin Palace make any report to Brigade HQ. We consider this shot in detail below, but the point here is that it occurred at about the same time as the shooting by Machine Gun Platoon. Thus we cannot rule out the possibility that both events were reported but for some reason the Gin Palace neither recorded nor passed them on. As will be seen, there are other cases where the 1 PARA log does not appear to be as complete as it might have been and also cases where material information does not appear to have been passed on.

1 FS1.1004

2 C1094.3; Day 349/10

18.160 Major Loden accepted in his oral evidence to us that it was his responsibility to report the shooting by Machine Gun Platoon to the Gin Palace.[1] He clearly had no recollection of why (if such was the case) he failed to inform battalion HQ, though he thought that this might have happened because at about this time he received the Warning Order to deploy through Barrier 12 and started to be engaged in moving his soldiers.[2]

1 Day 342/37

2 Day 345/53-54

18.161 The representatives of the majority of the families submitted that no soldier had reported the sighting of a nail bomber or the firing of live rounds. They submitted that the presence of a nail bomber and the use of live fire "*could have had a dramatic influence upon any decision that the company commander had to make in relation to the deployment of other platoons and/or companies*".[1] They contended that the reason for the absence of any report was that there had been no nail bombs. We do not accept that submission. We have found that a report was made over the radio to Major Loden. It is far from clear that no report was made to the Gin Palace. Furthermore, the submission assumes either that both Corporal A and Private B had admitted straight away that their firing was unjustified, or that the others in Abbey Taxis somehow knew that this was the case; and that because the firing was unjustified it was then decided not even to report that soldiers had fired. We have found no evidential basis for any of these assumptions.

1 FS1.1004-1006

18.162 We accept Major Loden's evidence that he was in radio contact with Machine Gun Platoon. It is likely that if this shooting was not reported to the Gin Palace, that was because the Warning Order to deploy his troops through Barrier 12 diverted Major Loden's attention.

18.163 Neither Colonel Wilford nor anyone else in his Observation Post reported or recalled seeing or hearing nail bombs in the area of Abbey Taxis at or about the time in question. The same applies to members of Mortar Platoon, and those in the Echo OP at the Embassy Ballroom, though this evidence is not particularly strong, since they also do not appear to have heard the shots fired by Corporal A or Private B. There was, of course, a lot of other noise and commotion at or about the time, including the firing of baton rounds.

18.164 There were also soldiers from 22 Lt AD Regt in a building called Harrison's Garage on William Street. This was between 80 and 100 yards west of Abbey Taxis and can be seen on the following photograph, marked by Tony McCourt.[1]

1 Day 54/124/4-5; AM148.12

18.165 It seems that these soldiers had been positioned there to observe the march, to provide sniper cover if necessary and to protect a building a few yards further east on William Street that had previously been a prime target for arsonists.[1] It is most unlikely that they were aware that Machine Gun Platoon had moved forward to Abbey Taxis.[2]

1 B1883; B1885.1; B1747

2 Day 299/120

18.166 One of these soldiers, Gunner INQ 480, in written evidence to this Inquiry, told us that while in the building he had heard two or three cracks from a high velocity weapon and in his oral evidence accepted that these could have been the shots fired by Corporal A and Private B.[1] Neither in statements made in 1972 nor in evidence to us was there anything to suggest that any of the soldiers in Harrison's Garage had heard nail bombs exploding

in the area of the waste ground to the south of the Presbyterian church, though again it is a feature of much of the evidence that people did not necessarily hear everything that was going on.

1 Day 303/133/1-5; Day 303/142/1-21

Conclusions on the shooting of Damien Donaghey and John Johnston

18.167 Our consideration of all the evidence has led us to the following conclusions.

18.168 In the first place we have no doubt that Corporal A fired two shots and Private B three more or less simultaneously, that it was one of the shots of Corporal A or Private B that hit Damien Donaghey and one or more that struck John Johnston; that all the shots fired by Corporal A and Private B were aimed at Damien Donaghey; and that John Johnston was hit by accident through a ricocheting or fragmented bullet or bullets aimed at Damien Donaghey. We accept the evidence of Corporal A and Private B that they did not realise that a second person had been shot until well after the event. This in our view was because John Johnston did not fall when he was shot and was soon surrounded by people coming to his aid.

18.169 We are also sure that neither Damien Donaghey nor anyone else had thrown or was about to throw a nail or gelignite bomb or similar device and that he and John Johnston were the only people hit by gunfire from Corporal A or Private B. This was the tenor of the civilian evidence, and is supported by the evidence of Major Loden, who heard no nail bombs and saw only one person carried away. In our view his point that one can be very close to an explosion and not hear it is unlikely to have applied to his position, for nail bombs exploding in the waste ground beside Abbey Taxis would have been some 40 or so yards from where he was and in our view he could not have failed to hear those.

18.170 In these circumstances it follows that the shooting of Damien Donaghey and John Johnston cannot be justified on the basis that the former was in fact posing a threat of causing death or serious injury to Corporal A or Private B or any of their colleagues. We should add that we have found no evidence that suggests to us that either Corporal A or Private B targeted somebody other than Damien Donaghey. In our view, therefore, there was no justification for this shooting. However, the question remains as to whether either or both of these soldiers fired in the mistaken belief that the person they aimed at was posing a threat of causing death or serious injury.

Corporal A's and Private B's state of mind

18.171 It will be appreciated that at one extreme a soldier may fire in the mistaken belief that his target is posing a threat of causing death or serious injury, while at the other extreme he may believe that his target is posing no such threat at all. Between these two extremes, however, lie other possible states of mind, such as only suspecting that the target might be a legitimate one, or simply not caring one way or the other.

18.172 It was urged upon us that Corporal A and Private B had colluded in making up a fictitious account of the circumstances in which they opened fire, when in truth they had deliberately targeted someone who they knew to be posing no threat that justified their shooting.[1]

1 FS1.1061-1062

18.173 We are sure that Corporal A and Private B did discuss what had happened, probably very soon after the event. Indeed it would have been odd had they not done so. But there is a fundamental difference between discussing what had happened and conspiring together to put forward a false account.

18.174 It was suggested that the fact that in their RMP statements[1] both soldiers said that they had moved "*across roof tops*" rather than over walls to get to Abbey Taxis, and the fact that the maps attached to their RMP statements both showed the same error in their positions and that of their target,[2] demonstrated that they had agreed to give a false account, on the grounds that "*For people to get accounts identically right may mean that they are accurate but when they get them identically wrong it gives rise to enquiries*".[3]

1 B1; B21
2 B3; B23
3 FS1.1007

18.175 However, it is quite possible that the soldiers did have to climb over roofs as well as walls to get to Abbey Taxis. The same interviewer took their RMP statements within ten minutes of each other, which could well explain the use of similar phraseology and similar annotations on the RMP maps attached to their statements. As observed above, these maps were not annotated by Corporal A or Private B and were of small scale and misleading. In our view these matters do not demonstrate that there was any wrongful collusion between Corporal A and Private B.

18.176 As we have observed above, it is reasonably clear that Damien Donaghey was wearing a light-coloured jacket of some kind. Thus it is the case that in his RMP statement,[1] Private B misdescribed the colour of the windcheater jacket worn by Damien Donaghey as "*dark coloured*", though he changed his description to "*light coloured*" when he gave oral evidence to the Widgery Inquiry.[2]

1 B21 2 WT12.51

18.177 It was not suggested to either soldier that this misdescription was part of any conspiracy to give false evidence. It is difficult to see how misdescribing the target could have assisted either soldier in seeking to justify unjustifiable shooting. The description that Private B originally gave could in theory be an indication that his target was not Damien Donaghey, but since to our minds there is no doubt that he was the person both soldiers shot at (and one hit), this cannot be so; and the likely explanation is that Private B was simply mistaken in his recollection, perhaps confusing the dark colour of Damien Donaghey's jumper with his creamy coloured jerkin. Corporal A's description in his RMP statement[1] was that the man that he shot at was wearing "*a blue cardigan or windcheater*", and (as noted above) some civilian witnesses gave differing descriptions of Damien Donaghey's clothing and its colour. As to Corporal A's description of the man's hair as fair,[2] this too in our view must simply be a mistake.

1 B1 2 B1

18.178 We are also sure that Corporal A was wrong in his evidence that he saw and heard nail bombs and Private B that he heard two explode. This could indicate that they had invented this part of their evidence to bolster their false account of seeing a nail bomber shortly afterwards. In our view, Corporal A may well have embroidered his testimony by describing the objects as "*smoking*"[1] or with "*lighted fuses*".[2] However, to our minds it does not necessarily follow that if he, let alone Private B, did so he knew that no nail bombs had been thrown. We consider that it is more likely than not that Corporal A did shout a warning about nail bombs, which he would hardly have done unless he thought (or at least suspected) that bombs had been thrown. Although both soldiers said that they would not have confused nail bomb explosions with the sound of baton guns being fired, we are of the view that this was likely to have occurred, since rioters had been throwing stones and bottles towards them and had been met with baton rounds fired from their position. Despite the fact that we did not find much assistance in the evidence of Private INQ 1919 as to what happened on the day, we accept his evidence that a baton gun fired in a derelict building would make a much bigger sounding bang than if fired in the open.

He agreed with the suggestion that it would be "*The sort of bang that might be confused or mistaken by a soldier who is unaware of what is happening as to a nail bomb being thrown…*"[3]

1 WT12.42D
2 B5
3 Day 296/44

18.179 It must also be borne in mind that the soldiers in Abbey Taxis were in an exposed position and vulnerable to nail bomb attacks. Such attacks were, as described earlier, a regular occurrence in the city at that time. The soldiers were right to be apprehensive of, and on their guard against, the possibility of nail bombs being thrown and may well have thought that this had already occurred. It is a well-known phenomenon that, particularly when under stress or when events are moving fast, people can often honestly but erroneously come to believe that they are or are likely to be hearing or seeing what they were expecting to hear or see.

18.180 As to the shooting itself, it is in our view significant that Corporal A and Private B fired at the same target at more or less the same time but from different positions in Abbey Taxis. Any suggested explanation for their shooting has to take this factor into account.

18.181 In an attempt to explain why this happened it was submitted that because the shooting occurred while the march was still in progress, because the soldiers shot to wound when their training was to shoot to kill, and because they shot from a position of cover, thereby revealing themselves, "*The only rational explanation is that these shots were designed to provoke a response from the IRA and thereby to reinforce the justification for subsequent aggressive action*".[1]

1 FS4.120

18.182 We reject this submission. It asserts that the march was still in progress, when in truth there were few people still following the march in this part of William Street. It assumes, without suggesting any basis for the assumption, or exploring the point with either soldier, that because Damien Donaghey was wounded and not killed, the shots were intended only to wound. Both soldiers stated in terms that they fired at the centre of the body. It wrongly states that by shooting, the soldiers revealed themselves, when in fact Machine Gun Platoon had already been spotted and had responded to stoning by using baton guns. There is thus no basis for the further implicit assumption either that the two soldiers had decided on their own to seek to draw out the IRA by this means, or had been instructed by someone to do so. We have found no evidence to suggest that this shooting

was part of a pre-arranged plan to use lethal gunfire to lure out the IRA, or, as was also suggested, of a plan to teach the Bogsiders a lesson by shooting at them. We are sure that neither Corporal A nor Private B fired for either of these reasons.

18.183 As noted above, the suggestion was made that the soldiers shot because they "*were denied the opportunity for either speed or aggression*" and refused to allow themselves "*to be categorised as an Aunt Sally or a crap-hat*".[1] Such suggestions can hardly provide an explanation as to how each soldier came to choose the same target and fire at more or less the same time, unless they had made a pre-arranged plan to do so, for which proposition there was no evidence at all. We are sure that neither soldier fired for these reasons.

[1] Day 297/145-46

18.184 Despite our rejection of these suggestions, it of course remains possible that Corporal A and Private B, or one or other of them, fired in the knowledge or belief that their target was doing nothing that justified such action.

18.185 There are other possibilities, that one or both of the two soldiers fired in fear or panic, without giving proper thought as to whether his target was posing a threat of causing death or serious injury, or fired at someone while only suspecting that his target might justify such a response. It may of course be the case that one soldier believed that he had identified a legitimate target, while the other did not.

18.186 Our assessment of the matters we have considered above has led us to the conclusion that it is most unlikely that either soldier fired in the knowledge or belief that his target was doing nothing that justified such action. More likely is that they fired either mistakenly believing or suspecting that their target was, or might be, seeking to deploy a nail bomb. It must be borne in mind that, in circumstances (as here) where there is a perceived and real possibility that a nail bomb may be thrown at any moment, there is little opportunity or time to assess the situation; and that these were, as we have said above, the sort of circumstances in which, in the heat of the moment, Corporal A or Private B, or both of them, might have jumped to the erroneous conclusion that they were seeing or might be seeing a man preparing to throw a nail bomb.

18.187 As to whether the soldiers believed that they had identified a target that justified them firing or merely suspected that this might have been the case, it is possible that Damien Donaghey was in fact doing something that did look as if he was or might have been about to throw a nail bomb. This would explain why both soldiers shot at him at the same time from different positions.

18.188 Whether Damien Donaghey was doing something that the soldiers reasonably (though mistakenly) saw as him preparing to throw a nail bomb is something about which we cannot be sure. There is no civilian evidence that this was so, and much to the effect that he was doing nothing that was or could have appeared to be of this nature. However, as we have observed, it is far from certain that any civilian was looking at him at the time he was shot; and it is also the case that there might have been a reluctance on the part of some to come forward with an account that laid any possible blame on Damien Donaghey for what happened.

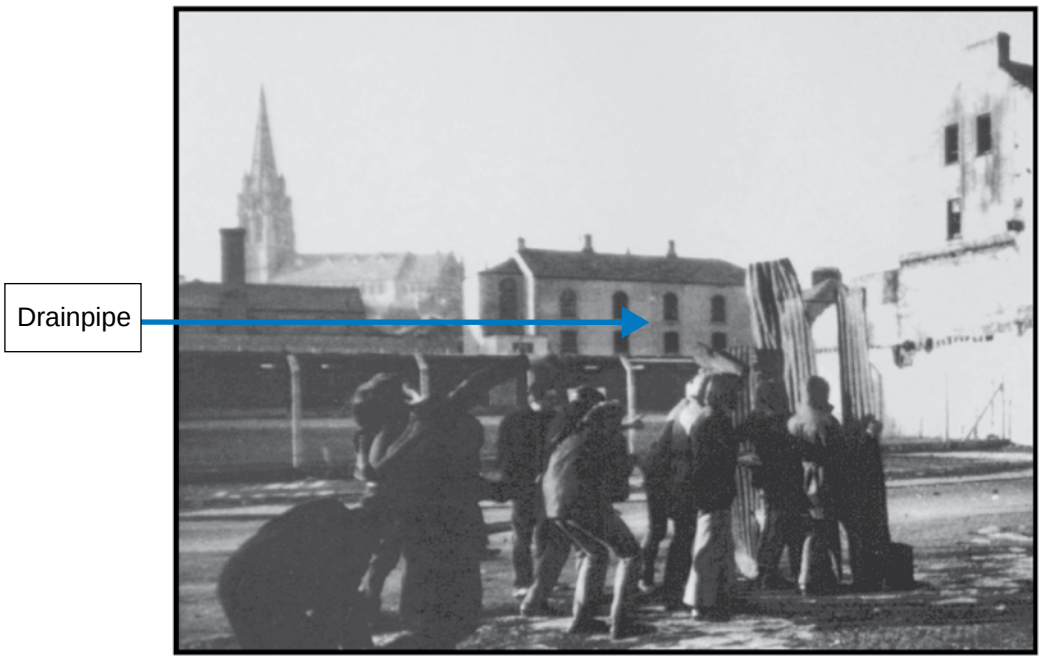
18.189 In the end, we have concluded that neither soldier fired without any belief that he had or might have identified someone posing a threat of causing death or serious injury. In our view it is probable that each soldier either mistakenly believed that Damien Donaghey was about to throw a nail bomb or suspected (albeit incorrectly) that he might be about to do so. We accept that these soldiers did not know that the shots of one or other of them (or possibly both) had also hit John Johnston. We consider it probable that in the heat of the moment neither appreciated that anyone, apart from his target, was in the line of his fire. It is also possible that either or both soldiers fired in fear or panic, giving no proper thought to what they were doing, but in our view this is unlikely.

Chapter 19: Other shooting in Sector 1

Contents

The drainpipe shot

19.1 There is convincing evidence from a substantial number of soldiers that some minutes before 1600 hours, a high velocity shot hit and shattered a drainpipe running down the eastern side of the Presbyterian church, just above the heads of members of Mortar Platoon, who were on the boiler house roof adjacent to the church and partly sheltered by the wall to the east of the church. The arrow on the following photograph indicates the position of the drainpipe.



19.2 According to Major Loden's Diary of Operations,[1] at 1555 hours "*One high velocity round was fired from the direction of Rossville Flats at the wire cutting party. The shot struck a drainpipe on the East Wall of the Presbyterian Church approx 4ft above the heads of the wire cutting party.*"

1 B2212

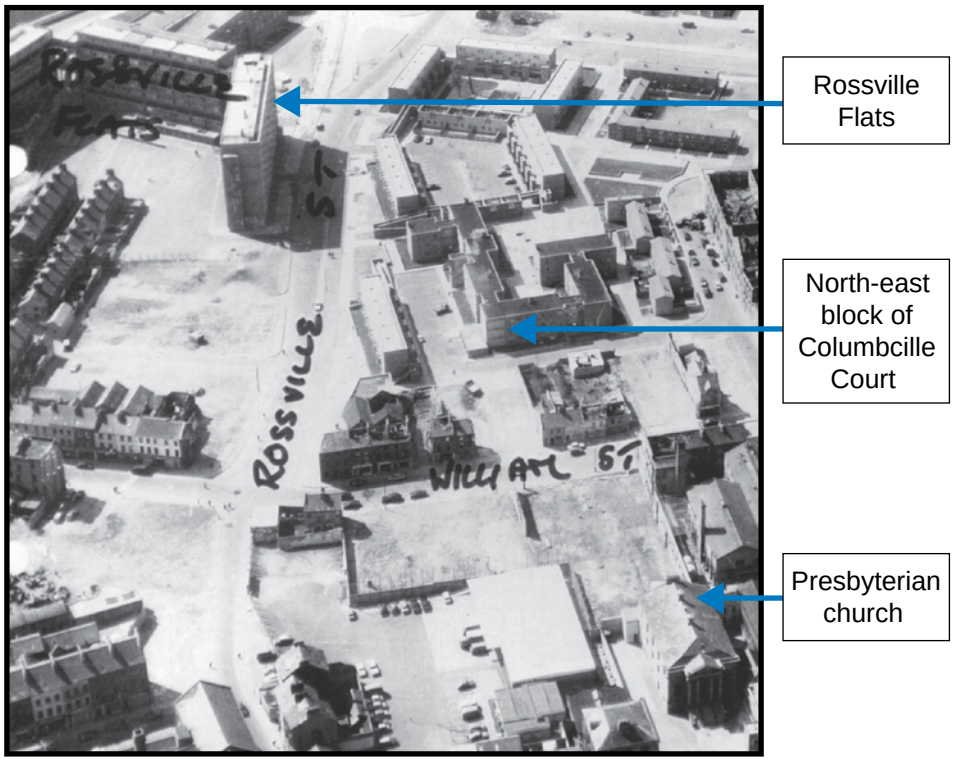
19.3 As already observed, this diary was made up the following day. No note of times was made on the day itself.[1] Major Loden was himself on the other side of the church, and though we accept that he heard the shot as it hit the drainpipe, he did not see where it had landed.[2] In his written evidence to this Inquiry, Major Loden told us that he could see the drainpipe,[3] but we consider his recollection to be mistaken in this regard. In his oral evidence to this Inquiry he agreed that he was on the other side of the Presbyterian church.[4] However, it is clear that the shot occurred after Major Loden had ordered Mortar Platoon forward to cut the wire on the wall (at about 1540 hours) and before Mortar Platoon soldiers went back to their vehicles, which must have been very soon after Major Loden received the Warning Order (at about 1600 hours) to deploy his company through Barrier 12.

1 Day 342/35
2 B2219; WT12.7
3 B2283.3-4
4 Day 342/28; Day 342/38

19.4 Several soldiers considered that the shot had come from the direction of the Rossville Flats, which is doubtless why this appears in Major Loden's Diary of Operations.[1] Apart from the fact that there was a clear line of sight from at least the upper floors and roof of those flats to where the shot struck, there was no evidence that suggests to us that the shot had actually been fired from there. It has been noted earlier that Lieutenant N of Mortar Platoon had briefed the soldiers the previous evening that the Rossville Flats were a known sniper point. This may have contributed to their belief that the shot had come from that direction.[2]

1 B591; B1732.002; C768.2; B1484.002; B1979; B1985 2 B438.033; B575.110

19.5 We are satisfied, however, that during the period in question a member of the Official IRA, known to this Inquiry as OIRA 1, did fire a high velocity shot in the direction of the Presbyterian church from the top floor at the north-eastern end of Columbcille Court. This position would also provide a clear line of sight to where the shot struck and is roughly in the same direction as that of the Rossville Flats. The photograph below shows the relative positions of the Rossville Flats, Columbcille Court and the Presbyterian church.



19.6 The circumstances in which this shot came to be fired are a matter of controversy.

19.7 The principal question we have to consider is whether OIRA 1 fired the shot that hit the drainpipe. There is another question: namely, whether the shot that hit the drainpipe was fired before or after the wounding of Damien Donaghey and John Johnston by Army fire. This latter question was the subject of detailed submissions, on the basis (which we consider below) that it was important to determine whether it was the Army or paramilitaries who fired first in Sector 1.

The evidence of OIRA 1 and OIRA 2

19.8 OIRA 1 and OIRA 2 were members of the Official IRA in Londonderry, on the Command Staff and attached to the Bogside unit.[1] They told us that they had come forward to give evidence to the Inquiry at the request of the families of those who were killed or wounded on Bloody Sunday.[2]

1 Day 395/10; Day 392/12

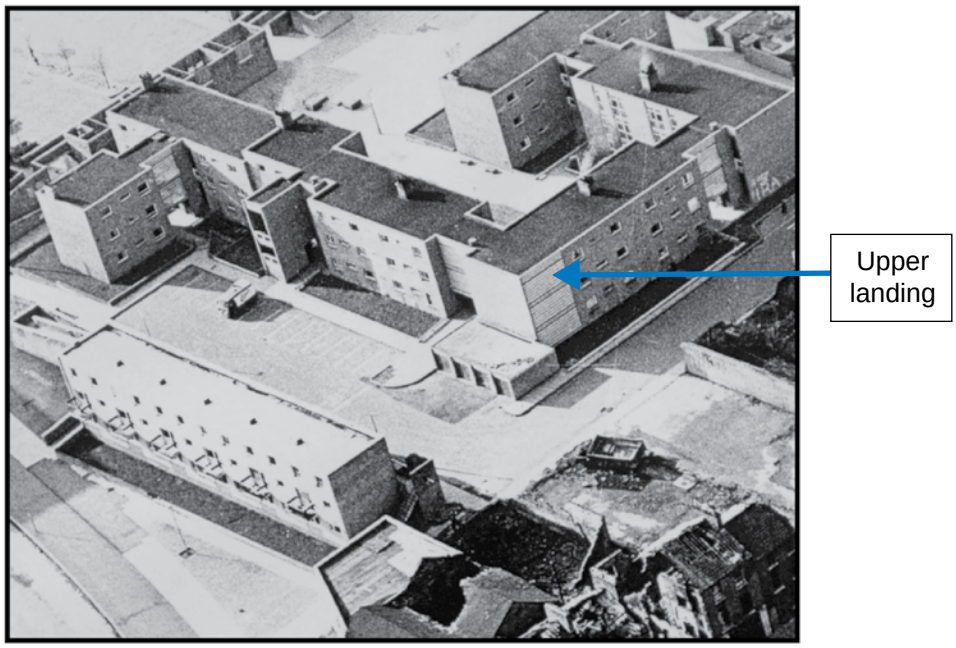
2 Day 395/158; Day 393/130

19.9 In summary, their evidence to this Inquiry was that after dark on Saturday 29th January 1972, having received orders that all weapons were to be taken up to the Creggan area of the city, they had gone to recover a .303in rifle with a defective or missing front sight, which had been hidden in Columbcille Court by another Official IRA volunteer. However, they abandoned this attempt because they thought that there might be undercover soldiers in the area after a shooting incident earlier in the day.

19.10 These witnesses told us that on the following day they drove to Glenfada Park North. They left the car there and made their way on foot to Columbcille Court. There they recovered a rifle from what OIRA 1 described as some sort of bunker or outside shed on the ground floor level of the north-eastern block of Columbcille Court.[1] The rifle had ammunition in its magazine. OIRA 2 said he could not remember where the rifle was.[2] They then climbed two flights of stairs to the top floor landing (sometimes described as a balcony) at the north-east corner of Columbcille Court, a place where they could dismantle the rifle to enable them to carry it away concealed from view. This landing faced north and on this side there were horizontal, white-painted, wooden slats. The arrow on the following photograph shows the position that they said they reached.

1 Day 395/59

2 Day 393/47-48



19.11 OIRA 1 told us that after about a minute he heard what he was sure were three high velocity shots and shortly afterwards heard shouting from below that two people had been shot. OIRA 2 said that he did not recall hearing shots but did hear the shouts, though it is not clear from his evidence whether this was before or after they climbed the stairs to the landing. According to their testimony, they looked through the slats across to the Presbyterian church, where they saw a soldier on top of the building in a sniping position behind a low wall, whom they believed had been responsible for the shooting. OIRA 1 then aimed the rifle and fired one shot at this soldier. This happened, according to OIRA 1, a matter of seconds after he had heard the shouts that people had been shot. OIRA 2 thought or assumed that the soldier had been hit, and he and OIRA 1 immediately left the landing and made their way downstairs. As they were coming down the stairs or out of the building they were met by a number of people, some of whom protested at what they had done, while others urged them to continue firing. They then returned to the car in Glenfada Park North, where OIRA 1 put the gun in the boot and locked the car.[1]

[1] AOIRA1.5-8; AOIRA1.26-28; Day 395/68-83, 88-91; Day 396/23-31, 38-45, 53; AOIRA2.3-6; AOIRA2.15-16; Day 392/73-84, 109; Day 393/46-49, 55-58, 67-71, 75-76, 89-90

19.12 This account, given decades after the event, has similarities with – but also differs in fundamental respects from – an account of what OIRA 1 did written by John Barry of the *Sunday Times* Insight Team in 1972.[1]

[1] AOIRA1.1

19.13 OIRA 1 denied that he had given any "*formal*" interview or made any "*formal*" statement to John Barry or any other journalist,[1] though he said that he might have spoken to journalists in an informal way. John Barry told us that he had no independent recollection of interviewing OIRA 1 or compiling the notes, but was sure that he had talked to OIRA 1 at the time and had accurately recorded what he had been told.[2] OIRA 2 denied that he had told anyone about the firing from Columbcille Court.[3]

1 AOIRA1.12
2 Day 193/101; Day 194/38; Day 194/93
3 Day 393/85

19.14 According to John Barry's notes, OIRA 1 had arms stored in the boot of a car in Glenfada Park. He and OIRA 2 had already organised a possible counter-sniping position in Columbcille Court, in one of the areas outside the back door of each flat set aside for washing lines, which was fronted by white, wooden planks giving a slatted effect. OIRA 1 and OIRA 2 had arranged with a woman, the occupant of one of the flats, that she would leave open the gate to her washing area. They were at the junction of William Street and Rossville Street, when they then heard that two "*boys*" had been shot by the Army in William Street, so they collected a .303 rifle from the car and went to their counter-sniping positions, where OIRA 1 shot at a soldier on the left-hand side of the church who had been putting his head up very cautiously from time to time. "*Twice the man put his head up and OIRA 1 didn't fire. The third time the man put his head up, OIRA 1 fired. OIRA 2 told him he had hit.*"[1] John Barry made a note that OIRA 1 was "*actually firing at **east** side of Church*".[2] We should observe at this point that the word "*boys*" is a colloquialism often used in the city to describe men of any age.[3]

1 AOIRA1.1
2 AOIRA1.1
3 Day 159/68

19.15 John Barry's notes continued with a description of a violent altercation that then took place on the stairwell or at the entrance to the washing place with three members of the Provisional IRA, one of whom tried to grab the gun and whom OIRA 1 threatened to shoot, but which ended when OIRA 1 agreed that he would not fire again. OIRA 1 then went back to Glenfada Park and put the rifle back in the boot of the car.

19.16 OIRA 1 and OIRA 2 denied in evidence to us that they had arranged a counter-sniping position, that they were at the junction of William Street and Rossville Street when they heard that two people had been shot, that they obtained the weapon from a car in Glenfada Park, or that there were other weapons in the car.

19.17 It was suggested on behalf of OIRA 1 that a number of minor details set out in John Barry's notes were factually inaccurate.[1] This may well be so, and it may be the case that if there were such inaccuracies (for example, that Michael Kelly, one of those killed on Bloody Sunday, was OIRA 1's cousin), they came from another source. However, we are satisfied that in all essential respects John Barry accurately recorded in his notes what he had been told by OIRA 1 about the latter's activities on Bloody Sunday. Apart from the fact that we were very impressed by this journalist, the text of the note itself demonstrates, by phrases such as "*OIRA 1 says*", that his source was OIRA 1.[2]

1 Day 194/91-92

2 AOIRA1.1; Day 194/151

19.18 Furthermore, in an article written by Gerard Kemp and published in the *Sunday Telegraph* on 23rd April 1972, a somewhat similar account appears. In that article Gerard Kemp wrote that he had interviewed a man in the Official IRA who said to him:[1]

> "I left my car in Glenfada Park and walked over to Columbcille Court waiting for the marchers to come down. A bit of stoning was going on and I then heard two shots. I saw the crowd dragging someone back and knew someone had been hit. It was an old fellow and a young boy. I went back to my car and got my rifle out of the boot. It's a .303. I walked back to the court and went up to the stairs on the way to the upper storey of the maisonettes. I was behind some vertical white planking and over by the Presbyterian Church I could see two soldiers crouching down behind a small wall. One kept getting up and then I saw him pointing his rifle. I fired one single shot and he jerked backwards. He was wearing a steel helmet with the face guard pushed right back over on to his neck. After I fired that one shot I went back to my car and put the rifle in the boot."

1 L210

19.19 In his written statement to this Inquiry, Gerard Kemp told us: "*I cannot now remember being told any of this – it was many years ago – but I have no reason to doubt that this was told to me at the time and that the quotation in the article was an accurate record of what he [the sniper] said. I also cannot remember the name of the man or his appearance and would not be able to identify him now.*"[1] We have no reason to doubt that the quotation set out in the article was a faithful reproduction of what Gerard Kemp was told. In view of what he recorded, there is little doubt that the person he interviewed was OIRA 1.

1 M47.1-2

19.20 We should note that in March 1972 Reg Tester, the Command Staff Quartermaster of the Official IRA in Londonderry on Bloody Sunday, gave Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team an account of the firing by OIRA 1 that was similar to the accounts recorded by John Barry and Gerard Kemp.[1]

1 S34

19.21 In these circumstances it is clear that OIRA 1 has given us an account of his shooting that is materially different from the accounts he gave soon after the event to John Barry and Gerard Kemp. The differences are such that they cannot be attributed to the dimming or distortion of memory through the passage of time, but must arise from some other reason, and must indeed entail that part at least of the accounts that OIRA 1 has given of this incident are untrue.

19.22 We reject the account given by OIRA 1 and OIRA 2 of making an attempt to recover the rifle on the evening of Saturday 29th January 1972. The reason they gave was that there had been an order that all weapons were to be taken up to the Creggan before the march. In his written statement to this Inquiry, prepared by his solicitors,[1] Johnny White, the Officer Commanding the Official IRA in Londonderry on Bloody Sunday,[2] told us that this had been the order. Johnny White became too ill to give oral evidence and so could not be questioned about this assertion.

1 AOIRA3.10

2 This witness was also known to the Inquiry as OIRA 3, but the Tribunal withdrew his anonymity in October 2004 after he had spoken to the Press about Bloody Sunday, using his own name.

19.23 However, we do accept the oral evidence of Reg Tester, who as Command Staff Quartermaster could be expected to know about the disposition of the few weapons held by the Official IRA in Londonderry. He told the *Sunday Times* in March 1972 that there were to be no weapons in the Bogside except for those held by the Bogside Official Unit, and these were to be kept in several safe dumps.[1] He told this Inquiry that the rifle in question had gone to the Bogside unit at some time before Bloody Sunday and "*would have stayed with the unit until such time as they either no longer needed it or the situation changed altogether*".[2]

1 S34

2 Day 414.40

19.24 In addition to the fact that it was not necessary to get the rifle up to the Creggan, the whole account of abandoning an attempt to get the weapon in the dark on the previous evening, because of the feared presence of the security forces, yet going back the next day in broad daylight to do so when there undoubtedly were many soldiers in the area,

seemed to us to be so far-fetched as to be unbelievable. We were reinforced in this view by the manner in which OIRA 1 and OIRA 2 sought to answer questions about this topic when they gave oral evidence to us.[1]

1 Day 395/50-55; Day 395/85-87; Day 395/182-189; Day 396/1-8; Day 392/63-64; Day 392/87-93; Day 393/49-53

19.25 In these circumstances, we do not accept the evidence of OIRA 1 and OIRA 2 that their purpose in going to Columbcille Court on the afternoon of Bloody Sunday was to collect the rifle and take it up to the Creggan.

19.26 The next question is whether, as OIRA 1 told John Barry and Gerard Kemp, on Bloody Sunday they went to Glenfada Park to collect the rifle from the boot of a car in Glenfada Park, or whether they got the weapon from the shed or bunker at Columbcille Court.

19.27 In 1972, OIRA 1 would have had a motive for saying to a journalist that he had gone back to Glenfada Park to obtain a rifle after hearing that the Army had shot two people, for to admit that there was a loaded weapon hidden close to a pre-arranged counter-sniping position would have indicated that members of the Official IRA had prepared themselves in advance to shoot at the Army, rather than keeping their weapons in safe mobile dumps. The public line initially being advanced by the Official IRA at the time was not to admit to any shooting at the Army on Bloody Sunday, so as to avoid giving the Army any possible justification for firing.[1] In a press conference called by the Official IRA on the night of Bloody Sunday, their spokesman said that "*he could not speak for the Provisionals but to the best of his knowledge there was no shooting at all against the Army in the William Street-Rossville Flats area*".[2] OIRA 2, speaking at a rally in Kilburn in London on 5th February 1972, said that the IRA had not fired back until the firing had been going on for 20 minutes. In his evidence to us, OIRA 2 sought to explain this by saying that when speaking at the rally he might have used what he described as "*a wee bit of poetic licence*".[3]

1 Day 395/157; AT6.13
2 ED12.4-5
3 Day 392/123-124

19.28 The policy of not admitting to any shooting at all seems to have been abandoned, modified or ignored at an early stage, perhaps because there was widespread knowledge in the city that paramilitaries had fired on the day and some explanation had to be given. Perhaps OIRA 1 could not resist boasting of what he had done, by giving to John Barry and Gerard Kemp the information to which we have referred.

19.29 There might have been further reasons for saying shortly after Bloody Sunday that the rifle was taken from a car rather than from a place in Columbcille Court. At the time in question, there was fierce rivalry between the Official and Provisional wings of the IRA, the latter being only too ready to seize the weapons of the former.[1] It seems to us that to disclose an unguarded place where a rifle was kept would invite the loss of that weapon, unless that place was never used again. In addition, to tell a journalist where the rifle had been kept (other than in the back of a car) would, in our view, run the risk of the security forces mounting a search of the area.

1 AT6.1

19.30 The fact that there might have been reasons for saying to the journalists that the rifle had been taken from a car in Glenfada Park does not, of course, of itself mean that what was said was untrue. However, OIRA 1 and OIRA 2 were insistent that this did not happen, and that they got the rifle from a place very close to where it was fired.[1]

1 AOIRA1.25; AOIRA1.26; AOIRA1.32; Day 395/94; AOIRA2.14-15; AOIRA2.21; Day 392/95; Day 393/80; Day 393/85

19.31 By the time of this Inquiry, and given (though we do not accept this) OIRA 1 and OIRA 2's assertion that they went to Columbcille Court simply to retrieve the weapon, concerns about revealing a place where a rifle had been hidden no longer existed. It is therefore possible that what OIRA 1 and OIRA 2 told this Inquiry is correct and that they indeed did retrieve the rifle from its hiding place in Columbcille Court, rather than from a car in Glenfada Park. If this is so, then it follows that OIRA 1 lied to the journalists about this.

19.32 Whether OIRA 1 and OIRA 2 collected the rifle from a car in Glenfada Park or from a bunker or shed in Columbcille Court, and whether or not the rifle had a defective or missing front sight, we are sure (despite their denials in evidence to us) that the real reason why they climbed to the top floor landing with a loaded rifle was not to find a place to dismantle it, but instead to get into a pre-arranged sniping position in order to shoot at soldiers if an opportunity presented itself. Although OIRA 2 suggested that it would not have been safe to shoot from there, since the only protection was wooden slats, he agreed that the slats helped to conceal them.[1] His evidence does not alter our view that they went to a sniping position. Neither he nor OIRA 1 could to our minds provide any other satisfactory explanation for going to the top floor of Columbcille Court with a loaded rifle. In his oral evidence OIRA 2 somewhat reluctantly admitted that OIRA 1 was "*probably*" a sniper.[2]

1 Day 392/071; Day 393/051

2 Day 393/014-15

Did OIRA 1 fire the shot that hit the drainpipe?

19.33 In his statement to this Inquiry, OIRA 1 told us:[1]

> "I have heard talk of a shot hitting the drainpipe to the Presbyterian Church, which I understand may be to the east of the church. This is not the direction in which I fired. I am not aware of my round hitting a drainpipe. If it did hit a drainpipe to the east of the church I cannot explain why I missed the soldier I was aiming at so badly, unless this was down to a ricochet, or the defective sight."

1 AOIRA1.27

19.34 The drawing he attached to this statement shows the area at which he fired to be on the western side of the waste ground to the south of the Presbyterian church.[1] In his oral evidence OIRA 1 said that he had aimed at the left-hand side of the church as he looked at it and that the direction in which he fired was to the south and west of the church.[2] Though he did concede the possibility that he had hit the drainpipe that was on the other side of the church, his evidence as a whole indicated to us that he was maintaining that it was not his shot that hit the drainpipe.[3] In his oral evidence, however, OIRA 2 said that it was probable that OIRA 1's shot was the drainpipe shot.[4]

1 AOIRA1.48
2 Day 395/81-82; Day 396/78-79
3 Day 396/37-38
4 Day 392/83

19.35 OIRA 1 also told John Barry that he fired at the left-hand side of the church, though this reporter put in brackets in his notes "*(OIRA 1 actually firing at east side of church)*".[1] This observation may have been made because John Barry was assuming that this shot was the one that hit the drainpipe.

1 AOIRA1.1

19.36 In our view, John Barry was correct in his assumption and OIRA 1 did fire the shot that hit the drainpipe on the eastern side of the Presbyterian church.

19.37 We consider that OIRA 1 is incorrect in his assertion that he aimed and fired to the western side of the Presbyterian church. There is nothing to suggest that there were soldiers on that side of the church who were presenting the sort of target described by OIRA 1 and OIRA 2, nor is there any Army evidence of an incoming shot on that side. Furthermore, we discount the possibility that he could have been aiming at the western side of the church but hit the eastern side, for even with a defective gun sight he could hardly have missed his intended target by the width of the church, some 40 feet, at a

firing distance of some 120 yards. In our view, OIRA 1 aimed and fired at one of the soldiers of Mortar Platoon who were on the eastern side of the church, but missed and hit the drainpipe above their heads.

Did OIRA 1 fire before or after the Army shots?

19.38 We now turn to the question whether OIRA 1 fired the drainpipe shot before or after Damien Donaghey and John Johnston were wounded by Army gunfire.

19.39 In our view, the importance of this question must not be overemphasised. The drainpipe shot injured no-one. If it occurred after the wounding of Damien Donaghey and John Johnston by Army gunfire, it obviously could have had no relevance to that event, as far as the soldiers who fired were concerned. If it occurred before, the same applies, as there is nothing to suggest that the soldiers who fired from Abbey Taxis were aware of that shot or that it influenced them in any way. We consider later in this report[1] what effect the shot may have had on other soldiers, but again, there is nothing to suggest that their reactions were in any way influenced by any belief as to whether the shot had followed or preceded the wounding of Damien Donaghey and John Johnston.

[1] Paragraph 19.181

19.40 OIRA 1 has maintained throughout that he fired at the soldier he believed was responsible for wounding Damien Donaghey and John Johnston. However, OIRA 1 in our view untruthfully denied to us that he provided the information recorded by John Barry and Gerard Kemp, gave a false account to us or to John Barry and Gerard Kemp about where he obtained the rifle, lied to us about attempting to collect the weapon the night before and the reasons for doing so, and lied to us about his purpose in going to the top landing in Columbcille Court. In these circumstances we can place no reliance on his evidence as to why he fired.

19.41 OIRA 2 told us in his first written statement to this Inquiry (given to his solicitors),[1] that he was in the Columbcille Court area when he heard a number of high velocity shots and then shouts from below to the effect that two people had been shot by the Army. In his written statement subsequently taken by the solicitors to this Inquiry, he told us that he could not honestly say he heard the Army shots himself, but only someone in the crowd shouting, "*Two boys have been shot*", after he and OIRA 1 had reached the top floor landing in Columbcille Court.[2] In his oral evidence to us he said on more than one occasion that his recollection of events was very poor, and when asked why they had collected the weapon and then gone to the top floor of Columbcille Court, he said that his

"*best guess*" was that it was in response to the two individuals having been shot earlier, though he could not remember "*the exact detail*".[3] OIRA 2 also said that the incident occurred before the main body of the march had arrived in William Street and when it was put to him (correctly) that Damien Donaghey and John Johnston had not been shot at this time said: "*It has always been my assumption that they were actually shot – I do not know the exact timing – it has always been my assumption that they were shot before the main body of the march arrived.*"[4]

1 AOIRA2.3
2 AOIRA2.15
3 Day 393/48-49
4 Day 393/77

19.42 In our view, OIRA 2 now has little or no clear memory of the sequence of events, though he did maintain throughout his evidence to us that OIRA 1's shot was in reprisal for the Army shots. However, since we take the view that he has failed to tell us the truth about going to Columbcille Court the previous evening and why he and OIRA 1 went to Columbcille Court on Bloody Sunday, we consider that we cannot rely on his evidence that the shot was by way of reprisal, unless there is other material to support this assertion.

Evidence from others

19.43 In his account to Peter Pringle of the *Sunday Times* Insight Team, Anthony Martin said that, while on the top floor of Kells Walk, he had heard two high velocity shots from the Presbyterian church/Richardson's factory area and "*A few seconds later*" a .303in shot fired from the corner of Columbcille Court, which he thought it was a "*racing cert.*" was a reply to the first two shots. He then saw an altercation between the gunman and some Provisionals who were trying to disarm the man.[1] His evidence to this Inquiry was that he heard two SLR shots from the area of the Presbyterian church, that he cleared people off the Kells Walk balcony in order to protect them and that he then heard a .303in rifle shot fired from south to north.[2] In his oral evidence he was unable to give any reliable estimate of the time that had elapsed between the first shots and the .303in shot, or the shots and the confrontation with the gunman. He said that he did not see a gun at all.[3] "*There was two shots. There was a further shot. There were two shots and then there was some shouting about, asking a cameraman to come over, and then there was a shot and then there was an argument.*"[4] He did not mention this latter shot or the altercation with members of the Provisional IRA in his NICRA statement.[5]

1 AM24.3
2 AM24.11
3 Day 176/64
4 Day 176/109
5 AM24.1

19.44 On the basis that Anthony Martin's account to the *Sunday Times* of only "*A few seconds*" passing before he heard the .303in shot is literally correct, and assuming it to be more accurate than his recollection 30 years later, the evidence of this witness supports OIRA 1's present account that he fired by way of reprisal very soon after he had heard firing and learned that the Army had shot two people. However, this timescale would not fit with OIRA 1's account given to the journalists, since much more than a few seconds would have passed if that account were accurate. Of course, the opposite is the case if Anthony Martin's present recollection is to be preferred. However, we should not read too much into these apparently varying estimates of time, since expressions such as "*a few seconds*" are often used not with their literal meaning, but only as indicating a short but otherwise undefined interval.

19.45 We have no reason to suppose that Anthony Martin's evidence was given other than in good faith, though we bear in mind that in an urban environment, it may be difficult – if not impossible – to identify from the sound the type of weapon being used and from where the shot has been fired.[1] In addition, as appears later in this report, we are unable to accept his evidence on a number of matters, including his account that later in the day he came under fire from a low velocity weapon like a Sterling sub-machine gun or a pistol, which to our minds casts further doubt over his identification of the weapons fired in the incident under consideration. In view of this, although Anthony Martin's evidence provides some support for the proposition that there was a shot following those fired by the soldiers, we cannot treat it as alone establishing this proposition.

1 B1363.002; B1363.007; Day 298/70-72; paragraphs 65.182–187

19.46 In his NICRA statement, Frank Hone recorded that he had heard shots that he knew by their tone to be Army shots and which, as far as he could guess, came from Abbey Taxis or the church roof. He then heard of two civilians having been hit and, about three minutes later, heard a heavier shot fired from a location very close to him in Kells Walk.[1] In his written statement to this Inquiry he said that he could not recall hearing of these civilians being hit or hearing the heavier shot. He did not refer in his written statement to this Inquiry to any early Army shots. Referring to his NICRA statement, he commented, "*I cannot be sure now how much of the evidence is what I saw and how much is what I had heard other people saying or what I wanted to say I saw*".[2]

1 AH80.1 2 AH80.5

19.47 On the basis of what Frank Hone recorded soon after the event, it would appear that there was an interval of minutes between what he believed to have been Army shots and a shot from a location close to him, though again this time estimate cannot necessarily be

taken at face value. On his own admission, much – if not all – of his evidence may have been a second-hand account and perhaps of doubtful accuracy.

19.48 Thomas Mullarkey made a written statement, which he signed on 15th February 1972 and gave to the *Sunday Times* Insight Team.[1] In this statement he recorded that he had been in the area of Abbey Taxis, had heard "*a new crackle of fire*" after the firing of rubber bullets, saw a young lad fall over and shout that he had been shot, saw another bullet kick up dust along the ground going towards Kells Walk and a soldier in "*Stevensons*" (by which it seems to us he was referring to Abbey Taxis) withdraw a rifle. "*I estimate 4 to 5 shots were fired at this time. A little later I heard a single shot, loud, a revolver, but could not place where it came from. The people still around were stunned for a minute before anyone came to pick up the young lad…*" In his oral evidence Thomas Mullarkey said that he could not now recall this shot, but had been a member of his university rifle club and so was used to the sound of rifle and revolver shots. He thought that if he had reported it, he must have been certain that it was a revolver shot.[2] We found Thomas Mullarkey to be an impressive witness and have no doubt that he was doing his best to assist the Inquiry. However, his evidence that he was certain that it was a revolver shot that he heard, though given in good faith, again cannot be treated as conclusive, for the same reasons as apply to the evidence of Anthony Martin. Thus his evidence may either support the proposition that OIRA 1's shot followed those of the soldiers, or be evidence of another shot altogether.

1 AM452.15; AM452.6
2 Day 69/57

19.49 Bernard Gillespie told us, in his written statement to this Inquiry, that he was on the waste ground near the Nook Bar[1] and that the first live shot that he heard that day was the one that hit a young boy. A second shot was fired shortly afterwards, hitting a middle-aged man who fell to the ground. As he walked away from the waste ground, he saw a row going on in the corner of Columbcille Court between a man armed with a rifle, who was standing behind the slats of a drying area, and a group of seven to eight men who were telling the armed man to go away.[2] He made a NICRA statement in which he recorded, "*I heard another shot just as the young fellow was been [sic] carried away and just then a man was carried into the same house. He also had been shot.*" He did not refer to the civilian gunman in his NICRA statement.[3]

1 AG32.3
2 AG32.4
3 AG32.1

19.50 Bernard Gillespie's current recollection of hearing a second shot that hit a middle-aged man who fell to the ground is in our view a false memory, since in our view John Johnston did not fall when he was shot. Bernard Gillespie's NICRA account may be explicable on the grounds that he heard more than one of the shots fired by Machine Gun Platoon from Abbey Taxis but ascribed this to a slightly later time than was in fact the case. However, it seems to us more likely that the second shot he heard was either the shot fired by OIRA 1 or another shot altogether.

19.51 Joe Carlin did not co-operate with the Inquiry, which was unable to obtain any statement from him as he lives outside the jurisdiction. He is recorded as having told the *Sunday Times* in 1972 that he saw Damien Donaghey fall (although he did not hear the shot that hit him), saw him being carried into a house and "*immediately afterwards*" heard a shot from an upstairs window of the house to which Damien Donaghey had been taken.[1] His account of this shot appears to support OIRA 1's claim that he shot after the Army shooting. He also told the *Sunday Times* that, before the shooting of Damien Donaghey, he had heard a single high velocity shot, though this came from the direction of Great James Street, not the direction of the Bogside.[2] We return to Joe Carlin's account of this earlier shot below.

1 AC150.3

2 AC150.1

19.52 David Capper was based in Belfast as a regional reporter for the BBC. In his written statement for the Widgery Inquiry, he recorded that while he was at the corner of William Street and Rossville Street, he heard two much louder reports among the sounds of the rubber bullet guns and went up to see what had happened. After some five minutes a man told him that the Army had shot two men. The man asked him to come and see them. As they approached some maisonettes, David Capper saw and joined up with a BBC television crew. He also recalled a fight breaking out and the cameraman, who had been in the middle of the crowd, making a run for it. He then said, "*I was jostled in the crowd when suddenly a very loud report sounded in my ears … My impression was that someone close to me had fired a shot, presumably at the soldiers about 60 yards away.*"[1]

1 M9.1

19.53 In his oral evidence to the Widgery Inquiry, David Capper said that he thought the two louder reports had been rifle fire, that on his way to the maisonettes he saw two soldiers in a derelict building to the north of William Street,[1] and that the very loud report he had heard later was fired about four or five feet from him and which "*I would have thought it was a revolver, may be a .38 or a .45*" and "*I took it to be a shot fired from amongst a crowd that I was with…*"[2] Later in his oral evidence he agreed that this report could well

have been from something else, though he added "*The only reason I base that on is that I have experience with a .38 starting pistol and the report was as loud as you would get from one of those.*"[3]

1 WT2.68
2 WT2.68-69
3 WT2.75

19.54 In his written evidence to this Inquiry, David Capper stated that he saw one man fire one round from a pistol towards some soldiers who were in a derelict building near the Presbyterian church on the other side of William Street.[1] However, in his oral evidence to this Inquiry, David Capper said that after hearing the bang he looked round and saw a man putting a gun back in his pocket. The man was at ground level,[2] facing in the direction of the Presbyterian church.[3] He explained that he had not regarded it as diplomatic to say in his evidence to the Widgery Inquiry that he had actually seen the gunman.[4] He seemed to agree that his position at the time was probably somewhat to the east of Ma Shiels' house (where Damien Donaghey and John Johnston had been taken), and he agreed that from what he saw the shot did not provoke any response from the Army by way of gunfire.[5] His recollection was that the crowd scattered at the sound of the shot and that there was no altercation between any of them and the gunman that he saw.[6]

1 M9.17
2 Day 73/123
3 Day 73/11
4 Day 73/65
5 Day 73/68-69
6 Day 73/124

19.55 If David Capper was mistaken in his impression that the "*very loud report*" that he said he had heard was from a revolver (and we have already commented on the fact that it may be difficult in an urban environment to distinguish the sound made by different weapons), and since it appears that he did not actually see the man with a revolver fire, it seems to us that what he might have heard was the shot from OIRA 1. If that is so, his account supports OIRA 1's assertion that he fired after the Army shots. Again, however, the possibility remains that David Capper was describing another shot altogether.

19.56 At this point we should note that David Capper was using his tape recorder that afternoon and that on the recording he made the sound of bangs can be heard, some of which are louder than others. However, in the end, despite considerable efforts (including technical analysis),[1] we did not find it possible to draw any conclusions from this recording on the matters under discussion.

1 E9.0143-0145; E3.0075-0090

19.57 We consider the possibility that Thomas Mullarkey and David Capper heard a revolver shot rather than OIRA 1's high velocity rifle shot, when we have considered other evidence bearing on the question under consideration.

Evidence of a confrontation

19.58 As already noted, Anthony Martin spoke in his account of events of an altercation between a gunman and some members of the Provisional IRA, after the shot he said he had heard fired from Columbcille Court.

19.59 As also described above, John Barry recorded in his note of his interview with OIRA 1[1] that OIRA 1 had told him that after his shot there was a violent altercation on the stairwell or at the entrance to the Columbcille Court washing area with three members of the Provisional IRA, whose names are recorded in the note. The Inquiry has received evidence from these individuals, each of whom has said that he had taken part in an altercation with OIRA 1.

1 AOIRA1.1

19.60 PIRA 1 told us that he was at the time a member of the Provisional IRA. This witness told us in his written evidence to this Inquiry that he had heard from someone that the Army had shot two people, though he had heard no shots himself.[1] He stated that he then did hear a shot and ran up the stairs and saw two members of the Official IRA. He asked them what they thought they were doing firing a rifle with the march going on. He told us the man with the rifle defended his decision to fire a shot by referring to the fact that the Army had already shot two people. In his oral evidence, PIRA 1 said that he had gone up the stairs "*very soon*" after hearing the shot.[2]

1 AM508.1 2 Day 409/70

19.61 This evidence supports the proposition that OIRA 1 fired after the wounding of Damien Donaghey and John Johnston. It also supports the proposition that the shot was by way of reprisal for the shooting of Damien Donaghey and John Johnston, though there is nothing in this evidence to support OIRA 1's claim that he fired at the soldier he believed was responsible.

19.62 RM 1 (who described himself as a republican) said in his evidence that while he was in the Kells Walk area of Rossville Street or in Columbcille Court, he heard a shot from a stairwell behind him, ran up the stairs, found two men there and grabbed the rifle held by one of them. He told us that he did this because he was very angry that someone would

fire with all the crowd about. He said that he pushed the man down the stairs and threw the rifle down after him. He told us that he went up the stairs on his own, though when he came down there were others about. He said that he was not listening to what the man was saying, though later he agreed that if either of the men had said they had just shot a soldier who had shot two civilians, he thought he would have remembered this.[1]

1 ARM1.2; Day 424/1-20

19.63 Apart from this, RM 1 said nothing about the shooting of Damien Donaghey and John Johnston. He told us that he left the scene quickly.[1] His evidence, therefore, is only that he accosted OIRA 1 very soon after hearing the shot and does not provide any help on the question whether this shot preceded or followed the shooting of Damien Donaghey and John Johnston.

1 ARM1.2-3

19.64 Sean Keenan Junior was a member of the Provisional IRA at the time. In his written statement to this Inquiry he agreed that he had been involved in this incident. He told us that he was in Rossville Street when he was approached by a woman who told him that there were two or three boys with a rifle in a house; and who took him and his companions to an area in Columbcille Court. He also told us that he did not know whether or not the rifle had been fired: "*When the incident occurred, I was not aware that anybody had been shot by the army or that any shot had been fired by the Officials.*" He said that while there was a heated exchange, no-one tried to grab the rifle nor did OIRA 1 threaten to shoot them, and the argument ended with the Officials just going away with the weapon.[1] Sean Keenan was too unwell to give oral evidence to the Inquiry. On the basis of Sean Keenan's evidence, it would appear that neither OIRA 1 nor OIRA 2 said anything in his hearing about firing by way of reprisal for the shooting of Damien Donaghey and John Johnston.

1 AK46.2-3

19.65 We should note that the person known to us as OIRA 7 told this Inquiry that he was a member of the Official IRA at the time. He said that he was in the area and, though he could not say that he had heard the shots fired by soldiers, he learned that the Army had shot someone. He said that he heard a single high velocity shot, which he was sure followed learning that "*Bubbles*" Donaghey had been shot. He then told us that he witnessed an altercation at the bottom of a stairwell in Columbcille Court and recognised OIRA 1 and OIRA 2, the former with a rifle.[1] It is to be noted, however, that neither OIRA 1

nor OIRA 2 recalled the presence of OIRA 7 and they did not say to the journalists that he had been there. We remain unconvinced that OIRA 7 was present.

1 AOIRA7.7-8; Day 398/36-41; Day 398/144-150

19.66 The evidence from RM 1 and PIRA 1 is to the effect that the confrontation with OIRA 1 took place shortly after OIRA 1 had fired. This is consistent with and supports the account given by OIRA 1 and OIRA 2. OIRA 1 stated that having fired the shot, he and OIRA 2 "*decided we needed to leave the area as quickly as possible*".[1] OIRA 2 stated that after OIRA 1 had fired, "*we didn't hang around for long...*".[2]

1 AOIRA1.7; AOIRA1.28

2 AOIRA2.16

19.67 OIRA 1 stated that he and OIRA 2 were still on the stairs when they were met by people coming up towards them.[1] OIRA 2 stated that the confrontation took place as they reached the bottom of the stairs.[2]

1 AOIRA1.28

2 OIRA2.16

19.68 There is evidence from others of an altercation in this area.

19.69 Peter Mullan told John Barry of the *Sunday Times* Insight Team in 1972 that he witnessed the shooting of Damien Donaghey and sought to prevent a fight at the Shiels' house between those assisting Damien Donaghey and John Johnston and a television crew.[1] He then heard someone say that people should "*Get clear*" because "*someone here wants to get into action*". He witnessed an altercation between a number of people, one of whom, he told this Inquiry, was Sean Keenan Senior[2] and another a man with a rifle, whom he identified to the Inquiry as OIRA 1.[3] The armed man expressed anger at the shooting of a little boy and an old man and said, "*Those bastards cant get away with that*". In his written statement to this Inquiry, Peter Mullan told us that he heard a rifle shot and saw Damien Donaghey fall.[4] A few minutes later he was aware of a second rifle shot. He looked round and saw an elderly man on the ground.[5]

1 AM450.1-2

2 On Day 152/205-6 Peter Mullan wrote down the name of someone whom he said he had recognised. The name was not disclosed publicly at the time but was that of Sean Keenan Senior.

3 AM450.8

4 AM450.6

5 AM450.7

19.70 In his oral evidence to this Inquiry, Peter Mullan reverted to his *Sunday Times* account and said that he did not hear a second shot.[1] He stated that he did not hear any further shots and thought that he would have heard a rifle shot had one been fired in the vicinity.[2]

1 Day 152/192

2 AM450.8

19.71 Peter Mullan told the *Sunday Times* that he thought that OIRA 1 was approaching, rather than leaving, the Columbcille Court sniping position[1] and said to us that he had no impression that OIRA 1 had already fired.[2]

1 AM450.7

2 Day 152/203

19.72 Peter Mullan's identification of one of those concerned as Sean Keenan Senior must be wrong, as Sean Keenan Senior had been interned.[1,2] However, we have no reason to doubt his identification of OIRA 1 as the man with the rifle. Peter Mullan's evidence of the altercation suggests that this took place some time after Damien Donaghey and John Johnston had been injured by Army gunfire; though of course it is possible that his evidence refers to some other altercation altogether.

1 Raymond McClean, *The Road to Bloody Sunday*, Dublin: Ward River Press, 1983, p112.

2 Sean Keenan Senior was the father of the Sean Keenan to whom we have referred above.

19.73 Eamonn Gallagher is recorded as having told John Barry that he was in Rossville Street and heard three rifle shots that he thought could have been fired from Great James Street or from Little Diamond: "*There were three – bang-bang-bang (regularly spaced, half second intervals).*"[1] According to this account, he heard a woman in the Columbcille Court area cry out that two men had been shot. He saw the wounded being carried away and saw a television crew. A man carrying a rifle then appeared, coming, as far as Eamonn Gallagher could tell, from the direction of the Shiels' house. The armed man said that he wanted to go onto the roof and shoot because other people had been shot. The crowd pleaded with him and there was a tug of war with the gun. The man went towards the Rossville Street end of the block and disappeared. In his written statement to this Inquiry, Eamonn Gallagher told us that he saw the man with the rifle and witnessed an altercation, in the course of which the rifle was dismantled, before hearing any shots at all.[2]

1 AG8.6

2 AG8.2

19.74 In his oral evidence to this Inquiry, Eamonn Gallagher denied that the *Sunday Times* account was accurate. He said that he did not recall seeing anyone wounded in the area of Columbcille Court.[1]

1 Day 66/87

19.75 We are sure that John Barry did correctly record what Eamonn Gallagher told him and that the latter's 1972 account is to be preferred to his recollection decades later. As with Peter Mullan, his evidence suggests that a confrontation with a gunman took place some time after the wounding of Damien Donaghey and John Johnston. This could have been the altercation with OIRA 1 or some other altercation altogether.

19.76 William Burke, in his NICRA statement,[1] recorded that while he was at Aggro Corner he heard five high velocity shots. A group of people gathered; he later learned that two people had been injured. He walked towards Kells Walk and about this time he heard three or four shots and saw people persuading three men to move on and "*break off firing back at the soldiers because of the risk to innocent people around*". In his written statement to this Inquiry,[2] he told us that he was on the march and heard shooting while he was in the area of the Presbyterian church. He assumed it was IRA fire but did not know where the shots had come from. He then saw a boy being carried away. He made his way to Columbcille Court and saw a group, including women, arguing with two to three men whom he believed to be members of the IRA. The women were saying that they did not want the IRA to be present. He saw no weapons. The Inquiry lost contact with this witness and he did not give oral evidence.

1 AB105.1
2 AB105.3

19.77 William Burke's account of hearing three to four shots does not tally with the single shot that OIRA 1 told us he had fired. William Burke may have been mistaken about the number, though it is also possible that he heard other firing altogether, or that one of the shots was that of OIRA 1 and that others were fired at about the same time. Again, however, his account suggests that the altercation he said he witnessed occurred some minutes after the shooting of Damien Donaghey and John Johnston.

19.78 Thomas Columba Doherty told us in his written statement to this Inquiry[1] that, while standing on the eastern side of Kells Walk, he heard one or two high velocity shots. He did not know the direction from which the shots had come. He heard that two people had been shot. He then saw a man with a shotgun or rifle in a doorway, which he thought was in the northern end of Kells Walk. He gave a similar account in his oral evidence to this Inquiry.[2] According to this, the gunman was accosted by a group of men, who told him there was to be "*no shooting today*", and the gunman was pushed back into the house. Thomas Columba Doherty made a NICRA statement in which he did not refer to seeing a civilian gunman accosted by a group of men.[3]

1 AD106.1
2 Day 67/115
3 AD106.7

19.79 Thomas Columba Doherty's evidence suggests that there was an altercation between a gunman and other men after Damien Donaghey and John Johnston had been shot. Again, however, it is possible that this was another altercation.

19.80 On the evidence we have considered, we are satisfied that there was an altercation involving OIRA 1 and OIRA 2 and others, after OIRA 1 had fired the shot that hit the drainpipe. We should add at this point that we do not accept Vinnie Coyle's assertion to John Barry that the "*bloke who fired*" was not an Official but a freelance.[1] If, as PIRA 1 and RM 1 have stated, this altercation took place soon after OIRA 1's shot, then in view of the other evidence that indicates that the altercation occurred quite a time after the shooting of Damien Donaghey and John Johnston, there is support for the proposition that OIRA 1's shot followed that shooting. At the same time, it could be said that if this had been the sequence of events, both RM 1 and Sean Keenan Junior would have learned that Damien Donaghey and John Johnston had been shot when they arrived on the scene.

1 AC109.2

19.81 We now turn to consider other evidence about the sequence of the shots by the Army and the shot fired by OIRA 1.

Evidence from the soldiers

19.82 As far as the soldiers' evidence is concerned, Major Loden's Diary of Operations recorded that the drainpipe shot occurred "*a few moments*" before the firing by Machine Gun Platoon.[1] In his written statement for the Widgery Inquiry,[2] Major Loden recorded that he heard the crack of a shot that he believed had been fired at the Mortar Platoon wire cutting party and that "*a few minutes later*" he heard several shots from Machine Gun Platoon and turned and saw one man fall. In his oral evidence to the Widgery Inquiry, Major Loden said that it was "*very shortly*" after hearing the incoming shot that his attention was drawn to firing from Abbey Taxis.[3]

1 B2212
2 B2219
3 WT12.7

19.83 It is noteworthy that while Anthony Martin, whose evidence we discuss above, said initially that it was "*a few seconds*" after Damien Donaghey and John Johnston were shot that he heard a shot in reply, Major Loden said that it was "*A few moments*" before, and both later gave evidence that extended the time interval. In neither case does it seem to us that this alone devalues their testimony, since, as we have said above, expressions such as these are often not used in their literal sense but rather as indicating a short but otherwise undefined period of time.

19.84 In his written evidence to this Inquiry, Major Loden told us that he recalled the drainpipe shot, but that he did not now remember seeing the shooting of a civilian by Machine Gun Platoon.[1] In his oral evidence he repeated that he had no recollection of seeing a man fall, but was emphatic that the firing by Machine Gun Platoon followed the drainpipe shot.[2] It was suggested to Major Loden that he had not heard, but had only been told of, the drainpipe shot, but Major Loden rejected this suggestion.[3] We accept his evidence on this point.

1 B2283.003; B2283.010
2 Day 342/35; Day 348/65
3 Day 347/39

19.85 Captain 200 was the Commander of Composite Platoon (Guinness Force). In his written statement to this Inquiry he told us that some time in the days immediately following Bloody Sunday, he wrote a report of everything material that he had witnessed on that day, which was typed up on an RMP statement form. In this report Captain 200 described the drainpipe shot as following a warning by his lookout that there was a lot of movement in the top storey stairway at the north end of the Rossville Flats.[1] In his written statement for the Widgery Inquiry,[2] he recorded that access to William Street from the Presbyterian church was difficult. "*There was an 8 foot drop down to which there was only narrow exits and above it there was a strong wire fence. At the bottom there was a coil of dannaert [sic] wire. While work to improve access was going on I was standing just behind the gap of a small building – perhaps a boiler house – when a high velocity round hit the church.*" He added that he was certain that it was a high velocity shot from the noise of the round passing overhead, though he did not hear the discharge of the rifle.

1 B1979
2 B1984-5

19.86 Captain 200 also prepared a handwritten document, in which he set out a "*Sequence of Events*".[1] Under the heading "*Church*", Captain 200 wrote:

> "a. Access
>
> b. HV shot (Warned by K)
>
> c. MG Pl
>
> d. Return to vehs."

1 B2022.060

19.87 In his oral evidence to this Inquiry, Captain 200 agreed that the phrase "*Warned by K*" could have been a reference to the warning his lookout had given him about activity in the Rossville Flats, and that the use of the cipher "K" indicated that this document had been

prepared after the Widgery Inquiry had assigned ciphers to soldiers.[1] He also agreed that the reference to Machine Gun Platoon could be a reference to firing by that platoon.[2]

1 Day 367/72

2 Day 367/71

19.88 Captain 200 gave oral evidence to the Widgery Inquiry, during the course of which he said that he recalled hearing only one SLR shot from Machine Gun Platoon in Abbey Taxis, but before that he had heard a high velocity shot while he was with the wire cutting party.[1]

1 WT15.50

19.89 Although Captain 200 gave oral evidence to this Inquiry, he was unable to add anything further on the question of the sequence of shots.

19.90 We have no grounds for supposing that the testimony of Major Loden and INQ 200 on this matter was given other than in good faith, but once again it cannot be treated as conclusive. Major Loden's Diary of Operations was composed on the following day and Captain 200's note made days or weeks after that. It must be borne in mind that the drainpipe shot was of very little consequence indeed in comparison to the events that followed when 1 PARA went into the Bogside a few minutes later. In these circumstances it could be that Major Loden and Captain 200 were mistaken in thinking that the drainpipe shot occurred before the shooting by Machine Gun Platoon when, after the day, they sought to recollect the order of events at the Presbyterian church.

19.91 Corporal A, in his written statement to this Inquiry,[1] told us that before he moved forward to Abbey Taxis, he was aware, having heard them or having been told of them, that one or possibly two shots had been fired. However, he had not previously mentioned hearing these shots and there is no military evidence to suggest that any shot or shots had been fired in the direction of the Presbyterian church by this stage.

1 B20.002

19.92 In his written statement for the Widgery Inquiry,[1] Corporal P recorded that he was on top of the boiler house (the building on the eastern side of the Presbyterian church) when he came under fire from a high velocity rifle from the area of the Rossville Flats. He said this was at around 1530–1540 hours, but in our view this timing is unlikely to be correct, as we are satisfied that it was not until about 1540 hours that he and the other soldiers were deployed forward to the Presbyterian church. In his oral evidence to the Widgery Inquiry he identified this shot as the drainpipe shot and agreed that he could not put a time on it with any accuracy.[2] He also said that he assumed that the shot had come from the area

of the Rossville Flats.[3] Then in reply to a somewhat leading question he said that he had also heard five shots very close together, and that he knew where they had come from and that it was not the Rossville Street area. The matter was not pursued at the time and Corporal P told this Inquiry that he now had no recollection of events.[4]

1 B591
2 WT13.44
3 WT13.53
4 Day 353/9

19.93 Private 112 recorded the drainpipe shot in his RMP statement.[1] In his written evidence to this Inquiry he told us that he had climbed onto a flat roof with a baton gun and that Corporal P was behind him carrying a rifle to give him cover. He estimated that he had fired about eight to ten baton rounds at rioters in front of him and that after an interval (about five minutes, though he was not sure of the exact time) witnessed the drainpipe shot. He said that after this shot he carried on firing baton rounds. He recalled that after Lieutenant N had climbed up to enquire whether any soldier had fired a shot Private 112 stayed for a period of time ("*possibly 5 minutes*") before being ordered to get down from the roof. He said he could not remember whether, before he got down, he had heard any further gunfire or whether there were any explosions. "*There was a lot going on and whilst I do recall hearing a number of loud bangs, I cannot say whether these were baton rounds or blast bombs as they both sound very similar.*"[2] In his oral evidence to this Inquiry Private 112 said that he did not know that Machine Gun Platoon had deployed forward to Abbey Taxis but that he had heard various shots fired, although he could not tell what sort they were.[3] It is right to note that Private 112 told us that he was an alcoholic and that a lot of his memory was blurred.[4]

1 B1730
2 B1732.003
3 Day 320/94
4 Day 320/86

19.94 As we have observed earlier, there were many soldiers in the area of the Presbyterian church who heard the drainpipe shot, but apart from Major Loden, Captain 200, Corporal P and possibly Private 112, none apparently heard or recalled any of the shots fired by Machine Gun Platoon. Some in their RMP statements recorded that at about 1600 hours they were located in the forecourt of the Presbyterian church and had been in this location for about five minutes when they heard the drainpipe shot,[1] but in our view it would be wrong to accept this evidence as indicating that the drainpipe shot was fired at about 1605 hours, since in our view the starting time of 1600 hours is almost certainly wrong and it is much more likely that these soldiers were in or near the forecourt of the Presbyterian church some 20 minutes earlier. Private 024 recorded in his RMP statement that it was about 15 minutes after he had witnessed the drainpipe shot from the yard of the Presbyterian church that Guinness Force got into their vehicles.[2] In our view the latter

event must have been very soon after Major Loden had received the Warning Order to redeploy his company through Barrier 12, which was at about 1600 hours.

1 Lance Corporal 018 B1485; Sergeant 014 B1409; Private 032 B1613; and Sergeant 035 B1625
2 B1526

19.95 In his RMP statement dated 4th January 1972 (which must be a mistake for 4th February 1972), Lance Corporal 010 recorded that during the approximate half-hour period he was in front of the Presbyterian church "*one bullet hit the church and I heard another pass some way from [sic]. I did not see who fired these shots but estimate that they were fired from the direction of William Street.*"[1] In his oral evidence to this Inquiry, Lance Corporal 010 said he thought that both these shots had come from the same direction, but that he had heard no SLR fire at all.[2]

1 B1393
2 Day 355/85

19.96 Lance Corporal INQ 627, in his written evidence to this Inquiry,[1] told us he recalled two shots in quick succession, one of which hit the drainpipe.

1 C627.3

19.97 In view of the preponderance of Army evidence that there was only one shot at or about the time when the drainpipe was hit, it seems likely that Lance Corporal INQ 627 was mistaken in his recollection of two shots in quick succession. It is possible, though, that Lance Corporal 010 did hear two shots, separated in time, one of which hit the drainpipe.

19.98 Sergeant K, in his written statement for the Widgery Inquiry, recorded that the drainpipe shot occurred while attempts were being made to breach a gap in the fence behind the church.[1] Private INQ 24 told us the same in his written statement to this Inquiry and that his officer immediately told the wire cutting party to get down; though it must be borne in mind that this witness made no statement in 1972 and was seeking to recall an incident from many years before.[2] The same is the case with Lance Corporal INQ 768, who recalled being on the roof with Corporal P when he witnessed the drainpipe shot, and quickly got down.[3]

1 B297
2 C24.1-C24.2
3 C768.2; Day 323/137

19.99 We have considered the evidence of a number of other soldiers who gave evidence about the drainpipe shot, but in our view they add nothing material to the evidence that we have summarised above.

19.100 On the basis of the timing in Major Loden's Diary of Operations,[1] his oral evidence to the Widgery Inquiry, and the fact that at about 1600 hours he received the Warning Order and would in our view have immediately deployed his soldiers back to their vehicles, we consider that the drainpipe shot was probably fired at about 1555 hours.

1 B2212 2 WT12.8

The Sayle Report

19.101 Harold Evans was editor of the *Sunday Times* newspaper in January 1972. Immediately after the events of Bloody Sunday, he sent general reporters Murray Sayle and Derek Humphry, along with Peter Pringle of the *Sunday Times* Insight Team, to Londonderry. Philip Jacobson, another member of the Insight Team, was sent to Belfast but he then travelled to Londonderry. Later that week Murray Sayle, Derek Humphry and Peter Pringle telephoned in their findings. Harold Evans told us that these findings ran into two difficulties. In the first place, those in charge of the Insight Team were concerned whether the sources had been exposed to close enough scrutiny. They were strongly against publishing as it stood what came to be known as the Sayle Report. The second consideration in Harold Evans' mind about the Sayle Report was that Lord Widgery, the Lord Chief Justice, made it clear that he would regard publication during his inquiry as a serious handicap, so much so that he would regard such publication as a contempt of court. These two considerations led Harold Evans to decide not to publish the article, but to conduct another "*parallel*" investigation, using the *Sunday Times* Insight Team, led by John Barry.[1]

1 M24.2-4

19.102 In the typed-up version of the Sayle Report, dated 3rd February 1972,[1] Murray Sayle and Derek Humphry, having referred to the shooting of Damien Donaghey, wrote:[2]

> "One official IRA man was, however, nearby in a burned out building opposite Richardson's factory. He had been posted there as an observer and was armed with a .38 pistol – although his orders were that he was to be unarmed. After Damien Donaghy was shot he says he fired a single round at the soldiers on the GPO sorting office roof. We make the range 50 yeards [sic] – an impossible range for accurate shooting with a pistol. This is the only Official IRA shot we can trace during the afternoon.
>
> …

> The spirit of mutual help is strong in the Bogside; Johnson was one of a score or more of demonstrators who ran towards the wounded boy. Another shot rang out and Johnson was hit in the leg. Seconds later there was another shot and Johnson was hit in the shoulder by what Dr McLean says was a ricochet. We have no doubt the Army fired both these rounds."

1 M71.21 2 M71.26

19.103 There is a note by Peter Pringle and Philip Jacobson made on or about 3rd February 1972, which contains a similar account:[1]

> "We have established beyond doubt that a member of the official IRA fired a single shot from a decimal .45 pistol at an army sniper on the roof of the post office sorting building in William Street (map). The IRA man was in a burnt out house on the corner of William Street and Rossville Street. He believes he hit the soldier but we have been unable to confirm this from the army. The range, almost 100 yards, was extreme for an accurate pistol shot. The action of the lone official gunman was, therefore, unauthorised, but the officials claim nevertheless that it conformed with standing orders on retaliation. According to an eye witness (we know him but can not name him) the soldier who was fired at was the man who, some ten minutes earlier, had shot the 16 year old boy hit in the leg (map) and then shot and wounded Mr. Johnson (map). The official is said to have waited until the soldier showed himself again and then fired. Immediately afterwards he was involved in an angry confrontation with half a dozen civilians, some of whom we know were provisionals, and the official gunman then left the area. This part of the Bogside is strong provisional territory."

1 ED20.31

19.104 Peter Pringle told us that he thought that he had contributed the account that appeared in the Sayle Report and that the source was Reg Tester, the Command Staff Quartermaster of the Official IRA in Londonderry.[1] However, Derek Humphry thought that he (Derek Humphry) had spoken not to Reg Tester but to the gunman. The drafting material from the unpublished report indicates that Derek Humphry and Murray Sayle added the section on this gunman to the report on 4th February 1972, the day following the date of the Pringle/Jacobson note.[2]

1 Day 190/15 2 S25

19.105 In our view it is likely that material from the note was used in the Sayle Report. However, there are inconsistencies between the details in the note and those contained in the Sayle Report. For example, the interview note records that the gunman fired with a .45 pistol from a building on the corner of William Street and Rossville Street. The Sayle Report states that the gunman used a .38 pistol from a building opposite Richardson's factory. We think that the most likely explanation for these differences is that the Sayle Report drew on two separate sources. Derek Humphry is probably correct in his recollection that he interviewed the gunman, who provided the information that does not appear in the Pringle/Jacobson note.

19.106 The Sayle Report contains further inconsistencies with the materials subsequently collected and the conclusions reached by the *Sunday Times* Insight Team. Peter Pringle and Philip Jacobson both told us that many of these inconsistencies were the result of confusion arising from the first interview with Reg Tester; and that incorrect information provided or recorded in the first interview was superseded by the second account that he gave them.[1] Reg Tester was interviewed by Peter Pringle and Philip Jacobson on 3rd February 1972 and again on 15th March 1972.

[1] Day 190/19; M45.7

19.107 In his second interview Reg Tester did not refer to a man with a pistol firing from William Street, but, as we have pointed out above, gave an account similar to that given to the *Sunday Times* Insight Team by OIRA 1.

19.108 In these circumstances we are of the view that the Sayle Report, though doubtless based on what the reporters were told, contained an inaccurate account of the shot fired by OIRA 1 from Columbcille Court.

The *Sunday Press* article

19.109 In an article in the *Sunday Press* newspaper of 6th February 1972, Vincent Browne wrote:[1]

> "When the second volley of British gunfire occurred the four members of the active service unit were immediately alerted. Two of them had, in fact, to return to a maisonette in the Bogside to collect a couple of rifles – there is some dissension in the Official I.R.A. on this point, for the local North West Command is annoyed that arms were not near to hand.

> Meanwhile, the two other members of the unit moved into what they described as 'sniping positions' but what in fact were only street corners. Both of these were armed only with short arms, .38 revolvers.
>
> …
>
> After the second burst of army gunfire, the Officials took up positions and one shot was fired by one of the men with the short arms at a soldier in William St, but it missed. No other shot was fired then by anybody until the actual murderous assault on the Bogside by the paratroopers."

[1] L171

19.110 According to the article, the Active Service Unit was that of the Official IRA.

19.111 Vincent Browne was unable to recall the sources for his article, but assumed he had spoken to members of the Provisional and Official IRA.[1]

[1] M8.1

19.112 We have found no evidence from any source that suggests to us that there were two volleys of Army gunfire before soldiers entered the Bogside, though it seems to us that this is probably a reference to accounts (in our view mistaken) that Damien Donaghey and John Johnston were wounded in two Army firing incidents separated in time. The Sayle Report was to the same effect. In these circumstances it seems to us that, like the Sayle Report, the *Sunday Press* article contained an inaccurate account of the shot fired by OIRA 1.

Other evidence of firing in the area

19.113 In his written statement for the Widgery Inquiry,[1] Ciaran Donnelly, an *Irish Times* newspaper photographer, described being overcome by gas in William Street, moving back and photographing stone-throwing in Little James Street and then walking up William Street. "*I then saw a crowd throwing stones at a derelict house near Tanner's Row in which some soldiers were posted. One man from the crowd fired a single pistol shot at the soldiers. No fire was returned.*" Ciaran Donnelly then described returning to Little James Street and then moving south along Rossville Street.

[1] M22.1

19.114 In his oral evidence to the Widgery Inquiry, Ciaran Donnelly said that he had not seen the gunman, but had heard "*from somewhere nearby*" a loud bang which appeared to be a revolver shot and which he assumed had come from within the crowd. He told the Widgery Inquiry that "*most of the people, not wanting to be connected with a gunman, ran away*", as he did.[1]

1 WT2.79

19.115 In his written statement to this Inquiry,[1] Ciaran Donnelly told us that he had seen a gunman firing a shot from a small handgun or possibly a starting pistol at a derelict building. He described this man as aged 40 to 50, about five feet six inches tall with dark hair, wearing a blue suit jacket, dark trousers and a white, open-necked shirt. "*This was the only shot I saw fired by a civilian all day.*"

1 M22.20

19.116 In his oral evidence to this Inquiry, Ciaran Donnelly first said that he did not see the man fire but only heard the shot; that people gathered round the man and were "*sort of hustling him away*"; and that when he asked what had happened "*they said so and so had fired a shot or something*".[1] However, later in his oral evidence, after being reminded of his written statement, Ciaran Donnelly told us that he had "*maybe*" seen the gun.[2]

1 Day 71/16

2 Day 71/70

19.117 In his evidence to this Inquiry, Ciaran Donnelly told us that the gunman appeared to be drunk.[1]

1 M22.20; Day 71/15

19.118 We are of the view that the derelict house to which Ciaran Donnelly referred was probably the Abbey Taxis building. This could be described as near Tanner's Row, which was an alleyway which was west of Aggro Corner, led north off William Street and then turned westwards towards the waste ground south of the Presbyterian church. We have no evidence of any other derelict building occupied by soldiers and at which people were throwing stones.

19.119 In view of his changing evidence, we cannot be sure whether Ciaran Donnelly actually saw a gunman fire, but on balance it does seem to us that he did see a man with a handgun fire at the soldiers in Abbey Taxis, though neither they nor any other soldiers appear to have noticed this shot. We consider that this shot must have been fired before the soldiers had wounded Damien Donaghey and John Johnston, for there is no evidence that suggests that people were continuing to throw stones after that event. We should add

that in our view this was not the Presbyterian church drainpipe shot, as we are sure that this was a high velocity shot that could not have been fired from a handgun.

19.120 In his written statement for the Widgery Inquiry, Cyril Cave (the BBC cameraman) said that he was with Jim Deeney (his sound recordist) and on the Rossville Street waste ground when they heard shots that seemed to come from the William Street area.[1] They ran into William Street and met a crowd opposite the City Cabs office who told them that two men had been shot and that they would take them to see the men. Cyril Cave and Jim Deeney were taken to a house in Columbcille Court, but there met a very hostile reception and were jostled by the crowd. They moved back towards Rossville Street, and as they did so a shot rang out which chipped the wall of the maisonettes facing towards William Street. Cyril Cave stated that the shot appeared to come from the other side of William Street.[2]

1 M13.2-3 2 M13.2-M13.3

19.121 In his oral evidence to the Widgery Inquiry, Cyril Cave said that the shot that rang out (which sounded very close to him) buried itself "*in the wall up Kells Walk*". There was then this exchange:[1]

> "Q. How far away were you?
>
> A. A few feet.
>
> Q. Did you see where that [shot] came from?
>
> A. I did not see where it came from.
>
> Q. Did you hear where it came from then? Could you judge from where it came?
>
> A. It sounded very close."

1 WT1.62

19.122 When asked whether anyone else was around, Cyril Cave said, "*Just myself and my sound recordist.*"[1]

1 WT1.62

19.123 In his evidence to this Inquiry, Cyril Cave said he thought it was a high velocity shot that came from an elevated position among some derelict buildings on the north side of William Street and hit a garden wall beside him. He recalled that splinters of concrete hit

his clothing, though he could not place where this had happened on the maps and images provided by the Inquiry.[1]

1 M13.25; Day 141/84

19.124 In view of his oral evidence to the Widgery Inquiry, we are of the view that Cyril Cave was mistaken in thinking that the shot had come from the north side of William Street; and that in fact he knew no more than that it sounded and landed close to him. We have no reason to doubt that a shot did land close to where he was, and though it is not clear from his evidence exactly where this was, it is probable that this was somewhere near Kells Walk.

19.125 In his written statement for the Widgery Inquiry, Jim Deeney recalled being on the Rossville Street waste ground with Cyril Cave and going to William Street in front of the City Cabs office, where they were told that two men had been shot. Unlike Cyril Cave, he did not suggest that it was hearing shots that caused them to go into William Street. He also recalled the hostile reception they received when they got to Columbcille Court. He said that on the way back to Rossville Street they heard two or three single rifle shots that appeared to come from the area of the bakery north of William Street and that they struck buildings in Columbcille Court.[1] Jim Deeney did not give oral evidence to the Widgery Inquiry.

1 M20.2

19.126 In his written evidence to this Inquiry, Jim Deeney said that as he and Cyril Cave were walking back from the house in Columbcille Court "*along a path to the rear of Kells Walk*", someone fired a shot at them. "*I heard a bullet whistle past us and hit a wall.*"[1] He made no mention of hearing two or three rifle shots. He did not give oral evidence to this Inquiry.

1 M20.6

19.127 We are not persuaded that Jim Deeney heard two or three shots as he and Cyril Cave made their way back from the house in Columbcille Court. Had this happened, we consider that Cyril Cave could not have failed to notice such firing. To our minds it is more likely that Jim Deeney had got the order of events wrong and had transposed in time the shots that Cyril Cave said had caused them to go towards William Street. In his written evidence to this Inquiry, Jim Deeney recalled[1] that it was after paratroopers had gone through Barrier 14, that he and Cyril Cave had gone to Columbcille Court. This is another example of getting the order of events wrong, since we have no doubt (as Cyril Cave told the Widgery Inquiry[2]) that the paratroopers went in after Cyril Cave and Jim Deeney had

been to Columbcille Court and returned to Rossville Street and then Chamberlain Street. In these circumstances, though we have no doubt that Jim Deeney was doing his best to help us, we cannot place much reliance on his evidence of the events under consideration.

1 M20.5-6
2 M13.3

19.128 In his written statement for the Widgery Inquiry,[1] John Bierman (a BBC reporter) stated that he was with Cyril Cave and Jim Deeney. He described being with them at the junction of William Street and Chamberlain Street when CS gas drifted their way, which he said affected him and made him "*not perfectly clear*" about what happened in the next four or five minutes. However, he recalled that not long after the CS gas was thrown, he heard sounds of firing, which after he had recovered from the gas he was satisfied was "*ball ammunition, and not baton rounds*" and that the sound of firing seemed to be coming from their left, from down William Street. He stated that he was a little vague about the route they then took, but that at some point along William Street they were told by a group of people that two members of the Bogside community had been shot in the leg. He also recalled the hostile reception of which his colleagues had spoken.[2] He said nothing in this statement or in his oral evidence to the Widgery Inquiry[3] about hearing a shot or shots as he made his way back to the Rossville Street waste ground. In his written evidence to this Inquiry,[4] John Bierman recalled that during the incident with the hostile crowd, he had got separated from Cyril Cave and Jim Deeney, respectively his cameraman and his sound recordist. The fact that John Bierman did not mention hearing any shots may be explicable on the basis that he had become separated from the others by this stage.

1 M6.1
2 M6.4
3 M6.9
4 M6.26

19.129 John William Porter was at the time a Company Quartermaster Sergeant in the Irish Army. In his Keville interview[1] he is recorded as saying that when he was standing at the corner of Kells Wells [sic] he heard people saying that two people had been shot at the back of burned-out buildings on the side of William Street and "*Kells Court I think you call it*". He said that he went up there to investigate and saw a British camera crew enquiring about these people. He then said that a girl came up and told the crew that if they wanted the evidence, they could film people who were shot in the flat. He said he followed the crew and a girl came out with a handkerchief full of blood. "*While we were standing there a high velocity bullet was fired from the SLR in the direction of William – between Stevensons Bakery and Rossville Street flats … this shot was fired embedded on the sides of the – you know the – aluminium strips, goes around the side of the flats here in*

Kells Court, that bullet embedded in there. I pulled round the side of Kells Flats and er – at this stage there were two people shot earlier…"

1 AP11.24

19.130 In his NICRA statement,[1] John Porter recorded that on Bloody Sunday he had made his way to the Kells Walk–Columbcille Court area, after hearing that two men had been injured. There he saw a TV film crew and a woman holding a bloody handkerchief, before being (verbally) stopped by a young man from the surrounding crowd. In his NICRA statement, he stated that as he stood in this area he "*heard the crack of a high-velocity bullet … and the sound of the bullet striking something metal at that side of Columbcille Court. I looked up and saw the strips of galvanised sheet metal covering the fronts of these houses. This shot came from the army line from Stevenson's Bakery to Little James Street from an elevated position.*"[2] John Porter stated that he subsequently moved from this area towards Glenfada Park.

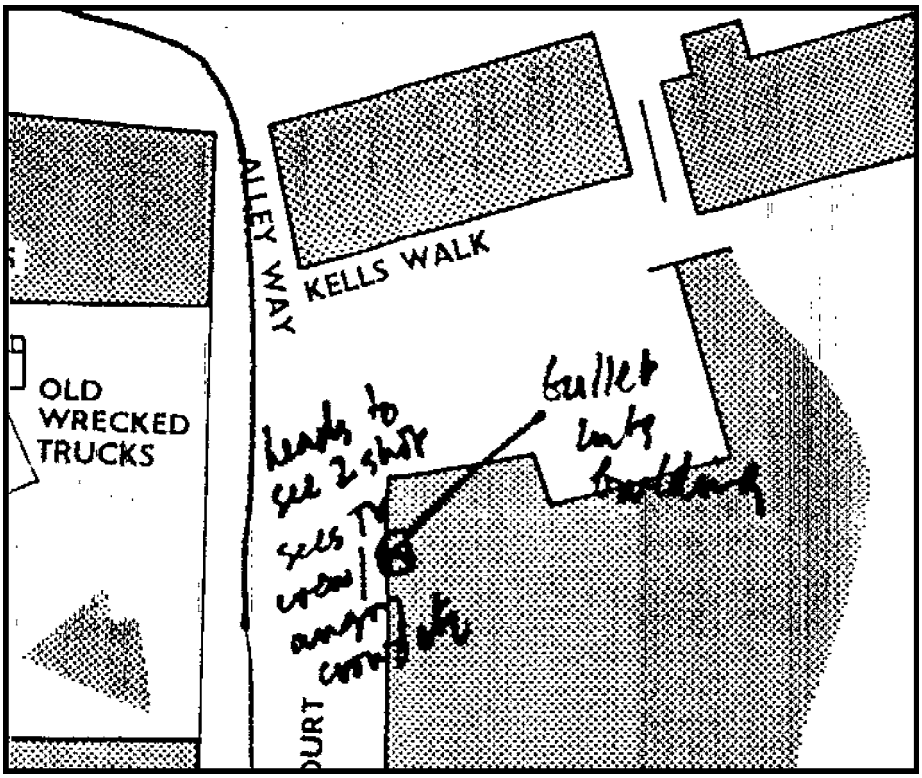
1 AP11.1 2 AP11.1

19.131 John Porter gave a similar account in his evidence to the Widgery Inquiry.[1]

1 WT8.44

19.132 There is a *Sunday Times* map attributed to John Porter.[1] This shows where a bullet hit the building, but we have no interview notes accompanying the map, so its precise provenance is unclear.

1 AP11.22



19.133 John Porter's description of where the bullet struck something metal at the side of Columbcille Court differs from that given by Cyril Cave, which was that the bullet hit a wall (in his evidence to us Cyril Cave recalled a "*garden wall*") close by them in the area of Kells Walk.

19.134 John Porter is dead and gave no evidence to this Inquiry. As will be seen later in this report, we are of the view that when he described events that occurred later in the day in Sector 4, he got the order of events wrong. To our minds he also did so when describing this shot, and what he observed was far more likely to have been one of the shots fired by soldiers shooting at Damien Donaghey, which ricocheted up into Columbcille Court.

19.135 There is also the evidence of Sean Barr (who was 16 at the time) and Charles James McGill. The former in his NICRA statement stated that just after he had helped John Johnston to "*cover*" another shot rang out and hit the wall behind.[1] In his written evidence to this Inquiry[2] Sean Barr stated that he no longer remembered this shot. In his written evidence to this Inquiry, Charles McGill told us he recalled shots from one of the soldiers on "*the flat church roof*" as he was helping John Johnston,[3] but in his NICRA statement,[4] though he recalled hearing shots and then going to the aid of John Johnston, he made no mention of another shot shortly afterwards. In his oral evidence to this Inquiry, Charles McGill resiled from his suggestion that there was a shot after he had gone to the aid of

John Johnston.[5] Michael McGuinness, in his written evidence to this Inquiry,[6] told us that he did not recall hearing any further shooting as he and Charles McGill helped John Johnston towards Ma Shiels' house.

1 AB19.8
2 AB19.5
3 AM230.3
4 AM230.8
5 Day 69/92
6 AM283.3

19.136 In our view Charles McGill was correct in having second thoughts about his initial recollection of Army shots as he was helping John Johnston. It seems to us possible that Sean Barr may have confused the order of events and that the shot he described in his NICRA statement was one that had been fired at Damien Donaghey; but equally what Sean Barr recalled at the time could be said to support the account given by Cyril Cave of a later shot.

19.137 The source of the shot witnessed by Cyril Cave is unclear. There is no Army evidence of a shot or shots being fired across William Street at this stage. It is possible that a soldier did fire but did not admit to doing so, but to our minds this is unlikely, as he would have run the risk that other soldiers (including commissioned and non-commissioned officers) would have witnessed what he had done. It is also possible (and to our minds somewhat more likely) that the shot was fired by a civilian, not to hit but perhaps to frighten off the BBC crew who, as observed above, had met a very hostile reception when taken to the house in Columbcille Court.

19.138 It seems most unlikely that what the witnesses heard was the shot fired by OIRA 1, since this was fired from Columbcille Court and directed towards the Presbyterian church.[1]

1 Day 141/131-132

19.139 We now consider the accounts of other civilian witnesses who have stated that they heard a single shot fired.

19.140 Charles Gallagher in his NICRA statement[1] recorded that he was standing with a group of people at Abbey Street when he heard one shot ring out which "*seemed to come from the derelict building to the right of Stevenson Bakery*". He heard no other shooting as he went down the street "*to the right of Colmcille Court*" on his way to Free Derry Corner. In his written evidence to this Inquiry,[2] he told us that he was on the march and about 100–200m behind the lorry, though it is not clear whether this was still the case when he got to Abbey Street. In his oral evidence he said that at the time he heard the shot, William Street was fairly crowded, but also described his recollection of this as "*vague*".[3]

He stated that he was surprised that there appeared to be no reaction by the crowd to the shot. He also stated he did not see anyone in the William Street area throwing stones or shouting at soldiers.

1 AG6.7
2 AG6.1
3 Day 105/54

19.141 Sheila McLoughlin (now Sheila Ingram) also gave similar evidence in her written statement to this Inquiry.[1] She recalled being somewhere near the middle of the march ("*nearer to the back end of the middle*") and that when she was about midway down William Street she heard a high velocity shot which she thought had come from a height and from the north side of William Street. She recalled that those around her also looked in this direction. For a few seconds there was a feeling of anxiety among the crowd, but "*as the shot was not followed by any further shots, people soon carried on walking and the march proceeded along William Street*". Sheila McLoughlin said that she had not seen anyone throwing stones or anything else in William Street. Sheila McLoughlin does not appear to have given a 1972 account.

1 AI1.7

19.142 Martin Hegarty, in his written statement to this Inquiry, estimated that he was quite close to the back of the march and thought that it was as he was walking along William Street and opposite Abbey Street that he heard a single high velocity shot which he recognised "*as much as one can*" as being from an Army weapon. He said he thought that it was some time after 3.30pm when he heard this shot. He said that he could see soldiers on buildings on the north side of William Street. He added that although he did not make any connection between the shot he heard and the soldier he saw, "*the people around me certainly seemed to think that the shot had come from the direction of the old factory to our left*". Martin Hegarty told us that there was no panic when the shot rang out and people did not run, "*albeit that they probably could not have done so because there were so many people packing the street*". He went on down to the junction of William Street and Rossville Street. He said he could not remember if there were people on the waste grounds to either side of William Street, but heard no reports that anyone had been hit by the shot that he had heard.[1] Martin Hegarty also does not appear to have given a 1972 account.

1 AH62.2

19.143 Charles Gallagher, Sheila McLoughlin and Martin Hegarty all thought that the shot had come from the north side of William Street. They could be wrong about this, because of the difficulty in an urban environment of telling where firing had come from. In the case of

Charles Gallagher, it is difficult to tell where the march had got to at this time, though he had a vague memory of William Street being fairly crowded. Sheila McLoughlin described herself as being somewhere near the back of the middle of the march. Martin Hegarty described William Street as being packed with people.

19.144 In our consideration of the wounding of Damien Donaghey and John Johnston, we concluded that by the time of that event, there were few marchers still coming down William Street. If the recollection of these witnesses as to the state of the crowd is accurate, it seems unlikely that what they recalled hearing was one of the shots fired by Machine Gun Platoon at this time. Their evidence could be said to support the proposition that what they heard was the shot fired by OIRA 1, before the wounding of Damien Donaghey and John Johnston; or indeed that they heard another shot altogether. However, Charles Gallagher was the only one of these three who appears to have given a 1972 account, and this account does not describe the state of the crowd in William Street at this time. To our minds it is equally possible that the recollections of these witnesses of the numbers of people in William Street, given so long afterwards, are faulty and that what these witnesses heard was either one of the shots fired by Machine Gun Platoon, or OIRA 1's shot after that event, or the shot heard by Cyril Cave and (possibly) by Sean Barr, or another shot altogether.

19.145 John Brown told us in his written statement to this Inquiry that while he was in the Kells Walk area of Rossville Street he heard a sharp crack, which he thought was a rifle shot.[1] According to his NICRA statement, "*The sound seemed to come from Upper William Street over Kell's Walk*".[2] For us, he marked on a map the area from which he thought it had come, which included the laundry waste ground to the south and the buildings on the north-west side of Aggro Corner,[3] although he added that he could not say "*exactly where it was fired from, or in which direction it might have been fired*". He said that, a few minutes after hearing the shot, he heard a girl call out from Kells Walk or the Rossville Flats that someone had been shot.[4] John Brown said he heard no other shots that day.[5] He thought that the march was still in progress when he heard the single shot.[6]

1 AB93.2
2 AB93.6
3 AB93.5
4 AB93.2
5 Day 54/59
6 Day 54/67

19.146 John Brown's evidence is that he heard only one shot. It is possible that this was one of the shots fired by soldiers from Abbey Taxis since, as with other witnesses, he may not have heard all the shots fired from there. It is equally possible that what he heard was the shot fired by OIRA 1, or indeed another shot altogether. Although he recalled hearing this

shot when he thought that the march was still in progress, he was not in William Street and thus would not have known of the state of the crowd there when he heard the shot.

19.147 Kathleen Turner[1] and William Martin Hegarty[2] also gave evidence of hearing a single shot, but associated this with the wounding of Damien Donaghey. It seems to us that what these witnesses heard was probably one of the shots fired by soldiers from Abbey Taxis. Eileen Doherty[3] also recalled hearing a single shot that had come from William Street while she was at the junction of this street and Rossville Street, but we formed the view when listening to her that after so many years her testimony, though undoubtedly given in good faith, was such that we could place no reliance on it.

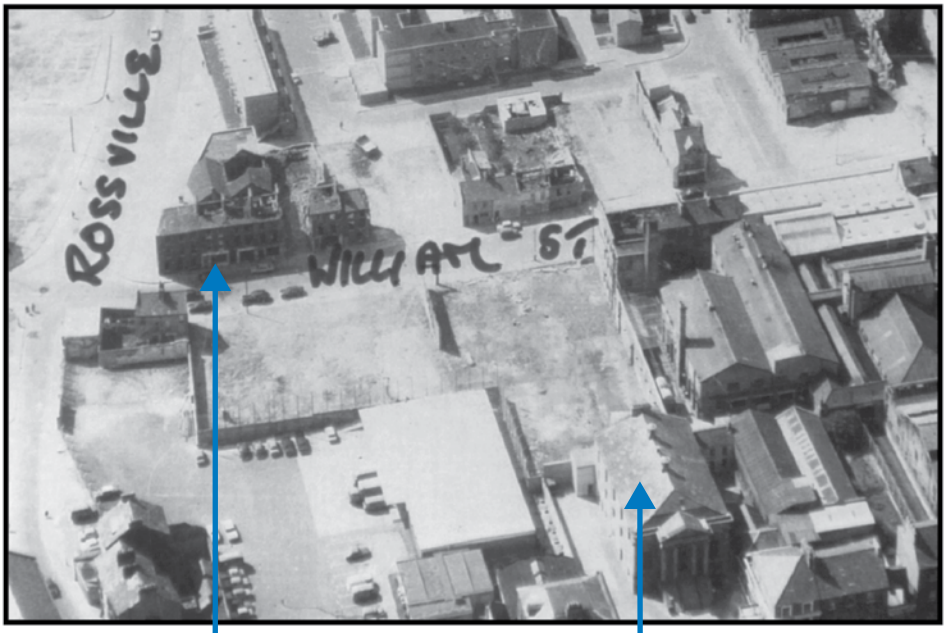
1 AT19.2; Day 54/23
2 AH65.1
3 AD64.1; Day 113/101-102

19.148 Professor McCormack (to whom we have referred when considering the shooting of Damien Donaghey and John Johnston) said that he thought he was in the middle of the march.[1] He said that a soldier on the GPO roof fired a shot at a time at which the march was static in William Street. He accepted in his oral evidence that the soldier may just have pointed his rifle, not fired.[2] There are others who recall a soldier in this position pointing but not firing his rifle. In view of Professor McCormack's uncertainty over whether he actually saw the soldier fire, it seems to us that his evidence on this point does not take the matter much further.

1 Day 113/122
2 Day 113/101-2

Other evidence from journalists

19.149 Nigel Wade of the *Daily Telegraph*, Simon Winchester of the *Guardian* and David Tereshchuk of Thames Television all gave evidence to the Widgery Inquiry to the effect that at about 4.00pm they were together at or near the doorway of City Cabs in William Street. All three of these journalists said that at this time they heard a single shot. City Cabs is indicated by an arrow on the following photograph.



19.150 Nigel Wade said in his written statement for the Widgery Inquiry that at the time he did not know where the shot had come from and that just after the shot was fired a woman said to him: "*Go on, do your duty, there's a boy shot up there.*"[1] He also said that he believed that the shot had come from the GPO sorting office, but only because he had since heard that the Army fired a shot at this point. In his oral evidence to the Widgery Inquiry he said that it was the very first shot he had heard that day.[2]

1 M79.2
2 WT7.48

19.151 Simon Winchester recorded in his written statement for the Widgery Inquiry that he thought this was a high velocity shot that had come from the direction of Little Diamond and he remarked to his colleagues "*Provos*", thinking it was from an IRA sniper. He said that this shot was fired between 4.00pm and 4.05pm and that he had noted it in his notebook.[1] In his oral evidence to the Widgery Inquiry he recalled a woman reacting by saying to him "*Be sure and get it right who fired that shot*", but that this was the only reaction from the three or four people who were near him.[2] In his book *In Holy Terror* he said that this shot had been fired at an Army wire cutting party, but in his oral evidence to this Inquiry he said that this information had come from IRA people to whom he had spoken in Belfast much later.[3]

1 M83.16
2 WT3.11
3 Day 116/147-148

19.152 In his written evidence to this Inquiry,[1] Simon Winchester said that the shot was a low velocity one and that it came from the direction of Glenfada Park or the Rossville Flats, but we had the impression from his oral evidence that he was not certain whether the shot he heard was high or low velocity, but merely different from the sounds of baton guns he had heard earlier in the afternoon.[2] As to the direction of the shot, he could really say no more than that it came from behind him and "*the arc of what could be behind me would … include the Little Diamond and Rossville and Glenfada*".[3]

1 M83.3
2 Day 116/30-31
3 Day 116/31

19.153 David Tereshchuk recorded in his written statement for the Widgery Inquiry that he heard a single rifle shot that seemed to come from further up William Street.[1] In his oral evidence to the Widgery Inquiry he said that it was the first shot that he had heard that afternoon.[2]

1 M77.1
2 WT3.82

19.154 None of these journalists appears to have heard more than one shot. As we have already pointed out, it does not follow that what they heard must have been something other than one of the shots fired by soldiers from Abbey Taxis, since other witnesses also recall hearing only one shot from that location. In the end, we formed the view that the evidence of these journalists did not enable us to determine whether the shot they heard was the shot fired by OIRA 1, one of the shots fired by soldiers in Abbey Taxis, or another shot altogether.

19.155 The *Observer* newspaper had intended to publish a substantial article about Bloody Sunday in its edition of 6th February 1972, but did not proceed because of a concern that publication might be regarded as contempt of the Widgery Tribunal. The following appears in the galley proofs of that article, attributed to the acting Commanding Officer of the Official wing of the IRA in Derry, Johnny White (OIRA 3):[1]

> "'On Sunday, most of our members were taking part in the march and were unarmed. We had two marksmen on duty, but with strict instructions not to use their weapons until the area was clear of civilians. One was covering Rossville Street from the corner of William Street and Rossville Street. Another was in the Little Diamond covering William Street … We fired only one shot in the area, and that was after the Army had finished shooting. A soldier went into the street by himself and our man covering Rossville Street thought he could get him.

> He fired one shot and then realised it would be dangerous to go on because, although the immediate street was clear, people were huddled in doorways and running to safety whenever the firing stopped.
>
> Two shots were fired by our volunteer covering Bishops [sic] Street. Those were the only shots we fired.'"

1 ED24.9

19.156 Bishop Street lies to the south-east of the Rossville Flats, starting at the Diamond in the walled part of the city, and is nowhere near William Street.

19.157 We have no reason to doubt that the account in the *Observer* galley proofs came from Johnny White (OIRA 3) and was accurately reported, but it is clearly an inaccurate and incomplete account, since apart from anything else, it does not refer to the shot undoubtedly fired by OIRA 1 from Columbcille Court. The reference to a gunman "*covering Rossville Street*" and firing a shot at a soldier on the street may be a reference to an incident concerning Reg Tester in the area of Free Derry Corner, which occurred after soldiers had gone into the Bogside. We consider this incident later in this report.[1] However, the article does provide evidence that at some time there were two Official IRA gunmen in the area of William Street.

1 Chapter 148

19.158 We have referred above to the article in the *Sunday Press* of 6th February 1972 by Vincent Browne. Earlier in the same article he wrote:[1]

> "The Officials had an active service unit of four men on duty. They were all either to be armed during the parade or to have immediate access to arms should they become necessary. In addition, a number of other volunteers in the parade were armed for their personal protection.
>
> It is important to emphasize that at no stage during the initial part of the parade did any IRA men open fire. By the time that some of them did so one man was dead and three people were injured."

1 M8.2

19.159 Although Vincent Browne could not recall his sources, it seems to us that this account provides further evidence that in addition to OIRA 1, there were other members of the Official IRA in the area under discussion, who were armed or who had ready access to arms.

Other evidence of paramilitary activity

19.160 Teresa Bradley told us that while she was on the laundry waste ground, with her eyes streaming from gas, she saw a boy on the ground wearing a white jerkin, denim jeans and motorbike goggles, who appeared to have been shot in the leg. She had heard shooting but thought it was rubber bullets.[1,2] Her recollection was that her husband went with those carrying the boy to Dr Raymond McClean, who was standing nearby. She started to walk after them, but then stopped and waited. She recalled that at this time she saw a gunman on the first floor of Kells Walk: "*He was not right to the north end of the Walk, where there were stairs; he was a short way back and may have come out of a slatted area where the tenants dried their washing.*"[3] The gunman was standing completely alone and was firing a handgun to the north. He shot several times. "*It was not a heavy gun and the firing sounded like 'pops'*." Teresa Bradley said that the crowd around her who had also seen the gunman fire got very irate and were shouting at the man to stop shooting. The man when she next looked had disappeared.

1 AB70.1
2 Day 64/24-75
3 AB70.2-3

19.161 Teresa Bradley had made a NICRA statement[1] in which there is no reference to this gunman, nor to another later incident where she recalled seeing men with guns in a car, though in her evidence to us she was sure that she had mentioned these incidents to the person writing her statement.[2] That person was William Smyth, who denied that Teresa Bradley had mentioned these matters, on the basis that if she had done so, he would have included them in her statement.[3] It seemed to us that William Smyth did not in fact remember taking this particular statement. We preferred the evidence of Teresa Bradley on this point. In our view she probably did give this information to William Smyth, though we do not know why he did not record it.

1 AB70.9
2 AB70.5; Day 64/48-49, 71-73
3 AS27.2; Day 83/154

19.162 Teresa Bradley is almost certainly wrong about the presence of Dr McClean, as there is convincing evidence that he was fetched to Ma Shiels' house after Damien Donaghey had been taken there.[1] Apart from this, however, we believe that this witness did see a gunman as she described, though it is possible that, with the passage of years, her memory of some of the other details of what she saw may have become distorted. The fact that she did not appear to recall hearing the shot fired by OIRA 1 or the altercation with him does not in our view undermine her testimony, nor the fact that there is no other evidence of this gunman, though in this connection it is possible that the shots heard by

William Burke, whose evidence we discuss above, were from this source. It is also possible that David Capper saw the gunman described by Teresa Bradley, but this seems unlikely if he is right in his recollection that this gunman was at ground level.

[1] AM105.4-5; H3.13

19.163 According to Teresa Bradley's account, the gunman was on the same balcony as Anthony Martin, whose evidence we have considered earlier. He made no mention of seeing a gunman there, but this may be explicable on the basis that these two witnesses were describing events at different times.

19.164 Although we are sure that Teresa Bradley saw the gunman she described to us fire a number of shots, none of these in our view could have been the shot that hit the drainpipe. In our view the soldiers who heard this shot were correct in describing it as a high velocity shot and so it could hardly have come from a handgun, which, according to Teresa Bradley, made (unlike a high velocity weapon) little noise when it was discharged and was "*not … heavy*".

19.165 Ann O'Donnell made a NICRA statement dated 1st February 1972 in which she described hearing a shot fired from the Presbyterian church wall in Great James Street where at least two British soldiers were positioned:[1]

> "This shot injured a youth in the legs. This was the first shot fired, and it definitely came from the British army. A man appeared with an old rifle behind the taxi office in William Street and fired one shot hitting nothing. Other bystanders advised him to put the gun away as it would only draw fire, which he did immediately."

[1] AO20.1

19.166 Ann O'Donnell is dead and gave no evidence to this Inquiry. On the basis of her account, it would seem that she was in the area of William Street near Columbcille Court and was describing a gunman somewhere south of City Cabs in William Street. Though in our view she was mistaken in attributing the shot that injured a youth in the legs to soldiers on the Presbyterian church wall, we have no reason to doubt that she saw a gunman fire from somewhere near where Damien Donaghey and John Johnston were shot, as she recounted to her daughter Grainne O'Donnell.[1] According to Grainne O'Donnell's written statement to this Inquiry, her mother said that she had seen a young man shot and taken to Ma Shiels' house; after that, she had seen a man with an "*old style gun*" come out of a house in the block on the south side of William Street between the laundry waste ground and the Abbey Street waste ground. The gunman fired a shot into the air.[2] In her oral

evidence, Grainne O'Donnell told us that her recollection was that her mother had said that the gunman was in William Street, in a derelict building near a taxi office. Grainne O'Donnell said that she was aware that there was a taxi office in William Street but, on being shown photographs of the area, could not recall the location of the office.[3] It is possible that this was a shot heard by some of the witnesses discussed above. It is also possible, though to our minds unlikely in view of the evidence as a whole, that this was the shot that hit the Presbyterian church drainpipe.

1 AO30.5
2 AO30.5
3 Day 105/139

19.167 We should mention at this point that in his written evidence to us, Stephen McGonagle recalled that after Damien Donaghey and John Johnston had been shot he saw a young man with a revolver in Rossville Street just south of the junction with William Street, followed by two "*IRA activists*" who quickly disarmed him.[1]

1 AM253.1

19.168 Stephen McGonagle did not mention this in his NICRA statement, nor in his written statement for the Widgery Inquiry.[1] He was too ill to give oral evidence to this Inquiry and died during its course. His written evidence to this Inquiry contains some matters that raise doubts as to the accuracy of his recollection. It is possible, however, that he did see one of the Official IRA gunmen who, according to Johnny White's (OIRA 3's) account to the *Observer*, was stationed in the area.

1 AM253.1; AM253.2

Conclusions on shooting in the area of William Street

19.169 It can be seen from the foregoing that the evidence of shooting in the William Street area is in large measure confusing and conflicting; and we have not found it possible to be certain on many of the points that arose.

19.170 As far as the shot fired by OIRA 1 is concerned, however, we consider that on the evidence we have considered this probably did follow the wounding of Damien Donaghey and John Johnston.

19.171 It does not follow that because OIRA 1's shot probably followed this event, OIRA 1 fired by way of reprisal, as he and OIRA 2 have said. Apart from the unreliable accounts given by OIRA 1 and OIRA 2, the only evidence from other sources that this was the case comes from PIRA 1 and Anthony Martin.

19.172 PIRA 1's evidence does to a degree support the claim that OIRA 1's shot was by way of reprisal, but if OIRA 1 was claiming immediately after the event that he fired by way of reprisal, it is odd that neither RM 1 nor Sean Keenan Junior recalled that OIRA 1 had made this claim.

19.173 Anthony Martin, in his account to the *Sunday Times*, described it as a "*racing cert.*" that the shot was a reply to the Army shots.[1] This was said in the context of also saying that the gunman shot a few seconds after the Army shots. Were this the case then it could be inferred that the shot was by way of immediate reprisal and that OIRA 1 and OIRA 2 had believed that their target was the soldier who had wounded Damien Donaghey and John Johnston. However, it seems to us that it was very soon after OIRA 1's shot that there was the altercation with members of the Provisional IRA and RM 1, and that this altercation took place a considerably longer period than a few seconds (perhaps as long as some minutes) after Damien Donaghey and John Johnston had been wounded. On this basis it is difficult to see how Anthony Martin could be sure that the shot was by way of immediate reprisal. As already noted, he was unsure in his evidence to us how much time had passed between the soldiers' shots and that of the gunman.

1 AM24.3

19.174 In these circumstances, since we are sure that OIRA 1 and OIRA 2 had gone to a pre-arranged sniping position, it remains in doubt whether they fired by way of reprisal for the shooting of Damien Donaghey and John Johnston, or simply because a target presented itself at the time in question. On balance we consider that the latter was more likely to be the case. It was to our minds obviously in the interests of OIRA 1 and OIRA 2 to seek to give what they thought might be an acceptable reason for their conduct. In our view a matter of minutes rather than seconds passed between the wounding of Damien Donaghey and John Johnston, and the shot fired by OIRA 1. In those circumstances, and in view of the unreliability of the evidence given by OIRA 1 and OIRA 2, we are unpersuaded that, even if they knew of the shooting of Damien Donaghey and John Johnston, they had any belief that the soldier they fired at was the one responsible.

19.175 As far as the evidence of other shots is concerned, there is the evidence of Teresa Bradley and Ciaran Donnelly of a gunman firing a handgun in the direction of the soldiers to the north of William Street, though they appeared to be describing different shooting incidents, one before and one after the shooting of Damien Donaghey and John Johnston. It also seems to us likely that Ann O'Donnell saw a rifleman fire.

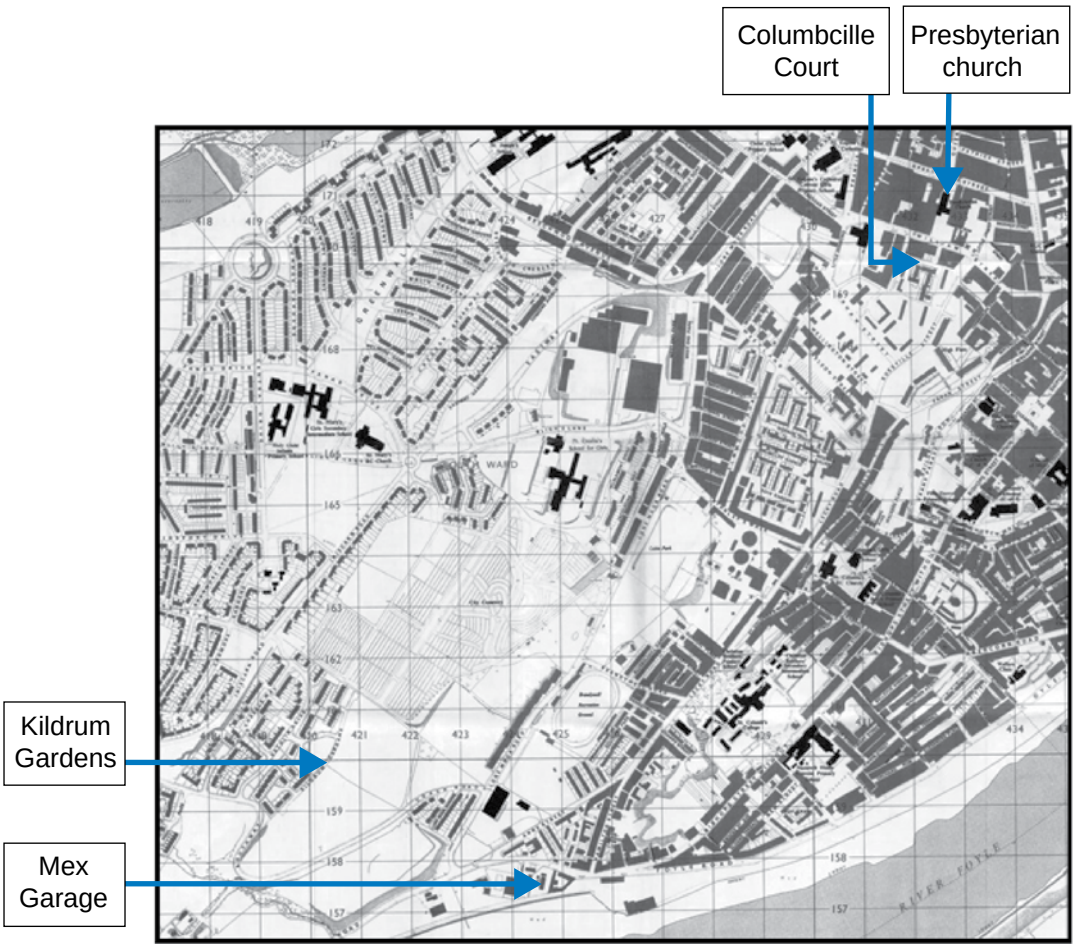
19.176 As to Thomas Mullarkey, he may have heard the shot fired by OIRA 1, though if his timing is right, ie that the shot he heard was before anyone went to help Damien Donaghey, then what he heard is unlikely to have been this shot and may indeed have been a shot from a revolver.

19.177 As to Bernard Gillespie, it seems to us that it is likely that the second shot he heard was the shot fired by OIRA 1. As to Joe Carlin's account of hearing a high velocity shot before seeing Damien Donaghey fall, we cannot say more than it is possible either that this was one of the shots fired by the soldiers from Abbey Taxis, or that it was another shot altogether. As to David Capper, again it seems to us that while it is possible he that he heard the shot fired by OIRA 1, but mistakenly thought that this was fired at ground level, it is at least equally possible that he did hear a shot from a gunman in the crowd at ground level. As to Charles Gallagher, Sheila McLoughlin and Martin Hegarty, it seems to us that though they probably heard a shot, their evidence does not assist in determining who might have fired it.

19.178 We should note at this point that it was reported at 1549 hours that two shots had been directed at the Mex Garage from Kildrum Gardens.[1] This was about a mile from the area of the Presbyterian church and Columbcille Court. In our view it is unlikely that these shots (which we describe in more detail elsewhere in this report[2]) were those that the witnesses we have been considering say that they heard.

1 W125 serial 136; W102 serial 65; W45 serial 136

2 Chapter 151



19.179 As to the evidence of Cyril Cave, we have already observed that the source of the shot he recalled remains unclear, though in our view it appears unlikely that this was fired by a soldier. It is possible that John Porter and Sean Barr also observed this shot, though in their cases it is more likely that they got the order of events wrong and were describing one of the shots fired at Damien Donaghey.

19.180 As we have stated, the evidence of paramilitary gunfire in Sector 1 is confusing. However, we have no doubt that OIRA 1 fired the shot that hit the drainpipe on the side of the Presbyterian church; and we equally have no doubt that there was other paramilitary gunfire in this sector before soldiers of 1 PARA went into the Bogside. The evidence suggests to us that this was probably firing by members of the Official IRA. We have found nothing to suggest that any member of the Provisional IRA fired at this stage. Elsewhere in this report[1] we consider in more detail the organisation of the Official and Provisional IRA and their activities on Bloody Sunday.

1 Chapters 146–154

The effect of the drainpipe shot

19.181 With the possible exception of Lance Corporal 010, the only shot that soldiers seem to have heard was the shot that hit the drainpipe on the eastern side of the Presbyterian church. Some soldiers gave evidence that this shot brought home to them that there were snipers about and that it changed a riot control situation into a gun battle, as, for example, did Private 013[1] and Sergeant K.[2] Others, for example Private INQ 748,[3] said that they were not concerned, as they were used to sniper fire in Belfast. Since some of the soldiers thought that the shot had come from the Rossville Flats, this probably reinforced their belief that these flats were a likely place for snipers. Sergeant O told us in his written and oral evidence to this Inquiry, which we accept on this point, that the drainpipe shot caused more soldiers to carry SLRs instead of baton guns when they went into the Bogside than would otherwise have been the case, though he denied that the drainpipe shot had caused any change in the plan to go in to make arrests.[4]

1 B1408
2 B311.005
3 C748.1
4 B575.110; Day 375/14

Chapter 20: Army orders relating to the arrest operation

Contents

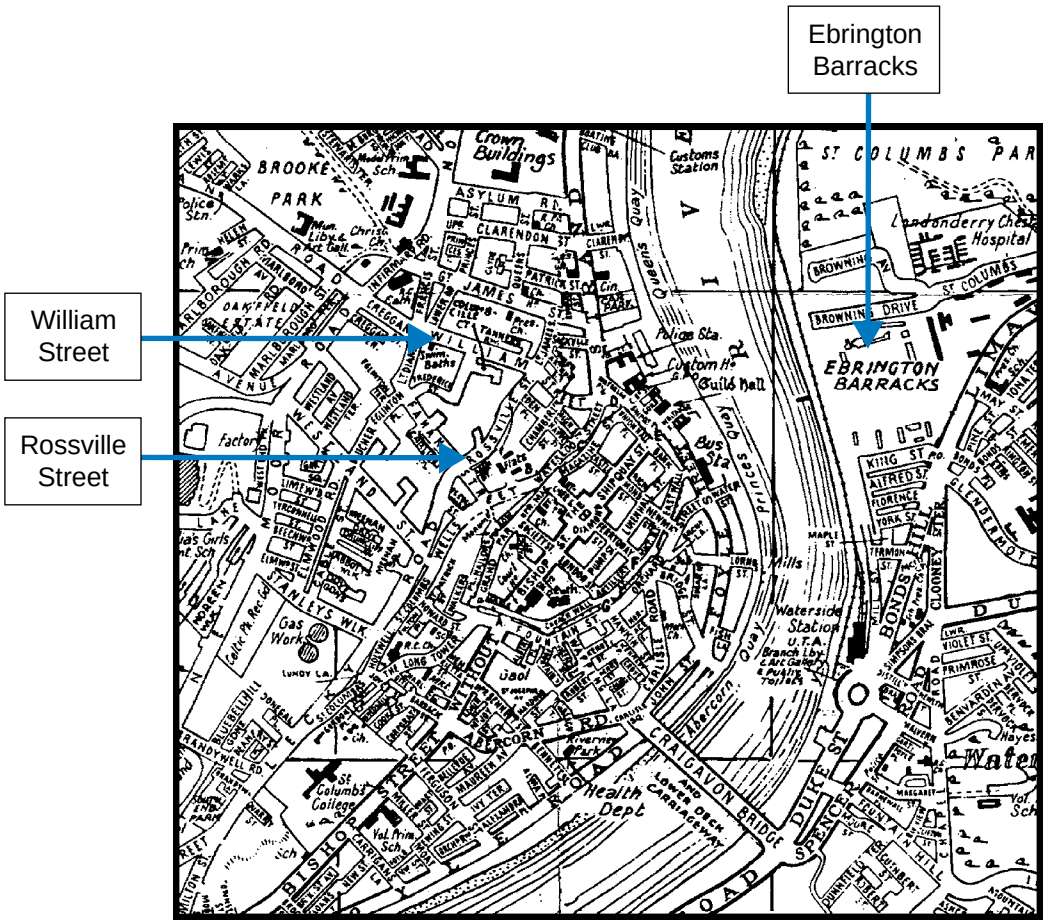
Ebrington Barracks and radio communications

20.1 As described above, by about 1530 hours the barriers were manned and in place, A, C and Support Companies of 1 PARA started to move to their "*assault*" positions and the civil rights march reached William Street.

20.2 Brigadier MacLellan was in his Brigade Headquarters at Ebrington Barracks. He had announced his intention of exercising command from there at the co-ordinating conference on Friday 28th January.[1]

[1] B1232

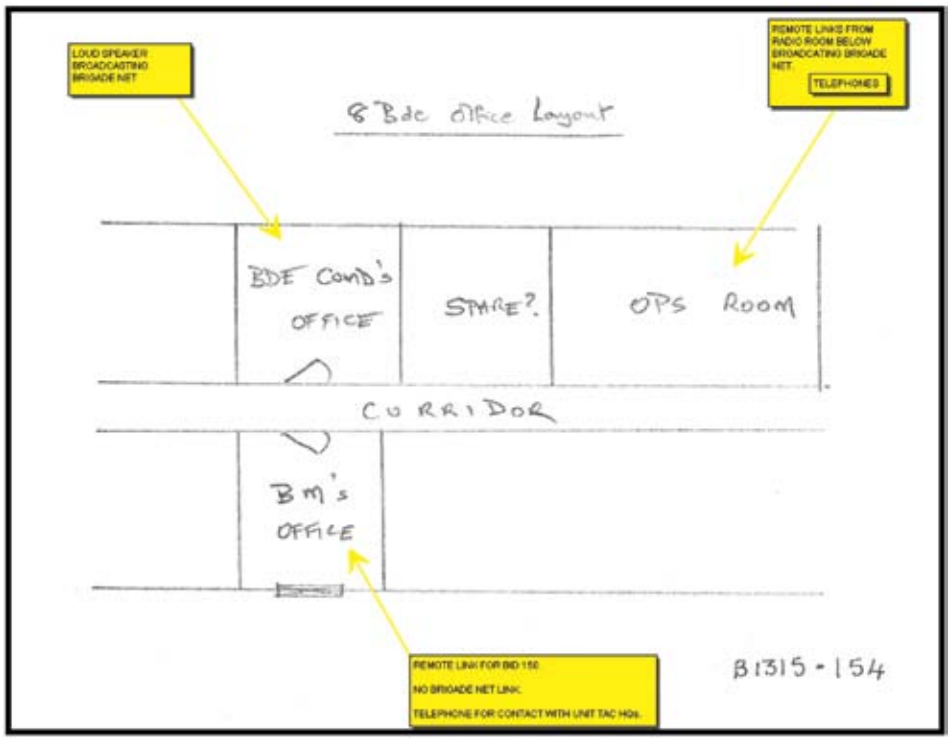
20.3 Ebrington Barracks was on the east side of the Foyle about a mile and a half by road from the junction of William Street and Rossville Street.



20.4 Brigade Headquarters at Ebrington Barracks was a two-storey structure with the radio room and communication centre on the ground floor and the Operations Room above. Loudspeakers in the Operations Room and the Brigade Commander's office relayed radio transmissions on the Ulsternet. Radio messages on the Ulsternet could be sent from the Operations Room.[1] Colonel Michael Steele, who was the Brigade Major (the senior staff officer at Brigade Headquarters), told us that he thought that the BID 150 secure net equipment was in a Land Rover at the back of the building with a line up to his office leading to a handset on his desk.[2] He drew the following diagram of the layout of the first floor.

1 Day 267/11-12

2 Day 267/12



20.5 Other witnesses had slightly different recollections of the arrangement of rooms. Lieutenant INQ 2086, a watchkeeper at Brigade HQ, thought that the offices of the Brigadier and Brigade Major were next to one another and across the hallway from the Ops Room,[1] while Captain INQ 1903, second in command of 8 Brigade's Signal Squadron, thought that Colonel Steele's office was adjacent to the Ops Room.[2] These differences in recollection might be explained by the fact that Ebrington Barracks was renovated shortly after Bloody Sunday.[3] On the whole, we place more reliance on Colonel Steele's evidence on this point. Although his diagram of the layout was given to this Inquiry and not to the Widgery Inquiry, his testimony in 1972 was consistent with his later explanation and might have served to fix an accurate memory in his mind. Further, Chief Superintendent Frank Lagan's recollection was compatible with Colonel Steele's account, but not that of Lieutenant INQ 2086.[4]

1 C2086.8
2 Day 253/87
3 C2086.3
4 JL1.24; JL1.13

20.6 It appears that in addition to radio communications, Colonel Steele also had a telephone link to the Tactical Headquarters of the battalions in the city, including a link with 1 PARA in the Foyle College car park.[1]

1 Day 267/24; W40

20.7 Colonel Roy Jackson, the Commanding Officer of 1 R ANGLIAN at the time of Bloody Sunday, criticised Brigadier MacLellan's decision to remain at Ebrington Barracks in his evidence to this Inquiry. Colonel Jackson felt that it would have been better for the Brigadier to have been on the City Walls where he would have been "*involved*" in the action.[1]

1 CJ2.49

20.8 We are not persuaded that this criticism is justified. Brigadier MacLellan explained to us that he had considered being in a helicopter or on the City Walls. He said that he envisaged an operation that was essentially one of static containment, albeit with the possibility of one unit having to move to do an arrest operation, and since he concluded that there was no one place on the ground from where he could see everything, he considered that he would be best positioned at Ebrington Barracks, where all the communications were coming in. He said that he was also conscious that the IRA might use the march as a diversion and be active elsewhere.[1]

1 Day 262/17-18; Day 264/33

20.9 In our view, this was a reasonable decision to take. At Ebrington Barracks Brigadier MacLellan could communicate with Headquarters Northern Ireland (HQNI), as well as with the battalions in the city and elsewhere and with Colonel Welsh in the helicopter. He could also listen to the communications between the battalions in the city on the Ulsternet. The BID 150 secure link was also available at this location.[1] We deal below with the question of separation between rioters and others taking part in the march and whether proper means were employed to monitor this.

1 We consider Army communications in detail elsewhere in this report (Chapters 180–191).

20.10 The Inquiry prepared a transcription of the radio traffic on the Ulsternet taken from the Porter tapes. We are satisfied that the timings given in the transcription are reasonably accurate. The references to the Porter tapes describe the item number as the serial number, as was done during the hearing.[1] We set out below the relevant communications, which are (as indicated) taken from the Porter tapes and the Brigade and other military logs.

1 In paragraph 187.2 we give a list of the relevant call signs in use and to whom they referred.

20.11 At about 1533 hours Colonel Welsh reported from the helicopter that the march was approaching Aggro Corner.[1] Some three minutes later, 22 Lt AD Regt, the battalion in overall charge of Barriers 12 to 17, reported that the head of the crowd had reached

Barrier 14 and that "*Currently all is peaceful*".[2,3] However, two minutes after that 22 Lt AD Regt informed Brigade HQ that there were initial reports of the crowd becoming hostile at Barrier 14 and a certain amount of stoning.[4,5]

1 W122 serial 268 on the Porter tapes, which corresponds with serial 123 on the Brigade log (W45)
2 W123 serial 282
3 W45 serial 125
4 W123 serial 284
5 W45 serial 126

20.12 At this point 1 PARA sent the following message to 22 Lt AD Regt, "*Can you be prepared to lift your barriers 12 and 14 should we require to push through them to disperse these crowds*", and shortly afterwards passed on to 22 Lt AD Regt a message from Colonel Wilford to be prepared for movement through Barriers 12, 14 and 16.[1,2,3] It is not clear whether at this stage Colonel Wilford was in fact contemplating sending soldiers through Barrier 16 (at Castle Gate), though he thought he might have been,[4] or whether the 1 PARA signallers made a mistake in including this barrier in their message, as only Barriers 12 and 14 are mentioned in the 1 PARA log.[5] However, the messages do show that Colonel Wilford was by this time contemplating the possibility of sending at least some of his troops through Barriers 12 and 14, though the reference to dispersing crowds seems inconsistent with the idea of a scoop-up operation, as the Brigade Major (Colonel Steele) pointed out in the course of his oral evidence to us.[6]

1 W123 serial 286
2 W124 serial 294
3 W90 serial 28 on the 1 PARA Battalion log
4 Day 315/56; Day 321/59-62
5 W90
6 Day 267/36-37

20.13 At about 1541 hours 22 Lt AD Regt informed Brigade that there was some stoning at Barrier 15.[1,2] About a minute later, Colonel Welsh reported from the helicopter that there was "*a general drift*" of around 100 people away from Aggro Corner and into the "*waste ground by the Flats in Chamberlain Street*".[3,4] At this time, the Royal Ulster Constabulary (RUC) told Brigade that they estimated that the march as a whole numbered about 10,000 people.[5] Colonel Welsh disagreed and thought that there were only 2,000, putting the RUC's figure down to the fact that the crowd were "*very spread out*".[6] As already observed, we are of the view that the RUC estimate was the more accurate. At about 1544 hours, 1 CG, manning Barriers 1 to 7, 9 and 11, reported that the tail of the column was now at "*Lone Moor Road/Creggan Terrace*".[7,8]

1 W124 serial 298
2 W45 serial 129
3 W124 serial 304
4 W45 serial 130
5 W124 serial 302
6 W124 serials 305-306
7 W124 serial 308
8 W45 serial 132

20.14 At the same time (about 1544 hours) Colonel Welsh reported: "*Your large water pistol seems to have removed all the crowd now onto Aggro Corner. There seems to be a general move down, er, down Rossville street*."[1,2] The "*large water pistol*" was a reference to the water cannon used at about this time at Barrier 14. 22 Lt AD Regt reported a certain amount of stoning at Barriers 14 and 15, and referring to the water cannon as "*Neptune*" also described it as having considerable effect.[3]

1 W125 serial 311
2 W45 serial 132
3 W125 serial 313

20.15 Between about 1547 hours and 1549 hours there was a radio exchange between Colonel Welsh, 22 Lt AD Regt and Brigade HQ about the state of the crowd:

Colonel Welsh to Brigade[1,2]

> "Zero, this is 61Y. Reference the state of the crowd, apart from the hooligan fringe, the vast majority of the people now in the area of the waste ground by the Flats and on the ... on Aggro Corner look as though they're not quite sure what they're going to do next. Over."

1 W125 serial 315
2 W45 serial 133

Brigade to Colonel Welsh[3]

> "Zero, roger. Can you estimate the numbers of this group now? Over."

3 W125 serial 316

Colonel Welsh to Brigade[4]

> "61 Yankee. We still reckon that it's about … it's in the region of 2,000 people. Over."

4 W125 serial 317

22 Lt AD Regt to Brigade[5,6]

> "Hello, Zero, this is 90 Alpha. Our call signs confirm that general movement of crowd, although there is a hooligan fringe at serials 14 and 15. Some CS [gas] has been used, but this was used by them. I repeat: used by them. Over."

5 W125 serial 320
6 W125 serial 134

Brigade to 22 Lt AD Regt[7]

> "Zero. Roger. Out."

7 W125 serial 321

22 Lt AD Regt to Brigade[8,9]

> "Hello Zero, this is 90 Alpha. Serials [barriers] 12 and 13 also under heavy bombardment from normal hooligans."

8 W125 serial 322

9 W45 serial 135

20.16 At about 1549 hours[1] 1 R ANGLIAN reported to Brigade: "*We've just had two shots fired at call sign Hotel 3 from the area of Kildrum Gardens. Strikes seen on the ground in front of their location. No casualties and no fire returned.*"[1,2]

1 W125 serial 324

2 W45 serial 136

20.17 The following map shows the area in which this shooting took place, which was about a mile from the junction of William Street and Rossville Street. This was the first live round gunfire to be reported on Bloody Sunday. We deal elsewhere in this report[1] with this shooting incident.

1 Chapter 151

20.18 Between about 1550 hours and 1554 hours there were then the following communications about the rioters and the marchers:

22 Lt AD Regt to Brigade[1,2]

> "Hello, Zero, this is 90 Alpha. Our sub units at call ... serials 12 and 13 have had to disperse the hooligans with rubber bullets and gas. They have been dispersed now into the general area of waste ground Rossville Street/William Street. Little James Street is completely clear. They report that some of the hooligans were wearing respirators, though not of similar pattern to ours. Over."

1 W126 serial 326

2 W46 serial 137

Brigade to 22 Lt AD Regt[3]

> "Zero. Roger to all that. What is the current situation at your 14 and 15? Over."

3 W126 serial 327

Colonel Welsh to Brigade[4,5]

> "Zero, 61 Yankee. The general movement of the main body of the crowd seems to be down Rossville Street towards the area of the Flats. There is a flat-top lorry down behind the flats. Whether or not this is going to be used as a speakers' platform I wouldn't like to say just yet. Over."

4 W126 serial 329

5 W46 serial 141

Brigade to Colonel Welsh[6]

> "Zero. Roger. Out."

6 W126 serial 330

22 Lt AD Regt to Brigade[7,8]

> "Zero, this is 90A. Reference your query regarding serials 14 and 15. 15 is clear, but serial 14 is suffering from a certain amount of stoning from the same hard core of hooligans on the Rossville Street/William Street corner. Over."

7 W126 serial 332

8 W46 serial 143

22 Lt AD Regt to Brigade[9,10]

> "Hello, Zero, this is 90A. Our call signs estimate numbers on Aggro Corner at the moment about 200. Over."

9 W126 serial 334
10 W46 serial 145

Brigade to 22 Lt AD Regt[11]

> "Zero. Roger. Out."

11 W126 serial 335

20.19 At about 1555 hours 1 PARA radioed Brigade with the following message:[1,2]

> "Hello, hello Zero, this is 65. My Sunray has deployed his units slightly forward from their original positions in preparation for any orders which you may have for him." ["Sunray" was a reference to Colonel Wilford.]

1 W126 serial 336
2 W46 serial 148

20.20 The reference to units being slightly forward of their original positions relates either to A, C and Support Companies moving to their positions as described above (though this is hardly "*slightly forward*") or (and in our view more likely) to sending Machine Gun Platoon forward to Abbey Taxis and Mortar Platoon forward to cut the wire beside the Presbyterian church. Colonel Wilford could not remember which it was when he gave evidence to us.[1] Captain INQ 2033, who was Battalion Signals Officer for 1 PARA, agreed with the suggestion that this message was a diplomatic attempt to get Brigade to give orders.[2] The Porter tapes record Brigade simply acknowledging receipt of this message: "*Zero. Roger. Out.*"[3]

1 Day 313/14
2 Day 352/152
3 W126 serial 337

20.21 As appears from the sequence on the Porter tapes, Colonel Welsh then sent another report from the helicopter:[1,2]

> "General state of the crowd. It now stretches between Aggro Corner, which has just had some more gas put on it, down to about 100 yards beyond the Flats. People are generally spreading out and the drift of people is definitely down to beyond the Flats and back the way they came…"

1 W126 serial 338
2 W46 serial 146

20.22 Shortly afterwards (again at about 1555 hours) the Porter tapes recorded 1 PARA radioing Brigade with another message from Colonel Wilford:[1]

> "65, from my Sunray. He would like to deploy one of his sub units through barrier 14 around the back into the area William Street/Little James Street. He reckons if he does this he will be able to pick up quite a number of yobbos."

1 W127 serial 343

20.23 The relevant entry in the Brigade log, "*[1 PARA] Would like to deploy sub unit through barricade 14 to pick up yobbos, in William St/Little James St.*", gave an accurate summary of the message with the additional note that it was passed to HQNI.[1]

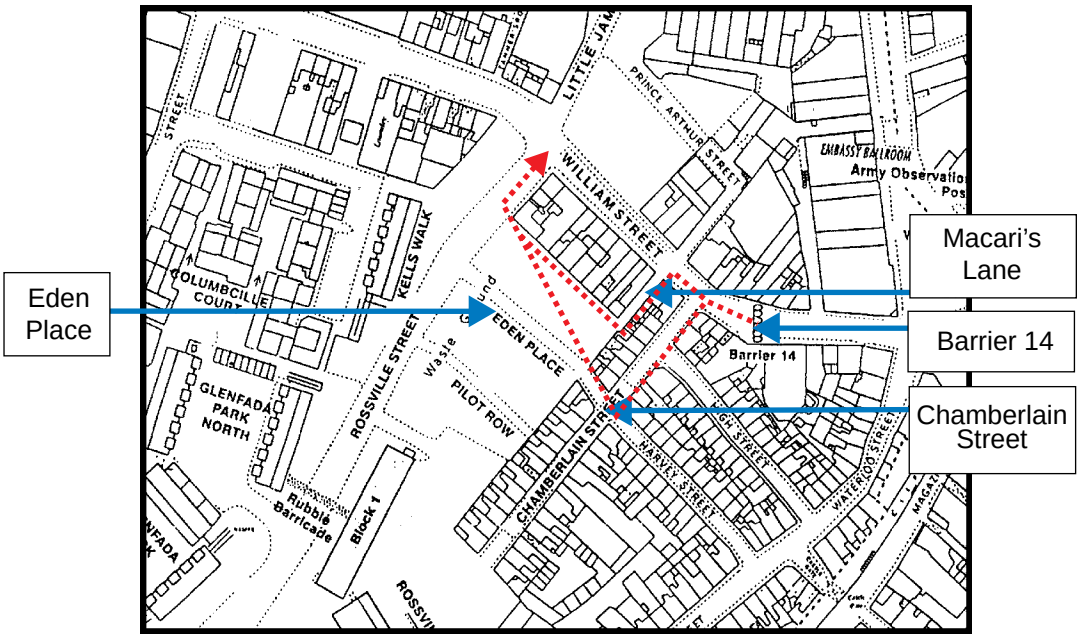
1 W46 serial 147

20.24 Again, the Porter tapes recorded Brigade simply acknowledging receipt of this message without further comment at this time: "*Zero. Roger. Out.*"[1] However, in his oral evidence to the Widgery Inquiry, it seems clear that Colonel Steele was saying that he had used the secure radio means (the BID 150, which would not have been recorded on the Porter tapes)[2] to reply to this request.[3] In his oral evidence to this Inquiry, Colonel Steele said that "*the Brigade Commander decided that … he did not have the necessary separation [between the rioters and the non-rioting crowd] and so I, using the BID 150, told 1 Para that they could not mount it then. My problem is that I cannot actually remember doing all this today, but I am sure I did and certainly at Widgery, six weeks after the event, I said that I did*."[4] In our view Colonel Steele may have told 1 PARA on the secure means that their request was, at least for the time being, declined.[5] Although this does not appear in the 1 PARA Log,[6] this seems to be of no significance as the request does not appear there either, and there are other indications (eg from the Porter tapes) that the log was not as comprehensive as it might have been.

1 W127 serial 344
2 We provide details of the BID 150 equipment in Chapter 183.
3 B1303; WT16.69
4 Day 267/18-19; B1313.008; Day 267/50
5 We deal below and in Chapter 189 with the submission that the BID 150 was not used on the day.
6 W90

20.25 The request from Colonel Wilford referred to deploying one of his sub-units (ie a company) through Barrier 14 "*around the back*" into the area of William Street/Little James Street. It was not clear from the evidence what this phrase meant, but it may be that the idea was to send at least some of the company down Chamberlain Street and then across Eden Place towards the junction of William Street and Rossville Street or

(or also) through Macari's Lane and towards that junction. The following map indicates those means of reaching the junction, which could in our view be described as going "*around the back*".



20.26 At about 1559 hours Colonel Welsh radioed another report from the helicopter:[1,2]

> "Zero, this is Kilo 61 Yankee. General crowd movement now is down into the Lecky Road from the area of the Flats. It seems as though a lot of people feel they've made their protest and are now returning back to their homes."

1 W127 serial 348
2 W46 serial 150

20.27 About two minutes later 1 CG reported that someone was addressing about 200 people with a loudspeaker at Free Derry Corner.[1,2]

1 W127 serial 351
2 W46 serial 152

20.28 At about 1602 hours there was an exchange on the radio between 1 PARA and 22 Lt AD Regt:[1]

1 W47 logged as serial 153 by the Brigade watchkeepers

1 PARA to 22 Lt AD Regt[2]

> "Hello, 90, this is 65. Is there still a hooligan element in the area above barrier 14? Over."

2 W127 serial 353

1 PARA to 22 Lt AD Regt[3]

> "Hello, 90, this is 65. Over."

3 W127 serial 354

22 Lt AD Regt to 1 PARA[4]

> "90 Alpha. Send. Over."

4 W127 serial 355

1 PARA to 22 Lt AD Regt[5]

> "65. Is there still a hooligan element in the area William Street/Little James Street and around barrier 14? Over."

5 W127 serial 356

22 Lt AD Regt to 1 PARA[6]

> "90 Alpha. Yes. Over."

6 W127 serial 357

1 PARA to 22 Lt AD Regt[7]

> "65, roger. Would you mind informing Zero of this, as they don't appear to believe us on this point. Over."

7 W127 serial 358

22 Lt AD Regt to 1 PARA[8]

> "90 Alpha. Wait. Out."

8 W127 serial 359

20.29 Colonel Steele described serial 358 as "*a bit cheeky*", and said he felt it showed that 1 PARA was "*raring to go*".[1] In his evidence to this Inquiry, Captain INQ 2033, the Communications Officer of 1 PARA then positioned in the Gin Palace relaying the

battalion's communications, told us that he thought these signals arose from his initiative or that of a fellow signaller (and probably not Colonel Wilford). He believed that they were designed to put pressure on Brigade by supporting the earlier request made by Colonel Wilford to deploy an arrest force.[2] As this discussion took place on the Brigade net, Brigadier MacLellan, Colonel Steele and the rest of Brigade HQ in the Operations Room at Ebrington Barracks would have been able to hear the exchange.

1 Day 267/60
2 Day 352/154

20.30 At about the same time (1602 hours) 1 CG reported to Brigade that the "*People in the Creggan Road seem to be dispersing in a northerly direction suffering from the effects of CS gas, which was not thrown by us*".[1,2] Some two minutes later 22 Lt AD Regt reported, "*There is now a crowd of about 500 on Fox's Corner [Free Derry Corner] being addressed from a loudspeaker van. These appear to be normal civil rights people. There's still a crowd of about 150 hooligans at junction Rossville Street/William Street.*"[3,4]

1 W128 serial 361
2 W47 serial 154
3 W128 serial 365
4 W47 serials 155 and 156

20.31 We return below to consider these communications further.

The arrest order

20.32 The Brigade log contains the following entry, timed at 1609 hours and attributed to "*BM*" (ie the Brigade Major, Colonel Steele):[1]

> "Orders given to 1 PARA at 1607 hrs for 1 sub unit of 1 PARA to do scoop up OP through barrier 14. Not to conduct running battle down Rossville St."

1 W47 serial 159

20.33 We consider in turn the two parts of this order.

20.34 The 1 PARA log seemingly records this order as part of an entry timed at 1610 hours, the timing and precise terms of which are discussed below:[1]

> "Move 3 now through K14. Also C/S 1 No running battles"

1 W90 serial 31

20.35 The Porter tapes do not record the order.[1] The legal representatives of some of the families have relied upon the absence of such a record as evidence that no order was in fact given.[2] The evidence of Brigadier MacLellan, Colonel Steele and Colonel Wilford to both this Inquiry and that of Lord Widgery was that this suggestion is erroneous, as 1 PARA did not deploy until it had received orders from Brigade.[3]

1 W128-129
2 FS1.885-904
3 WT11.27; B1279.037; Day 262/76; WT16.70; B1315.009-010; WT11.40; B1110.32; Day 313/29-30

20.36 These families also relied on the 1972 evidence of Chief Superintendent Lagan who was at Brigade Headquarters during that afternoon, from about 1315 hours until about 1700 hours.[1] In his written statement for the Widgery Inquiry he stated that shortly before 1400 hours he went to the Brigadier's office, where there was a radio link from the Operations Room so that he and the Brigadier could overhear all radio messages.[2] Chief Superintendent Lagan heard reports of the confrontations at various barriers, and that the main body of marchers had made their way to Free Derry Corner.[3] He then stated that the Brigadier:[4]

> "... who had presumably gone to his Operations Room, came into the office and said 'The Paratroops want to go in'. I said 'For heaven's sake hold them until we are absolutely certain the marchers and the rioters are well separated'. He left me again. After an interval he returned and said 'I'm sorry, the paras have gone in'. I did not hear the order to the paras to move, over the radio."

1 JL1.1
2 JL1.2
3 JL1.2
4 JL1.2-3

20.37 In his oral evidence to the Widgery Inquiry Chief Superintendent Lagan repeated this exchange between himself and Brigadier MacLellan.[1] He said that when he had urged the Brigadier to be sure that the marchers and the rioters were well separated before the Paras were sent in, he had got the impression that the Brigadier was in agreement with him that the moment to mount an arrest operation had not arrived.[2] He also said that he was sure that the Brigadier had said "*sorry*" when he came back to say that the Paras had gone in[3] and that he (Chief Superintendent Lagan) had "*interpreted the meaning from the tone he [the Brigadier] used that he was not personally responsible for them going in*".[4] As a result, Chief Superintendent Lagan read the situation as one where the Paras going in was not the result of an order given by the Brigadier.[5] When questioned by counsel acting for the Army, he agreed with the suggestion that the Brigadier had never indicated to him that the order for the paratroopers to go in was anything but his order.[6]

However, in answer to Lord Widgery, Chief Superintendent Lagan said, "*When the Brigadier said to me 'Sorry, the Paras have gone in' my immediate reaction to it was that they had gone in on somebody else's instructions and not on his.*"[7]

1 WT17.20-21
2 WT17.26
3 WT17.21
4 WT17.22
5 WT17.27
6 WT17.37
7 WT17.37

20.38 The upshot of Chief Superintendent Lagan's 1972 evidence is that while Brigadier MacLellan did not say in specific terms that he had given no order to the Paras to go in, Chief Superintendent Lagan gained the impression that this was the case.

20.39 Brigadier MacLellan had given evidence to the Widgery Inquiry before Chief Superintendent Lagan, and had not been asked about these exchanges. The day after Chief Superintendent Lagan had given this evidence, Brigadier MacLellan wrote to General Ford to deny, among other things, that he had shared Chief Superintendent Lagan's view that the arrest operation had been launched without his authority and that he had expressed his sorrow that the operation had been launched. He wrote:[1]

> "I may well have told him at 1555 hrs (Brigade Log Signal 147) that 'The Paras want to go in' or he may have heard it on the Ulsternet in my office. I certainly went into the Operations Room at this stage and gave orders that 1 PARA were not to go in, as I considered that although the separation of the rioters from the non-violent marchers had started to take place, it was not yet wide enough. I then remained in the Operations Room while Lagan continued to sit in my office. Twelve minutes later at 1607 hrs when I was satisfied that there was absolute separation between those attending the meeting at Foxes Corner [Free Derry Corner] and the rioters in William St, I gave the order for the arrest operation to take place. I then returned to my office and told Lagan that the arrest operation had started. I cannot remember the exact words which were used but as far as I can recall Lagan then said 'Well I hope they are separated enough'. I replied 'I am assured that they are, but anyway it is too late to stop them now'. I suppose I may have said '… anyway I'm sorry but it is too late to stop them now', but I do not remember using the word 'sorry', and if I did it was in this context and certainly not because I regretted having just given the orders for the arrest operation to start.
>
> I regard Lagan's evidence on this point as a deliberate distortion of the truth."

1 G128.849-50

20.40 In his written evidence to this Inquiry Chief Superintendent Lagan (who was unfortunately too unwell to give oral evidence) stated: "*When Brigadier MacLellan said 'Sorry', I thought he was saying sorry to me (as distinct from being personally aggrieved that 1 Para had gone in).*"[1]

1 JL1.18

20.41 In his oral evidence to this Inquiry, Brigadier MacLellan confirmed that he may have said sorry, not meaning that it should not have happened, but that he was sorry because Chief Superintendent Lagan had wanted it otherwise.[1]

1 Day 262/74-75

20.42 We are satisfied that at 1607 hours Colonel Steele passed on an order given by Brigadier MacLellan to 1 PARA over the BID 150 secure link and shortly afterwards went into the Operations Room to get the order recorded in the Brigade log.[1] The BID 150 was a secure link that could not be intercepted by James Porter's radio system, and was operated from Colonel Steele's office. This explains why the order does not appear on the Porter tapes, and why the Brigade log records that it was given by the Brigade Major.[2]

1 WT16.69; B1315.010; WT11.27; B1279.037; Day 262/76; WT16.70; B1315.009-010; WT11.40; B1110.32; Day 313/29-30

2 WT11.23-24; WT16.69

20.43 There are several reasons why we are certain that an order was given, in addition to the evidence to this effect from Brigadier MacLellan, Colonel Steele and Colonel Wilford. There is no suggestion in later transmissions that 1 PARA had mounted a scoop-up operation without any order from the Brigade Commander, something that would have been contrary to the Brigade order for Operation Forecast.[1] Further, those transmissions (which we describe below) are to our minds explicable only on the basis that an order had been given. As to Chief Superintendent Lagan, we consider that the impression he seems to have formed is likely to have arisen from the fact that he did not hear the order, as it was given on the BID 150 secure link. Chief Superintendent Lagan was in the Brigadier's office when Colonel Steele sent out the relevant message from his own office across the hallway. As the BID 150 was used, the serial was not relayed over the loudspeakers set up in Brigadier MacLellan's office. So far as Chief Superintendent Lagan was concerned therefore, he had urged waiting until there was separation between marchers and rioters, thought that Brigadier MacLellan agreed with him, heard no order to mount an arrest operation, but then was told by the Brigadier that he was sorry but the Paras had gone in. It is understandable in those circumstances that he should have misinterpreted the Brigadier's apology, as in our view he did. His written evidence to this Inquiry, that he

thought Brigadier MacLellan was apologising to him as distinct from being personally aggrieved, is hardly consistent with 1 PARA going in without orders, something which in our view would undoubtedly have aggrieved the Brigadier.

1 G95.570

20.44 For these reasons, although we find that Chief Superintendent Lagan was mistaken as to whether or not an order was given, we consider that Brigadier MacLellan was wrong to accuse him of a deliberate distortion of the truth, as the Brigadier did in his letter to General Ford.[1]

1 G128.850

20.45 Colonel Steele's order was received by the 1 PARA watchkeeper manning the BID 150 secure link in the Gin Palace, the Battalion's Tactical HQ, and it was then relayed to Colonel Wilford over the battalion net. This is reflected in the 1 PARA log entry timed at 1610 hours: "*Move 3 now through K14. Also C/S 1 No running battles*"[1] There is no doubt that "*K14*" is a reference to Barrier 14,[2] and the phrase "*No running battles*" clearly reflects the fuller but similar limitation appearing in the order as recorded in the Brigade log.[3] The fact that the entry was listed at 1610 hours is not, in our minds, significant, as most of the timings in the 1 PARA log are given at five-minute intervals and hence are only approximate. The reference to "*C/S 1*" is discussed below.

1 W90 serial 31
2 WT11.48
3 W47 serial 159

20.46 The suggestion that no order was given necessarily involved an allegation that false entries were made after the event in the Brigade log, and that Brigadier MacLellan and Colonel Steele knew of this.[1] It would also mean that a false entry was made in the 1 PARA log. In addition it entails that those in the Gin Palace (Captain INQ 2033 and Captain INQ 1853) as well as Colonel Wilford were involved in the plot to pretend that an order had been given on the secure net. Yet the supposedly fabricated entries were themselves in terms that Brigadier MacLellan, Colonel Steele and Colonel Wilford afterwards suggested did not fully or accurately record the order that they said was given, a matter that we consider in detail below. The suggestion must therefore be that the plot was both widespread and highly incompetent. We are satisfied from the evidence and the submissions that we have considered that there is no substance in this allegation, that no false entries were made in the logs and that there was no plot to pretend that an order had been given.

1 FS1.904

20.47 Although we are sure that Brigade did give an order to 1 PARA, three further questions remain and were hotly debated during the course of both the Widgery Inquiry and this Inquiry.

20.48 The first of these questions relates to what the order was, ie whether the order limited 1 PARA to using one sub-unit (a company) for a "scoop-up" operation through Barrier 14, or whether the order was, or could reasonably be read as being, wider in scope, allowing Colonel Wilford if he wished also to deploy another company or companies as part of the scoop-up operation.

20.49 The second question, which is, of course, closely related to the first, concerned the intended meaning of the instruction contained in the order "*Not to conduct running battle down Rossville St.*".[1]

1 W47 serial 159

20.50 The third question is whether an order to mount an arrest operation at all was appropriate, given the state and position of the crowd and the rioters at the time.

The nature of the first part of the order to 1 PARA

Was the first part of the order responsive to 1 PARA's request at 1555 hours?

20.51 In assessing the nature of the order the first issue to be considered is whether or not it was responsive to the request made by 1 PARA to Brigade at 1555 hours. It is convenient to set out side by side the request and the order:

Serial 343[1] timed at 1555 hours from 1 PARA to Brigade:

> "65, from my Sunray. He would like to deploy one his sub units through barrier 14 around the back into the area William Street/Little James Street. He reckons if he does this he will be able to pick up quite a number of yobbos."

1 W127

Serial 159[1] timed at 1609 from Brigade Major to 1 PARA:

> "Orders given to 1 PARA at 1607 hrs for 1 sub unit of 1 PARA to do scoop up OP through barrier 14. Not to conduct running battle down Rossville St."

1 W47

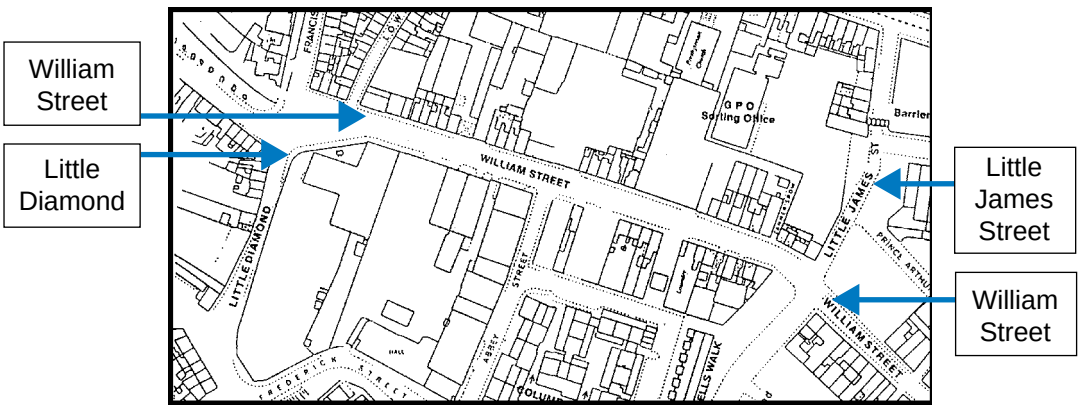
20.52 Colonel Steele told us, and we accept, that the reason why the request was declined initially was because Brigadier MacLellan was not satisfied that there was at that stage sufficient separation between the crowd and the rioters.[1] As will be seen below, the order was in our view given when Brigadier MacLellan was satisfied that there was sufficient separation.

1 Day 267/18-19

20.53 It is important at this stage to set out again the directions contained in the Brigade order regarding the role of 1 PARA and its use as an arrest force:[1]

> "1 PARA
>
> (1) Maintain a Brigade Arrest Force, to conduct a 'scoop-up' operation of as many hooligans and rioters as possible.
>
> (a) This operation will only be launched, either in whole or in part, on the orders of the Bde [Brigade] Comd [Commander].
>
> (b) The Force will be deployed initially to Foyle College Car Park … where it will be held at immediate notice throughout the event.
>
> (c) The Scoop-Up operation is likely to be launched on two axis, one directed towards hooligan activity in the area of William St/Little Diamond, and one towards the area of William St/Little James St.
>
> (d) It is expected that the arrest operation will be conducted on foot."

1 G95.570



20.54 The Brigade order therefore made clear that the "scoop-up" operation was only to be mounted "*in whole or in part*" on the orders of the Brigade Commander. Thus Colonel Wilford had to obtain or be given Brigadier MacLellan's permission to launch an arrest

operation, be it one that was in line with the expectation set out in the Brigade order, one that was a partial implementation of such an operation, or indeed one that was significantly different due to the events of the day developing in a way that had not been considered likely when the order was compiled.[1]

1 Day 264/13-16; Day 266/66; Day 314/50

20.55 Brigadier MacLellan was at pains to explain, and we accept, that he did not know the exact details of how Colonel Wilford envisaged he would conduct any arrest operation. This, he argued, was inevitable as the execution of the plan and the tactics employed depended on how the situation on the ground evolved.[1]

1 WT11.35

20.56 Colonel Steele and Colonel Wilford made the same point in their evidence. The latter could and did deploy his forces initially in line with the outline set out in the Brigade order, but had to be in a position to react to what was actually happening.[1]

1 B1315.005; Day 267/94-96; Day 267/101; Day 312/64

20.57 We accept that it was necessary for the commander on the ground to retain flexibility in his planning for the arrest operation, in order to ensure that his eventual deployment was appropriate to the circumstances as they developed. This is reflected in the Brigade order, which stated that it was only "*likely*" that the scoop-up would take place along the two named axes.[1] But this does not mean that Colonel Wilford, as commander on the ground, was free to implement any plan that he had decided was appropriate. The Brigade order retained for the Brigadier not only the decision as to whether to launch the arrest operation at all, but also the choice of whether to do so "*in whole or in part*".[2] In order to decide what to do, taking into consideration issues such as separation, it was vital that the Brigadier knew what was involved in any proposed plan, and if the situation on the ground changed, any consequent alterations to that plan. Thus, as the events of the day progressed, it became increasingly important for Colonel Wilford to communicate his evolving concept of the arrest operation to Brigadier MacLellan.

1 G95.570

2 G95.570

20.58 In these circumstances, on the basis of the request and the order as recorded on the Porter tapes and in the Brigade log, it is in our view beyond doubt that the latter was responsive to the former. The order that was given was not to mount the whole of the operation contemplated as likely in the Brigade order, which was "*on two axis, one directed towards hooligan activity in the area of William St/Little Diamond, and one towards the area of William St/Little James St.*",[1] but only one directed at the second of

these axes. According to the recorded wording of the request on the Brigade log and Porter tapes,[2,3] this was to be done by sending one sub-unit through Barrier 14; no other company and no other position from which to deploy were mentioned. According to the recorded wording of the order on the Brigade log,[4] one sub-unit was to conduct a scoop-up through Barrier 14; again no other company and no other position from which to deploy were mentioned.

1 G95.570
2 W46 serial 147
3 W127 serial 343
4 W47 serial 159

20.59 In the event, and as is described more fully below, the operation launched by Colonel Wilford shortly after receipt of this order involved the deployment of two companies. One sub-unit, C Company, did move through Barrier 14. In addition, however, Support Company, a second sub-unit, went in vehicles through Barrier 12. This company moved across William Street and down Rossville Street, with one vehicle going as far as the car park of the Rossville Flats, some 230 yards from Barrier 12.

20.60 It is also probable that shortly after Colonel Wilford had ordered C Company and Support Company forward, A Company deployed through Barrier 11 in Lower Road into William Street. The Commander of A Company, Major INQ 10, recorded in his 1972 Diary of Operations that he received orders to this effect at 1612 hours, two minutes after he heard firing from "*apparently*" the area of the Rossville Flats.[1] Colonel Wilford stated to the Widgery Inquiry that he had simply told A Company to stand by at the barrier at that time,[2] and that he did not order them forward until significantly later.[3] He told this Inquiry that he was sure that his 1972 evidence was accurate on this point.[4]

1 B1341
2 B949
3 B951-952; B986; B1017
4 Day 313/45-49

20.61 In our view it is likely that A Company did deploy forward as recorded in Major INQ 10's Diary of Operations. We consider that although this order may well have been given after the orders to C Company and Support Company, there was not the lapse of time suggested by Colonel Wilford. Major INQ 10 stated in his Diary of Operations that his company deployed in this way "*to assist Sp Coy [Support Company] in their task of arresting rioters at the William St/Rossville St junction*".[1] Their movement "*caused the rioters to my front to run in the direction of Sp Coy, where some of them were arrested*".[2] Major INQ 10 stated that no arrests were made by A Company.[3] In fact, as appears

elsewhere in this report,[4] soldiers of A Company did make some arrests in William Street, though in the main this company was used as a means of blocking off a possible escape route.

1 B1341
2 B1341
3 B1341
4 Chapter 158

The use of Support Company

20.62 Before the Widgery Inquiry and before this Inquiry, the senior Army officers directly involved gave evidence that Brigadier MacLellan's order either did not preclude Colonel Wilford from deploying Support Company through Barrier 12 as well as C Company through Barrier 14, or that the order explicitly authorised such an operation but was erroneously recorded in log records.

20.63 It is convenient to consider their evidence, and the submissions made on their behalf, in three stages: first, by looking at Colonel Wilford's request to deploy at 1555 hours; second, by turning to the order itself; and third, by considering some of the messages sent between 1 PARA and Brigade after the operation had been launched. It should, however, be remembered that these are divisions made to assist analysis and comprehension, and they do not necessarily reflect the structure of the evidence given by relevant witnesses, some of whom have said that, throughout the planning and execution of the operation, both 1 PARA and Brigade were aware that more than one unit would be involved in scooping up rioters.

The terms of Colonel Wilford's request to deploy at 1555 hours

20.64 Colonel Wilford was not asked specifically about his request to mount an arrest operation when he gave evidence to the Widgery Inquiry, but he did reply affirmatively to the question, "*Did you request permission from Brigade Headquarters to put Support Company and Admin. Company [Guinness Force] and 'C' Company through the two barriers?*"[1]

1 WT11.78

20.65 In his written evidence to this Inquiry, Colonel Wilford stated that he made his request as he felt that the proximity of the rioters to his men at that time meant that he had the opportunity to carry out a successful arrest operation. He wrote that he could not now recall the terms in which he sought permission to deploy, but added "*what was in my mind at the time was the use of two companies. I never intended to use only one*

company for the operation, and to the extent the log gives that impression it is misleading and incorrect."[1] In fact, as already observed, the Brigade log does contain an accurate summary of the request, as is demonstrated by the Porter tapes.[2,3]

1 B1110.032
2 W46 serial 147
3 W127 serial 343

20.66 During his oral evidence to this Inquiry, Colonel Wilford repeated that he could not recall the terms of his request, but he was "*clearly… thinking*" that he would use two companies in a pincer movement, one through Barrier 14 and the other through Barrier 12.[1] When asked why the message referred only to Barrier 14, he replied that the words recorded on the Porter tapes and transcript were not his, but those of the signallers in the Gin Palace. Although he felt that they would have tried to relay his request accurately, they might have placed their own interpretation on it, perhaps particularising Barrier 14 as they knew that this was where the most significant rioting was taking place.[2] He stated that:[3]

> "... this is my main headquarters passing a message, which is an interpretation obviously of something which I have said and it unfortunately appears here to be particularising barrier 14, and there is no mention in fact of barrier 12, which in fact was going to be the source of my pincer movement, or the second half of my pincer movement and perhaps it, therefore, gives perhaps a false picture to any outsider looking at it, but to me the situation is quite clear and I think it was quite clear to my company commanders."

1 Day 313/18
2 Day 31/16; Day 313/24
3 Day 313/22

20.67 He suggested at another point in his evidence that the reference to Barrier 14 alone in his request was "*I think, an error and an omission or a misinterpretation by the people who were passing on my information*".[1]

1 Day 313/41

20.68 Colonel Wilford also stated that Brigade knew perfectly well that his plan was for a two-company "*pincer*" operation.[1] Indeed, at one stage in his evidence he said that Brigade was aware that he was going to put one company through Barrier 14 and another through Barrier 12, and that the reference in his request to Barrier 14 was not intended (and should not be read) to exclude a simultaneous movement through Barrier 12.[2] He thought

that Barrier 14 had been "*particularised*" because that was the position of the largest number of rioters,[3] and warned against taking what he described as a "*mechanical*" view of the proposed operation and the geographical area in which it would take place.[4]

1 Day 313/37-38
2 Day 315/62
3 Day 313/24; Day 313/37
4 Day 313/22

20.69 We have considered the possibility that a mistake was made by a signaller when conveying Colonel Wilford's request to deploy, and that this resulted in his reference to Barrier 12 being omitted from the message. This could have been done either by Colonel Wilford's own signaller, who sent the message from the Colonel to the Gin Palace for onward transmission, or by the signaller in the Gin Palace when communicating with Brigade. The former seems unlikely, and was not suggested by Colonel Wilford, who was probably close by the signaller in question as the latter passed his request to the Gin Palace. Although we had evidence from the signallers who attended (or might have attended) Colonel Wilford[1] (who were Corporal INQ 1027,[2] Corporal INQ 691,[3] Corporal INQ 1171[4] and Lance Corporal INQ 1152[5]) they were of no assistance on whether a mistake was or might have been made at this stage.

1 C2006.26
2 C1027.1
3 C691.1; Day 358/185
4 C1171.1
5 C1152.1; Day 334/94

20.70 To our minds it is also unlikely that the Gin Palace signallers made an error when passing on the request. It is probable that the message was transmitted by Captain INQ 2033, who was the 1 PARA Signals Officer on the day and who was in the Gin Palace[1] but it was not suggested to him, nor to any of the other signallers there, that they had made a mistake. If Colonel Wilford had indeed asked for authorisation for a two-company operation, it is difficult to see how Captain INQ 2033 or any other signaller so misunderstood or misinterpreted his intention that they ended up relaying such a distorted version of his intended request. Further, and as will have been observed from the oral evidence given by Colonel Wilford to this Inquiry, he did not altogether rule out the possibility that the message may have accurately reflected the terms he had used when asking permission to launch the arrest operation, even though, by his account, he and Brigade both knew that he wished to use more than one sub-unit.

1 Day 352/153; C2006.23

20.71 There is another consideration to bear in mind. As is discussed elsewhere in this report,[1] it was not until about 1600 hours that Support Company was given a Warning Order to deploy through Barrier 12. It would, on the face of it, be somewhat strange if Colonel

Wilford had asked Brigade for permission to deploy through Barrier 12, without having previously given a Warning Order to Support Company to that effect. In contrast, Colonel Wilford had given a Warning Order to C Company to deploy through Barrier 14 at 1530 hours.[2]

1 Paragraph 12.68
2 B2166

20.72 In these circumstances it is our view that the request to deploy sent by the Gin Palace to Brigade at 1555 hours[1] was in the terms given by Colonel Wilford.

1 W127 serial 343

20.73 Colonel Wilford's legal representatives argued that there were dangers in reading the transcript of the transmission at "*face value*".[1] It was, they submitted, hard to see how using Barrier 14 alone would result in soldiers moving "*around the back*" into the area of William Street/Little James Street.[2] Citing the evidence of Colonel Steele to this Inquiry,[3] they suggested that if the message was interpreted as requesting the movement of only one sub-unit then it did not make sense to military witnesses and did not reflect the situation on the ground at the time when the request was made.[4] The proposition was advanced that the request referred to Barrier 14 as C Company would have required this barrier to have been lifted in order to deploy, but it was submitted that the message did not exclude the movement of other sub-units, and it was also envisaged that members of Support Company would move forward through the Presbyterian church and/or Abbey Taxis as part of the same operation. This would not require Barrier 12 to be opened, which might explain why that barrier was not mentioned. Support Company deploying in this way would "*satisfy both the military view that more than one company was required if the operation was to be of any effect and the apparent intention of going 'around the back'*".[5]

1 FS7.856
2 FS7.856
3 Day 267/51-53
4 FS7.856-858
5 FS7.858

20.74 We do not accept these submissions. In general terms we cannot see how a message that referred only to the use of one company through Barrier 14 on a scoop-up operation could be read or understood as a request to send in other companies as well from other locations.

20.75 As to the first of the specific points, soldiers coming through Barrier 14 to scoop up rioters in the Little James Street/William Street area could be described, as we have said above, as going "*around the back*" if they went through Macari's Lane or across Eden Place to get to the south of this area.

20.76 As to the second point, we are not convinced that the use of one company to seek to effect arrests in the limited area of Little James Street/William Street would necessarily have been military nonsense, as such an operation might not have been wholly ineffective. Furthermore, so far as the Brigade officers were concerned, they were reliant on Colonel Wilford's assessment, as the officer on the ground, of what he considered would be an effective operation, and were not themselves in a position to judge the likely efficacy of that which was requested. In any event, the fact remains that this was the request that was made; and in our view it cannot reasonably be understood as a request to use more than one company.

20.77 As to the third point, that the request referred only to Barrier 14 because at the time that was the only barrier that had to be lifted, this not only ignores the fact that the request was not about lifting barriers, but about deploying soldiers to effect arrests, but also would lead logically to the untenable proposition that Colonel Wilford had to seek permission from Brigade only if he wished to launch an arrest operation through one or more of the Army barriers, but not otherwise.

20.78 In our view Colonel Wilford must be wrong in suggesting that Brigade knew perfectly well at the time that his plan was to put one scoop-up company through Barrier 14 and another through Barrier 12. There is nothing to indicate that he informed Brigade at any stage that his original scheme of putting Support Company through the Presbyterian church route had been abandoned in favour of the use of Barrier 12. Colonel Wilford had asked 22 Lt AD Regt to be prepared to move Barriers 12 and 14 "*should we require to push through them*" at about 1538 hours,[1] and as this message was sent on the Brigade net, it would have been heard by those at Ebrington. However, to our minds this communication does no more than indicate that at that time 1 PARA considered both the barriers as possible points of deployment for any future movement forward. Approximately 17 minutes later, when Colonel Wilford made a direct request to Brigadier MacLellan to launch the arrest operation, he did so by referring only to sending soldiers through Barrier 14 and made no reference to deploying soldiers through other locations.

1 W123 serial 286

20.79 More generally, we are not persuaded that Brigade was aware that Colonel Wilford's proposed operation would inevitably use more than one sub-unit, regardless of the position or positions from where the initial deployment occurred. As is discussed above, it was essential that Brigadier MacLellan knew the latest variation on 1 PARA's plan in order to be informed in his decisions as to whether to launch the operation at all, and whether to do so in whole or in part. At 1555 hours he was specifically asked to allow one

sub-unit to pass through Barrier 14, and in our view there is no good reason to suppose that he took this request other than at face value. Colonel Wilford's evidence about the expectation that he said that Brigade had as to the number of companies to be used in the operation does not, and cannot, explain why his request referred only to one.

The terms of Brigadier MacLellan's order

20.80 Colonel Wilford stated to the Widgery Inquiry that he did not deploy his men until after he had been ordered to launch the arrest operation by Brigadier MacLellan.[1] During his oral evidence he was asked by Mr McSparran QC, counsel for the families, about the terms of Brigadier MacLellan's order to launch the arrest operation. Mr McSparran pointed out that the Brigade log only referred to one company going through Barrier 14, adding that "*There is nothing, as I understand the Brigade log …, relating to any orders relating to any other sub-unit to go through on other operators [sic]*". In reply, Colonel Wilford said: "*No, but Brigade were perfectly aware that I had two Companies to go through and that I intended to put them through.*"[2]

1 B 950; WT11.40-41

2 WT11.68

20.81 Colonel Wilford was also asked about the entry in the 1 PARA log, "*Move 3 now through K14. Also C/S 1 No running battles*".[1] He said that this was a message that had come from Brigade "*to say that I could move*" and when it was pointed out that there was only mention of C Company going through he replied, "*No, there is an aberration here, because support Company were told, and it would have been part of the same message. The log obviously missed it out.*"[2]

1 W90

2 WT11.48B

20.82 In his written evidence to this Inquiry, Colonel Wilford stated that he had no memory of the terms of the order that he received from Brigade despite having considered the relevant log entries. However, he wrote that he also had no recollection of being surprised by the terms that he was given, adding: "*If I had received an order to deploy only one company through Barrier 14, then this would definitely have registered with me. I would have been surprised to hear that I was being limited to using one company. I may well have gone back to Brigade and disagreed.*"[1]

1 B1110.032

20.83 In his oral evidence to the present Inquiry, Colonel Wilford again said that he had no independent recollection of the terms of the order, but continued to express his belief that it permitted him to deploy more than one company in the scoop-up operation.[1]

1 Day 313/29-39; Day 313/47

20.84 Colonel Wilford described the arrest Operation Order as "*long delayed*"[1] and commented that "*perhaps this signal here [ie his request to deploy] suggests that at that particular time I thought that that was the best area, or was the likely area where in fact I would make the majority of arrests. But this was a changing situation. It was changing every second, and that is why in fact the situation did change, and the arrest operation became what it was*".[2] A little later he agreed that the situation from the time of his request had changed significantly and why his troops had concentrated on an area substantially to the south of the Little James Street/William Street area was because "*that is where the rioters were followed*".[3] He told us that originally he had planned for his soldiers to go through Barrier 12 on foot, had waited for the order to go, and with changing circumstances had decided he would have to send them through in vehicles to obtain any success.[4]

1 Day 314/23
2 Day 314/28
3 Day 314/34
4 Day 314/56-59

20.85 We have no reason to doubt that it was only after his request to Brigade that Colonel Wilford decided to send Support Company through Barrier 12 in vehicles. However, he did not communicate to Brigade the fact that the situation had changed from the time of his request, nor did he seek to vary his request to Brigade in order to adapt to the change.

20.86 Brigadier MacLellan, in his written statement for the Widgery Inquiry, recorded that at 1555 hours Colonel Wilford had:[1]

> "... requested permission to deploy a sub-unit through the barricade in William Street to arrest hooligans in the waste ground in the area William Street/Little James Street. At this time I was anxious to confirm that there was absolute separation of the hooligans from the main bulk of the marchers, as this was, as already described, a pre-requisite of the arrest plan. I therefore did not give permission at this stage for the arrest operation to be launched."

1 B1234

20.87 Brigadier MacLellan went on to state that at 1604 hours he was told that the separation of the hooligans from the marchers was complete – 150 of the former were in William Street, while the Northern Ireland Civil Rights Association was 300m away at Free Derry Corner.[1]

1 B1234-1235

20.88 He continued:[1]

> "I therefore gave orders at 1607 that the 1 PARA arrest operation should be launched. My Brigade Major conveyed those orders in my presence to 1 PARA on the secure radio – the orders were that;
>
> a. The operation was to be launched forthwith to arrest as many rioters as possible in the area of the junction William Street/Rossville Street.
>
> b. 1 PARA were not to conduct a running battle down Rossville Street and not to get involved with the Northern Ireland Civil Rights Association marchers."

1 B1235

20.89 In the next paragraph of his written statement for the Widgery Inquiry, Brigadier MacLellan recorded:[1]

> "The purpose of my order was to ensure that the arresting force only 'scooped up' those actively engaged in riotous behaviour in the William Street/Rossville Street area, and NOT those other persons engaged in a non-violent meeting which had already started at Foxes Corner [Free Derry Corner]. To achieve this 'scoop up' it was necessary for the troops to get beyond the rioters and place themselves between the rioters and those already at the meeting place at Foxes Corner. The company therefore that moved rapidly in their vehicles to the area North of the Rossville Flats, acted in accordance with my instructions, in that such action would effectively place the troops between the rioters and the marchers."

1 B1235

20.90 In his oral evidence to the Widgery Inquiry, Brigadier MacLellan was referred to the fact that his order recorded in the Brigade log was for one sub-unit of 1 PARA to go through Barrier 14. In response the Brigadier stated:[1]

> "Yes. That in fact was not the order. What I said was 'You are to arrest rioters on the William Street-Rossville Street junction. You are not to conduct a running battle down Rossville Street and not to get involved with the NICRA marchers'. One sub-unit wanted to go through barrier 14, but it was an arrest operation mounted by Colonel Wilford's battalion."

1 WT11.35

20.91 There was then the following exchange:[1]

> "Q. Did you know that in fact two sub-units were going to be used?
>
> A. I knew three were going to be used.
>
> Q. And you knew they would be going not only through barrier 14 but also through the Great James Street barrier as well?
>
> A. Yes.
>
> Q. Had Colonel Wilford discussed his plan with you or not?
>
> A. Not in detail, because we did not know (a) whether there would be any hooligans on the day for sure, or rioters; or (b) where they would be. We could merely make an outline plan."

1 WT11.35

20.92 During the course of his oral evidence to the present Inquiry, Brigadier MacLellan was taken in great detail through the sequence of events as they appeared in the logs and on the Porter tapes, and from photographs and other material showing what had happened. He first said that his recollection was that he had authorised the arrest operation to start, that the plan for how it was conducted was that of the Commanding Officer of 1 PARA, that he did not know the detailed plan and that in effect he told 1 PARA to carry out their plan without knowing what it was.[1] However, the Chairman then pointed out to Brigadier MacLellan that if, as he had maintained throughout, he wanted the rioters and marchers to be separated before any arrest operation was launched, he could not have simply given an order to 1 PARA to carry out whatever arrest operation they had in mind unless he knew what it was, and the only plan that he knew about was the one he had been requested to order at 1555 hours.[2] He agreed that it was very difficult to rebut the

inference that what happened was that 1 PARA asked for an order that they could send one company through Barrier 14, and about 15 minutes after they had asked for that order to be given, it was given.[3] He also agreed that if this was so, the order reduced the risk of interfering with anybody further down Rossville Street and thus fitted in with his desire for separation.[4]

1 Day 262/76-77
2 Day 262/78-79
3 Day 262/79-80
4 Day 262/80-81

20.93 Brigadier MacLellan returned to the point that Colonel Wilford had been ordered to arrest as many rioters as possible, and that as the man on the ground he was in a position to judge how best to do this.[1] However, later on the same day Counsel to the Inquiry, referring to the earlier observation of the Chairman, suggested to Brigadier MacLellan that this:[2]

> "... all tends to confirm, does it not, that this order that you gave was in fact the one set out in the log; because, if that was the order, you would know what they were going to do; and you would also know that, if your orders were carried out, it was likely that the operation would take place in circumstances where there were unlikely to be any non-hooligans?"

1 Day 262/89
2 Day 262/89-90

20.94 The answer Brigadier MacLellan gave was "*Correct*".

20.95 A little later in his evidence he was asked this question:[1]

> "So there were two limits on what Colonel Wilford could do: one is that he must fulfil, so far as he could, the general aim of the operation, which was to arrest as many as possible; but, secondly, he was bound to act – and act only – in accordance with whatever your orders were, and if they were that C Company was to go through William Street and pick up rioters and arrest them around the junction, that is something quite different from driving through barrier 12 down into Rossville Street and the wasteground to the side of it?"

1 Day 262/92-93

20.96 The answer Brigadier MacLellan gave to this question was "*Yes*".

20.97 Towards the end of his oral evidence to this Inquiry, Brigadier MacLellan agreed that the likelihood was that the order that was given by Colonel Steele to 1 PARA was as stated in the Brigade log.[1] It was suggested to him that if this was so, then the order was

disobeyed in two respects: firstly because more than one company went into the Bogside; and secondly because 1 PARA did conduct a running battle down Rossville Street.[2] Brigadier MacLellan at first agreed with both suggestions.[3] However, he went on to qualify his answer by saying that although he accepted that 1 PARA exceeded his order by advancing to the Rossville Flats (if they had not been fired upon at that time), he did not think that the deployment of Support Company through Barrier 12 was surprising or necessarily a breach of his orders. If, for example, they had advanced to the front of a barrier in order to form a wall against which the unit coming up from William Street would press the rioters, then this would have been acceptable.[4]

1 Day 265/51
2 Day 265/51-53
3 Day 265/53
4 Day 265/53-58; Day265/67

20.98 Brigadier MacLellan was asked to explain how he had come to give what appeared to be different evidence to the Widgery Inquiry.

20.99 The Brigadier replied that at the time he did not realise that his order had been broken; indeed, it was not until his questioning by Counsel to this Inquiry that he came to realise that it had been.[1] He told us that after the event, he had assumed that the reason one company had got "*sucked down*" to the Rossville Flats was because they had been shot at.[2] He also stated that if, as he now accepted was likely, the order to 1 PARA had been conveyed in the terms recorded in the Brigade log, then he would not have known at the time he gave it that 1 PARA would be deploying through Barrier 12.[3] This is inconsistent with his evidence to the Widgery Inquiry, which was that he "*knew*" that three companies would be used, going through Barrier 12 as well as Barrier 14.[4]

1 Day 265/49-50
2 Day 265/53-54
3 Day 265/67-68
4 WT11.35

20.100 At this point it is to be noted that an attempt was made at the present Inquiry to demonstrate from the logs that 1 PARA had not in fact broken the order.[1] Our attention was drawn to the fact that before the arrest operation was launched, Brigade was aware from radio messages that Colonel Wilford had it in mind that he might require to go through Barriers 12 and 14 and perhaps 16.[2] As we observed above, it does not follow from this that the order permitted him to do so. Reliance was also placed on later messages (which we describe below), which showed that more than one company of 1 PARA had moved, but which did not result in any protest from Brigade that the order had been disobeyed.[3,4] However, as will be seen, the first information given to Brigade did not reveal that Support Company had gone deep into the Bogside but had merely advanced a few yards to the area of William Street directly south of the Presbyterian

church. It was not until much later that Brigade gained a clear idea of what had been going on. Furthermore, as already noted, Brigadier MacLellan told this Inquiry that at the time he believed that the reason 1 PARA went as far as they did down Rossville Street was because they had been fired at.[5] This belief was, as will be seen hereafter, erroneous, but it would have meant that Brigadier MacLellan thought that the battalion was no longer engaged simply in a scoop-up operation, so the limitations imposed by the order no longer applied.

1 FS7.846-899; FR7.220-245
2 W123-124 serials 286 and 294
3 W129 serials 383-390
4 W130 serial 407
5 Day 265/53-54

20.101 In his written statement for the Widgery Inquiry (dated 7th March 1972), the Brigade Major, Colonel Steele, recorded that on Brigadier MacLellan's instructions he gave the order to 1 PARA to mount the arrest operation over the secure wireless link:[1]

> "I told them to launch the arrest force to arrest as many hooligans and rioters in the area of the junction William Street/Rossville Street. That they were to launch this operation, with one of their callsigns moving through Barrier 14. That the arrest force was not to conduct a running battle down Rossville Street. I did not say that they were to use only one C/S (ie one coy), but that they were to launch the entire arrest force (using Barrier 14 as one of the routes). Serial 159 in the Bde Log does not therefore quite accurate [sic] reflect the actual orders that I gave."

1 B1296

20.102 In his oral evidence to the Widgery Inquiry, Colonel Steele agreed that his order was to launch the arrest operation envisaged by the Brigade order, which consisted of three sub-units.[1] He stated that after he had given the order he went into the Operations Room to have it entered on the Brigade log.[2] On being shown the relevant entry[3] and asked to explain the reference to one sub-unit he said, "*This in the log here is a gist of the orders that I gave. I did say in the orders that I gave over the secure means that 1 sub unit was to use barrier 14; thus that is in the log here, but it is only a gist of what I actually said*." The next question was, "*So one went through barrier 14, the others through barrier 12?*", to which he replied, "*Yes, and another one down Lower Road*".[4]

1 WT16.65
2 WT16.70
3 W47 serial 159
4 WT16.65

20.103 Later in his oral evidence Colonel Steele was asked again about the order as recorded in the Brigade log, and specifically about why he had not said two sub-units instead of providing for one sub-unit. He replied:[1]

> "When I gave the orders, I gave the orders for the whole arrest operation to be used and I particularly said one sub-unit to go through barrier 14 and the reason I said that was because I know [sic] that they had wanted a sub-unit to go through barrier 14 before."

1 WT16.71

20.104 The next question was, "*When you say one sub-unit there, in fact, you say now you knew at the time that two sub-units were going to be involved?*". Colonel Steele replied, "*I knew that three were going to be involved*", adding that he knew that they were going through three different barriers.[1]

1 WT16.71

20.105 Colonel Steele was asked to explain how the order came to be recorded in the form that it was, since it seemed to apply to one sub-unit only. He said, "*That is definitely incorrect in the log, because the orders that I gave to 1 Para. were for the entire scoop-up operation.*"[1]

1 WT16.77

20.106 Lord Widgery later asked him why it was necessary to give Colonel Wilford specific instructions with regard to passing somebody through Barrier 14: "*Why could he not please himself about that?*" Colonel Steele replied, "*He could have done, sir, but in this particular instance I knew he was going to use Bravo 3 through barrier 14 because he had asked earlier to do it.*" He said that upon reflection it was unnecessary to make the point that Colonel Wilford could use Barrier 14, since it was open to Colonel Wilford to do so anyway.[1]

1 WT16.79-80

20.107 Colonel Steele told the Widgery Inquiry that he was quite sure that Support Company was intended to be in the operation as it was mounted and it did not go forward without authority from the Brigade Commander.[1]

1 WT16.80

20.108 In his written evidence to this Inquiry, Colonel Steele said that he did not remember the exact words he used to give the order, which he gave with the Brigadier standing beside him. However, he did remember the two important elements – that 1 PARA should mount the arrest operation straight away and that they were not to conduct a running battle down Rossville Street. He continued:[1]

> "I must then have walked through to the operations room and repeated the order to the watch-keepers for them to write down in the brigade log. As the order had been given over the secure net, the watch-keepers would not have heard it, but it was important that it was entered in the brigade log. When I repeated the order for the watchkeepers I must have expressed the order in terms which included one sub unit going through Barrier 14, because that was where the main body of hooligans was and I knew from the request at 15.55 hours that 1 PARA had a sub unit ready to deploy through that barrier. My order is recorded in this log but the entry has missed the order for 1 PARA to mount the whole arrest operation. I can only assume that the logkeeper's note was incomplete, or a mistake was made during the compilation stage of the final Brigade Log. I am absolutely clear that in the discussions between Brigadier MacLellan and myself and in the order I gave to 1 PARA no limitation was placed on the number of companies to be used in the arrest operation. When the arrest operation was ordered I knew it could involve up to three companies entering the Bogside at the same time."

1 B1315.009-010

20.109 Colonel Steele suggested in his written evidence to this Inquiry that some "*clarification*" of the point was to be found in the 1 PARA log in the message from the Gin Palace to Colonel Wilford,[1] "*Move 3 now through K14. Also C/S1 No running battles*":

> "This means that call sign 3 (C Company) was to be sent through barrier 14 and call sign 1 (A Company) was also to be sent in. The 1 PARA log does not mention Support Company, but it was always clear to me that they could be used in the arrest operation."

1 W90 serial 31

2 B1315.10

20.110 In his oral evidence to this Inquiry, Colonel Steele agreed that he had not named C Company or A Company in the order, because he did not then know which company was going through which barrier.[1] He accordingly accepted that the record in the 1 PARA log was not a faithful summary of the gist of his order.[2] The reason for this is that the 1 PARA log entry was not just a record of the order from Brigade, but was an

amalgamation of this message and subsequent orders given within 1 PARA, the existing draft of which was typed up after the event from contemporaneous notes.[3] Our interpretation of this entry is set out below, but it is relevant to note here that we do not accept that it clarifies or supports Colonel Steele's evidence as to the number of sub-units authorised for use in the order to 1 PARA.

1 Day 267/108-109
2 Day 267/109
3 Day 352/157-161

20.111 Colonel Steele insisted in his evidence to this Inquiry that the order that he gave allowed Colonel Wilford to use all three companies if he so wished.[1] In this part of his oral evidence he said that the order did specify that one of the sub-units was to go through Barrier 14, but left it to Colonel Wilford to decide whether and how to deploy either or both of his remaining companies. Colonel Steele himself thought at the time that two companies would probably be used.[2] In this regard, he accepted that the evidence that he gave to the Widgery Inquiry, that the order was for all three sub-units to deploy, was incorrect.[3] It also follows that his evidence to us is inconsistent with his assertion to the Widgery Inquiry that he "*knew*" that the three companies were going to go through three different barriers. Colonel Steele told the present Inquiry that he did not know at the time that Support Company had gone through Barrier 12, "*all I knew is that they had come down through the church*".[4] We consider in detail below the state of knowledge of the officers at Brigade after the operation had been launched.

1 Day 267/92-93
2 Day 267/107
3 WT16.71; Day 267/111
4 Day 268/177

20.112 Colonel Steele also agreed that it was "*not wholly accurate*" of him to have said to the Widgery Inquiry that the order was to launch the arrest operation which was envisaged by the Brigade order, as that order had envisaged not only arrests in the area of the waste ground at the junction of Rossville Street and William Street but also arrests in the area of Little Diamond, some hundreds of yards to the west of this junction.[1]

1 Day 267/89-90

20.113 Despite these admissions, Colonel Steele continued to insist that he was absolutely clear in his mind "*that I gave the order for the full arrest operation to take place, which meant three sub-units*".[1] He rejected the suggestion that the operation he had ordered was the one that Colonel Wilford had requested at 1555 hours.[2] His explanation for mentioning one sub-unit going through Barrier 14 was because he knew there were rioters in that location, and because Colonel Wilford had mentioned the sub-unit in his request and so Colonel Steele knew it was available to go through that barrier.[3] He agreed with the

suggestion that if he was right about this, then the log keeper had got the order badly wrong, as he had said to the Widgery Inquiry, even though it was very shortly after giving the order that he went into the Operations Room to ensure that it was recorded.[4]

1 Day 267/94
2 Day 267/95-98
3 Day 267/98-100
4 Day 267/100; Day 267/110-111

20.114 Colonel Steele wrote in his statement to this Inquiry that he could not remember the words he used to give the order.[1] However, during his oral evidence he told us that he "*was the one who added in the addition of, 'one of, the sub-units going through barrier 14'*"[2] and that "*what I actually said when I went into the operations room and passed the message to the watchkeeper for it to be put into the log, was that at 1607 hours the 1 Para arrest operation had been mounted, with one of their sub-units to go through barrier 14*".[3]

1 B1315.009
2 Day 267/97-98
3 Day 267/100-101; Day 267/110-111

20.115 Major INQ 1900 was at the time the Deputy Assistant Adjutant and Quartermaster General of 8th Infantry Brigade. He did not give evidence to the Widgery Inquiry, but he told this Inquiry that he was in the Operations Room and recalled the Brigade Major coming in and instructing Major INQ 1901 (a staff officer) to record in the log that the scoop-up order had been given. Major INQ 1901 then told the assistant watchkeeper to make the appropriate record.[1] Major INQ 1900 was asked about his memory of that event:[2]

> "Q. You say:
>
> 'I do not recall the specific words used when the order was reported to the watchkeeper, but the words were either those which are recorded in the Brigade log at serial 159 or words of a similar meaning. The entry in the Brigade log also sums up my understanding from the OPs order of how the arrest operation was to be carried out.'
>
> Can you tell us, General, please: what is your actual recollection as you sit here today of the gist of that order as you heard it communicated by the Brigade Major to INQ1901?

> A. I will turn to my statement and ... the gist was that 1 Para were to carry out the arrest operation; they had previously asked, and I had read this because I had been in the Ops Room reading the log, they had previously asked for a sub-unit, 1 Company, to be allowed to go through barrier 14 and that, I think – and I am really having to search my memory now – had been referred either to the Brigade Major, I even think it might have been referred to Northern Ireland, but I am not sure about that and the entry 159 said something like, 'The arrest operation would be carried out, 1 Company to go through barrier 14,' which I assume therefore was responding to the earlier request for it to happen and no infiltration into Rossville Street."

1 Day 241/32-35

2 Day 241/36-37

20.116 Major INQ 1900 was then asked if he had understood the order to be confining 1 PARA to sending in one company only.[1] He replied: "*No, because that was not what was within the operational order and certainly would not have been the way that such an operation would have been carried out.*" He then said that to read the Brigade log entries as a request only to send one sub-unit through Barrier 14 and an order to that effect, was in military terms "*nonsense*", and agreed that this was because "*to do an arrest operation or scoop-up operation you want to get round behind the hooligans and if you just go through one barrier, you are not going to get behind them*".[2] Asked why in that case there was a request only to deploy one sub-unit through Barrier 14, Major INQ 1900 said he could not help "*because of course I was not at the scene and I was not part of 1 Para, but I have given you my personal view and I can say no more than that and my personal view is then linked to what I believe actually happened, and I am pretty certain did happen, and that was more than one sub-unit, more than one company of 1 Para carried out the arrest operation, as was intended and envisaged in the operation order*".[3]

1 Day 241/37

2 Day 241/41-42

3 Day 241/43

20.117 There was then the following exchange with the Chairman:[1]

> "LORD SAVILLE: I do follow that. So far as this particular log is concerned, I repeat, it appears on its face –
>
> A. I agree.

LORD SAVILLE: – to be a request by 1 Para to send one company through barrier 14 to pick up yobbos in William Street and Little James Street and an order being given to that effect, together with a rider not to conduct a running battle down Rossville Street, which would incidentally make sense in relation to the request, because the request was to pick up yobbos in William Street/Little James Street, in other words you would turn away from Rossville Street in order to carry out that operation.

Of course, if the request at 1555 hours – 'Would like to employ sub-unit through barrier 14 to pick up yobbos in William Street/Little James Street' – you do in one sense have an encircling position, do you not, because you have a barrier in Little James Street?

A. Yes.

LORD SAVILLE: As I understand your evidence, it is that words, or similar words to those we see at serial 159 were said, but as a professional soldier you take the view that that cannot upon its face have been the sole order given, because it simply does not make sense in the context of an arrest operation; have I understood you correctly?

A. You have, sir, thank you."

1 Day 241/43-44

20.118 Major INQ 1900 reiterated that he was not present when Colonel Steele gave his order to 1 PARA; instead, he only heard the Brigade Major subsequently telling the watchkeeper to make a record of what he had said.[1] A little later in his evidence Major INQ 1900 indicated that he did not remember the Brigade Major saying anything to the effect that one sub-unit was to go through Barrier 14, though he did recall him saying "*and they are not to conduct a running battle down Rossville Street*". He was asked if it was "*nevertheless possible that [the Brigade Major] did make a specific reference to one sub-unit to go through barrier 14 and that you have forgotten it or is your evidence now really that he did not say that?*". His answer was, "*It is possible for him to have said anything*".[2]

1 Day 241/44-45

2 Day 241/44-45

20.119 We gained little assistance from the evidence of Major INQ 1900 on whether the order permitted Colonel Wilford to do what he did. Major INQ 1900 accepted that he was giving a personal view linked to what in fact happened. In our opinion he begged the question by assuming that what happened was in accordance with the order given by the Brigadier.

20.120 Major INQ 1901 (the staff officer responsible for the day-to-day running of the Brigade Operations Room) gave written and oral evidence to this Inquiry, but was unable to assist on the point under discussion.[1] He did not recall telling the watchkeeper to record the order in the log, though he agreed that it was perfectly possible that this had happened as it was normal practice.[2]

1 C1901.1; Day 261/83-127 2 Day 261/93

20.121 On the basis of the record of the orders and radio messages that we have considered above, we consider that not only was the order to carry out the scoop-up operation requested by Colonel Wilford, but also that that order was in the terms set out in the Brigade log. It seems highly unlikely that the watchkeeper would have made an error in recording what was, even without hindsight, the most important order of the day, especially when Colonel Steele went into the Operations Room shortly after giving the order on the secure net, to ensure that it was recorded in the log. We also consider that it is unlikely that those writing up the fair log afterwards would have got it so wrong. Colonel Steele did not suggest that it was he himself who had made a mistake in dictating the order to be recorded in the Brigade log.

Relevant radio communications after the launch of the arrest operation

20.122 The issue of whether Brigadier MacLellan had authorised the use of more than one company for the scoop-up operation, and the related matter of what Brigade knew of the developing situation in the aftermath of the order being given, can also be considered through an examination of the material contained in the radio logs and the Porter tapes in the period directly after Colonel Wilford deployed his soldiers forward. This exercise is conducted below, where the evidence of the relevant witnesses and the submissions made on their behalf are also considered. It is important to note that the following paragraphs do not contain a comprehensive survey of all radio communications at this time, and instead refer only to those that are useful in the present context.

20.123 Colonel Wilford said that he could not remember the order that he gave to his companies, but that it was something like "*hello 3 [C Company], hello 5 [Support Company], go, go, go*".[1] We have no reason to doubt that the order given by Colonel Wilford was along these lines, though as discussed above we consider that shortly afterwards he also ordered A Company to move through Barrier 11.

1 B1110.033; Day 313/47

20.124 According to the Porter tapes, at about 1609 hours 1 PARA requested that 22 Lt AD Regt lift Barrier 14, "*where our call sign will be coming through*". Soon after the latter informed 1 PARA that Barrier 14 was now being lifted.[1] It will be noted that there is no record in the Porter tapes of a similar request made at this time for Barrier 12 to be lifted. Colonel Wilford said he was unable to account for this.[2] It should be kept in mind that Brigade would have heard the message requesting the opening of Barrier 14.

1 W128 serials 370 and 371
2 Day 313/49-50

20.125 At about 1612 hours there is a record on the Porter tapes and in the Brigade log of a message from Colonel Welsh that, "*the appearance of the pigs and four tonners in Rossville Street has now effectively moved all the crowd out of Chamberlain Street and they are now forming behind the Flats*".[1,2] This message informed Brigade that Army vehicles were in Rossville Street but does not indicate where precisely they were or to which company they belonged. The entry was wrongly attributed to 22 Lt AD Regt in the Brigade log.[3]

1 W47 serial 162
2 W129 serial 381
3 W342; Day 283/18

20.126 Possibly no more than a minute later there was a message from the Gin Palace to Brigade. This does not appear in the Brigade log but the record on the Porter tapes shows that it was sent twice, as it was not initially received or received properly:[1]

> "Our call sign Bravo 3 has moved south down Strand Road into William Street past barrier 14 and is at the junction Rossville Street/William Street. Our call sign Bravo 59 has moved down south through the church to the area of William Street, directly south of the church."

1 W129 serials 383-387

20.127 The reference to "*our call sign Bravo 59*" was a reference to one of the call signs of Support Company. We find it impossible to see how the information in this message could be reconciled with the movement of Support Company in vehicles into Rossville Street. However, it was suggested on behalf of the majority of the represented soldiers that the report was not inaccurate, although it was not comprehensive. This argument is based on the premise that at the time it was sent Support Company was still waiting for Barrier 12 to be lifted; thus the message correctly told Brigade that C Company had moved through Barrier 14, and its reference to Support Company was intended to refer only to the deployment of that company's Anti-Tank Platoon to Abbey Taxis.[1]

1 FS7.900-902

20.128 The premise of this suggestion is misconceived. As is noted above, the earlier message at 1612 hours from Colonel Welsh noted the presence of "*pigs and four tonners*" on Rossville Street.[1,2] We have no doubt that these were the vehicles of Support Company, which had, therefore, already moved through Barrier 12 by the time that the Gin Palace reported to Brigade on the movement of C Company and Support Company.

1 W47 serial 162
2 W129 serial 381

20.129 It follows that the message sent by 1 PARA was factually and significantly inaccurate. Most of Support Company had deployed in vehicles through Barrier 12, not the Presbyterian church, and were already in Rossville Street, not in the area of William Street directly to the south of the church. Meanwhile Machine Gun Platoon remained at Abbey Taxis. As we discuss in more detail later in this report,[1] two platoons of C Company had gone along William Street towards the junction with Rossville Street,[2] but another platoon of that company had gone down Chamberlain Street.

1 Chapter 65
2 WT11.41

20.130 The message did, of course, tell Brigade that Support Company had moved, but only the short distance from the Presbyterian church to the area of William Street directly south of the church. It appears from the evidence of Brigadier MacLellan to this Inquiry,[1] which we have referred to above, that he would not have considered such a limited movement to have been a breach of an order to deploy one sub-unit through Barrier 14, as Support Company effectively would have been forming a wall against which the rioters could be pressed during the scoop-up operation being conducted by C Company.

1 Day 265/53-58

20.131 It is not clear how Brigade came to be misinformed of the position, particularly with regard to Support Company, and those manning the Gin Palace at the time were not able to provide an explanation.[1] There is nothing to suggest that Brigade was deliberately misinformed. It seems to us that the likely explanation is that the signaller sending the message was not made aware that Colonel Wilford had ultimately decided to go through Barrier 12 rather than the Presbyterian church, and thus assumed that the original plan was being put into operation. Captain INQ 2033, the 1 PARA signaller who was manning the Brigade net, accepted that this was possible.[2] Colonel Wilford disagreed with this, but was unable to offer any other explanation.[3] If this was what occurred, it would to our minds be a further indication that Colonel Wilford had only decided on or announced his change of plan at a very late stage.

1 Day 352/164-165; Day 255/125-128; C2006.24
2 Day 352/164-165
3 Day 320/23-25; Day 321/99-100

20.132 The message is, on any view, evidence of a breakdown of communications within 1 PARA and meant that Brigade was misinformed of the true position. This was a highly unsatisfactory state of affairs, though in view of the speed at which events were unfolding, it seems to us unlikely that an accurate report would have led to a different outcome.

20.133 The Porter tapes record Brigade replying to this message (probably almost straight away, and therefore at approximately 1613 hours) in the following terms: "*Well now, Roger to all that. Ah, during that move to serial 14 did you in fact conduct any sort of scoop-up at all?*"[1] The Gin Palace replied that they would get information.[2] Brigade continued by saying, "*If you have not conducted any scoop-up then you should withdraw your call sign Bravo 3 back to its original position, ah, for any further operation.*"[3] Bravo 3 was the call sign for C Company. The Gin Palace acknowledged, "*Wilco. Wait. Out.*"[4] "*Wilco*" means that the message has been received and understood and will be acted upon.

1 W129 serial 388
2 W129 serial 389
3 W129 serial 390
4 W130 serial 391
5 Day 267/54

20.134 The Brigade log records the message from Brigade as "*B3 at aggro corner ordered to return to initial location*", wrongly attributing it as a message from rather than to 1 PARA.[1] This record does not include the proviso that C Company was only to withdraw if they had not conducted a scoop-up operation, but it does describe what was said as an order.
In his evidence to the Widgery Inquiry, Colonel Steele had insisted that the message from Brigade was only a "*suggestion*".[2] However, at this Inquiry he agreed that this was not so, and that the communication was a conditional order.[3]

1 W47 serial 164; B1296
2 WT16.67-68; WT16.71-72
3 B1296; Day 267/116-119

20.135 In our view it is his more recent evidence on this point that is accurate.

20.136 Colonel Steele made the following comments on the Brigade log record of this message in his written statement for the Widgery Inquiry:[1]

> "Serial 164 is also inaccurate. This was a message from me to 1 Para and not from 1 Para to Brigade. The text of the message as nearly as I can remember it was 'Did you manage to make a scoop up? If not you should consider withdrawing B3 to your original location in case we wish to mount the operation again.' At about 1620 I checked again with 1 Para about the deployment of B3. I then received a SITREP from them at 1626 which confirmed that there had been a fire fight, and that sub units were secure in the area. I therefore did not follow up the question of the deployment of B3."

1 B1296

20.137 Colonel Steele was asked during his oral evidence to the Widgery Inquiry why, if it was his view that Support Company had moved forward, he had not given a similar instruction to withdraw that company. Colonel Steele's reply to this was: "*Well, I knew that Bravo 3 was moving through barrier 14 and it had always been in my mind that it would be they who would conduct the scoop. It had always been in my mind that it would be C Company moving through barrier 14 that would conduct the scoop – thus the question.*"[1] There was then the following exchange:[2]

> "Q. What was the function of Support Company?
>
> A. The function of Support Company was also to get behind, also to conduct the scoop.
>
> Q. That is why I asked you the question a moment ago. In that case if you are instructing that company that if they had not conducted the scoop they may go back in case they are going to be used again, why is it not equally appropriate to give the same instruction to Support Company?
>
> A. It seems illogical, sir, but I did not.
>
> Q. You are quite sure that you appreciated not only that C Company, but Support and A as well, had gone in?
>
> A. I was quite clear, sir."

1 WT16.79

2 WT16.79

20.138 Colonel Steele said in his oral evidence to us that he used the expression "*Bravo 3*" when he should have said "*Bravo call signs*".[1] We consider this suggestion further below.

1 Day 267/119-120

20.139 Timed at 1615 hours, the 1 PARA log contains a record of a message from the Gin Palace to C Company and Support Company asking, "*Have we made any arrests*". The entry "*Yes a number*" is written in the adjoining "*Action*" column of the log.[1] Since, as we have already observed, timings in the 1 PARA log were generally at five-minute intervals, it would seem that the message was following up Brigade's inquiry. The information that a number of arrests had been made does not seem to have been passed back by the Gin Palace to Brigade at this time, as there is nothing to that effect on the Porter tapes or in the Brigade log.

1 W90 serial 32

20.140 This Inquiry has obtained the radio log maintained at HQNI for 30th January 1972. This contains a message from 8th Infantry Brigade timed at 1617 hours, which informed HQNI that "*Crowd at Foxes Corner [Free Derry Corner] went rapidly SW when 1 PARA went in on lift op. No lift. Abortive.*"[1] The first part of this message may well have emanated from similar information radioed by 22 Lt AD Regt to Brigade at about 1614 hours;[2] the Brigade log wrongly attributes this message to 1 CG,[3] but there is nothing either on the Porter tapes or in the Brigade log to indicate that Brigade was expressly informed by anyone involved on the ground that no-one had been lifted and that the operation had been abortive. No-one was able to explain how this information came to be given to HQNI, but in our view it seems likely that the "*Wilco*" in reply to Colonel Steele's conditional order to withdraw (discussed above) was understood by Brigade as acknowledging that there had been no arrests and that the withdrawal would take place. This explanation is supported by the fact that the Brigade log recorded Colonel Steele's order in unconditional terms (ie C Company was to withdraw, with no qualification as to whether they had made any arrests)[4] and also by a later message about instructions to withdraw that we discuss below.[5]

1 W28 serial 59
2 W130 serial 392
3 W47 serial 165
4 W47 serial 164
5 W132 serial 441

20.141 At 1615 hours, 1 CG sent Brigade the first report of shots in the Rossville Street area: "*Ah, two high velocity shots heard in the area of Free … er, the Rossville Flats. People are lying on the ground now there.*"[1,2] It is relevant to note that this message was sent, according to the times given in the Brigade log, approximately two minutes after 1 PARA had reported (inaccurately) its deployment and had been told to withdraw C Company if it had not conducted any scoop-up operation.

1 W130 serial 394
2 W47 serial 166

20.142 At about 1618 hours 22 Lt AD Regt reported to Brigade:[1,2]

> "Sitrep at 16:15 on William Street. Seven pigs of call sign Hotel – wrong, call sign 65, are in the area of Rossville Street in the Rossville Flats. William Street and Rossville Street are clear and relatively quiet. We just had two shots at one of our patrols on the City Walls at 16:14 hours."

1 W130 serial 407

2 W48 serials 169 and 170

20.143 This was the first indication to Brigade that Army vehicles had deployed as far down Rossville Street as the Rossville Flats, though the message did not indicate the company or companies to which these vehicles belonged or where they had come from.

20.144 About a minute after receiving this information Brigade (perhaps not surprisingly in the light of the information that they had previously been given) asked 1 PARA, "*What is the current deployment of your Bravo 3?*". 1 PARA initially replied, "*Wait*",[1] but they then told Brigade, "*Our call sign Bravo 3 … wait. William Street/Rossville Street. Await confirmation*".[2] Again, it is to be noted that the request for information only referred to Bravo 3, ie the company that Brigade had been told had gone through Barrier 14.

1 W130-131 serials 411 and 412

2 W131 serial 413

20.145 At about 1626 hours, the Porter tapes recorded the following exchange of messages between Brigade and 1 PARA:[1]

Serial 441 (Brigade to 1 PARA)

> "Hello, 65, this is Zero. Ah, you were given instructions some time ago to move Bravo 3 from the area of William Street/Rossville Street back to its original location. Is this now complete? Over."

Serial 442 (1 PARA to Brigade)

> "Ah, 65. We've been telling you on the other means, ah the secure means. In fact we have just given you a sitrep as to exactly what we are doing."

Serial 443 (Brigade to 1 PARA)

> "Zero. Roger. Out."

Serial 444 (1 PARA to Brigade)

> "Hello, Zero, this is 65. Sitrep boils down to the fact that the two sub units moved in, ah, got involved in a fire fight, the, ah, shots appearing to have come from the area of Rossville flats. The two sub units have now gone secure in that area. Ah, two civilians are lying wounded or dead, we are not sure yet, in the area of Chamberlain Street. Who shot them we don't know."

1 W132-133 serials 441-444

20.146 The first part of this exchange, which again only mentions Bravo 3, refers to the previous instruction to withdraw without suggesting that it was conditional upon there having been no arrests. As observed above, this seems to support the view that Brigade had probably understood "*Wilco*" as meaning that there had been no arrests and that therefore C Company would withdraw. In his written evidence to this Inquiry, Colonel Steele said that this was another "*poor message – again I should have been referring to all Bravo call signs, rather than just C Company*".[1]

1 B1315.012

20.147 This exchange is also significant for its reference to the fact that two sub-units had moved in. It could be suggested that as Brigade made no complaint about this they must have known that this was always going to be the case.

20.148 We would not agree that such an interpretation would be valid. The reference to a firefight would, in our view, have correctly diverted the attention of Brigade away from the scoop-up operation.

20.149 We should say at this stage that we reject Colonel Steele's suggestions that he should have said "*Bravo call signs*" instead of referring exclusively to "*Bravo 3*".[1] He said he thought he might have been "*under a bit of pressure*" in the Operations Room, but even accepting that he was, we cannot see how such pressure could have led him to refer to only one company. In short, we cannot reconcile his insistence that 1 PARA was authorised to use up to three companies for the scoop-up operation either with the order as recorded in the Brigade log, or with the fact that on three subsequent occasions his radio communications about the arrest operation only referred to the company that had gone through Barrier 14.[2]

1 B1315.012; Day 267/120

2 W129-132 serials 390, 411 and 441

20.150 The exchange of messages between 1 PARA and Brigade to our minds demonstrates that Brigade thought that the unit conducting the scoop-up was Bravo 3, C Company, and that the operation had proved abortive. On three occasions Brigade requested information or ordered the withdrawal of Bravo 3, but they did not mention Bravo 5 (Support Company) once in this period. 1 PARA's request to 22 Lt AD Regt on the Brigade net was only for Barrier 14 to be moved. Before the first reported shots on Rossville Street, the only indication that Brigade had that another company had also deployed came from the message that incorrectly informed it that Support Company had moved through the Presbyterian church, but only as far as the area of William Street directly to the south. In our view Brigade did not know, and was not informed, either that Support Company was going to drive through Barrier 12 in vehicles and go down Rossville Street as part of the scoop-up operation, or (until long after the event) that this is what had happened.

Conclusions on the first part of the arrest order

20.151 In our view the first part of the order was not couched in terms that permitted the deployment of Support Company down Rossville Street in vehicles as part of the scoop-up operation. On the contrary, we consider that the order, responsive to the request, was sanctioning a scoop-up operation to be conducted by sending one company through Barrier 14 to try and trap rioters in the William Street/Little James Street area. Brigadier MacLellan said in the course of his evidence to us that he would not have regarded it as a breach of his order for Support Company to have come through Barrier 12 so as to provide a wall against which the scoop-up force could trap the rioters.[1] The same would logically follow if Support Company had remained at and eventually come south from the Presbyterian church to William Street, or (as in fact did happen) A Company had come through Barrier 11 to William Street.

1 Day 265/57-58

20.152 On the strict wording of the order, however, it could be said with some force that it permitted only the deployment of one company through Barrier 14 and that even the deployment of Support Company and A Company a short distance forward to close off escape routes up William Street would have required the permission of Brigade. Be that as it may, the question raised in this Inquiry is not whether Colonel Wilford required permission to deploy Support Company or A Company in this way, but whether he was entitled without an order to deploy Support Company as he did. We are sure that he was not. In our view there is a world of difference between deploying companies to move

forward a short distance to cut off those fleeing from the authorised scoop-up company, and sending one of the companies as a scoop-up force going well down Rossville Street in vehicles, in addition to the authorised scoop-up company coming through Barrier 14.

20.153 It is convenient at this point to return to the order as recorded in the 1 PARA log, "*Move 3 now through K14. Also C/S 1 No running battles*".[1] "*Also C/S 1*" is not easily understood. As is noted above, we are of the view that the log entry was an amalgamation of the message from Brigade launching the arrest operation, and various subsequent orders that were given within 1 PARA over the battalion net. The absence of a reference to Support Company (C/S 5) may have resulted from a failure to record Colonel Wilford's order to this company to move forward. Alternatively a mistake might have been made in referring to "*C/S 1*" instead of the call sign for Support company, although if (as we consider was the case) A Company deployed shortly after C Company and Support Company, then it follows that the log would contain a further error in that the order to A Company was omitted.

1 W90 serial 31

20.154 Another explanation might be that when the initial order came in from Brigade this was recorded as "*Move 3 now through K14*", itself a further indication that Colonel Steele referred to only one sub-unit and one barrier. Colonel Wilford's orders to C Company and Support Company to deploy, which would have been given immediately after he had been informed of Brigade's decision to launch the arrest operation, might not have been recorded separately. This could have resulted from an assumption by the log keeper that these internal orders were simply responsive to the message from Brigade, and hence they did not need to be written down, as it was inherent in the first entry that such instructions would have followed. However, when A Company was also told to deploy forward a few minutes later this was recorded (as "*Also C/S 1*"), perhaps because this seemed to be a separate development. The qualification to the original order, "*No running battles*", might have been taken to apply to all three sub-units, and hence was included at the end of the entry when it came to be typed up on the fair copy of the log.

20.155 On balance we consider that the second of these two possible explanations is the more likely to be correct, but without any assistance from those responsible for compiling the log, any conclusion on this matter must remain little more than conjecture.

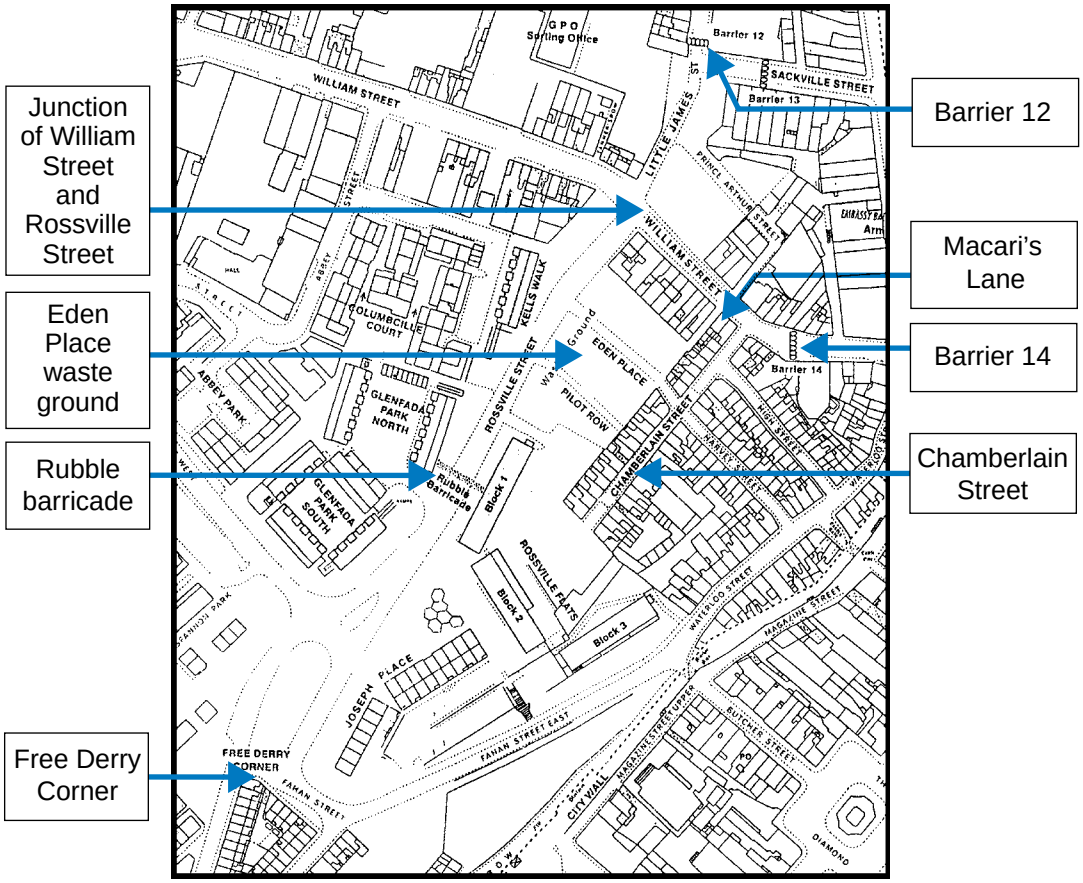
The prohibition on conducting a running battle down Rossville Street

20.156 It is of importance to bear in mind that the prohibition on conducting a running battle down Rossville Street was part and parcel of the Brigade order as a whole and must be read in that context; and indeed in the context of the request that led to the order.

20.157 Our conclusion that the first part of the order did not permit Support Company to deploy as it did is in our view reinforced by the limitation put upon the operation, "*Not to conduct running battle down Rossville St.*".[1]

[1] W47 serial 159

20.158 We set out below a map marking the points of particular importance to the matter under consideration.



20.159 Brigadier MacLellan told the Widgery Inquiry that what he meant by this part of his order was that:[1]

> "… they should not get tied up with the crowd. The situation as I saw it was this: at the junction of William Street and Rossville Street there was a mob of 150 or so rioting. 300 metres or more way past the Rossville Flats there was a large crowd of non-violent people. The scoop up, the arrest, was being launched at the hooligans."

1 WT11.15

20.160 During the course of his oral evidence to the Widgery Inquiry, Brigadier MacLellan was asked:[1]

> "Q. Did you yourself know that the plan involved or might involve the Parachutists going sufficiently far down into the Bogside as to be at the north end of the Rossville flats?"

1 WT11.35

20.161 His answer to this question was:

> "A. I knew that they would have to get behind to cut off; I did not know they would go that far."

20.162 Brigadier MacLellan told this Inquiry that he agreed with the suggestion that his limitation "*did not mean simply: do not go down to Free Derry Corner, which was 2 or 300 yards away, but meant what it said: stay in the area where you contemplated the arrest taking place; do not go haring off down Rossville Street*".[1] The area contemplated in Colonel Wilford's request was "*the area William Street/Little James Street*".[2]

1 Day 262/97-98

2 W127 serial 343

20.163 Later in his oral evidence Brigadier MacLellan agreed with the proposition that it appeared that instead of 1 PARA doing what he wanted them to do, which was to conduct a limited operation in the Little James Street/William Street area and not to conduct a running battle down Rossville Street, they instead went in vehicles through Barrier 12, deep into the Bogside, and on one view at least, by doing so started a running battle down Rossville Street, precisely contrary to his instructions.[1]

1 Day 263/31-32; Day 263/87-88; Day 265/53-54

20.164 In his oral evidence to the Widgery Inquiry, Colonel Steele said that the phrase was "*exactly what the Commander had said to him*" and what he understood by the phrase was that the Brigade Commander did not want the arrest operation to go on down Rossville Street in such a way that they would start a running battle with the main group of demonstrators who were back at Free Derry Corner, but that the instruction would not prevent them from going as far as the Rossville Flats; and he thought that it might be necessary for the soldiers to go that far.[1]

1 WT16.78

20.165 In his written evidence to the present Inquiry, Colonel Steele said that it was perfectly appropriate for C Company to deploy down Chamberlain Street on the left flank, and for Support Company to move into a position on the Eden Place waste ground as far forward as the northern end of Block 1 of the Rossville Flats:[1]

> "In this way they could trap the rioters and put the arrestees in their Pigs. This is actually what happened. There was no running battle down Rossville Street involving Paras chasing rioters over the Rubble Barricade towards Free Derry Corner."

1 B1315.011

20.166 In his oral evidence to this Inquiry, Colonel Steele repeated that what Brigadier MacLellan was looking for was separation between the hooligans on the one hand and the marchers at Free Derry Corner on the other.[1] At one stage in his evidence Colonel Steele seemed to accept that the limitation imposed by Brigadier MacLellan was that there would be no hot pursuit of rioters down Rossville Street,[2] that 1 PARA was not to go, either at all, or any significant distance, down Rossville Street,[3] and that there should not be a running battle down Rossville Street towards the rubble barricade opposite the centre of Block 1 of the Rossville Flats, which was a significant way down Rossville Street.[4] However, elsewhere in his evidence he said that it would have been better had he put a geographical limit on where 1 PARA could go, for example no further than Pilot Row or Eden Place[5] and that he thought that the limitation as actually expressed did not prohibit 1 PARA from conducting a scoop-up operation over the whole of the waste ground to the north of the Rossville Flats.[6]

1 Day 267/64; Day 267/141
2 Day 267/142
3 Day 267/169-170
4 Day 268/52
5 Day 267/171
6 Day 267/163-164; Day/267/175

20.167 In his oral evidence to the Widgery Inquiry, Colonel Wilford agreed that he had been told that there were to be no running battles down Rossville Street. He told the Widgery Inquiry that he understood this perfectly: "*If you have a running battle and if the enemy resistance becomes very strong, you could run into a great deal of trouble. So we know that we chew off not more than 200 or 250 yards at any one go. This was perfectly understood, and this is what happened.*"[1] Later he said that it meant to him that he was "*not to exploit into a situation where the enemy could take advantage of that exploitation*".[2] Asked what he thought would have been a breach of the limitation, Colonel Wilford said that that would have happened if he had allowed his troops to go and exploit a situation of which they had no control, off down to Free Derry Corner and out into the Bogside and beyond, that would have been a running battle: "*A running battle requires the enemy to conduct a series of movements backwards so that you can go after him.*"[3] Colonel Steele observed when giving his oral evidence to the present Inquiry that language of this kind sounded "*like a military operation in the field. This is not what we were on about. We were conducting an arrest operation without any firing.*"[4]

1 WT11.48
2 WT11.66
3 WT11.66-67
4 Day 267/177

20.168 In his written evidence to this Inquiry, Colonel Wilford said that he did not have to pass on this instruction to his Company Commanders, as they were well aware of how dangerous a running battle could be: "*I would have interpreted those words as a prohibition against chasing rioters wherever they went e.g. down to Free Derry Corner and way beyond that.*"[1]

1 B1110.032

20.169 Colonel Wilford did not pass the "*no running battles*" limitation on to the Company Commander of Support Company (Major Loden)[1] or indeed any instruction on how far they should go.[2] He said that it was not necessary, as it was almost standard operational procedure for them to operate in an area about 200 yards square.[3]

1 B2283.011; B1110.032
2 Day 312/62
3 Day 312/62-63

20.170 In the course of his oral evidence Colonel Wilford rejected the suggestion that, in the context of the request to conduct an arrest operation and the order to do so, the limitation under discussion meant that soldiers should not chase rioters down Rossville Street in the direction of Free Derry Corner.[1] He continued to insist that his understanding of the

limitation was that it was a piece of advice that his soldiers should not get sucked into a dangerous situation.[2] He also rejected the suggestion that in the context of the order, "*no running battles*" meant no running arrest operation down Rossville Street.[3]

1 Day 313/33-34
2 Day 313/35-36; Day 315/67-68
3 Day 315/65-67

20.171 In the context of the request to mount an arrest operation and the order to do so, it is in our view plain that Colonel Wilford was being given permission to launch a scoop-up operation by sending one company through Barrier 14 in an attempt to arrest rioters in the area he had specified, namely William Street/Little James Street, but was being enjoined from chasing rioters south down Rossville Street. To our minds the prohibition was clear, and we therefore reject the meaning suggested by Colonel Steele and his comment that this part of the order could have been better expressed, as well as the meaning Colonel Wilford ascribed to the words in question.

20.172 In view of the way Support Company deployed down Rossville Street, which we discuss in detail elsewhere in this report,[1] it also seems to us to be plain that there was a breach of this part of the order. Colonel Wilford did not pass it on to Support Company. The reason he gave for not doing so demonstrates to our minds that he had misunderstood the prohibition, treating the matter, as Colonel Steele observed,[2] as a military operation in the field, rather than an arrest operation. Had he appreciated, as in our view he should have done, that he was being told not to chase rioters down Rossville Street in carrying out the arrest operation, rather than simply being advised not to get dangerously "*sucked in*", he should have realised that he could not, consistently with this part of the order, send a second scoop-up force in vehicles through Barrier 12, since by the time of the order there was no prospect of such a force being able to effect a scoop-up without chasing rioters down Rossville Street. As Colonel Wilford said to us, at the time of his request he had in mind the quick use of snatch squads to arrest people close at hand (ie in the immediate area of Barriers 12 and 14) but the opportunity to do so was slipping away as time went by.[3] By the time the order finally came, he thought that the situation had changed and that he would have to deploy Support Company in vehicles through Barrier 12 and into the Bogside as an additional scoop-up company if he was to have any chance of effecting arrests.[4]

1 Chapters 24 and 69
2 Day 267/177
3 Day 315/84-85
4 Day 314/23; Day 314/28; Day 314/34; Day 314/56-59

20.173 This misunderstanding does not of course explain how, in the face of the order to deploy one company through Barrier 14, Colonel Wilford also deployed another company through Barrier 12. Colonel Wilford insisted throughout his evidence that the order permitted him to do this, but in our view he realised or should have realised that it did not. If it was the former, it may be that he felt that since it was essential in the circumstances to deploy in vehicles a second scoop-up company, and to do so without the further delay that would result from explaining to Brigade why and seeking permission, he should mount the operation, and seek to persuade Brigade later that this was the right course to take. It is equally possible that in the heat of the moment Colonel Wilford simply failed to realise that the order did not give him *carte blanche*, but limited his scoop-up operation to one company through Barrier 14. Whichever it was, on the basis of our analysis of the evidence, Colonel Wilford failed to comply with the Brigade order, firstly by deploying a second company through Barrier 12 as part of the scoop-up operation and secondly by failing to ensure that his soldiers did not chase rioters down Rossville Street.

20.174 It follows from the basis of this analysis that in our view much of the evidence on this topic given to the Widgery Inquiry by Brigadier MacLellan, Colonel Steele and Colonel Wilford was inaccurate and misleading.

20.175 We are not persuaded that Brigadier MacLellan deliberately gave misleading evidence to the Widgery Inquiry, though it does seem to us that he was less than careful in giving some of his answers. He was not taken through the detail of the logs and other material, as he was when he gave evidence to us. He seems to have been labouring under the false impression that the reason why 1 PARA had gone a substantial distance into the Bogside was because they had been fired on. It seems to us that at the time of the Widgery Inquiry Brigadier MacLellan had somehow convinced himself that there had been no breach of his orders to 1 PARA.[1] It should be noted that Colonel Steele was responsible for preparing the first draft of Brigadier MacLellan's written statement for the Widgery Inquiry.[2]

1 Day 265/48-49

2 B1279.014-022; Day 266/47

20.176 Colonel Steele denied to us that he had given inaccurate evidence to the Widgery Inquiry and insisted that he had told that Inquiry "*entirely the truth*". He further denied that he had realised at the time that his evidence was inaccurate.[1] We have found it impossible to accept the first of these denials and his insistence that he told the Widgery Inquiry the entire truth. As to the second, it is possible that Colonel Steele, like Brigadier MacLellan,

had somehow come to believe in what he had said to the Widgery Inquiry, but though this may well be the case by the time Colonel Steele came to give evidence to us, we find it difficult to accept that it could have been the case only a few weeks after Bloody Sunday.

[1] Day 268/185-186

20.177 So far as Colonel Wilford is concerned, we have no means of telling whether he deliberately gave misleading evidence to the Widgery Inquiry or believed throughout that the order allowed him to deploy Support Company as he did. Colonel Wilford told us that he was anxious to mount the arrest operation and that the delay in Brigade giving an order after he had made his request led him to believe that the best opportunity to make arrests was slipping away. He described the order from Brigade as "*long delayed*" and thought that his deployment should have taken place some ten minutes earlier. In his anxiety to conduct an effective scoop-up operation, in what he appears to us to have considered was unwarranted delay by Brigade in giving an order, and in his realisation that the situation had changed and that it had become necessary to deploy a second scoop-up company in vehicles without delay if he was going to make significant arrests, he either chose to ignore the order in the belief that Brigade would afterwards sanction what he had done, or failed to realise (as in our view he should have done) that the order only allowed him to do what he had previously asked to do; and expressly prohibited him from chasing rioters south down Rossville Street.[1]

[1] B1110.031-032; Day 314/23; Day 315/16; Day 315/84-88

The appropriateness of Brigadier MacLellan's arrest order

20.178 Three further questions arise in relation to the order given by Brigadier MacLellan for "*1 sub unit of 1 PARA to do scoop up OP through barrier 14. Not to conduct running battle down Rossville St*.".[1] These are:

1. whether it was appropriate to give the order in the light of the situation on the ground, as understood by the Brigade Commander and his Brigade Major, particularly concerning the separation between rioters and others;

2. whether that understanding accurately reflected what the situation in fact was on the ground; and

3. whether in the circumstances, apart from the question of separation, the situation on the ground was such that no proper purpose was or was likely to be served by ordering an arrest or scoop-up operation at all.

[1] W47 serial 159

20.179 We now turn to consider these questions.

20.180 Brigadier MacLellan was criticised at this Inquiry for launching the scoop-up operation at a stage when there was no or insufficient separation between the civil rights marchers and those rioting.[1] It was also submitted that his evidence that he regarded such separation as a vital precondition to any scoop-up operation should be rejected.[2]

[1] FS1.906-918; FS4.123-124 [2] FS1.818-835

20.181 In our view many of these submissions failed to distinguish between the order that Brigadier MacLellan gave, ie for an operation using one company through Barrier 14 with a prohibition on conducting a running battle down Rossville Street; and the operation as it was in fact conducted on the ground.

20.182 As we have already indicated, we are satisfied that on the day Brigadier MacLellan was anxious to ensure that the civil rights marchers and the rioters were sufficiently separated before ordering any form of arrest operation. Apart from his own evidence and that of Chief Superintendent Lagan and Colonel Steele[1] there is no other explanation for his waiting for some 12 minutes after Colonel Wilford's request before giving the order.

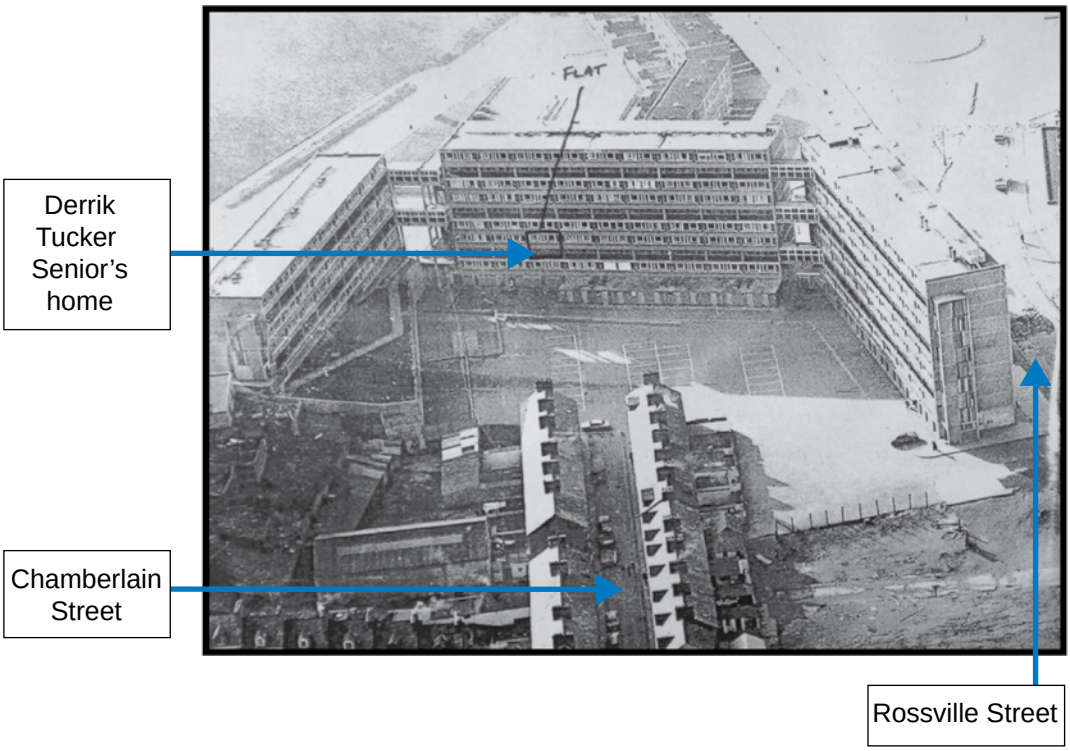
[1] G128.849-50; B1234; JL1.43; Day 267/18-19; B1315.008

20.183 There is no doubt that Brigadier MacLellan was correct in not acceding to Colonel Wilford's request when it was made at about 1555 hours. As noted above, at about 1554 hours Colonel Welsh had reported from the helicopter that the crowd was stretching between Aggro Corner and about 100 yards past the Rossville Flats.[1,2] Thus even deploying one company through Barrier 14 "*round the back*" to scoop up rioters in the area of William Street/Little James Street at that time would inevitably have involved the soldiers coming into close contact with many of the civil rights marchers.

[1] W126 serial 338 [2] W46 serial 146

20.184 The position of the crowd in Rossville Street is shown in a series of photographs taken by Derrik Tucker Senior from his home in Block 2 of the Rossville Flats. Derrik Tucker Senior's son, Derrik Tucker Junior, gave evidence to this Inquiry and marked on a photograph, reproduced below, the location of the family home.[1]

1 AT15.12



20.185 These photographs were examined by Dr Steven Bell of HM Nautical Almanac Office, and we accept his report on the probable timing and sequence of them.[1]

1 E26.4

20.186 The first of these photographs shows a large crowd in Rossville Street and in the waste ground to the north of the Rossville Flats at about 1546 hours plus or minus five minutes.

20.187 The following photographs were taken over the next seven or eight minutes, very probably in the order shown below.

20.188 Although we cannot be certain that the later photographs depict the situation at precisely 1555 hours (when Colonel Wilford made his request) they do corroborate the position as reported by Colonel Welsh at about this time and reinforce our view that there was then insufficient separation to order the operation.

20.189 We have already recorded that at about 1559 hours Colonel Welsh reported that the "*General crowd movement now is down into the Lecky Road from the area of the Flats. It seems as though a lot of people feel they've made their protest and are now returning back to their homes*".[1] As acknowledged by Brigadier MacLellan, this did not indicate what the situation was between the Rossville Flats and Aggro Corner,[2] though Colonel Steele said that this message painted a picture for him that "*the march was over and that people had moved away from beyond the Flats*".[3]

1 W127 serial 348
2 Day 362/50
3 Day 268/174-176

20.190 At about 1603–1604 hours 22 Lt AD Regt reported to Brigade:[1]

> "Hello Zero, this is 90A. There is now a crowd of about 500 on Fox's Corner being addressed from a loudspeaker van. These appear to be normal civil rights people. There's still a crowd of about 150 hooligans at junction Rossville Street/William Street. Over."

1 W128 serial 365

20.191 This was recorded as two messages in the Brigade log. The first was "*500 at Foxes Corner [Free Derry Corner] being addressed from van*" and the second "*150 hooligans at Aggro corner*".[1]

1 W47 serials 155 and 156

20.192 In his written statement for the Widgery Inquiry, Brigadier MacLellan recorded that at 1604 hours the number of hooligans at the junction William Street/Rossville Street was reported as 150: "*I was now told that the separation of the hooligans was now complete – 150 were in William Street, while the Northern Ireland Civil Rights Association meeting was 300 metres away at Foxes Corner.*"[1]

1 B1234

20.193 In his oral evidence to the Widgery Inquiry, Brigadier MacLellan said:[1]

> "There was one other message to [the] helicopters. At about 16.04 we got through to Colonel Welsh – I do not know if it is [in] the log – for I asked for confirmation and was told that the tail of the marching crowd had passed the Rossville Flats. I remember that.
>
> Q. It is not in the log.
>
> A. Certainly it happened.
>
> Q. You remember that?
>
> A. Yes.
>
> Q. The tail of the crowd had passed the Rossville flats.
>
> A. Yes ... I confirmed with Colonel Welsh the separation was complete, as I have just mentioned. Then I decided an arrest operation was necessary."

1 WT11.14

20.194 Colonel Welsh told the Widgery Inquiry that he "*reported when the tail of the crowd had passed the north end of [the] Rossville Flats*", and that there was a gap separating the crowd between the Rossville Flats and Aggro Corner.[1]

1 B1334; WT10.55-56

20.195 As was pointed out to Colonel Welsh at this Inquiry, there is no record in any log or on the Porter tapes of any such reports.[1] In his oral evidence to this Inquiry, Colonel Welsh accepted that on the basis of the absence of any record, he had not reported that the crowd had passed the northern end of the Rossville Flats or that there was a gap between the Rossville Flats and Aggro Corner and he agreed that at no stage had he reported in terms that there was now separation between marchers and rioters.[2]

1 W124-131 2 Day 282/44-52; Day 283/14-16

20.196 In our view it is clear that the oral evidence Brigadier MacLellan gave to the Widgery Inquiry about reports from the helicopter was wrong, as was the written and oral evidence of Colonel Steele, since even if such reports had not been recorded in the Brigade log (itself unlikely) they would have appeared on the Porter tapes. Furthermore, it should be noted that in his written statement dated 31st January 1972,[1] Brigadier MacLellan recorded that "*At 1607 hrs when it was confirmed by the troops on the ground that the hooligans in William St had become isolated from the NICRA Marchers, who were moving and slowly dispersing 300 metres away down Rossville St, I gave orders that the preplanned hooligan Arrest Operation should be launched*". Neither this written statement nor his written statement for the Widgery Inquiry[2] refers to obtaining information from the helicopter.

1 B1222 2 B1234

20.197 Colonel Welsh was unable to explain how he had come to give different evidence to the Widgery Inquiry. He said he could not remember, but that he must have believed at the time that he had sent such reports.[1]

1 Day 282/49-52; Day 283/48-49

20.198 Brigadier MacLellan told us that in 1972 he was firmly of the impression that there had been a message from Colonel Welsh in the helicopter at about 1604 hours and that "*the check had been made finally with the helicopter about separation*".[1] He also said that 30 years later he still had "*the impression that I asked the brigade major if separation was complete and was assured it was*".[2] Though the former impression is wrong, as appears hereafter the latter is almost certainly right. As the Brigade Major pointed out, Brigadier MacLellan had the same information as he had, as both could hear communications on

the Brigade net,[3] but it was in our view prudent for the Brigadier to seek his senior staff officer's assessment of the position rather than simply relying on his own. In his oral evidence to this Inquiry, Brigadier MacLellan said that he worked on a combination of what he had heard on the Ulsternet and what Colonel Steele was telling him.[4]

1 Day 262/68-69
2 Day 262/71
3 Day 267/66-68
4 Day 262/57

20.199 In his written statement to this Inquiry, Colonel Steele told us that he remembered going into Brigadier MacLellan's office at about 1604 hours and giving him a situation report:[1]

> "... I expect that report included the message from Lieutenant Colonel Welsh as to separation [ie Serial 348[2]] and also the information we had about the levels of violence, the location of the hooligans and the numbers meeting at Foxes Corner…
>
> 46. When I went back to Brigadier MacLellan's office, we knew that the end of the march had passed beyond the Rossville Flats towards Free Derry Corner, that a number of people were going home and that rioting was still going on in the William Street/Chamberlain Street/Rossville Street area. I remember that Brigadier MacLellan asked me specifically to confirm that Lieutenant Colonel Welsh was clear that separation had taken place. I gave Brigadier MacLellan that confirmation while standing in this office and I repeated what Lieutenant Colonel Welsh had reported at 15.59 [ie Serial 348]. I left Brigadier MacLellan and went back to my office."

1 B1315.009
2 W127 serial 348

20.200 We do not believe that Brigadier MacLellan deliberately gave false evidence to the Widgery Inquiry about receiving confirmation of separation from the helicopter. In our view it is more likely that he had confused the message from the helicopter at 1559 hours[1] with the message from 22 Lt AD Regt[2] a few minutes later, and had accepted Colonel Steele's advice that the information that they had received confirmed that there was the desired separation between rioters and marchers. It is clear from the oral

evidence of Colonel Steele to this Inquiry that he was relying on the Brigade net messages set out above to give that advice[3] and that he was particularly influenced by the message from Colonel Welsh at 1559 hours[4] when advising Brigadier MacLellan:[5]

> "Q. Did you not think it important to find out whether there were still people in the area between Aggro Corner and Free Derry Corner?
>
> A. I was using, in the advice that I was giving to the Brigade Commander, I was using the message from the helicopter at a minute to 4 in which he was saying that people were drifting away home, the march was over and people were drifting away home and we had the earlier report about going down the Lecky Road. So I felt confident that I could advise the Brigade Commander that he had the separation between the marchers and the hooligans that he was seeking. Now, it was never, it was never in my mind that in between those two, Rossville Street would be empty because Rossville Street, of course, was a main thoroughfare within the Bogside and people would be moving up and down it.
>
> So it would not have been a perfect situation whereby we had 150 hooligans at one end and 500 marchers at the other. Nevertheless it was my assessment and my advice to the Brigade Commander that he had the separation that he required between the marchers and the hooligans if he wanted to mount the operation.
>
> Now, I did not use it in those terms. All I was saying was, explaining to him what the situation report was; it was up to the Brigade Commander to make the decision as to whether or not he should use that information to mount an arrest operation."

1 W127 serial 348
2 W128 serial 365
3 Day 267/68
4 W127 serial 348
5 Day 267/71

20.201 Brigadier MacLellan did not immediately give an order. Colonel Steele recalled that he went into the Brigadier's office soon after receiving the report from 22 Lt AD Regt at about 1604 hours,[1] gave his assessment and then left the Brigadier's office without Brigadier MacLellan having expressed a view on separation or the advice he had given. Colonel Steele told us that after a minute or so Brigadier MacLellan walked into his office and said that it was time to launch the arrest operation; and stood by him as he gave the order to 1 PARA over the secure net. According to the Brigade log he gave the order at 1607 hours.[2] We have no reason to doubt this sequence of events.

1 W128 serial 365
2 Day 267/83-84

20.202 As we have said, the scoop-up operation ordered by Brigadier MacLellan was in our view as set out in the Brigade log: "*Orders given to 1 PARA at 1607 hrs for 1 sub unit of 1 PARA to do scoop up OP through barrier 14. Not to conduct running battle down Rossville St.*"[1]

1 W47 serial 159

20.203 This order, had it been obeyed, would have limited C Company to endeavouring to trap rioters in the area indicated by Colonel Wilford in his request, namely the William Street/ Little James Street area, and precluded the soldiers from chasing rioters (or anyone else) south down Rossville Street. In our view, based on the information that Brigadier MacLellan had and the assessment made by his Brigade Major, the situation as understood by Brigade at the time the order was given was such that Brigadier MacLellan could reasonably have concluded (as in our view he did) that a limited operation of this kind would not have involved, to any or any significant extent, a clash between the civil rights marchers and the company conducting the scoop-up.

20.204 Colonel Steele could not explain why he had not asked Colonel Welsh for a further report before advising Brigadier MacLellan that there was sufficient separation.[1] However, if, as we consider was the case, the order being contemplated was for the limited one company operation requested by Colonel Wilford, then in our view a further report was not necessary. It is only if, contrary to our view, the order being contemplated was to send soldiers down Rossville Street that such a report would have been vital. Colonel Steele's inability to explain why he had not sought a further report appears to us to arise from the fact that he was, in our view wrongly, asserting that the order being contemplated did allow soldiers to go down Rossville Street.

1 Day 268/26

20.205 At this point we should note that both General Ford and Brigadier MacLellan had independently told the journalist Desmond Hamill in the early 1980s that after Colonel Wilford had made his request to mount a scoop operation, General Ford had sent a message to Brigadier MacLellan on the secure radio link suggesting it was time to send the scoop-up force in or asking why it had not been sent in.[1] However, these in our view were false memories. General Ford did not have access to a secure radio link and it now seems clear that no such message was sent by the secure means or otherwise.[2] General Ford had been at or close to Barrier 14 between about 1540 and 1610 hours.[3] We describe elsewhere in this report[4] what he did there, but in our view during the afternoon

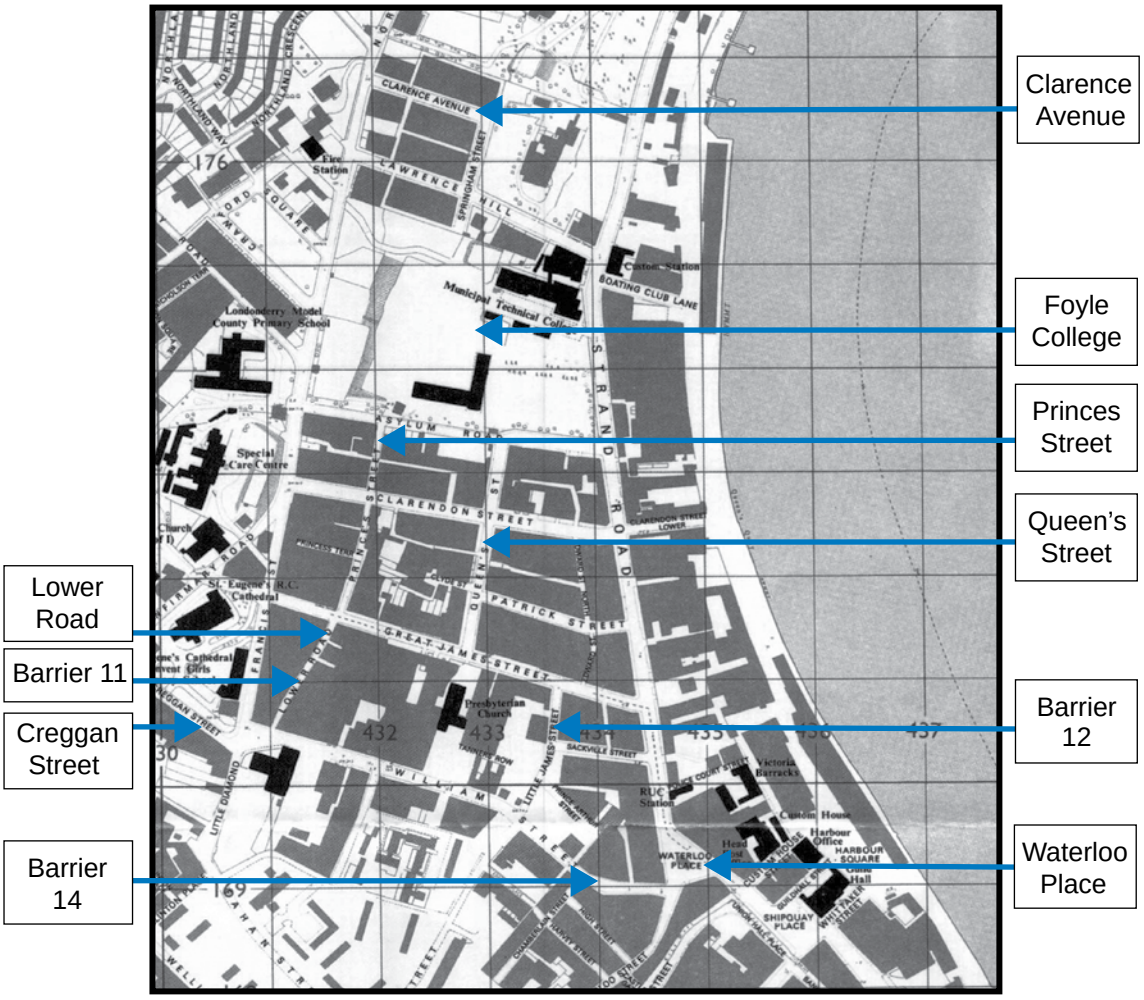
he played no part in deciding when any arrest operation should be launched or what form it should take. Since these were matters for the Brigadier and not the General, we consider that this was the correct thing for General Ford to do.

1 B1208.003.017; B1279.003.006
2 Day 255/30; Day 267/58
3 B1124-6
4 Paragraph 20.230; Chapter 169

20.206 We now turn to consider the situation on the ground. At this stage it is convenient to give details of the dispositions and orders within 1 PARA in the period leading up to and immediately after the order from Brigade to 1 PARA and the orders given by Colonel Wilford to his soldiers.

1 PARA dispositions and orders

20.207 The following map indicates the principal points relating to the dispositions and orders.



A Company

20.208 As we have noted above, it is probable that soon after Colonel Wilford ordered C Company and Support Company to deploy he ordered A Company to move forward from Barrier 11 into Lower Road and then to turn left into William Street "*to assist Sp Coy in their task of arresting rioters at the William St/Rossville St junction*". This quotation comes from the Diary of Operations[1] of the Commander of A Company (Major INQ 10) who also recorded that from 1612–1715 hours he had gone "*firm in the posn [sic] William St/Creggan St junction and 100 m East*". This company made five arrests at a later stage (to which we refer later in this report[2]) but was not involved in the shooting. It is therefore unnecessary to go into any greater detail on the movements and activities of A Company at and immediately after Colonel Wilford gave his order.

1 B1341

2 Chapter 158

C Company

20.209 According to the Diary of Operations prepared by Major 221A (the Commander of C Company) and dated 31st January 1972,[1] at 1516 hours C Company had received orders to move from its Forming Up Position (FUP) in the Foyle College car park to an Assault Position in Princes Street behind A Company. Then at 1530 hours this company was "*ordered to be prepared to move through barrier 14 on left flank of Sp Coy*". The Diary of Operations records that at 1545 hours C Company was concentrated at Waterloo Place, with two platoons prepared for an assault on foot and one platoon to remain mounted. The next entry is timed 1610 hours, "*Ordered to asslt rioters in East end of William St*". This Diary does not record that C Company received any other orders between 1530 and 1610 hours.

1 B2166

20.210 In his first written statement, which was provided for the Widgery Inquiry,[1] Colonel Wilford recorded that at about the time of the Presbyterian church shot (discussed earlier in this report[2]), ie at or about 1555 hours, he warned Support Company to be ready to put two platoons through Barrier 12 "*and C Company to prepare to move through Barrier 14*", having previously, at about 1535 hours, warned for forward deployment A Company to Princes Street, Support Company to Queen's Street and C Company to Waterloo Place.[3]

1 B949

2 Chapter 19

3 B948

20.211 In our view Colonel Wilford's recollection of events, at least so far as C Company is concerned, is not correct. The order for forward deployment (ie to move from Forming Up Positions to Assault Positions) is recorded as being given at 1516 hours not only in Major 221A's Diary of Operations but also in the Diary of Operations of A Company and Support Company.[1] The same time for this is given in the 1 PARA log[2] though there the order is recorded as requiring the move "*in 15 mins*". Both the 1 PARA log and Major 221A's Diary of Operations record this order as requiring C Company to move to Princes Street, not to Waterloo Place. According to Major 221A C Company had received a Warning Order to be prepared to go through Barrier 14 at 1530 hours, ie some 15 minutes after the company was ordered to move forward from the Foyle College car to Princes Street and some 30 minutes earlier than Colonel Wilford recalled that he had given this Warning Order. There would seem to be no good reason for Colonel Wilford to repeat the Warning Order to C Company.

1 B2166; B1341; B2212

2 W90 serial 23

20.212 For these reasons it seems to us that the true sequence of events was that at about 1516 hours C Company was told that it was to move from the Foyle College car park to Princes Street. At about 1530 hours Major 221A was given a Warning Order to be prepared to move through Barrier 14 on the left flank of Support Company. As a result C Company moved from Princes Street to Waterloo Place, where they were in position at about 1545 hours.

20.213 The next order to C Company came at the launch of the arrest operation. The actual wording was, as Colonel Wilford said, probably a brief instruction along the lines of "*Hello … 3, go, go, go*"[1] and in view of the Warning Order was correctly understood as an order to move through Barrier 14. At about the same time the Gin Palace made the request of 22 Lt AD Regt to lift Barrier 14 "*where our call sign will be coming through*".[2] Major INQ 2079 (in charge of this barrier) told us that this message was received by his second in command from 22 Lt AD Regt and passed to him.[3]

1 B1110.033; Day 313/47

2 W128 serial 370

3 Day 300/104-105

20.214 Major 221A (the Commander of C Company) gave written[1] and oral evidence to this Inquiry, though it became apparent during the latter that he had little independent recollection of events.[2] However, he did say that he recalled that so far as he was concerned, the arrest operation he prepared for was to confront the rioters, disperse them by making them run away and catch as many as they could; and was not an operation to

encircle the rioters, draw them back to the barriers and arrest them in that way.[3] It seems therefore that the Commander of C Company was not made aware of Colonel Wilford's ideas about getting behind and trapping the rioters in a pincer movement.

1 B2168.001
2 Day 294/96-225
3 Day 294/182-183

20.215 In his written evidence to this Inquiry, Major 221A stated that at the time he received the order to deploy he had arranged his men in vehicles, ready to move through Barrier 14. However, he became aware of a delay at the barrier, and approached the officer in command of the troops manning the position. Major 221A recalled that this officer was reluctant to move the barricade as he thought that this would expose his men to rioting. As a result, Major 221A told us he decided to deploy at least the first part of C Company on foot.[1]

1 B2168.003

20.216 During his oral evidence to this Inquiry, Major 221A was shown his 1972 Diary of Operations,[1] in which he had recorded that by 1545 hours two of his platoons were prepared for an assault on foot while one remained mounted. Major 221A stressed that he was unsure in his recollection of the events in question, but thought that it was possible that the altercation with the officer at the barrier described above had in fact occurred earlier in the day, before 1545 hours.[2]

1 B2166
2 Day 294/150-151; Day 294/189-194

20.217 Barrier 14 was manned by A Company of 2 RGJ. As we have already observed, this company was under the command of 22 Lt AD Regt. The Officer Commanding A Company, Major INQ 2079, told this Inquiry that he had no recollection of any such conversation at any stage, and believed that had he been asked to open the barrier at the time when the Paras wanted to go through, he would not have objected that this would expose his men as by that time the rioting was less heavy than earlier.[1]

1 Day 300/107-108

20.218 On the basis of this evidence, it seems to us that even if Major 221A had originally contemplated using vehicles, by 1545 hours at the latest he had decided to send at least most of his soldiers in on foot.

20.219 As we have described earlier, soldiers had deployed the water cannon at Barrier 14 for the second time at about 1605 hours, which had had the effect of temporarily driving back the rioters, many of whom took shelter in Chamberlain Street.

20.220 At about 1609 hours, some two minutes after the Brigade order had been given, 22 Lt AD Regt reported to Brigade, "*People at the moment are advancing on the House Martin – wrong, on serial 14, using a corrugated iron shield. Have you any idea yet what time it was 65 [1 PARA] was going in?*"[1] Brigade acknowledged the first part of this message and as to the second told 22 Lt AD Regt to "*leave that for the moment*".[2] The journalist David Phillips, who was behind Barrier 14, told the Widgery Inquiry that the corrugated iron shield was used after the second use of the water cannon.[3]

1 W128 serial 367
2 W128 serial 368
3 WT2.13

20.221 The group of rioters advancing on Barrier 14 behind a corrugated iron shield is shown in the following photographs taken by the French photojournalist Gilles Peress, though it is not clear whether this depicts the scene after the second use of the water cannon.[1]

1 M65.1.1; M65.20; Day 212/183-190

20.222 At about this time, Colonel Welsh reported, among other things, that "*The crowd as I see it now is about 70 in Chamberlain Street*".[1] There is a photograph showing something like this number at the corner where Chamberlain Street runs into William Street, though again we do not know for sure exactly when it was taken.

1 W128 serial 375

20.223 The position immediately before C Company started to approach Barrier 14 and could be seen from the other side is not entirely clear, with some witnesses recalling a resumption of serious rioting involving many dozens after the second use of the water cannon, while others thought that the rioting was dying down. These witnesses included Sergeant INQ 1832,[1] William Anderson,[2] Patrick Long,[3] Willie Healey,[4] Noel Doherty,[5] William Hunter[6] and Major INQ 2079.[7] Our assessment of the situation is that there was a resumption of rioting, including the use of corrugated iron as a shield, that probably there were some dozens involved or watching, but that the rioting was not nearly as serious as it had been earlier.

1 Day 276/26-28
2 Day 408/13-14
3 Day 68/99; Day 68/120-121
4 Day 78/90-91
5 Day 82/6-8; AD91.3
6 M44.1
7 Day 300/107-108

20.224 As we have already noted, at about 1609 hours 1 PARA radioed 22 Lt AD Regt "*Can you lift barrier 14, where our call sign will be coming through?*".[1,2]

1 W128 serial 370
2 W96 serial 56

20.225 Although Major 221A's Diary of Operations refers to one platoon remaining mounted when his company reached Waterloo Place, it seems that in the event the majority of soldiers from all three platoons moved on foot to Barrier 14.[1]

1 WT11.41

20.226 The first to arrive was 7 Platoon, who got there before the 2 RGJ soldiers had managed to open the barrier.[1] This led some of the C Company soldiers to climb over the barrier knife rests in order to deploy more quickly.

1 B1366.3; B1545.2; C488.2

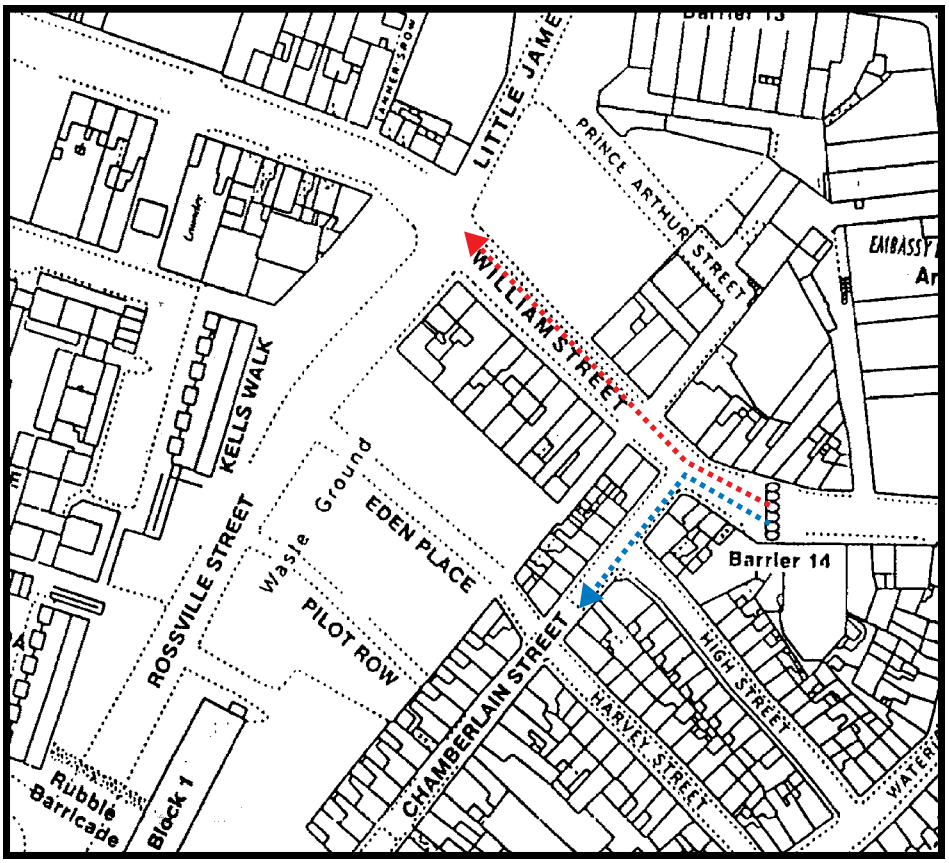
20.227 The moment C Company was seen approaching Barrier 14 the situation rapidly changed, with the rioters fleeing from the immediate area of the barrier. At the time C Company actually started going through the barrier, the street immediately in front of them, from where the rioters had been throwing stones, was clear or virtually clear.[1] BBC and ITN film footage taken as soldiers went through or over Barrier 14 certainly shows that the rioters had cleared the immediate area, though it must be borne in mind that it is not clear whether this footage depicts the first soldiers to advance or those following.[2]

1 M11.3-4; M39.1

2 Vid 3 04.31

20.228 7 Platoon continued along William Street to the junction with Rossville Street, followed by 9 Platoon. 8 Platoon turned left and subsequently went down Chamberlain Street.[1]

1 B1726.4; C1910.4-5; B1545.2; Vid 1 03.56



20.229 Once the barrier had been opened enough to allow their passage, a number of vehicles of C Company were brought forward.[1] This is shown on some of the film footage from the day.[2]

1 WT2.11; WT3.53-54

2 Vid 1 04.13; Vid 3 04.59

20.230 General Ford was present at Barrier 14 from approximately 1540 hours until the arrest operation was launched.[1] As C Company went through the barrier, he said "*Go on 1 Para, go and get them and good luck*",[2] words that were overheard and reported, at least in part, by the *Times* journalist Brian Cashinella.[3]

1 B1124-1126; B1146-1147

2 B1153-1154; WT10.16; B1208.046

3 L129; WT3.57; Day 110/13-14

20.231 General Ford told the Widgery Inquiry that by "*'get them'*" he meant "*'arrest them', in accordance with their orders*". He considered these to be "*suitable words for a General Officer to make to troops about to undertake an unpleasant task*".[1] He gave similar evidence to this Inquiry.[2] In our view no valid criticism can be made of General Ford for speaking to the soldiers in this way.

1 B1154 2 B1208.046

20.232 We deal in detail later in this report[1] with what C Company did after going through Barrier 14.

1 Chapter 65

Support Company

20.233 We have already dealt with the question of when Support Company was given a Warning Order to deploy through Barrier 12 rather than through the Presbyterian church route and concluded that this was at about 1600 hours, as recorded in Major Loden's Diary of Operations.[1]

1 B2213

20.234 On receipt of this order Major Loden instructed his soldiers to return to their vehicles in Queen's Street, where they had been parked following the order at 1516 hours to move from their FUP in Clarence Avenue.[1] However, as already described, because Machine Gun Platoon could not extricate itself from Abbey Taxis Major Loden told the Commander of that platoon that it should remain there.[2]

1 B2212; W90 serial 23 2 B2213

20.235 In his evidence to this Inquiry, Major Loden indicated that he had no independent recollection of the moment he received the Warning Order or of the following minutes.[1]

1 B2283.4

20.236 In view of the evidence of Colonel Wilford that he had only finally decided to use vehicles after his request to Brigade at 1555 hours, it seems likely that the Warning Order included an instruction to Major Loden to use vehicles.[1] In any event it is clear that from the time he was given the Warning Order at the latest Major Loden acted on the basis that he would go through Barrier 12 in vehicles.

1 Day 314/23; Day 314/28; Day 314/34; Day 314/56-61; Day 314/67-68; Day 342/42-43; Day 344/50-53; Day 345/27-28; Day 345/69-74

20.237 Major Loden told us, and we accept, that he had not seen the Brigade order for controlling the march and thus was unaware that it stated, "*It is expected that the arrest operation will be conducted on foot*".[1] Colonel Wilford, however, had seen the Brigade order.[2] This order did not prohibit the use of vehicles, so that, other things being equal, Colonel Wilford's decision to do so would not *in itself* have been in breach of the Brigade order.

1 G95.570; Day 342/41; Day 345/69

2 Day 312/17; B110.022

20.238 Major Loden's Diary of Operations records that he received the order to go at 1612 hours.[1] In his written statement for the Widgery Inquiry he gave the time as 1610 hours.[2] His Diary of Operations[3] gives 1615 hours as the time when the company was able to move after regrouping, though in his written statement for the Widgery Inquiry, Major Loden put the time two minutes earlier.[4]

1 B2213

2 B2220

3 B2213

4 B2220

20.239 In our view the earlier timings are probably the more accurate, though even they may put the sequence of events rather later than was actually the case. Colonel Wilford's order is likely to have been earlier rather than later in view of his anxiety to launch the operation and so might have been much closer to 1607 hours, the time the Brigade log records for Brigadier MacLellan's order to 1 PARA.[1] Furthermore, at about 1612 hours Colonel Welsh in the helicopter reported the appearance of Army vehicles in Rossville Street,[2] and the following photograph shows that, according to the Guildhall clock, by about 1610 hours soldiers of Support Company were present in the Bogside.

1 W47 serial 159

2 W128 serial 381

20.240 As we have already observed, the order not to conduct a running battle down Rossville Street was not passed on by Colonel Wilford to Major Loden.[1] It is possible that Support Company's signallers picked up the radio message from the Gin Palace transmitting the order on the battalion net to Colonel Wilford,[2] but even if they did there is nothing to indicate that it was passed on to Major Loden.[3]

1 B2283.011; B1110.032; Day 267/181
2 W90 serial 31
3 Day 342/46

20.241 The vehicles moved from Queen's Street to Little James Street and lined up behind Barrier 12. Here a delay occurred.

20.242 We have already noted that at about the same time as Colonel Wilford gave the order to go, the Gin Palace had radioed a request to 22 Lt AD Regt to lift Barrier 14.[1,2] There is no record of any similar request to those manning Barrier 12. The last message about this

barrier had been some 30 minutes earlier, when the request to 22 Lt AD Regt was to "*be prepared to lift your barriers 12 and 14 should we require to push through them to disperse these crowds*".[3]

1 W128 serial 370
2 W96 serial 56
3 W123 serial 286

20.243 Barriers 12 and 13 were manned by 11 Battery, 22 Lt AD Regt, under the command of Major INQ 1326. In his written statement to this Inquiry[1] he told us that he remembered receiving an order to open Barrier 12 and assumed that it had come over the radio, as he certainly did not remember it being delivered by anyone in person. He recalled that his soldiers were in the course of undoing the wire securing the barrier when some Army vehicles came round the corner. He also recalled that there was a delay of only a "*few seconds*" before the vehicles went through. In his oral evidence to us he was unsure of the exact duration of the delay but said it was much shorter than three minutes.[2] He also said that he really had no precise recollection as to how he received an order to lift the barrier and that his assumption that it was by radio could be incorrect.[3]

1 C1326.3-4
2 Day 301/113
3 Day 301/127-128

20.244 On the basis of the logs and the Porter tapes, we are satisfied that 22 Lt AD Regt was not requested by radio to open Barrier 12. Furthermore, Major INQ 1326 could not have been given an order to open Barrier 12 by 1 PARA, who had no right to give orders to an officer of another battalion, which is why 22 Lt AD Regt was requested (not ordered) to open Barrier 14. Accordingly it seems to us that Major INQ 1326's recollection as to receiving an order is mistaken. In our view it is more likely that this officer was requested to open Barrier 12 as the Support Company vehicles arrived, or that at this time the request was first made by Major Loden of Lieutenant 109 (in charge of the platoon manning the barrier) who then had to get permission from Major INQ 1326.[1]

1 B1723.005; Day 360/74

20.245 In view of the fact that 22 Lt AD Regt did not receive a request in advance to lift Barrier 12, it is not surprising that when Support Company arrived behind this barrier it was to find it still closed.[1]

1 B2213; WT12.63

20.246 According to Major Loden's written statement for the Widgery Inquiry, there was then a delay of about half a minute before the barrier was lifted and the vehicles were able to go through.[1] Lieutenant N was Commander of Mortar Platoon and in the leading vehicle.

In his written statement for the Widgery Inquiry, he recorded that opening the barrier took "*a moment or two*".[2] However, in his oral evidence to that Inquiry, he said that when he arrived at the barrier "*It was still closed, and there was a line of soldiers behind the shields facing the crowds*" and that it was "*A good minute*" before he could drive through.[3] Private Q (also in the leading vehicle) told the Widgery Inquiry that the delay was 2–3 minutes[4] and Colonel Wilford, though not at the barrier himself, supposed that there was a delay there of about three minutes.[5]

1 B2220
2 B398
3 WT12.63
4 WT12.85
5 WT11.43

20.247 In his written and oral evidence to this Inquiry, Major Loden recalled that there was some surprise on the part of those manning the barrier when his company arrived to go through and a certain reluctance to open the barrier. He said that he had had to remonstrate with an officer before the barrier was opened.[1]

1 B2283.004; Day 342/47-48

20.248 The fact that 22 Lt AD Regt had not been requested to open Barrier 12 until the vehicles had arrived there suggests that the Gin Palace had somehow failed to appreciate that Support Company was going to go through that barrier, a suggestion which in turn is supported by the inaccurate information they later gave to Brigade,[1] to which we have already referred.[2] The fact that the request was not made until a late stage also in our view supports our conclusion that the Brigadier's order was limited to Barrier 14.

1 W129 serial 383
2 Paragraphs 20.125–132

20.249 So far as the position south of Barrier 12 is concerned, we have already described the use of CS gas by 22 Lt AD Regt on at least two occasions, the latter being at about 1554 hours. As we have observed, although the use of CS gas had had the effect of driving most of the crowd further from this barrier (and Barrier 13), rioters remained or returned, some using a corrugated iron shield. At about 1602 hours 22 Lt AD Regt confirmed to 1 PARA that there was still a hooligan element in the area William Street/Little James Street (and around Barrier 14)[1] and some two minutes later reported to Brigade that there was "*still a crowd of about 150 hooligans at junction Rossville Street/William Street*".[2] These were the last two messages dealing specifically with the rioters in this area heard by Brigade before Brigadier MacLellan gave his order.

1 W127 serials 353-358
2 W128 serial 365

20.250 At about 1610 hours, about three minutes after the order had been given to 1 PARA, and as or moments before Support Company went through Barrier 12, Colonel Welsh reported from the helicopter that "*The people on Aggro Corner have been driven away by the last fusillade of gas cartridges, are moving down towards the meeting [at Free Derry Corner]*". It was in this message that he also referred to a crowd of about 70 in Chamberlain Street.[1]

[1] W128 serial 375

20.251 The reference to the "*last fusillade of gas cartridges*" might be a reference to the second use of gas by 22 Lt AD Regt, though this seems very unlikely, as it had happened some 15 minutes earlier. It might refer to the fact that there could have been further intermittent use of CS gas in addition to the first and second volleys that we have described. It is also possible that what Colonel Welsh had in fact observed was the movement of people south when they saw the Support Company vehicles arriving behind Barrier 12, or saw that barrier being opened.

20.252 Although the situation is not entirely clear our assessment of the position immediately before people saw the vehicles or the barrier opening is that there were still a number of rioters in the William Street/Little James Street area and a crowd of people slightly further south around Aggro Corner.

20.253 The delay at Barrier 12 gave those rioters who still remained in the immediate vicinity the opportunity to see the arrival of the vehicles and to run away before they came through the barrier. When Support Company did advance there were, in Major Loden's words, only "*Very few*" people left.[1]

[1] Day 342/48

20.254 The delay was significant in the sense that it meant that the opportunity of making any or any significant arrests in the Little James Street/William Street area had to all intents and purposes disappeared. It is possible, however, that even without any delay the opening of the barrier might have had much the same effect.

20.255 The effect of using Barrier 12 was accordingly to drive any remaining rioters away from the Little James Street/William Street area and thus to remove any possibility of C Company making any arrests in that area.

20.256 Major Loden told the Widgery Inquiry that he did not give his Platoon Commanders any orders as to how they should deploy once they had passed through the barrier, or how far they should go, though he pointed out that he could have given them orders on the company net if he thought that they were going too far.[1]

1 WT12.36

20.257 Support Company travelled through Barrier 12 in the following order. First were two Armoured Personnel Carriers (APCs) that belonged to Mortar Platoon. These were followed by Major Loden's Command Vehicle, and a Ferret scout car with a mounted Browning machine gun.[1] Next came the two empty APCs of Machine Gun Platoon, and then two soft-sided four-ton lorries containing Composite Platoon (Guinness Force). The two APCs of Anti-Tank Platoon brought up the rear. Major Loden had designated this order when the company formed up in Clarence Avenue before moving to Queen's Street.[2]

1 WT11.76

2 WT12.36; B2220

20.258 We have already noted that the APCs are sometimes referred to in the evidence as Saracens. They were in fact Humber armoured cars.[1]

1 WT11.41

20.259 Despite the delay to the vehicles at Barrier 12, there is evidence from a number of civilians in William Street that what caused them to run away down Chamberlain Street was the sight of Army vehicles moving across the junction of Little James Street and William Street into Rossville Street, rather than soldiers coming through Barrier 14. Hugh O'Donnell stated in his written evidence to this Inquiry[1] that he was standing near Quinn's fish shop in William Street (which was a few yards west of Chamberlain Street) when he heard the noise of the engines of Army vehicles behind him to his west. He turned round and caught a glimpse of a vehicle moving south from Little James Street into Rossville Street. He then looked to see whether soldiers were coming through Barrier 14, but "*there was no movement there*". He confirmed this in his oral evidence.[2]

1 AO31.2

2 Day 79/138

20.260 Jeffrey Morris (a *Daily Mail* newspaper photographer), Gilles Peress (another professional photographer covering the events of the day), Eamonn Baker and Mitchel McLaughlin also gave evidence to much the same effect.[1]

1 M57.1-2; Day 212/186; AB2.2; Day 96/141; AM340.3; Day 80/11

20.261 In view of this evidence it seems to us that Support Company in vehicles moved into the Bogside before soldiers from C Company came through Barrier 14.

20.262 Later in this report[1] we consider in detail what happened when Support Company drove into the Bogside. However, it is appropriate to point out at this stage that so far as Lieutenant N (the Commander of Mortar Platoon and in the leading APC that went into the Bogside) was concerned, he regarded himself not as engaged in some form of scoop-up operation, where soldiers sought to trap rioters in a concerted pincer-type movement, but instead as seeking to overtake and get among the fleeing crowd and there effect arrests. In his oral evidence to this Inquiry, there was the following exchange between Counsel to the Inquiry and Lieutenant N:[2]

> "Q. Can we go back to paragraph 34 of your statement at B438.007. You describe in paragraph 34, the fourth line, how you moved through the barrier, the crowd saw you coming and turned and ran away. Did they only do that when the Pigs came through the barrier, or had they in fact begun to do that when you were stationary at the barrier?
>
> A. No, when we were stationary they were still throwing things.
>
> Q. You say that the plan was to perform an arrest operation, and that meant using your vehicles to get close to the rioters: 'We therefore followed the majority of the crowd without actually knowing where this would lead us.' Does that mean that when your Pig moved down Little James Street and then into Rossville Street, and turned left, that it was in a sense just an instinctive move towards where people were?
>
> A. That is correct, yes.
>
> Q. We know that the Pig behind, which was being driven by Sergeant O, went further forward and ended up at the mouth of the car park to the Rossville Flats. What determined where Sergeant O drove his Pig?
>
> A. He would have made that decision in response to where I stopped. It was quite normal: he would have chosen the best position for him to go to.
>
> Q. What would determine what was the best position for him to go to?
>
> A. His – his appreciation of all the – the immediate circumstances. You would have to ask him why he chose that specific spot on that particular occasion.

Q. What was the aim? What were you trying to achieve in selecting the most appropriate spot to go to?

A. I chose my spot because I had the opportunity, as the space opened up to the left from the street, um, to cut off some of the – some of the running crowd, which would – we had effectively got amongst them, which meant we were in a much better position to make arrests.

Q. Is the relevant consideration whether or not you can cut people off and effect arrests?

A. Yes.

Q. Can we have a look, please, at what you say at the end of paragraph 34. You say this: 'The usual considerations applied: we needed to get as close as possible to the crowd, without being drawn into a confined area, before commencing the arrest operation. We always had to make sure that arrests were carried out in an area where there was sufficient opportunity for people to escape. It was dangerous to get into a situation where rioters were boxed in, as this was likely to result in a direct conflict.' How had these considerations been specified or laid down?

A. That was part of the standard Army training.

Q. Some of the evidence to the Tribunal has suggested what might appear to be the exact opposite, namely that, if you want to arrest people, particularly if you want to arrest as many people as possible, you should seal off routes of escape and drive rioters towards some form of stop line so that you can catch as many of them without their escaping. Was that ever an approach that was adopted?

A. What do you mean by 'some form of stop line'?

Q. A line of troops towards which another set of troops could drive people in an area from which they could not escape, save into the arms of those who would arrest them.

A. That is – if I may suggest, that is not at conflict to what I am describing; that is a different type of operation, which is conceivable: pre-planned, set up well in advance, where a cordon is put into position. What I am describing here is: without that pre-planning, without that style of operation, the last thing you want is to box rioters in where they have got no choice but to come back at – at yourselves. It is – you are then vastly out-numbered, and that could be very dangerous.

Q. May we have, please, paragraphs 35 and 36. You describe in paragraph 35 driving down Rossville Street, turning to the left into what you now know as Eden Place, and stopping. You say that during that drive you would have directed the driver, and you say that it is very difficult to estimate but you would say that there were hundreds of people in this crowd. Were you able to tell where this crowd had come from?

A. They were the people who were running from in front of us. Um, no, I could not say specifically, but they were – they were running away from us, they were running –

Q. Is it fair to say that a substantial number of people who were on the wasteland into which your Pig turned may well have been people who were not rioting at barrier 12, but simply people who were already on the wasteland with whom your Pig caught up when you drove down Little James Street and Rossville Street and turned left into the wasteland?

A. We would not have caught up if they were standing there, but it is conceivable that there were people standing in addition to those who were running from us through ..."

[1] Chapters 24 and 69 [2] Day 322/36

20.263 After showing Lieutenant N photographs of the two Mortar Platoon APCs going down Rossville Street, Counsel to the Inquiry pointed out that these appeared to show Lieutenant N's vehicle getting in between quite a sizeable number of people. He then asked Lieutenant N:[1]

"Q. Would you agree that that would appear to indicate the truth of the proposition that I was putting to you a moment ago: that you must have driven into – I do not mean so as to hit – a body of people, many of whom were simply people who had been on the wasteground, rather than rioting at barrier 12?

A. Yes, I cannot disagree with the proposition. I – my attention was taken up by those who had been running away from us, um, and there is not a very clear view from inside one of those Pigs through – when you are wearing a respirator as well."

[1] Day 322/41

20.264 Later in his oral evidence to this Inquiry Lieutenant N's attention was drawn to what the Adjutant of 1 PARA (Captain Mike Jackson) had stated to this Inquiry:[1]

> "When you say in the same paragraph 'We always had to make sure that arrests were carried out in an area where there was sufficient opportunity for people to escape,' that was specifically in your mind, was it, not that they should be encircled; far from it, quite the contrary?
>
> A. Yes.
>
> Q. So if finally we look, please, at the statement of another soldier who was present, CJ1.3, please, paragraph 21: 'The type of operation envisaged was a snatch operation and one that we did all the time. The tactic of going in behind a crowd or coming in at the flank was well-used and well-proven. If you wanted to carry out an arrest operation you would have to stop people running away and effectively put a cork in the bottle. If you got this sort of operation right it would cut off the crowd and you could then carry out arrests.' That was not the tactic, as far as you were concerned, that was employed on the day?
>
> A. That is correct.
>
> Q. This is the statement of the adjutant who was present. If that is what he envisaged, he has it wrong, has he?
>
> A. With respect, I would suggest here he is making a general statement about different ways of carrying out this sort of operation.
>
> Q. And this was not one of them, the cork in the bottle or anything of that kind or encircling; that was not one of those envisaged on the day, was it?
>
> A. If I understand you correctly: there was no concept of this cork in a bottle, of driving people into a corner, um –"

1 Day 322/125

20.265 In his oral evidence to this Inquiry Sergeant O, who was Lieutenant N's Platoon Sergeant and in command of the second APC to go into the Bogside, was asked about the operation as it turned out to be:[1]

> "Q. Whatever else in fact happened, as the result of going in through barrier 12 – I think you did say this this morning, I want you to confirm it – there was not the pincer movement that had been envisaged, was there?
>
> A. No, sir.
>
> Q. There was, what I might call, a frontal assault on the rioters?
>
> A. Yes, sir.
>
> Q. Which resulted in them running away?
>
> A. Yes, sir.
>
> Q. When they ran away, the effect was, if you were to conduct the arrest operation, that you had to chase them?
>
> A. Yes, sir."

1 Day 335/136-137

20.266 In the context of an arrest operation, it seems to us that what Lieutenant N and Sergeant O perceived as their objective, and what indeed they did, which we discuss in more detail when considering the events of Sector 2, was to conduct a running battle down Rossville Street; they did not set out to engage in the sort of encircling or bottling operation described by the Adjutant or indeed other senior officers.

20.267 Major Loden himself told us that when he got to Barrier 12 and saw the people running away, any idea of a pincer movement between Support Company and C Company "*went out of the window*".[1]

1 Day 348/72-73

20.268 Major 221A, the Commander of C Company, was also asked whether he understood that there was a plan to encircle rioters and arrest them:[1]

> "Q. Was there any concept, as you understood it, that companies of the Parachute Battalion would encircle rioters and arrest them in that way?
>
> A. Not encircle them, but possibly two companies working, co-ordinated together, pushing – I mean, it was never the case to encircle people so that there is nowhere for them to disperse. The whole point about riot control or dispersing a riot situation is that there should be somewhere for the people to disperse to."

1 Day 294/182

20.269 Second Lieutenant 026, the Commander of 8 Platoon of C Company, who went through Barrier 14 and then along Chamberlain Street, as we describe later in this report,[1] also told us that he did not understand that he was involved in any sort of pincer movement:[2]

> "Q. Is it right you had never any understanding of being involved in any kind of pincer movement?
>
> A. To the best of my knowledge, I was not involved in any pincer movement. As I said, I was given – by the time I arrived – bear in mind I was the very last one to arrive there – by the time I arrived, a lot had already happened and I was given orders by Major 221A to take my platoon down Chamberlain Street and, as I understood it, to secure the battalion's left flank. The rest of the battalion, I was well aware, was off to the right."

1 Chapter 65

2 Day 315/155

The situation on the ground at the time of the Brigade order

20.270 Our assessment of the situation on the ground is that at the time of the Brigade order to 1 PARA, there would in fact have been sufficient separation between rioters and marchers had the scoop-up operation been as ordered. This would have involved C Company moving up or parallel to William Street so as to turn northwards in an attempt to trap rioters in the William Street/Little James Street area. At this time, though there were still undoubtedly numbers of non-rioters in the waste ground north of the Rossville Flats and on Rossville Street south of Aggro Corner, it seems to us that the chances of any significant clashes between soldiers and non-rioters in the area contemplated for the arrests were minimal, so long as the former complied with the order not to conduct a

running battle down Rossville Street. Whether such an operation would have resulted in any substantial arrests of rioters or was otherwise appropriate is a matter that we consider below.

20.271 As we have noted, neither those leading the vehicles into the Bogside (Lieutenant N and Sergeant O) nor the Commander of C Company (Major 221A) saw their task as the kind of encircling or scoop-up operation envisaged by more senior officers, including Colonel Wilford, but primarily to disperse the crowd. It follows that when Colonel Wilford told us that he did not give any specific instructions to his soldiers, because they knew what to do, he was in error if he thought that they knew that their task was not to disperse the crowd, but to encircle and arrest as many rioters as possible.

Was any arrest or scoop-up order appropriate?

20.272 There remains the third of the questions identified above, namely whether in the circumstances, apart from the question of separation, the situation on the ground was such that no proper purpose was or was likely to be served by ordering any scoop-up operation at all.

20.273 The Brigade order (Operation Forecast) indicated that no action was to be taken against the marchers unless they tried to break through the barriers or used violence against the security forces.[1] As we have already described, there had been violence at Barriers 12, 13 and 14 and in the area of Abbey Taxis. In the minutes before Brigadier MacLellan gave the order he was told (in our view accurately) that there were still rioters at Aggro Corner and in the area of Barrier 14.[2,3] His decision to launch a scoop-up operation, therefore, did not amount to a change to Operation Forecast.

1 G95.567
2 W127 serial 356
3 W128 serial 365

20.274 At the time when the soldiers actually went through the barriers, there were only at most a few rioters left in the area north of Aggro Corner and few if any close to Barrier 14 in William Street, though there may have been some dozens of rioters and onlookers in Chamberlain Street at the junction with William Street. Had Support Company not deployed to Barrier 12 to be seen by the rioters and others and had the scoop-up operation as ordered by Brigadier MacLellan been launched through Barrier 14 alone, we consider that there might have been an opportunity to arrest some (but probably only

a few) rioters in the William Street/Little James Street area without the soldiers going down Rossville Street or clashing to any or any significant degree with civil rights marchers.

20.275 As it was, with the deployment of Support Company through Barrier 12 in vehicles down Rossville Street chasing rioters and others (as we describe in more detail hereafter in our consideration of the events of Sector 2), the soldiers inevitably came into close contact with people who had not been rioting as well as fleeing rioters. One immediate consequence was, as can be seen from the excerpt from Lieutenant N's evidence to this Inquiry set out above, that it became impossible or virtually impossible for any soldier to be able to distinguish between rioters and non-rioters and thus to arrest only the former, a difficulty that does not appear to have occurred to Colonel Wilford,[1] probably because in our view he paid scant regard to the need for separation and drew little distinction between civil rights marchers and rioters.[2]

1 In his oral evidence to this Inquiry Colonel Wilford suggested that those with dye on them from the water cannon could be identified as rioters (Day 312/66) but many who were marked in this way had not been rioting.

2 WT11.55; B1075-1076; X1.35.32-36; X1.35.54; X3.6.2-4; Day 312/59-67; Day 316/8; Day 320/53-80; Day 321/44-51

20.276 It could be said that there was really little purpose in Brigadier MacLellan ordering the limited scoop-up operation he did, since the soldiers at the barriers had been successfully controlling the rioting, which appeared to be dying down and which might simply have petered out. However, there had been little success in arresting rioters in previous months and their activities, as the Commanding Officer of 1 CG pointed out, had reduced much of William Street to ruins.[1] Furthermore, an arrest operation at this time, if successful, could reasonably have been thought to help to reduce the risk or severity of renewed rioting later on.[2] Brigadier MacLellan knew that his senior commander General Ford, the originator and enthusiastic supporter of the plan for a large-scale scoop-up operation, was in the city, but we are not persuaded that this influenced the Brigadier to take a course of action that he would otherwise have refrained from taking.

1 Day 272/24

2 WT11.33

20.277 In the circumstances we do not criticise Brigadier MacLellan for ordering, at 1607 hours, a limited scoop-up operation.

20.278 In our view, however, Colonel Wilford was at fault. He failed to obey the Brigadier's order by deploying Support Company as he did; he failed to pass on to his soldiers the injunction against conducting a running battle (ie chasing the crowd) down Rossville Street; and he failed to give his soldiers instructions that their task was to seek to arrest

rioters rather than to disperse the crowd. What we consider he should have done was to inform Brigade that his original request had been overtaken by events and (assuming that his intention was still to arrest rioters rather than to chase the crowd away) that in his view the only opportunity to make any significant number of arrests was now to send his soldiers down Rossville Street in vehicles. Had he done so, it seems to us that Brigadier MacLellan might well have called off the arrest operation altogether, on the grounds that this deployment would not have provided sufficient separation between rioters and civil rights marchers.

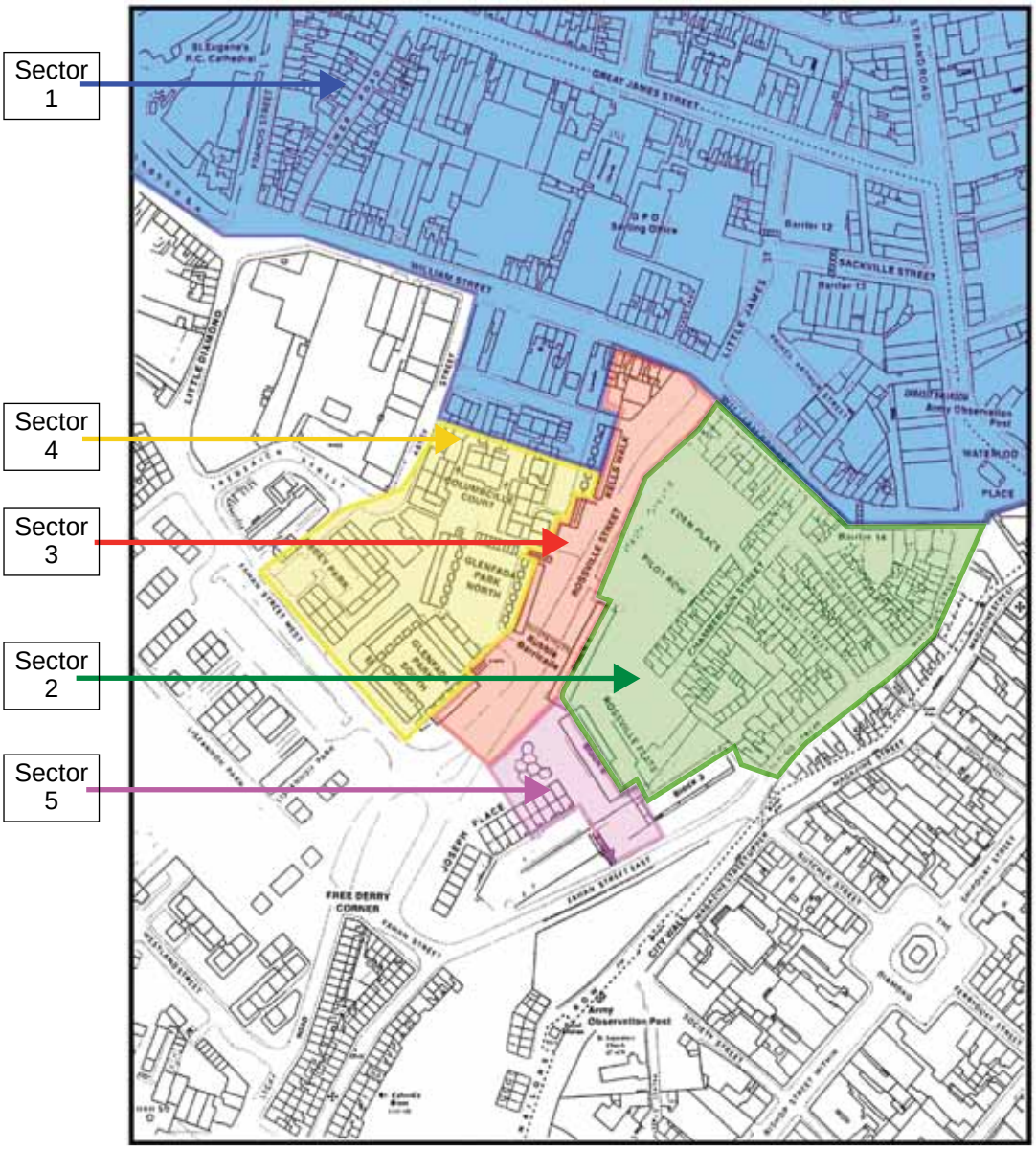
20.279 The failure of Colonel Wilford to comply with the orders from Brigade meant that soldiers of Support Company did chase people down Rossville Street and into the Bogside.

20.280 In the following parts of this report we discuss in detail what then happened. As we have already indicated,[1] for the purposes of this Inquiry we divided into five sectors the parts of Londonderry with which we were principally concerned. Having considered the events of Sector 1, it is convenient to remind the reader at this stage of our division of the remaining four sectors.

[1] Chapter 10

Chapter 21: Sectors 2 to 5

21.1 For convenience, we set out again the map showing the five sectors.



21.2 Sectors 2 to 5 are concerned with what happened after Support Company had travelled in vehicles through Barrier 12 and C Company had gone on foot through Barrier 14. All these sectors lay within the Bogside area of the city.

21.3 Sector 2 deals with what happened in the car park area of the Rossville Flats and in the waste ground which abutted Rossville Street and lay to the north of the car park area. It also covers what happened in Chamberlain Street.

21.4 Sector 3 covers what happened in Rossville Street itself and an area to the west of that street and north of Glenfada Park.

21.5 Sector 4 covers what happened in Glenfada Park North and Abbey Park, both of which lay to the west of Rossville Street.

21.6 Sector 5 covers what happened at the front (ie the south side) of the Rossville Flats.

21.7 As we have already observed, there is necessarily a degree of overlap between these sectors, both in terms of chronology and in terms of geography, particularly in the case of Sectors 2 and 3. Much of what happened in Sectors 2 and 3 occurred at or about the same time, while in general terms Sector 4 occurred after most (but not all) of the events of Sectors 2 and 3. Sector 5 similarly followed Sector 4 but was in turn followed by other incidents of firing in Sector 3.

21.8 As we discuss in detail in the course of considering the events of these sectors, people there were shot and killed or injured by Army rifle fire. Although soldiers of C Company went into the Bogside from Barrier 14, all the Army firing in the Bogside came from soldiers of Support Company.